

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, November 24, 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; **Joe Garone**, General Contractor Appointee; **Keith Hedin**, Businessman Appointee and **Dana Stetser**, Architect Appointee.

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, Kelly Zedek and Rose Jefferson, Code Enforcement Officers. Others present: Attorney Suzanne Vitunac, Attorney for the Board and Reta Smith, Recording Secretary.

1:35:59 Call to Order

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

1:36:01 Approval of Minutes of October 27, 2008

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve the minutes of October 27, 2008 as presented.

1:36:48 Attorney's Overview of Board Purpose and Procedures

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

1:40:42 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 #2008070150, #2008070265,

2:10:05 **Case #2008080104 – Alexis & Irma Garcia**

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted a photograph into evidence, which is on file in the Commission Office, and stated she had received complaints about a swimming pool enclosure.

The Respondent's daughter stated the home was in foreclosure and nobody was living in it. Attorney Vitunac advised the Respondent was still responsible for the violation because the property had not transferred to the bank.

2:16:40

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to find a violation and grant 48 hours for compliance.

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

2:17:21 **Case #2008070027 – Steven Warshaw**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and noted the overgrown weeds, unpermitted shed and junk vehicle violations had been resolved. She confirmed the only remaining violation was for a gibney unit which was not allowed in a residentially zoned district.

The Respondent said he would get a permit for a shed and build it around the gibney unit. Mr. Wixon recommended the Board find a violation and grant 60 days, until January 23, 2009, for compliance.

2:22:01

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

2:22:50 **Case #2008090106 – Bassam Katoura**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and described a dilapidated structure on the property.

the IRC Building Division had issued a citation to Mr. Kyle Walters on October 22, 2008 for \$1,000 for uninsured and unlicensed contractor violations, and reviewed information contained in the backup on file in the Commission Office.

Mr. Buddy Akins, IRC Building Director, testified Mr. Walters of Premier Hurricane Shutters was not licensed with the State and had hired an unlicensed contractor without workman's compensation.

Respondent Walters stated he had made an honest mistake and had since rectified the situation.

Discussion followed.

2:49:34

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (7-0) to confirm Citation #915.

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

LIEN RELEASE REQUESTS

2:50:58 **Case #2006070019 – Robert Hamner**

Mr. DeBlois recapped this was an overgrown weeds violation where the Board had entered an Order Imposing Fine starting on September 23, 2006 for noncompliance. Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and confirmed the property was still not in compliance.

The Respondent's representative, Mr. Scott Dillon, said he was not aware of the lien on the property and had not received notice of the fine. He stated during the week of October 9 to 14, 2006 he had gone to Inspector Jefferson's office with a picture dated 10/6/06 showing the back yard had been cleared for septic installment and maintained the fine should never have been imposed.

Mr. DeBlois noted October 6, 2006 would be 13 days after the Board imposed its fine and staff could support a \$1,300 fine conditioned upon the Respondent coming into compliance within 30 days, by December 19, 2008.

Mr. Wixon related there had been an ongoing situation with complaints about the Respondent bringing in vehicles for certain periods of time and the County had erected no parking signs on the right-of-way. He recommended the Board enter a fine of \$300 for three days of noncompliance.

3:39:16

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:41:01 **Case #2008090154 – Nicholas Yopez**

Inspector Jefferson advised she had not received service on this case.

3:41:36 **Case #2008080029 – Erika Babcock**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and described overgrown weeds on the property.

3:43:00

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to find a violation and grant an extension of 30 days, until December 19, 2008, for compliance.

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

3:43:09 **Case #2008070056 – Eddie & Mary Ella Darrisaw, Jr.**

Inspector Zedek submitted photographs into evidence, which are on file in the Commission Office. She related this Evidentiary hearing had to do with junk, trash and debris, which the Respondent had cleaned up considerably. Mr. Wixon recommended an extension of 30 days, until December 19, 2008.

3:44:13

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:44:21 **Case #2008070278 – Charles Curtis**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and stated this case involved an overgrown weeds violation. Mr. Wixon recommended an extension of 30 days, until December 19, 2008, for compliance.

3:45:38

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:45:45 **Case #2008090024 – Donald Towles**

Inspector Jefferson advised she had not received service on this case.

3:45:52 **Case #2008090017 – Robert Julian & Associates, Inc.**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office. She related the zoning use violation was for vehicles and utility trailers stored on a vacant lot together with an overgrown weeds violation, and recommended an extension of 30 days until December 19, 2008.

3:47:19

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:47:27 **Case #2008090057 – Root Brothers Inc .**

Inspector Jefferson advised she had not received service on this case.

3:47:44 **Case #2008090083 – Deborah Eastes Secor**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and advised the only outstanding violations were for junk vehicles and junk, trash and debris. Mr. Wixon recommended the Board find the violations and grant an extension of 60 days, until January 23, 2009, for compliance.

3:50:30

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:50:40 **Case #2008100052 – Steve Leeman**

Inspector Davis submitted an Affidavit of Service dated November 13, 2008 and a photograph into evidence, which are on file in the Commission Office. She stated this was a foreclosure property involving overgrown weeds and Mr. Wixon recommended the Board grant 30 days, until December 19, 2008, for compliance.

3:51:43

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:51:55 **Case #2008100021 – Gloriana Curtis**

Inspector Davis submitted an Affidavit of Service dated November 13, 2008 and a photograph into evidence, which are on file in the Commission Office. She stated this was a foreclosure property involving overgrown weeds and a health and safety hazard for a refrigerator on the property. Mr. Wixon recommended the Board grant seven days, until December 1, 2008, for the refrigerator violation to be resolved and 30 days, until December 19, 2008, for the overgrown weeds.

3:52:54

ON MOTION BY Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (7-0) to approve staff's recommendation.

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:01:04 **Case #2008100097 – Susan King**

Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office. She stated the property had been abandoned and was in foreclosure and recommended the Board find a violation for overgrown weeds and grant 30 days, until December 19, 2008, for compliance.

4:01:46

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:01L53 **Case #2008100085 – Christopher Mazzarella**

Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office. She related this was a fairly new used car lot and involved parking in the right-of-way, site plan nonconformance and illegal signs. Inspector Carter Solomon noted the Respondent was currently in compliance but recommended the Board grant a Continuing Order in the event of recurrence.

4:03:03

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:03:16 **Case #2008100063 – River Park Associates Ltd.**

Inspector Carter Solomon submitted photographs into evidence, which are on

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

4:10:18 **Case #2008090002 – Vilma Comas**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office. She testified there were overgrown weeds at an abandoned house and recommended the Board grant 30 days, until December 19, 2008, for the property to be brought into compliance.

4:10:50

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:10:58 **Case #2008090180 – Amber Leta (Roxbury)**

Inspector Clifford submitted an Affidavit of Service dated November 12, 2008 and a photograph into evidence, which are on file in the Commission Office. She advised this case involved a semi trailer on a vacant lot and recommended an extension of 30 days until December 19, 2008.

4:11:51

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:12:01 **Case #2008070146 – James & Nicole Collins**

Inspector Jefferson noted this home was in foreclosure and since she only had notice on the bank she would withdraw the case.

4:13:31 **Case #2008070127 – Alvaro Alarcon**

Inspector Jefferson submitted a photograph into evidence, which is on file in

the Commission Office, and described overgrown weeds at a vacant home in foreclosure.

4:14:02

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to find a violation and grant an extension of 30 days, until December 19, 2008, for compliance.

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

4:14:10 **Case #2008080135 – Sueann Gutierrez**

Inspector Jefferson decided to withdraw the case for lack of service.

4:14:37 **Case #2008080134 – Dave & Bibi Ramraj**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office. She related this case had to do with a shed constructed without permits and overgrown weeds and recommended a finding of violation with an extension of 30 days, until December 19, 2008.

4:15:33

ON MOTION BY Mr. Owens, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:15:38 **Case #2008070290 – Irasema & Raya Cantu**

Inspector Jefferson said she would withdraw this case because only the bank had received service.

4:15:56 **Case #2008060018 – Donnini Enterprises, Inc.**

Inspector Jefferson advised she had not received service on this case and would reschedule it.

4:17:53 **Case #2008080003 – Doyal & Dianna Cox**

4:20:39 **Case #2008070164 – Racquel Humphrey-Irvin**

Inspector Zedek testified she had posted the property on a number of occasions and the pile of debris was still on the site. She recommended the fine be imposed.

4:21:2

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:21:14 **Case #2008070351 – Leslie A. Rollins**

Inspector Carter Solomon recapped this case had originally come to the Board last month after she posted the property. She confirmed the weeds were very high and the neighbors were complaining, and recommended the fine be imposed.

4:21:36

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:21:45 **Case #2007100110 – Jody Rea**

Inspector Clifford related this case had initially come to the Board on February 25, 2008 for an unpermitted addition on a house. She confirmed the Respondent had obtained a permit on October 23, 2008 and although she had left several messages about the need to arrange for an inspection, this had not been done. Mr. Wixon recommended the Board impose the fine.

4:24:18

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:24:35 **Case #2008070168 – Myriam Barreto**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office. She testified the Evidentiary hearing on this case was held in September, 2008 for overgrown weeds, with one extension being granted on October 27, 2008, but nothing had been done. She recommended a fine be imposed.

4:25:01

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:25:14 **Case #2008070204 – Robert & Nancy Foreman**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office. She summarized this overgrown weeds violation had first come to the Board in September, 2008, with one extension. She confirmed the grass had not been mowed and recommended the Board impose the fine.

4:25:43

ON MOTION BY Owens, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:25:47 **Case #2008070205 – Lynn/Michelle Valentine**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office. She related this case had originally come to the Board in September, 2008, with an extension granted in October, 2008, and recommended the fine be imposed because the overgrown weeds violation had not been resolved.

4:26:10

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:26:20 **Case #2008070349 – Case #200807039 – Roosevelt Banks & Carrie Copeland**

Inspector Clifford testified this case had been going on since she had cited the Respondents on July 31, 2008, and the Board had granted several extensions for an overgrown weeds violation. She recommended the fine be imposed.

4:26:52

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:27:01 **Case #2008070258 – Modabi Homes of Florida City LLC**

Inspector Carter Solomon recapped this case had initially been heard in September, 2008, with an extension granted in October, 2008. She confirmed the overgrown weeds violation was not in compliance.

4:27:20

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to impose the fine.

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

4:27:28 **Case #2008040197 – Silver Shores Holding LLC**

Inspector Carter Solomon recalled this case had first been to the Board in August, 2008 and involved a house that had burned down. She confirmed the Respondent had applied for permits to restore the residence; however he had not followed through or boarded up the house. She recommended the fine be imposed.

4:28:17

