

CODE ENFORCEMENT BOARD MINUTES
Wednesday, November 14, 2018 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Kirk Noonan; Vice Chairman, Erik Price; Members: Stephen McDonald, Frank Pizzichillo, Jeff McGann, Chris Bryant and Linda Hillman **Also Present:** Assistant City Attorney, Kira Honse; Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Thomas Ramsey and Deputy City Clerk, Sherri Philo

1. CALL TO ORDER

Today's meeting was called to order at 2:00 p.m.

2. PLEDGE OF ALLEGIENCE

The Chairman led the Board members and the audience in the Pledge of Allegiance to the flag.

The Deputy City Clerk swore in staff en masse.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – October 10, 2018

Mr. Pizzichillo made a motion to adopt the minutes of the October 10, 2018 Code Enforcement Board meeting. Mr. McDonald seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Mr. Thomas Ramsey, Code Enforcement Officer, pulled Case #18-CE-9065 – Matthew S. Carter from today's agenda. He reported that the property is in compliance and the civil penalty has been paid.

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #18-CE-8806 – William T. Collins from today's agenda. She said that she would like to continue to work with Mr. Collins in that he has paid the civil penalty, was issued Code Compliance, and is applying for a permit from the Building Department. She then pulled Case #18-CE- 8967 – Ulta Salon Cosmetics & Salon, Case #18-CE-8985 – Dodgertown, and Case #18-CE-8986 – Dodgertown Spring Training Facility from today's agenda. She reported that the civil penalties have been paid.

Ms. Sherri Philo, Deputy City Clerk, pulled Case #18-CE-8529 – Melvin and Ruth Tanchel from today's agenda. She reported that they have requested that their case be postponed to the next Code Enforcement Board meeting, which was approved by the Chairman.

Mr. Noonan made a motion to adopt the agenda as amended. Mrs. Hillman seconded the motion and it passed unanimously.

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

A) Non-Compliance / Compliance Reports

1. Request for Board Order

- a) **CASE #18-CE-8867 / 1579M**
VIOLATOR: Jean Louis Filias
VIOLATION: Public nuisance; non-operable vehicle stored on property
VIOLATION ADDRESS: 2085 28th Avenue, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified return receipt. The property was found in compliance on September 26, 2018 and the civil penalty has not been paid. There is a cost of enforcement in the amount of \$64.33. She requested that the Board issues a Board order to pay the initial civil penalty and the cost of enforcement.

Mr. Pizzichillo put that in the form of a motion (to issue a Board order to pay the initial civil penalty in the amount of \$50 along with the cost of enforcement in the amount of \$64.33). Mr. McDonald seconded the motion and it passed unanimously.

- b) **CASE #18-CE-8936 / 1580M**
VIOLATOR: Niravkumar A. Patel
VIOLATION: Public nuisance; non-operable vehicle stored in the side yard
VIOLATION ADDRESS: 2706 Atlantic Boulevard, Vero Beach, Florida 32960
(Paid \$50 civil penalty)

Ms. Sanderson reported that service of the citation was provided by posting of the property and by certified return receipt. The violation has not been corrected and the civil penalty has been paid. There is a cost of enforcement in the amount of \$39.12. She requested that the Board issues a Board order to correct the violation or a daily continuing penalty shall be assessed for the days the property remains in violation beginning on November 19, 2018.

Ms. Kira Honse, Assistant City Attorney, stated that usually the continuing civil penalty begins on the initial date the property was to be brought into compliance.

Mr. Pizzichillo questioned the status of the violations.

Ms. Sanderson reported that one (1) vehicle has been removed and two (2) remain. She said this is a rental property and the property owner, Mr. Niravkumar Patel, lives in New York. She suggested that the Board allow two (2) weeks to come into compliance and if not in compliance then the continuing civil penalty would begin on the original compliance date.

Mr. Pizzichillo said then the recommendation is to allow an extra two (2) weeks to come into compliance.

Ms. Sanderson answered yes, two (2) weeks from today.

Mr. Pizzichillo said that he would make that in the form of a motion to give them two (2) from today to comply. He asked if he stated the motion correctly.

Ms. Honse suggested the motion be that the Board finds the violation has not been corrected, to allow until December 3, 2018, to come into compliance and if not in compliance a continuing civil penalty in the amount of \$50 per day for each day the violation exists shall commence starting from the original compliance date (September 25, 2018) and to pay the enforcement cost (\$39.12).

Mr. Pizzichillo put those words in the form of a motion (to find the violation has not been corrected, to allow until December 3, 2018, to come into compliance and if not in compliance a continuing civil penalty in the amount of \$50 per day for each day the violation exists shall commence starting from the original compliance date (September 25, 2018) and to pay the enforcement cost of \$39.12. Mrs. Hillman seconded the motion and it passed unanimously.

- c) **CASE #18-CE-8938 / 1420T**
VIOLATOR: E&G Investment Properties, LLC
VIOLATION: Garbage, trash, discarded furniture, and other items unstored; grass and weeds in excess of 12”
VIOLATION ADDRESS: 1825 14th Avenue, Vero Beach, Florida 32960
(Repeat violation \$150 civil penalty)

Mr. Ramsey reported that this is a repeat violation. The violation has been corrected and the civil penalty has not been paid. He requested that the Board issues a Board order to pay the civil penalty in the amount of \$150.

Mrs. Hillman asked is there a cost for enforcement.

Mr. Ramsey answered no. He said they cleaned up the property and have kept it maintained.

Mr. Noonan made a motion that the Board finds there was a violation, the property is now in compliance and that the Board issues a Board order for payment of the \$150 civil penalty. Mr. Pizzichillo seconded the motion and it passed unanimously.

- d) **CASE #18-CE-8682 / 1460M**
VIOLATOR: Pablo and Petra Gutierrez / Beatriz Guzman Martinez
VIOLATION: Failure to obtain Code Compliance Certification for the brick paver driveway installed
VIOLATION ADDRESS: 34 Pathfinder Drive, Vero Beach, Florida 32960

Ms. Sanderson reported that service of the citation was provided by posting of the property. The violation has not been corrected and the civil penalty has been paid. There is no cost of enforcement. She explained that this property is located in the mobile home park on Airport property and when they applied for Code Compliance Airport staff would not sign off on it because they did not recognize the person who applied as a tenant. The property had changed hands without notifying Airport staff to request a new lease. She met with them this afternoon and believes that they are all on the same page as to who can legally apply for Code Compliance. She requested that the Board issues a Board order to correct allowing them an additional 30 days to come into compliance.

Mr. Pizzichillo put that in the form of a motion (that the Board issues a Board order to correct allowing an additional 30 days to come into compliance).

Mr. Noonan said after 30 days a continuing penalty would commence.

Mr. Pizzichillo said that is correct.

Mrs. Hillman asked would they start the continuing penalties in July since that is when they were noticed.

Ms. Sanderson answered no. She said there is a problem because there is a language barrier. She reported that they came into City Hall this afternoon after receiving the Notice of Hearing and asked her what they needed to do. She said that she went over with them what needed to be done and they paid the civil penalty in good faith. Because of the language barrier and because they paid the civil penalty she told them that she would ask that the Board allow an additional 30 days to come into compliance.

Mr. Pizzichillo rescinded his motion.

Mr. Noonan made a motion that the Board finds there is a violation, the violation continues, that the civil penalty has been paid, and that the Board issues a Board order to come into compliance within 30 days and if not in compliance continuing civil penalties shall commence beginning on October 10, 2018. Mr. Pizzichillo seconded the motion and it passed unanimously.

- e) **CASE #18-CE-8806 / 1526M**
VIOLATOR: William T. Collins
VIOLATION: Fence installed without Code Compliance Certification or building permit
VIOLATION ADDRESS: 705 Shores Drive, Vero Beach, Florida 32963

This item was pulled from today's agenda.

- f) **CASE #18-CE-8964 / 1591M**
VIOLATOR: Capa's Holding, Inc. d/b/a and registered as Cunningham's Pool and Darts / James Cappas
VIOLATION: False alarm
VIOLATION ADDRESS: 736 21st Street, Vero Beach, Florida 32960

(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified return receipt. She reported that the violation has been corrected and the civil penalty has not been paid. She requested that the Board issues a Board order to pay.

Ms. Honse noted that a false alarm is an uncorrectable violation.

Mr. Noonan made a motion that the Board issues a Board order to pay the \$50 civil penalty. Mr. Pizzichillo seconded the motion and it passed unanimously.

- g) CASE #18-CE-8967 / 1595M**
VIOLATOR: Ulta Salon Cosmetics & Fragrances, Inc.
VIOLATION: False alarm
VIOLATION ADDRESS: 423 21st Street, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- h) CASE #18-CE-8985 / 1600M**
VIOLATOR: Dodgertown
VIOLATION: False alarm
VIOLATION ADDRESS: 3901 26th Street, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- i) CASE #18-CE-8986 / 1604M**
VIOLATOR: Dodgertown Spring Training Facility
VIOLATION: False alarm
VIOLATION ADDRESS: 4003 26th Street, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- j) CASE #18-CE-9030 / 1621M**
VIOLATOR: Vero Prime / Michael McPhee
VIOLATION: False alarm
VIOLATION ADDRESS: 901 21st Street, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified return receipt. She reported that the civil penalty has not been paid and they have not completed an alarm user awareness class. She explained that because this is their fourth false alarm, they are required to complete the class. She requested that the Board issues a Board order to

complete the alarm user class and to pay the initial civil penalty or continuing daily penalties for every day the violation continues after November 19, 2018.

Mr. Pizzichillo put that in the form of a motion (that the Board issues a Board order to complete the alarm user class and to pay the initial civil penalty in the amount of \$50 or continuing civil penalties shall commence for every day the violation continues after November 19, 2018). Mr. McDonald seconded the motion and it passed unanimously.

- k) CASE #18-CE-9035 / 1623M**
VIOLATOR: Vero Prime / Michael McPhee
VIOLATION: False alarm
VIOLATION ADDRESS: 901 21st Street, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified return receipt. The citation has not been paid. She requested that the Board issues a Board order to pay the initial civil penalty.

Mr. Noonan made a motion that the Board issues a Board order to pay the \$50 civil penalty. Mr. Pizzichillo seconded the motion and it passed unanimously.

- l) CASE #18-CE-9050 / 1632M**
VIOLATOR: Vero Prime / Michael McPhee
VIOLATION: False alarm
VIOLATION ADDRESS: 901 21st Street, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

Ms. Sanderson said the unfortunate thing with false alarms is there is a stacked penalty and in order for the penalty to go to the next level the violator has to pay the civil penalty or the case has to come before the Board and find the violation has been committed. Therefore, when they have false alarms back to back and the violator does not pay the civil penalty, the amount of the civil penalty cannot increase until it comes before the Board.

Mr. Noonan made a motion that the Board issues a Board order to pay the \$50 civil penalty. Mrs. Hillman seconded the motion and it passed unanimously.

- m) CASE #18-CE-9042 / 1625M**
VIOLATOR: Julie M. Damiani
VIOLATION: False alarm
VIOLATION ADDRESS: 1016 26th Street, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that service of the citation was provided by property posting after the certified return receipt was returned unclaimed. She requested that the Board issues a Board order to pay the initial penalty.

Mr. Pizzichillo put that in the form of a motion (that the Board issues a Board order to pay the initial civil penalty). Mr. McDonald seconded the motion and it passed unanimously.

- n) **CASE #18-CE-9065 / 1479T**
VIOLATOR: Matthew S. Carter
VIOLATION: Piles of trash and debris and other unstored items lying in the driveway and front walkway
VIOLATION ADDRESS: 3105 18th Street, Vero Beach, Florida 32960
(Repeat violation \$100 civil penalty)

This item was pulled from today's agenda.

- o) **CASE #18-CE-9067 / 1640M**
VIOLATOR: Patio Restaurant of Vero Beach, Inc. / William Joseph Brown
VIOLATION: False alarm
VIOLATION ADDRESS: 1103 21st Street, Vero Beach, Florida 32960
(Repeat violation \$100 civil penalty)

Ms. Sanderson reported that service of the citation was provided by property posting after the certified return receipt was returned unclaimed. The civil penalty has not been paid. She requested that the Board issues a Board order to pay the civil penalty.

Mr. Pizzichillo put that in the form of a motion (that the Board issues a Board order to pay the civil penalty). Mr. McDonald seconded the motion and it passed unanimously.

- p) **CASE #18-CE-8789 / 1516M**
VIOLATOR: US Bank Trust NA (TRS) c/o Caliber Home Loans
VIOLATION: Public nuisance
VIOLATION ADDRESS: 2208 Buena Vista Boulevard, Vero Beach, Florida 32960
(Property brought into compliance by abatement on October 8, 2018. Days in non-compliance August 29, 2018 through October 7, 2018 = 40 days x \$50 per day = accrued civil penalty of \$2,000. Initial \$50 civil penalty has not been paid. Total in civil penalties \$2,050)

Ms. Sanderson reported that this Case came before the Board in September and the Board issued a Board order to correct the violation or the City would abate the property and file an assessment lien. The City abated the property on October 8, 2018. She said the case is before the Board today to cease the continuing civil penalties as of October 7, 2018.

Mr. Pizzichillo said it is his understanding that she is asking for a total of \$2,050 in penalties.

Ms. Sanderson said she is asking the Board to cease the continuing civil penalties and that the total penalties be assessed. She reported that there will be a cost for the City abating the property, which will result in a lien.

Ms. Honse explained that the abatement issue will go before the City Council.

Mrs. Hillman said that she would make a motion, but was unsure how to word it.

Ms. Sanderson said the motion would be to find the property in compliance as of October 7, 2018.

Mrs. Hillman put that in the form of a motion (to find the property in compliance as of October 7, 2018).

Ms. Honse clarified that the Board would find the property in compliance as of October 7, 2018 and the continuing penalties would stop at that point and to pay the amount due (total of continuing penalties, initial civil penalty, and costs).

Mrs. Hillman said that is her motion (to find the property in compliance as of October 7, 2018, to cease the continuing penalties as of that date, and to pay the amount due). Mr. McDonald seconded the motion and it passed unanimously.

- q) **CASE #17-CE-7964 / 1203T**
VIOLATOR: Ronald H. Rennick and Patricia King
VIOLATION: Construction of a dock without permits
VIOLATION ADDRESS: 15 Royal Palm Pointe, Vero Beach, Florida 32960
(Property found in compliance on August 1, 2018. Days in non-compliance May 10, 2018 (day following date given to correct) = 83 days x \$50 per day = accrued civil penalty of \$4,150. Initial \$50 civil penalty has been paid.)

Mr. Ramsey reported that the property was found in compliance on August 1, 2018. They were given until May 10, 2018 to come into compliance, which accrued a total of 83 days of continuing penalties of \$50 per day. He asked that the Board finds the property in compliance as of August 1, 2018 and to pay the amount due.

At this time, the Deputy City Clerk swore in Mr. Ronald H. Rennick.

Mr. Rennick said the original problem was because a hurricane wiped out their dock and they thought the Governor's Emergency Order covered them to make the repairs so they did. Then the Building Inspector came and told them they had to stop the work, get a permit, and redo it. He said they tore down the new dock because it wasn't in compliance with City Code. He said according to the Board order, they were given until May 9, 2018, to obtain a permit. Not to get the work done. He said they complied in a prompt and orderly manner. He reported that they signed a contract with Riverside Docks in March, engineering was completed in April, the builder received the permit in June, and the dock was completed in August. He said they paid \$50,000 to redo the dock that they had repaired. He asked that the Board abate the \$50 per day civil penalty.

Mr. Noonan asked Mr. Rennick if he was in contact with the Code Officer during this time to let him know that they were in compliance.

Mr. Rennick answered no. He said they assumed that they were being watched.

Mr. Pizzichillo asked what was the date of completion.

Mr. Rennick said they received the permit in June and the dock was completed in August. The Board order states that they were to obtain a permit by May 9, 2018, not that they had to be finished with the project by then. He said the engineering firm was in contact with the City departments making revisions, etc., and the plans were approved on April 23, 2018. He reported that they received the Notice of Commencement on June 20, 2018 and the dock was completed in early August.

Mr. McDonald asked what was the date of the permit.

Mr. Rennick answered June 20, 2018.

Mr. McDonald asked what is the May 10th date.

Mr. Noonan said that was the date given to come into compliance.

Mr. Rennick said it took some time to go through the system, but they were working on it all that time. It is not like they were ignoring it.

Mr. Noonan asked Mr. Ramsey if he had any questions for Mr. Rennick.

Mr. Ramsey answered no. He reminded the Board that this started in October, 2017. He was not sure why the dock had to be torn down because they could have received an after the fact permit if it was done in accordance with the Code.

Mrs. Hillman asked Mr. Rennick if he tried to get an after the fact permit instead of removing the dock.

Mr. Rennick answered no. He said he was told that he had to tear the dock down and rebuild it.

Mr. Ramsey recalled the Board stating an after the fact permit may be able to be obtained if the dock was built in accordance with the Code when this case was first heard.

Ms. Honse noted that the Board order states they were required to get a permit. It doesn't state if it was to be a new building permit or an after the fact permit. What the Board can decide is that staff believed the property was brought into compliance on August 1st and they have evidence in the records stating that the permit was issued on June 20th so the period of non-compliance would actually be from May 10th through June 20th.

Mr. Ramsey asked what do they have that says June 20th.

Ms. Honse said it is actually June 19th.

Mr. Noonan asked to see a copy of the permit.

Mr. Rennick submitted a copy of the permit into the record (on file in the City Clerk's office).

Mr. McDonald asked if there was any communication with the City from May 10th and when they received the permit.

Mr. Rennick answered no.

Mr. McDonald asked was there an agreement in the contract that the builder would permit the project.

Mr. Rennick answered yes. He reported that he contracted with the builder on March 26th.

Mr. Bryant asked Mr. Rennick if he has a copy of the permit. He explained that what was just submitted was the payment history. It states that the permit was applied for on June 20th.

Mr. Rennick did not have a copy of the permit.

Mr. Bryant said the permit was applied for on June 20th, but they may not have received the permit on June 20th. He said they need to see a copy of the permit in order to know when it was actually received.

Mr. Rennick said the contract with Riverside Dock states, "*permits, plans, engineering and all associated costs applied or obtained by Riverside Docks will be paid by the customer as an extra cost.*" However, Riverside Docks did get the permit.

Mr. Bryant said they made the application on June 20th, but they didn't have a permit on June 20th.

Mr. Rennick said he thought what he had with him was the permit.

Mr. Bryant said just because a permit is paid for doesn't mean that they will get it. He said it could take up to six (6) weeks to obtain a permit. What Mr. Rennick submitted was the payment fee history report.

Mr. Rennick said it shows that he had good faith in getting the job done. He said if it takes that long to get the permitting then it would practically be impossible to get the job done by the compliance date.

Mr. Ramsey said that he has a screenshot from the Building Department that states the pilings were in progress and approved on August 1, 2018, and the final approval was on August 10, 2018 (on file in the City Clerk's office).

Mr. Price felt that the Board should do away with the civil penalties because Mr. Rennick has been punished enough in that he had to rebuild the entire dock.

Mr. Noonan agreed.

Mrs. Hillman questioned then the date would be May 10, 2018.

Mr. Pizzichillo said May 10th through June. He said 20 days at \$50 a day would be \$1,000.

Mr. Ramsey explained that Mr. Rennick was to be in compliance by May 10th, but it was June when the permit was applied for.

Mr. Pizzichillo said from May 10th to the June date is where he would consider the continuing penalty. He said from May 10th to June 22nd or thereabouts the penalty would be \$1,100.

Mr. Rennick said they rent nine (9) dock spaces and during this entire time they were losing that rent so it was in their best interest to get it done as quickly as they could.

Mr. Noonan believed that the delay was not Mr. Rennick's fault.

Mr. Price made a motion that the Board finds the property is in compliance and that he (Mr. Rennick) pay the civil penalty of \$50 and not to charge anything else (to pay the initial civil penalty of \$50 and no continuing penalties).

Mr. Bryant noted that the \$50 civil penalty has been paid.

Mr. Price amended his motion that the Board finds the property is in compliance and no other fees be required to be collected (waiving the continuing penalties). Mr. Noonan seconded the motion.

Mr. McGann questioned the motion.

Mr. Noonan said the motion was to waive the continuing civil penalties and the initial civil penalty has been paid.

Mr. Price felt that Mr. Rennick has been through enough.

Mr. McGann agreed.

Mr. Price felt to even charge him \$1,100 was kind of silly at this point with all the money that Mr. Rennick has paid.

Mr. Bryant agreed with Mr. Pizzichillo's suggestion.

Mr. Pizzichillo said that his suggestion is for a continuing civil penalty from May 10th to June 22nd, which comes to an amount of \$1,100.

Mr. Rennick felt that they took care of this in as prompt of a manner as they could and it was done the way the Building Department wanted it done in that they tore down the repaired dock and built a brand new one. He said the Building Inspector came to the property and told them what needed to be done and they did it.

Ms. Honse noted that if the Board does decide to waive the penalties they do need to include the costs because the original Board order was recorded so those costs would need to be paid.

Mr. Price withdrew his motion.

Mr. Pizzichillo said that he would like to submit a new motion, which he felt was a good compromise.

Mr. Pizzichillo made a motion for a penalty of \$1,100.

Mr. Noonan explained that they need to base their motion on something and they need to include the costs.

Mr. Pizzichillo said it is \$50 a day penalty plus costs; from May 10th through June 22nd.

Mr. McDonald said at \$50 a day the cost would be somewhere in the area of \$2,150, not \$1,100.

Mr. Pizzichillo said that he is using the compliance date.

Mr. Price said the compliance date has not been proven.

Mr. Pizzichillo asked what does the date of June 22nd represent.

Mr. Noonan said that is the date they applied for the permit.

Mr. Pizzichillo said so that date shows good faith.

Mr. Price said that is not what the Board order states.

Mr. Bryant said they need to find out when the permit was issued.

Mr. Rennick said the Board order was issued in February, he initiated action in March, signed a contract with the builder in April, and applied for the permit in June. He didn't realize that he had to make a telephone call to Code Enforcement. He said they (Code Enforcement) have the public records at their disposal and so he thought they were following this.

Ms. Sanderson noted that all their correspondence states that the violators dialogue with the Code Officers. She said because of their case load, they can't monitor everything. They do follow-up as best as they can.

The motion died for lack of a second.

Mr. McDonald asked can they delay this hearing and bring the Builder before them in order to find out what happened.

Ms. Honse said they can continue this case to their next meeting.

Mr. Noonan questioned if that was really necessary. He asked Mr. Rennick if he had a copy of the contract.

Mr. McDonald said that wouldn't really answer the question. He said the Board gave him to May 10th to get the permit so they were being very generous. He said nothing was done until June and Mr. Rennick is telling them that he assumed when he signed the contract that the Builder would pull the permit.

Mr. Noonan said the contract was signed in March.

Mr. Ramsey noted that the June 22nd date was provided by Mr. Rennick as to a good faith estimate to when he believes the permit was issued.

Mr. Rennick submitted into the record a copy of the contract (on file in the City Clerk's office).

Mrs. Hillman said so they are going to go from May 10th to June 22nd. She asked is that correct.

Mr. Ramsey said yes, that is what he would propose.

Mr. Noonan felt it showed good faith that Mr. Rennick promptly got a contract to get everything done.

Mrs. Hillman said the contract was signed on March 26th.

Mr. McGann pointed out that Mr. Rennick is well respected in the community. He felt they should give him the benefit of the doubt and recommended a penalty of \$500.

Mrs. Hillman said the contract was signed on March 26th and the permits went into motion on June 22nd.

Ms. Honse assumed that the permit was applied for on June 20th when the payment was made.

Mr. Pizzichillo said that he is all for a compromise, but felt something more than a zero cost should be proposed.

Mr. McGann made a motion that the Board reworks the arithmetic so it comes out to a fine of \$500 plus costs. Mr. Pizzichillo seconded the motion and it failed 4-3 with Mr. McGann voting yes, Mr. McDonald yes, Mr. Pizzichillo yes, Mrs. Hillman no, Mr. Bryant no, Mr. Price no, and Mr. Noonan no.

Mrs. Hillman made a motion for the 43 days that it took from May 10th to June 22nd at \$50, which would amount to \$2,150 plus costs.

Ms. Honse said then you are finding him in compliance as of June 22nd and the Clerk will calculate the amount due based on the \$50 a day, plus costs. Ms. Hillman said that is correct. Mr. Pizzichillo seconded the motion and it failed 4-3 with Mr. McGann voting no, Mr. McDonald no, Mr. Pizzichillo no, Mrs. Hillman yes, Mr. Bryant yes, Mr. Price yes, and Mr. Noonan no.

Mr. Ramsey said that Mr. Rennick is well known in the community and does a lot of work in the community. But, having said that Mr. Rennick owns a lot of properties, pulls a lot of permits, and has a lot of work done on his behalf. He is aware of the process. This is not someone who got caught off guard. He said that he (Mr. Rennick) did get caught off guard in that he thought he was covered by the Governor's Proclamation, but he was made aware that he wasn't early in the process.

Mr. Rennick said the hurricane occurred last November and it takes a while to get \$50,000 together to rebuild a dock.

Mrs. Hillman was not sure he was told that he had to tear out the dock. He could have applied for an after the fact permit.

Mr. Rennick said it was his understanding that they had to build a new dock.

Mr. Pizzichillo said the Board is somewhere between a penalty of \$500 and \$2,500. He asked that they compromise somewhere between this amount and get this over with, protect the City and Mr. Rennick of his fine record and move on.

Mr. Price said that he doesn't like negotiating these fees. He wants them based on something.

Mr. Bryant said then they need to extend this hearing so they can find out when the permit was issued and go from May 10th to the date the permit was actually issued. Currently they are going off the application date.

Mr. Price said they could waive the penalties.

Mr. Noonan said signing a contract in March shows good faith in trying to get things resolved. Mr. Rennick did make a mistake in not calling the Code Officer, but questioned if that was a \$2,500 mistake.

Mr. Rennick thought that once he hired a contractor that he was in compliance because the contractor was going to take care of this.

Mrs. Hillman felt that a \$50 a day penalty for 43 days was reasonable. The Board gave him until May 10th to comply and the permit was applied for on June 20th, which is half of the current civil penalty.

Mr. Rennick said that he was being penalized \$100 a day for almost a year by not having tenants.

Mr. Noonan made a motion that the Board revisits this case at next month's Code Enforcement Board meeting after they have had a chance to find out when the actual permit was issued and make a decision at that time (to continue the hearing).

Mr. Pizzichillo felt the Board could hash this out today. He said they could come up with a compromise, end this, and move on. He said they have to be open and look for a compromise somewhere.

Mr. Price felt that thinking about this over the next month would help because it is a complex situation.

Mr. Pizzichillo did not believe it was a complex situation. He said they see the dates and he is not confused.

Mr. Noonan said they don't know when the permit was issued so they can't set a compliance date.

Mr. McDonald said Mr. Rennick signed a contract on March 28th and wrote checks in the amount of \$17,000 with the assumption that the person doing the work was going to get the permit. His concern is that Mr. Rennick has already spent a great deal of money. He said that as far as he is concerned this falls on the contractor.

Mr. Noonan agreed.

Ms. Honse explained that the contract does not state who is going to pull the permit. It states that any permits pulled by the contractor will be paid for by the customer. It does not state who is responsible to pull the permits.

Mr. McDonald said it was the contractor who pulled the permit.

Mr. Noonan withdrew his motion.

Mr. McDonald made a motion that the fines be dropped, that Mr. Rennick showed good faith on March 28th in that he thought this was going to be taken care of and they weren't, and to pay costs (that the Board finds that Mr. Rennick showed good faith by signing the contract on March 28th thinking this issue would have been taken care of, to waive the continuing civil penalties and to pay costs). Mr. McGann seconded the motion and it passed 5-2 with Mr. McGann voting yes, Mr. McDonald yes, Mr. Pizzichillo yes, Mrs. Hillman no, Mr. Bryant no, Mr. Price yes, and Mr. Noonan yes.

- r) **CASE #18-CE-8529 / 1380M**
VIOLATOR: Melvin and Ruth Tanchel (TRS)
VIOLATION: Failure to obtain permits
VIOLATION ADDRESS: 4800 Highway A1A, Vero Beach, Florida 32963
(Property found in compliance on October 16, 2018. Days in non-compliance June 1, 2018 (day following date given to correct) = 137 days x \$50 per day = accrued civil penalty of \$6,850. Initial \$50 civil penalty has been paid)

This item was pulled from today's agenda.

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

Ms. Honse asked Ms. Sanderson of the three (3) cases heard today for Vero Prime, which citation did she request that they have a continuing penalty.

Mr. Noonan said it was the first case.

Ms. Honse said it should have been the third citation.

Ms. Sanderson explained that sometimes the numbers assigned by the system are not in sequence.

8. CLERK'S MATTERS

None

9. ATTORNEY'S MATTERS

None

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

Mrs. Hillman referred to a case they heard a few months ago where there was an \$83,000 fine. She said that she doesn't feel this Board should be giving everything away. She understands Mr. Rennick's standing in the community, but felt that he should have been fined something.

Mr. Price said the Board's goal is not to fine people. It is to bring properties into compliance and making sure they stay in compliance.

Mrs. Hillman said Mr. Rennick was not told that he had to remove the dock. He was told that he had to have a permit.

Mr. McDonald said the case they heard a few months ago with the \$83,000 fine was ordered to pay \$20,000 plus costs (fine was reduced).

Mrs. Hillman said that is correct and Mr. Rennick was not told that he had to take the dock down. He was told to apply for a permit.

Mr. McDonald said at the original hearing he remembers Mr. Rennick stating that he couldn't find anyone to do the work and until he found someone he couldn't apply for the permit, which is the reason the Board gave him a generous time frame.

Mrs. Hillman said it was a generous time frame, which is why she feels that a penalty from May 10th to June 22nd should have been imposed. She said at least they would have covered some of the City's expenses.

Mr. Noonan said that is not their job. That is why there is a cost of enforcement and if the Code Officers have costs then they need to include them.

Mrs. Hillman disagreed. She said we are the Code Enforcement Board.

Mr. Price said yes, but we are also people. He said the Board is not saying that everything brought before them is going to be zeroed out. He said they are not going against the Code Enforcement Officers or stating that the Officers are not doing their job.

Mrs. Hillman said that she has been on the Board for a little over a year and there have only been two (2) large fines that they have imposed. She said they seem to give more back to the people because they come into compliance. But, after a year they should at least bring something in. Mr. Rennick was in violation in September, 2017 and now it is November, 2018 and they are zeroing out the fine.

Mr. Pizzichillo did not believe that when cases come before the Board that they just want compliance. He said they do want compliance, but they want it in a timely manner. Sometimes fines are necessary and they shouldn't let people leave with a zero fine just because they made good on what they were suppose to do.

Ms. Sanderson noted that prior to cases coming before the Board, they (Code Officers) have exhausted all measures to get people to come into compliance. It is not their choice to bring them before the Board.

Mr. Pizzichillo said they want people to comply, but there has to be some kind of message sent to the community that if the Ordinances are broken there can be penalties.

Mr. McDonald said in almost every situation where a person has come into compliance there has been some type of fine and costs associated. In Mr. Rennick's case, he wrote checks in the amount of \$17,000.

Mr. Pizzichillo said that he is not arguing a specific case. He is arguing the philosophy to get people to comply. He didn't believe the Board's philosophy is to just get people to comply. They should comply before it gets to the point of coming before the Board.

Mrs. Hillman felt that the Board has been very generous with all the cases that have come before them. She is just at the point where she feels they have to stop giving everything away. She feels that just slapping them on the hand and telling them to be good next time is not what the Board is for.

Mr. Ramsey said that he understands they want compliance and he wants that too. He said they can't always fine them and they can't always let them go. People have to know if they get caught there are ramifications and the ramifications are not that they get an extension and a free pass.

Mrs. Hillman said the Board was generous with the time they gave Mr. Rennick.

Mr. McGann said generous is the wrong word. The Board is empathetic, understanding, and fair minded. They are not here to make money.

Ms. Honse into the record Code Section 2-262, *“It is the intent of this article to promote, protect, and improve the health, safety, and general welfare of the citizens of the City of Vero Beach by the creation of a code enforcement system and procedures that will provide an equitable, expeditious, efficient, and effective method for enforcement of, and to encourage compliance with, the code, ordinances, rules, and regulations of the City of Vero Beach and the state, county and uniform laws, statutes, codes, ordinances, rules, and regulations that may be enforced by the City pursuant to this article.”*

Mr. Price asked is there a record that shows what they have collected over the years. He asked are they doing better or worse than previous years.

Ms. Sherri Philo, Deputy City Clerk, said that she will get that information for the Board.

Mr. Price asked Mrs. Hillman if she would feel better if she received this information. He asked does she feel that this Board is more lenient than they should be.

Mrs. Hillman felt they are more lenient than they should be.

Mr. Price asked would comparing this year with previous years help.

Mrs. Hillman answered yes. She suggested going back two (2) years.

Ms. Honse suggested that the information be incorporated in the Board’s Annual Report.

Ms. Philo asked to clarify, the Board would like the fines collected this year and two (2) years back for a total of three (3) years.

Mrs. Hillman said that is correct.

Ms. Susan Carr said that she didn’t think it was a matter of making money, but a matter of consequences. She said it may be not the money brought in, but how many times the Board decides to uphold a fine. She asked what is the sense of having rules if they don’t hold their feet to the fire. There has to be a consequence. She said having empathy is a good thing, but the more people get away with the more they will try to get away with.

12. ADJOURNMENT

Today’s meeting adjourned at 3:23 p.m.

/sp