

## 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, May 20, 2013 at 1:30 p.m.

Present were Chairman **Tony Gervasio**, Member-at-Large Appointee; **Joe Petrulak**, Subcontractor Appointee; **Karl Zimmermann**, Realtor Appointee; **Keith Hedin**, Businessman Appointee; and Vice-Chairman **Aaron Bowles**, Engineer Appointee.

Absent was **Pete Clements**, General Contractor Appointee (excused).

Let the record show there is a vacancy for an Architect Appointee.

Also in attendance was IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Betty Davis, Vanessa Carter Solomon, Rose Jefferson and Kelly Buck, Code Enforcement Officers; Attorney David Hancock, Attorney for the Board; and Reta Smith, Recording Secretary.

### 10:23:25 **Call to Order**

Chairman Gervasio called the meeting to order and led all in the Pledge of Allegiance.

### 10:23:54 **Approval of Minutes of April 22, 2013, 2013**

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to approve the minutes of April 22, 2013 as presented.**

### 10:24:19 **Attorney's Overview of Board Purpose and Procedures**

Attorney David Hancock, Attorney for the Board, gave a brief overview of the procedures and purpose of the Code Enforcement Board, and the secretary called the roll, establishing that a quorum was present.

10:32:29 **Agenda Additions or Deletions, Consent Items**

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief, reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda. Cases #2012080061, #2012120054, #2013010100, #2012110117, #2012110118, #2013010113, #2013020121, #2012110098, #2013010199, #2013010130, #2013030050, #2013010141, #2013030051, #2013020078 and #201200164 - 30 day extension until June 21, 2012. Cases #2012120003, #2011090199, #2012110093, #2012080126 and #2012040165 - 60 day extension until July 19, 2013. Cases #2013040129 and #2003120109 were rescheduled.

In compliance were Cases #2013030080, #2013040096, #2013040081, #2013040011, #2013040083, #2013040022, #2013040138, #20913030102, #2012100142, #2013030076, #2013020103, #2013010045 and #2012120017.

Mr. DeBlois pointed out there was an Administrative Hearing for a zoning citation on the agenda, which he recommended be heard at a time certain of 2:00 p.m. He further recommended the Lien Release Requests, including the one on the addendum to the agenda, be heard at 3:00 p.m. or later.

10:39:48

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to accept the Consent Agenda with the revisions.**

10:40:08 **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.

**EVIDENTIARY HEARINGS**

10:40:32 **Case #2013020065 - HOA of Carriage Lake at Vero, Inc.**

Mr. DeBlois related this case had to do with landscape maintenance and site plan non-conformance violations for deficient landscaping in the common areas of a single-family residential development at 58<sup>th</sup> Avenue and 8<sup>th</sup> Street in Vero Beach.

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, had received

complaints about material being missing from the buffer and exposing the homes to the street. She explained that in 2002, Administrative Approval (AA) had been granted to modify the original landscape plan connected to the site and when the Certification of Occupancy (CO) was issued for the subdivision it was issued based on the 2002 AA. Inspector Carter Solomon continued in 2005 there was a previous CEB case and KB Homes, the original builder, had subsequently submitted an application for another AA to again modify the landscape plan; but it had expired and had not been approved and the builder had revised the landscape without getting AA from the County. She submitted six photographs into evidence along with a copy of the approved landscape plan and pointed out a lot of shrubs and landscape materials were missing.

Mr. DeBlois noted it was now up to the homeowners association (HOA) to conform to the approved site plan. He recommended the Board find the violations and grant the Respondent 60 days, until July 19, 2013, to resolve the landscape issues.

Respondent Steve Bennett, President of the HOA, acknowledged plants had died along 8<sup>th</sup> Street because of irrigation problems. He advised the subdivision was a fairly small community consisting of 64 homes and about three years ago it was virtually bankrupt with approximately 50% of the homes in foreclosure with unpaid homeowners' dues; so it was a matter of getting the money and a special assessment might be necessary depending on the cost. The Respondent maintained there was never a continuous hedge on 58<sup>th</sup> Avenue and stated the plans he had did not correspond to any of the existing landscaping.

Discussion followed.

Mr. DeBlois recommended allowing 60 days, until July 19, 2013, for the 8<sup>th</sup> Street remediation and 90 days, until August 23, 2013, for the 58<sup>th</sup> Avenue portion to allow the Respondent to possibly apply for AA to modify the landscaping site plan.

Mr. Zimmermann pointed out any of the alternatives would require the Respondent to call a special meeting of the homeowners and collect any special assessment due, and by having two tiers it could put the Respondent in a position where he might potentially need to have two special assessments. He suggested setting a timetable allowing for compliance for both 8<sup>th</sup> Street and 58<sup>th</sup> Avenue, with the understanding that if there was not a substantial reason to grant an extension at the end of the extension period a fine of \$100 per day would go into effect.

Mr. DeBlois recommended 90 days, until August 23, 2013, for total compliance.

10:59:42

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant 90 days, until August 23, 2013, for total compliance or a \$100 per day fine would be imposed.**

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

11:00:00 **Case #2013010187 – Charles & Lisa Fannin**

Mr. DeBlois recapped this case involved a noise violation with respect to a pool heater installed at a house in the Millstone Landing subdivision where the minimum setbacks for side yards was five feet. He submitted into evidence two aerials photographs dated November, 2011 and a survey showing the location of the subject pool heater in relation to the adjoining house, and confirmed the heater had been installed with permits and its location was allowed under the zoning setbacks; however because of the reduced setbacks the pool heater was located approximately 11 feet from the neighbor's patio and bedroom window.

Mr. DeBlois related the Respondent had been cooperative and had reduced the rpm's of the pool pump to lower the sound somewhat; had voluntarily ceased running the pool pump between 10:00 p.m. and 6:00 a.m.; and had installed a compressor insulator to lower the decibels. He submitted into evidence decibel readings taken on February 28, 2013 and explained even with those actions the readings were still over the limit allowed.

Mr. DeBlois continued the Respondent had considered installing two solid vinyl fence panels to contain the sound and direct it towards the rear of the property; however the HOA's architectural review committee advised this was unacceptable, as per correspondence submitted into evidence. He stated the Respondent was now proposing to determine whether the HOA would accept a cinder block wall as a solution.

The Respondent submitted two photographs showing the pump into evidence, and stated he felt the County's maximum decibel levels were unrealistically low because of the way some of the planned developments were being built today. He said he had taken readings from adjacent property lines in Millstone Landings and

other neighborhoods and found many more incidents of pumps and air conditioners were over the permitted decibel levels.

Mr. Matt Miller, the contractor who had installed the pool and pump, said he had never run across this problem before and maintained the pump was no louder than a standard air conditioner. He suggested even if he replaced it with a super-quiet heat pump he doubted it would be in compliance due to the proximity of the neighboring structures.

The Respondent expressed since the County had inspected and approved the pump without any restrictions it should share in the cost of constructing a concrete or cinder brick wall.

Mr. Zimmermann mentioned a recent CEB case relating to the height of a commercial vehicle parked at a residence whereby the owner had taken the matter to the Board of County Commissioners (BCC) and asked to have the code changed. He thought if the Respondent took his case to the BCC they might revisit the decibel levels in the current ordinance based on current setbacks and modify the code.

Discussion ensued.

Mr. DeBlois noted it was coming into summer and the heater would not have to be run as often and recommended the Board grant 90 days, until August 23, 2013, for the Respondent to look at other options.

11:26:50

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles for discussion, to grant an extension of 90 days, until August 23, 2013, for the Respondent to look at other potential solutions to the noise violation, which would include his cooperation in not running any of the equipment during peak times and keep it to a minimum to restrict the impact on the neighbor.**

**UNDER DISCUSSION** Mr. Petrulak asked who would decide what was appropriate and what was not.

Mr. DeBlois stated it was staff's position to support 90 days with the understanding that it was summer and there would not be excessive use of the pool heater of no more than three hours a day and not during evening hours, otherwise

staff would support a shorter time frame of 30 days for compliance.

Mr. Zimmermann withdrew his motion and Mr. Bowles withdrew his second.

11:29:25

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 90 days, until August 23, 2013, for compliance.**

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

### **ADMINISTRATIVE HEARING**

11:30:55 **Case #2013020119 – Erik Toomsoo**

Mr. DeBlois advised this case related to a \$700 citation issued to the Respondent for placing signs advertising his mattress business in County rights-of-way, and the Respondent was appealing issuance of the citation.

Inspector Carter Solomon submitted nine photographs into evidence and testified signs advertising queen pillow top mattress sets had appeared in many corners all over the County and staff had issued a citation warning notice to the Respondent on February 27, 2013. She stated she had consequently received complaints about the signs and on April 11, 2013 had issued Citation #0187 for seven signs placed in various County rights-of-way. Inspector Carter Solomon noted since that time signs advertising the mattresses had been placed in the rights-of-way on weekends and were being removed the following Monday on an ongoing basis.

Mr. DeBlois clarified the \$700 citation was \$100 for a period of seven days from April 4 through 11, 2013, and recommended the Board uphold the citation.

The Respondent admitted to putting up most of the signs but asked for clemency.

Mr. Zimmermann asked why the Respondent would put out additional signs after he had been cited and knew he would be coming for a hearing.

The Respondent said he had put signs in the City of Vero Beach, but had not put signs in the County. Inspector Carter Solomon stated all the signs she talked

about and cited him for had been on County rights-of-way.

11:39:40

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to uphold Citation #0187 and the fine in the amount of \$700.**

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

### **EVIDENTIARY HEARINGS**

11:40:19 **Case #2013030057 – Raymond & Tennessee Callie**

Mr. DeBlois indicated this case had to do with a porch addition and room extension constructed without required permits.

Inspector Carter Solomon testified she had received complaints about construction work being done at the subject property. She submitted into evidence a photograph from the IRC Property Appraiser's records showing what the house originally looked like along with two photographs showing the addition of a porch with a roof and a room that had been enclosed. Inspector Carter Solomon stated the Respondent had told her he would obtain after-the-fact permits but needed some time to hire an engineer to make sure everything was up to code.

Mr. DeBlois recommended the Board grant 90 days, until August 23, 2013, for the Respondent to obtain permits and final inspections and approvals.

Respondent Mr. Callie confirmed he had already applied for after-the-fact permits.

11:44:04

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find the violation and grant an extension of 90 days, until August 23, 2013, for compliance or a \$100 per day fine.**

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

11:44:31 **Case #2013010126 – Lethithu Tran**

Inspector Carter Solomon advised this case had been referred to her by the IRC Building Department for a porch enclosure built without required permits. She indicated the Respondent had applied for an after-the-fact building permit in March, 2013 but the permit had not been issued because he needed to get an engineer, an electrician and a plumber to certify the work was done according to code. Inspector Carter Solomon said she was working with the Respondent so he could get the work certified in order to get the permit issued and the work inspected.

Mr. DeBlois recommended an extension of 60 days, until July 19, 2013 for compliance.

11:47:07

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until July 19, 2013, for compliance or a \$100 per day fine.**

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

11:47:58 **Case #2013040012 – John & Kathleen Stockton**

Inspector Carter Solomon advised she had received anonymous complaints about a vehicle containing yard debris being parked in the right-of-way in front of the subject property, and had issued a Notice of Violation for vehicle storage and illegal parking in the right-of-way. She stated the Respondent had moved the vehicle to another lot around the corner and after receiving more complaints she had told the Respondent he could not park the vehicle and trailer there and explained where he would be allowed to park it on his property.

Mr. DeBlois explained the trailer could be parked in a designated driveway or a rear yard and recommended an extension of 30 days, until June 21, 2013 for compliance.

The Respondent stated it was not his truck and it had been moved from his property.



Mr. DeBlois clarified if the vehicle was not stored in a designated driveway on the Respondent's property it was still his responsibility regardless of who owned it; however if it was not on his property and he did not own the vehicle, it was not longer his responsibility.

Mr. DeBlois said he would withdraw the case as complied because the vehicle was no longer on the Respondent's property. Inspector Carter Solomon indicated she would cite the owner of the property where the vehicle was currently being stored.

### **LIEN RELEASE REQUESTS**

11:57:20 **Case #2012070087 – Elizabeth Caldwell**

Mr. DeBlois recapped this case had initially came to the Board on September 24, 2012 for yard encroachment of a shed, and the Board gave the Respondent until October 19, 2012 to obtain required permits and bring the utility shed into compliance with required setback and building permit requirements or remove it. After extensions were granted, the case the came back to the Board on January 28, 2013 and upon learning the violation had not been resolved an Order Imposing Fine was entered with a start date of December 22, 2012. Mr. DeBlois confirmed compliance as of March 21, 2013, which was 89 days at \$100 per day for a flat fine of \$8,900.

Ms. Betty Davis, IRC Code Enforcement Officer, stated the Respondent had relocated the shed and called for an inspection while Inspector Davis was on vacation in December, and unfortunately compliance was not verified until later on.

Respondent Ms. Elizabeth Caldwell testified the shed was moved in November, 2012 but she was not aware a permit was necessary until she finally reached Inspector Davis and hired an engineer and obtained the permits, etc. She felt there was some miscommunication about the need to get a permit.

Discussion followed.

12:05:04

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Bowles, the Board voted (4-1) to confirm compliance and rescind the fine. Mr. Zimmermann opposed.**

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

12:06:21 **Case #2010060203 – Ernest Gay**

Mr. DeBlois related this case originally came to the Board on July 26, 2010 for a junk vehicle and junk, trash and debris, and at the August 23, 2010 compliance hearing staff reported the violations had not been resolved and the Board imposed a \$100 per day fine with a start date of August 21, 2010. He verified compliance as of September 24, 2012, which was the passage of 765 days for a flat fine of \$76,500.

Mr. DeBlois advised there had been another case relating to the subject property and the same Respondent on the issue of junk, trash and debris and junk vehicles, and that case involved the period from January, 2008 to September, 2008 for 240 days of non-compliance. He confirmed in the earlier case the Board had acknowledged compliance in September, 2012 and set the fine at \$2,500. Mr. DeBlois explained the duration of non-conformance in the two cases did not overlap and the bank that had foreclosed on the property was trying to resolve the liens to move forward with a sale.

Mr. DeBlois observed there were no extensions in this case and the estimated administrative costs would be \$1,700.

Respondent Ms. Christina Ripple, representing the bank, testified the property was foreclosed on January 22, 2013 and requested a reduction of the fine to approximately 5% or \$3,825.

Mr. DeBlois said staff would support a reduction of the fine to \$3,825.

12:12:01

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to reduce the fine to approximately 5% of the flat fine, for an amount of \$3,825.**

It is noted for the record the bank representative was present for this hearing.

12:14:19 **Case #2011090154 – Robert and Valerie Hill**

Mr. DeBlois recalled Respondents Robert and Valerie Hill and BAC Home Loans Services as the foreclosing bank were initially notified when the case first

came to the Board on November 28, 2011 for an unmaintained swimming pool violation, and the Board granted until January 20, 2012 for compliance. He continued when staff reported nothing had been done a \$100 per day fine was imposed with a start date of January 21, 2012. Mr. DeBlois confirmed compliance was verified on March 25, 2013, which was 429 days of non-compliance for a flat fine of \$42,900.

Ms. Georgann Schreiber, representing Fannie Mae, said the bank did not get control of the property until March, 2013 and the violation was immediately taken care of.

Mr. DeBlois confirmed the pool was secured so there was no health hazard associated with the case and recommended the fine be set at \$1,700 to cover administrative costs.

12:20:02

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to reduce the fine to \$1,700 to cover administrative costs.**

It is noted for the record the bank representative was present for this hearing.

12:20:56     **Case #2008070351 – Leslie Rollins**

Mr. DeBlois summarized both Leslie Rollins and Countrywide Home Loans had originally been Respondents when the case initially came to the Board on October 27, 2008 for an overgrown weeds violation. When the case came back for a compliance hearing on November 24, 2008, and after hearing of non-compliance the Board entered an Order Imposing Fine of \$100 per day with a start date of November 22, 2008. Mr. DeBlois verified compliance had been achieved as of January 14, 2009, which was a passage of 53 days for a flat fine of \$5,300.

Respondent Ms. Luciana Ugarte, representing Bank of America, testified the bank was not a violator in this case but was a plaintiff in a foreclosure action and had taken title on October 5, 2012. She stated as soon as she found the property in violation they placed it in routine maintenance and asked for the fine to be reduced to administrative costs.

Mr. DeBlois recommended setting the fine at \$1,700 to cover administrative costs.

12:24:06

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to reduce the fine to \$1,700 to cover administrative costs.**

It is noted for the record the bank representative was present for this hearing.

12:25:33 **Case #2010060021 – Edward & Jorlena Williams (BAC Home Loans)**

Mr. DeBlois recapped this case initially came to the Board for an evidentiary hearing on July 26, 2010, and Respondents Mr. and Mrs. Williams and BAC Home Loans were notified about overgrown weeds, junk, trash and debris and swimming pool maintenance violations. He continued the Respondents were granted until September 24, 2010 to take corrective action and after two extensions it came back for a compliance hearing on January 24, 2011, at which time upon hearing of non-compliance the Board imposed a \$100 per day fine with a start date of December 25, 2010. Mr. DeBlois confirmed compliance had been verified as of February 15, 2012, which was 417 days of non-compliance for a flat fine of \$41,700.

Respondent Mrs. Jorlena Williams related she did not know about the violation as she was out of state and thought the bank was keeping up the property while negotiating a short sale. She stated she moved back into the house at the end of 2011 and got everything taken care of and the property was now in foreclosure and she was proceeding with a deed in lieu with the bank.

Mr. DeBlois advised typically when configuring staff costs an amount of \$300 per extension was added to the base of \$1,700, and recommended the fine be reduced to \$2,300 for administrative costs.

12:29:58

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to reduce the fine to \$2,300 to cover administrative costs.**

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

## **EVIDENTIARY HEARINGS**

### **12:30:53     Case #2013040030 – Cedric & Geraldine Spaulding**

Inspector Davis confirmed service on May 1, 2013 and explained the Respondent ran a pool service from his home and she had received complaints from a neighbor. She confirmed the home occupation violation, health and safety hazard/public nuisance and junk, trash and debris violations were in compliance but there still remained a yard encroachment violation, illegal vehicle parking in right-of-way and no building permit for a shed.

Respondent Mr. Cedric Spaulding maintained all the violations had been taken care of.

Mr. DeBlois recommended the Board find the case in compliance.

12:36:55

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find Case #2013040030 complied.**

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

### **12:37:36     Case #2013030047 – Richard & Su-Ann Zilnicki**

Inspector Davis confirmed service to the Respondents on May 1, 2013 and testified all the items they had originally been cited for had been resolved except for a pole barn built without a permit. She submitted one photograph into evidence and reported the Respondents had retained an engineer to get an after-the-fact permit.

Respondent Mr. Richard Zilnicki thought 30 days would be ample time for completion.

Mr. DeBlois recommended an extension of 60 days, until July 19, 2013 for compliance.

12:39:08

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find**

**the violation and grant an extension of 60 days, until July 19, 2013, for compliance or a \$100 per day fine.**

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

Chairman Gervasio called a recess at 3:43 p.m. and reconvened the meeting at 3:50 p.m.

12:39:49     **Case #201310199 – H.F. Properties II LLC**

Mr. DeBlois advised he had recommended a 30 day consent extension for Case #2013010199 for H.F. Properties II LLC; but had learned the case had come into compliance today. He amended his recommendation and asked the Board to find it complied.

12:40:20

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to rescind its approval of a 30 day extension on the Consent Agenda for Case #2013010199 for H.F. Properties II LLC, and find it in compliance.**

12:40:38     **Case #2013020078 – MidFlorida Credit Union**

Mr. DeBlois stated he wanted to withdraw his recommended 30 day consent extension for Case #2013020078 for MidFlorida Credit Union because he had just learned it was in compliance.

12:40:43

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to rescind its approval of a 30 day extension on the Consent Agenda for Case #2013020078 for MidFlorida Credit Union, and find it in compliance.**

12:41:06     **Case #2012110121 – Rodolfo Ramirez**

Ms. Kelly Buck, IRC Code Enforcement Officer, confirmed service on both Respondent Ramirez and El Torido Groceries on May 2, 2013, and submitted one photograph taken May 16, 2013 into evidence. She explained she had received a

complaint from the IRC Building Department about an addition built on the back of the El Torido grocery store without permits. Inspector Buck submitted into evidence a copy of an after-the-fact building permit obtained by the Respondent on November 29, 2012; however she explained at that time it was determined it would be necessary to obtain AA through the IRC Planning Division. She related this had been done but there had been a number of discrepancy letters by IRC Planning staff, and submitted into evidence a copy of the latest letter dated February 21, 2013 showing the Planning Division had conditionally approved the plans but the Respondent still had to address issues from the IRC Engineering Department and the IRC Traffic Division.

Inspector Buck confirmed Respondent Ramirez had been present earlier and had the plans from his engineer to turn in today, and felt everything should be approved and finalized within the next 60 days. Mr. DeBlois recommended an extension of 60 days, until July 19, 2013 to obtain all approvals and final inspection.

12:43:40

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 60 days, until July 19, 2013, for compliance or a \$100 per day fine.**

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

12:43:50 **Case #2013040098 – Lowe’s Home Centers Inc.**

Mr. DeBlois advised this case was a repeat violation of a Board Order dating back to August 24, 2009 for site plan non-conformance and landscape maintenance violations.

Inspector Davis confirmed service on Lowe’s registered agent on April 25, 2013 and on Lowe’s Home Centers Inc. on April 2, 2013, and submitted nine photographs into evidence. She described dead and missing hedges, palm trees and a missing stop sign at the exit to the west of the property, and said she had met on site with various representatives and a landscaper.

Mr. DeBlois indicated due to cooperation by the Respondent’s representatives, he was not recommending a fine for the repeat violations and recommended an extension of 30 days, until June 21, 2013 for compliance.

12:46:20

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the repeat violations and grant an extension of 30 days, until June 21, 2013, for compliance or a \$100 per day fine.**

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

12:46:33     **Case #2013030116 – Robert & Nilia Barber (The Bank of New York Mellon)**

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted an Affidavit of Service indicating the property had been posted on May 9, 2013 and confirmed service on the bank on May 10, 2013. She submitted three photographs into evidence showing overgrown weeds at a vacant residence under foreclosure and recommended an extension of 30 days, until June 21, 2013 for compliance.

12:47:33

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until June 21, 2013, for compliance or a \$100 per day fine.**

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

12:47:45     **Case #2013040009 – Joseph Campi**

Inspector Carter Solomon confirmed service by certified mail on May 10, 2013 and submitted four photographs into evidence. She explained she had cited the Respondent for property maintenance violation for an unsecured vacant home and overgrown weeds on the subject property, and recommended an extension of 30 days, until June 21, 2013 for compliance.

12:49:07

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until June 21, 2013, for compliance or a \$100 per day fine.**



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

12:49:18     **Case #2013040016 – Emma Lee Williams (Josel Williams)**

Inspector Davis verified service on Respondent Williams on May 3, 2013 and said she had posted the property on May 2, 2013, and submitted two photographs into evidence. She testified she had received a complaint from the City of Fellsmere regarding a Recreational Vehicle (RV) being stored on vacant property without a primary use and junk, trash and debris, noting a home on the property had burnt down. Inspector Davis advised she had previously cited the property in January, 2012 and the case had come into compliance in June, 2012 after a \$600 fine had been imposed.

Mr. DeBlois recommended the Board find the violations and grant the Respondent approximately 30 days, until June 21, 2013, to remove the RV and clean up the property or be fined \$100 per day.

12:52:26

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until June 21, 2013, for compliance or a \$100 per day fine.**

It is noted for the record the Respondents were not present for this hearing.

12:52:35     **Case #2013030132 – William & Monica Shane Monroe**

Inspector Carter Solomon advised she did not have service on this case.

12:52:47     **Case #2013040134 – Vero Beach 2011, LLC (CVS, Corporation Service Company)**

Inspector Davis confirmed service on Respondents Vero Beach 2011, LLC on May 11, 2013; on the CVS store at 5825 20<sup>th</sup> Street, Vero Beach on May 13, 2013; and on Corporation Service Company on May 13, 2013. She submitted twelve photographs into evidence and described numerous landscape maintenance violations, site plan non-conformance and sign violations, and recommended an extension of 30 days, until June 21, 2013 for compliance.

12:54:12

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until June 21, 2013, for compliance or a \$100 per day fine.**

It is noted for the record the Respondents were not present for this hearing.

12:54:34     **Case #2013040056 – Dayton Hudson Corp. #T-1050 (Target Store)**

Inspector Davis submitted eight photographs into evidence and confirmed service on Respondent Dayton Hudson Corp. on May 2, 2013 and on the Target store at 5800 20<sup>th</sup> Street, Vero Beach on May 1, 2013, and described site plan non-conformance, landscape maintenance and sign violations.

Mr. DeBlois noted this was a repeat violation of an Order entered in May, 2012 for landscape maintenance and site plan non-conformance, and recommended an extension of 30 days, until June 21, 2013 for compliance.

12:56:02

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the repeat violations and grant an extension of 30 days, until June 21, 2013, for compliance or a \$100 per day fine.**

It is noted for the record the Respondents were not present for this hearing.

12:56:17     **Case #2013040058 – Fast Food Enterprises #2 (Burger King)**

Inspector Davis confirmed service on Fast Food Enterprises on May 2, 2013 and on the Burger King store at 5790 20<sup>th</sup> Street, Vero Beach on May 1, 2013, and submitted six photographs into evidence. She advised this was a case of dead missing landscape and site plan non-conformance violations and recommended an extension of 30 days, until June 21, 2013 for compliance.

Mr. DeBlois noted this was a repeat violation of a July, 2009 Order Finding Violation, but he was not recommending a fine at this point.

12:57:15

**ON MOTION BY Mr. Bowles, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the repeat violations and grant an extension of 30 days, until June 21, 2013, for compliance or a \$100 per day fine.**

It is noted for the record the Respondents were not present for this hearing.

12:57:45     **Case #2013040059 – Discount Auto Parts, Inc. (Advanced Auto Parts)**

Inspector Davis verified service on Discount Auto Parts on May 3, 2013 and on Advanced Auto Parts on May 1, 2013, and submitted three photographs into evidence. She testified there were landscape maintenance and site plan non-conformance violations for missing hedges and shrubs and recommended an extension of 30 days, until June 21, 2013 for compliance.

Mr. DeBlois indicated this was a repeat violation of a September, 2008 case; however he was not recommending any retroactive fine.

12:58:54

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the repeat violations and grant an extension of 30 days, until June 21, 2013, for compliance or a \$100 per day fine.**

It is noted for the record the Respondents were not present for this hearing.

12:59:03     **Case #2013050034 – G&M Investments LLC (Walgreens)**

Inspector Davis confirmed service on G&M Investments LLC on May 10, 2013 and on the Walgreens store at 5285 U.S. Highway #1, Vero Beach, on May 7, 2013. She submitted 11 photographs into evidence and described landscape maintenance and site plan non-conformance violations due to a faulty irrigation system.

Mr. DeBlois added this was a repeat violation of a 2011 Order and recommended an extension of 30 days, until June 21, 2013 for compliance.

13:00:15

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find the repeat violations and grant an extension of 30 days, until June 21, 2013, for compliance or a \$100 per day fine.**

It is noted for the record the Respondents were not present for this hearing.

### **COMPLIANCE HEARINGS**

13:00:33 **Case #2012100236 – Selective Properties LLC (Steven Shaw)**

Mr. DeBlois recapped this case had to do with land clearing and removal of protected and specimen trees on contiguous property that was cleared without permits. He recalled when the case came to the Board on February 25, 2013 Mr. John Manchec, representing the owner of the property, and Mr. Steven Shaw, who was the land clearer, attended the hearing, and at that time the Board entered an Order Finding Violation and imposed a \$40,000 fine for illegal removal of 80 protected cabbage and five protected oaks. Mr. DeBlois continued in addition to the fine, the Board also gave the Respondents until May 17, 2013 to remove piles of land clearing debris that had been left on the premises and submit a restoration and conservation plan for 2.25 acres that were subject to the County's upland set aside requirement.

Mr. DeBlois advised no progress had been made toward cleaning up the site and no plans had been submitted, and recommended a fine of \$100 per day be imposed with a start date of May 18, 2013. He submitted five photographs into evidence and specified the \$100 per day fine would be in addition to the \$40,000 flat fine previously imposed by the Board.

13:02:53

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, to find non-compliance and impose a fine of \$100 per day with a start date of May 18, 2013.**

Discussion followed about whether to impose the fine against both the land clearer and the property owner.

13:04:22

**ON AMENDED MOTION BY Mr. Petrulak, AMENDED**

**SECOND BY Mr. Hedin, the Board voted unanimously (5-0) to find non-compliance and impose a fine of \$100 per day against the property owner with a start date of May 18, 2013.**

It is noted for the record the Respondents were not present for this hearing.

13:05:36 **Case #2012120015 – Pattie Stephens**

Inspector Carter Solomon submitted three photographs into evidence and related this case initially came to the CEB on January 28, 2013, at which time the Respondent was found in violation for overgrown weeds, swimming pool maintenance and a junk vehicles. She reported the grass had been mowed once and the vehicle was removed; however since that time nothing had been done even though extensions had been granted.

Mr. DeBlois noted the junk vehicle violation had been resolved; however there were still overgrown weeds and swimming pool maintenance violations, and recommended a \$100 per day fine be imposed with a start date of May 18, 2013.

13:07:15

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance for overgrown weeds and swimming pool maintenance violations and impose a fine of \$100 per day with a start date of May 18, 2013.**

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

13:07:27 **Case #2013010114 – Estate of Terry Reese Williams**

Mr. DeBlois summarized this case had first come to the Board for an overgrown weeds violation at the February 25, 2013 CEB meeting and after two extensions when the Board revisited the case at the April 22, 2013 meeting there was an issue of the Respondent being deceased with no public record of probate or change on the estate. He reported no progress had been made and the property was still not in compliance, and recommended a fine of \$100 per day be imposed with a start date of May 18, 2013.

13:08:44

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find non-compliance for overgrown weeds and impose a fine of \$100 per day with a start date of May 18, 2013.**

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

13:09:02 **Case #2013030086 – Gerald Cairns**

Inspector Carter Solomon submitted a photograph into evidence and recapped this case had initially come to the CEB on April 22, 2013, at which time the Board found the Respondent in violation for overgrown weeds and entered a Continuing Order for junk, trash and debris. She confirmed the Respondent had maintained the property free from trash but the grass was still overgrown, and recommended a \$100 per day fine be imposed with a start date of May 18, 2013.

13:09:54

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance for overgrown weeds and impose a fine of \$100 per day with a start date of May 18, 2013.**

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

13:10:11 **Case #2012100254 – Albert Lee McCord & Patricia Hardin (J.P. Morgan Chase Bank)**

Inspector Davis submitted two photographs into evidence and advised this case originally came to the Board on February 25, 2013 for overgrown weeds and junk, trash and debris and confirmed no progress had been made towards compliance.

Mr. DeBlois recommended a \$100 per day fine be imposed with a start date of May 18, 2013.

13:10:59

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find non-compliance and impose a fine of \$100 per day with a start date of May 18, 2013.**

