

CODE ENFORCEMENT BOARD

A meeting of the Indian River County (IRC) Code Enforcement Board (the Board) was held in the Commission Chambers at the County Administration Building, 1801 27th Street, Building "A", Vero Beach, Florida on Monday, August 25, 2008 at 1:30 p.m.

Present were **Chairman Joe Petrulak**, Subcontractor Appointee; **John Owens**, Engineer Appointee; **Cliff Suthard**, Member-at-Large Appointee; **Karl Zimmermann**, Realtor Appointee; **Keith Hedin**, Businessman Appointee and **Dana Stetser**, Architect Appointee.

Absent was **Joe Garone**, General Contractor Appointee (excused).

Also in attendance was IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Don Wixon, Code Enforcement Coordinator; Betty Davis, Debbie Clifford, Vanessa Carter Solomon and Rose Jefferson, Code Enforcement Officers. Others present: Attorney Suzanne Vitunac, Attorney for the Board and Reta Smith, Recording Secretary.

12:49:02 **Call to Order**

Chairman Petrulak called the meeting to order and the secretary called the roll, establishing that a quorum was present.

12:49:33 **Approval of Minutes of July 28, 2008**

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve the minutes of July 28, 2008 as presented.

12:49:46 **Attorney's Overview of Board Purpose and Procedures**

Attorney Vitunac gave a brief overview of the procedures and purpose of the Code Enforcement Board.

12:53:42: **Agenda Additions or Deletions, Consent Items**

Mr. Don Wixon, Code Enforcement Coordinator, reported the following cases

had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda: Cases #2008030056, #2008050049, #2007120030, #2007120040, #2008050162, #2008020052, #2008040068, #2007120026, #2008040182, #2008040191, 2008050010, #2008050130, #2008040054, #2008050085, #2008060065 and #2008040132 - 30 day extension until September 19, 2008. Cases #2008040188, #2008040141, #2007110074 and #2008040166 - 60 day extension until October 24, 2008. Cases #2008070168, #2008060138, #2008070016, #2007060120 and #2007110117 were rescheduled.

In compliance were Cases: #2008040174, #2008040176, #2008040208, #2008050025, #2008050084, #2008010057, #2008050064, #2008070342, #2008060026, #2008060112, #2008070188, #2008070087, #2008070226, #2008070101, #2008070220, #2008070089, #2008070094, #2008070095, #2008060133, #2008070002, #2008070084, #2008070076, #2008070244, #2008070194, #2008070304, #2008070284, 2008080048, #2008040072, #2008050208, #2008060020, #2008020083, #J2008040199, #2008030172, #2008050002, #2008020136, #2008040159, #2008040150, #2008040026, #2008060012 and #2008040056..

Mr. Wixon requested the Board hear Case #2007120086, Ronald & Rose Rigby, at the beginning of today's meeting.

Chairman Petrulak advised if anyone present had heard their name or case number called for a Consent item and wanted their case to be heard, they should get with their Code Enforcement Officer and the Board would accommodate their request.

1:05:48

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to accept the Consent Agenda with the revisions and recommendation.

1:06:25 **Swearing in of Those Who Will Testify**

The secretary proceeded to administer the testimonial oath to everyone who would be testifying at today's hearings.

1:07:02 **Case #2007120086 – Ronald & Rose Rigby**

Mr. DeBlois, IRC Environmental and Code Enforcement Chief, related this

was a Lien Release Request having to do with a case that originally came to the Board in January, 2008 involving a mobile home pulled on to a property without any permits, overgrown weeds and junk, trash and debris. He recalled this ultimately came back for a Compliance hearing on March 24, 2008, at which time the mobile home and junk, trash and debris were still on the property and the Board entered an Order Imposing Fine. Mr. DeBlois confirmed the property was ultimately brought into compliance on May 29, 2008, which would be a fine of \$6,800. He submitted a letter from Respondent Mr. Ronald Rigby dated August 4, 2008 into evidence, a copy of which is on file in the Commission Office.

Respondent Ronald Rigby said he had never given authorization for a mobile home to be placed on his property and Mr. Darryl Gerald, who was the owner of the mobile home, had told him everything had been taken care of. He did not feel he should be penalized because of somebody else's actions and asked the Board for leniency.

Mr. DeBlois noted Mr. Ronald Rigby had been cited as the land owner and Mr. William Rigby was cited as the tenant who was involved with initially bringing the trailer onto the property, and one option would be to release the lien as it applied to Mr. Ronald Rigby and keep it against Mr. William Rigby.

1:20:33

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted (5-1) to reduce the fine to administrative fees of \$1,800, to be assessed between William and Ronald Rigby equally at \$900 each. Mr. Hedin in opposition.

It is noted for the record Respondents Ronald and William Rigby were present for this hearing.

1:23:36 **Case #2008060099 – Elaine Zimmer**

Inspector Rose Jefferson, IRC Code Enforcement Officer, submitted a photograph and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office. She summarized she had received complaints about an unpermitted fence, adding the junk, trash and debris violation was in compliance.

The Respondent's sister, Ms. Tyissa Oliveria, said the property was in

2:19:00 **Case #2008050114 – Dwanika Drisdom**

Inspector Debbie Clifford, IRC Code Enforcement Officer, submitted a photograph and an Affidavit of Service dated August 12, 2008 into evidence, which are on file in the Commission Office, and described overgrown weeds and junk, trash and debris.

Mr. Wixon recommended the Board find a violation and grant a 30 day extension, until September 19, 2008, for compliance. He advised the Respondent the windows and doors also needed to be boarded up and the house secured.

2:21:41

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

2:22:15 **Case #2008080051 – Michael & Sheila Norcia**

Inspector Davis advised this case was in compliance.

2:23:56 **Case #2007090125 – Daniel Presley**

Mr. Wixon recapped this Compliance hearing had to do with a case that came before the Board on February 25, 2008, at which time the Respondent received an extension of 60 days to obtain an after-the-fact building permit for an illegal shed, with subsequent extension being granted. Inspector Zedek confirmed the shed was still on the property; however the junk vehicle and junk, trash and debris violations were in compliance.

The Respondent said he had decided to tear down the shed and asked for a further extension of time. Mr. Wixon recommended 30 days, until September 19, 2008, to remove the shed and all debris from the property.

2:25:59

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

3:32:19 **Case #2008070216 – Rodolfo Jesus Carrillo Fernandez**

Mr. DeBlois decided to reschedule this case.

3:34:13 **Case #2008070350 – Jesse & Maria Amelia Zuniga**

Attorney Vitunac advised this case should be rescheduled because of an issue regarding service.

3:34:40 **Cases #2008070093 – Gifford Gardens LLC**

Inspector Zedek submitted a photograph and an Affidavit of Service dated August 13, 2008 into evidence, which are on file in the Commission Office. She described an unsecured structure and junk, trash and debris on the subject property, and said she had been told by the Respondent's representative it would be taken care of by the end of the week. Mr. Wixon recommended a 30 day extension, until September 19, 2008.

3:35:29

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:35:38 **Case #2008070326 – Woodside Timberlake LLC**

Inspector Clifford advised this case was in compliance but she wanted a Continuing Order on the overgrown weeds violation.

3:36:23

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to enter a Continuing Order on the overgrown weeds.

It is noted for the record the Respondent was not present for this hearing.

3:36:31 **Case #2008070085 – Esquire Ventures LLC**

Inspector Carter Solomon recalled this case had been before the Board on June 23, 2008 for an illegal shed, and the Respondents had obtained a permit but had not called for an inspection. Mr. Wixon recommended the fine be imposed.

3:55:36

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:55:38 **Case #2008030107 – Reina Pellicer**

Inspector Davis related the Board initially heard this case in April, 2008 for a home that had burned and been boarded up, but part of the roof was caved in. Mr. DeBlois noted a 60 day extension had been granted after the initial Order and an investigation was being conducted by the insurance company. He recommended an extension of 30 days be granted, until September 19, 2008.

Discussion followed.

4:01:02

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted (4-2) to approve staff's recommendation. Mr. Hedin and Mr. Suthard in opposition.

It is noted for the record the Respondent was not present for this hearing.

4:01:26 **Case #2008050177 – Jose Sibilly**

Inspector Carter Solomon stated this case was before the Board on July 28, 2008 and the Board had granted a 30 day extension for overgrown weeds. She noted it was a foreclosure with a final judgment given to the Bank of New York in May, 2008, but the weeds had not been mowed. She submitted a photograph into

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

4:05:06 **Case #2008060021 – Amber Taylor**

Inspector Carter Solomon advised this was a foreclosure with the Bank of New York being the mortgage holder and she had received service from both parties, but had no response from either one. She related a portion of the screen enclosure around the swimming pool had been ripped out, making access possible. Mr. Wixon recommended the Board impose the fine.

4:05:54

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

4:07:14 **Case #2008040094 – Bryan Baclaski**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office. Mr. Wixon recapped this case had first been before the Board on June 23, 2008 when the Board granted 30 days for the Respondent to restore the burnt structure and obtain all required permits for repairs or remove the structure, with a subsequent 30 day extension being granted. He recommended the fine be imposed and requested a determination be made that the structure was a public nuisance warranting County abatement.

4:0:19

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

4:09:41 **Case #2008070042 – Laura Michelle Turner**

