

## 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, October 28, 2013 at 1:30 p.m.

Present were Chairman **Tony Gervasio**, Member-at-Large Appointee; **Joe Petrulak**, Subcontractor Appointee; **Pete Clements**, General Contractor Appointee; **Keith Hedin**, Businessman Appointee; and Vice-Chairman **Aaron Bowles**, Engineer Appointee.

Absent was **Karl Zimmermann**, Realtor 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 Terri Collins-Lister, Commissioner Assistant District 4, Recording Secretary. (Note: minutes were transcribed by Reta Smith)

### 7:00:29 **Call to Order**

Chairman Gervasio called the meeting to order and led all in the Pledge of Allegiance. The secretary called the roll, establishing that a quorum was present.

### 7:01:23 **Approval of Minutes of September 23, 2013**

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to approve the minutes of September 23, 2013 as presented.**

### 7:01:45 **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.

7:09:46 **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 #2013050016, #2013040135, #2013070139, #2013040055, #2013020065, #2013040140, #2013040137, #2013040145, #2013080018, #2013040024, #2013050084, #2013050045, #2013040133, #2013060168, #2013080032, #2013060149 and #2013060079 - 30 day extension until November 22, 2013. Cases #2011090199, #2013060018, #2013070063, #2013070048, #2013040017, #2013030057, #2013070138 and #2013070153 - 60 day extension until December 20, 2013. Cases #2013050056 and #2013040057 – 90 days until January 24, 2014. Cases #2013070092, #2013070014, #2013080102, #2013090035, #2013090026 and #2013070099 were rescheduled.

In compliance were Cases #2013080075, #2013060078, #2013080080, #2013070175, #2013080127, #2013090071, #2013080120, #2013090010, #2013090062, #2013090052, #2013090053, #2013080069, #2013080057, #2013040139, #2013040061, #2013080025, #2013050085, #2013050132, #2013050115, #2013040059, #2013040134, #2013090033, #2013070001 and #2013070005.

Mr. DeBlois recommended the Lien Release Requests be heard at a time certain starting at 3:00 p.m.

7:20:56

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

7:21:22 **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**

7:22:23 **Case #2013070052 – Martiniano & Naomi Hernandez**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, advised the Respondent was now in compliance so she would withdraw the case.

Mr. DeBlois related this case involved landscape maintenance and site plan non-conformance, along with junk, trash and debris violations at a commercial plaza on State Road #60.

Ms. Betty Davis, IRC Code Enforcement Officer, confirmed service on October 17, 2013. She submitted 13 photographs into evidence and described dead and missing landscape, over-trimming of trees and understory vegetation, mattress boxes and mattresses around the dumpster and trash on the site, and recommended an extension of 60 days, until December 20, 2013, for compliance.

Respondent Mr. Michael Rechter stated his company had hired a certified arborist to raise the canopy so there would be some visibility for the tenants of the plaza, while at the same time complying with the site plan, and showed photographs on the overhead projector. He complained about there being no visibility from the street on his property while businesses next door had completely open lands, and maintained he was being unfairly targeted. Respondent Rechter admitted there had previously been an issue with irrigation on the site, which had since been resolved.

Mr. DeBlois advised there was an opportunity for the Respondent to amend the landscape plan if he wanted to relocate certain understory or canopy trees to maximize visibility.

Discussion followed.

Mr. DeBlois noted if the Respondent planned to meet with IRC staff to amend the site plan, he would change staff's recommendation and grant a 90 day extension, until January 24, 2013, for compliance.

7:44:10

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violations and grant an extension of 90 days, until January 24, 2014, for compliance or a \$100 per day fine.**

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

7:45:04      **Case #2013080086 – Janet Mabry (U.S. Bank National Association)**

Mr. DeBlois confirmed both Respondents Mabry and the foreclosing bank had received a citation for junk, trash and debris on the subject property.

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted one photograph taken on October 25, 2013 into evidence and stated she had received complaints from the neighbors about a pile of landscape debris on the site. She indicated she had no service on Respondent Mabry; but had received service on the bank on October 17, 2013, and recommended an extension of 30 days, until November 22, 2013, for compliance.

Respondent Attorney Shane Fuller, representing the bank, related there was a Motion for Summary Judgment next month and a sale of the property should be forthcoming soon after that. He asked for an extension through January, 2014 in order to resolve the violation.

Mr. Petrulak asked who was currently maintaining the yard at the vacant home. Respondent Fuller stated the owner was responsible for taking care of the property until somebody else took ownership, and he did not know who was mowing the yard. He said he would advise his client of the situation.

7:52:49

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

7:53:45      **Case #2013090047 – Eagle Trace Estate Homes LLC (5520 62<sup>nd</sup> Lane, Vero Beach)**

Mr. DeBlois observed there were a number of cases relating to Eagle Trace Estate on today's agenda and requested all of the cases be heard, even though there was a gap on the agenda between the cases. He indicated the first case related to residentially-zoned property in the Eagle Trace Phase II subdivision that had been cited for overgrown weeds and junk, trash and debris violations for construction material and a full dumpster on the site.

Ms. Kelly Buck, IRC Code Enforcement Officer, testified she had received complaints about full dumpsters on abandoned construction sites, and winds were strewing debris from the dumpsters onto nearby occupied properties. She submitted one photograph taken on October 24, 2013 into evidence and confirmed the grass had recently been mowed but it was an ongoing problem at this location.

Mr. DeBlois recommended an extension of 30 days, until November 22, 2013, to empty and remove the dumpster and recommended the Board acknowledge compliance for the overgrown weeds violation but enter a Continuing Order so if it recurred in the future there would be a \$100 per day fine imposed.

Respondent Mr. Eli Baron, representing Eagle Trace Estate Homes LLC, advised he and Mr. Bowles had had some dealings in the past and suggested that member should recuse himself from today's proceedings. He testified when his company took over the property three years ago there were a number of abandoned homes and he felt there had been a big improvement since that time.

Let the record show Mr. Bowles recused himself from voting and completed and submitted form 8B Memorandum of Voting Conflict, which is on file in the Commission Office.

Respondent Baron related the dumpsters could be cleaned out and a week later they would be filled with junk, trash and debris that did not come from the subject property. He confirmed there was a maintenance crew on site to maintain the property on a weekly basis and requested the Board grant 90 days, until January 24, 2014, to comply because of a possible financial settlement being reached by that time.

Mr. DeBlois advised in order to have a dumpster on a construction site one of the basic requirements was it had to be associated with an active building permit, and there had not been an active permit on the property since January, 2013. He added the other aspect was that the dumpster be an appropriate size allowed under the code and be maintained so as not to be overflowing with trash. Mr. DeBlois confirmed the dumpster size was alright but the issue was there was no active building and the dumpster was overflowing.

Discussion ensued.

8:07:23

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted (3-1) to find the violation for junk, trash and debris and grant an extension of 30 days, until November 22, 2013, for removal of the dumpster; and find current compliance for the overgrown weeds violation but enter a Continuing Order so if it recurred in the future a \$100 per day fine would be imposed. Mr. Hedin opposed. Mr. Bowles abstained.**

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

8:09:19 **Case #2013090049 – Eagle Trace Estate Homes LLC (5560 62<sup>nd</sup> Lane, Vero Beach)**

Mr. DeBlois summarized this was similar to the previous case in the same subdivision. He indicated the violations were for junk, trash and debris connected with a dumpster on the site and even though the overgrown weeds were currently in compliance he requested a Continuing Order.

Inspector Buck submitted one photograph into evidence and Mr. DeBlois pointed out there were also tiles missing on the roof, which was part of the construction debris that had to be cleared up in addition to the material in the dumpster. He recommended an extension of 30 days, until November 22, 2013, for compliance.

8:10:29

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted (3-1) to find the violation for junk, trash and debris and grant an extension of 30 days, until November 22, 2013, for removal of the dumpster; and find current compliance for the overgrown weeds violation but enter a Continuing Order so if it recurred in the future a \$100 per day fine would be imposed. Mr. Hedin opposed. Mr. Bowles abstained.**

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

8:11:03      **Case #2013090050 – Eagle Trace Estate Homes LLC (6210 55<sup>th</sup> Avenue, Vero Beach)**

Mr. DeBlois recapped this was a similar issue of a dumpster with overflowing trash and overgrown weeds on the property. Inspector Buck indicated she was at the site this morning, October 28, 2013, and the lawn was still overgrown and the dumpster was there even though a building permit had expired on May 26, 2013. Mr. DeBlois recommended an extension of 30 days, until November 22, 2013, for compliance.

8:12:04

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted (3-1) to find the violations for junk, trash and debris and overgrown weeds and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine would be imposed. Mr. Hedin opposed. Mr. Bowles abstained.**

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

8:12:21      **Case #2013090043 – Eagle Trace Estate Homes (6170- 55<sup>th</sup> Avenue, Vero Beach)**

Mr. DeBlois related this was another case involving overgrown weeds and junk, trash and debris connected to a dumpster on the property. Inspector Buck submitted one photograph into evidence and confirmed the grass had not been mowed and the building permit had expired. Mr. DeBlois recommended an extension of 30 days, until November 22, 2013, for compliance.

8:13:21

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted (3-1) to find the violations for junk, trash and debris and overgrown weeds and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine would be imposed. Mr. Hedin opposed. Mr. Bowles abstained.**

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

8:13:40      **Case #2013090044 – Eagle Trace Estate Homes (6190 55<sup>th</sup> Avenue, Vero Beach)**

Mr. DeBlois reported this was a case of junk, trash and debris at a dumpster and overgrown weeds on a vacant lot. Inspector Buck submitted a photograph taken on October 24, 2013 into evidence and confirmed nothing had changed as of October 28, 2013. Mr. DeBlois recommended an extension of 30 days, until November 22, 2013, for compliance.

8:14:44

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted (3-1) to find the violations for junk, trash and debris and overgrown weeds and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine would be imposed. Mr. Hedin opposed. Mr. Bowles abstained.**

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

8:14:53      **Case #2013090051 – Eagle Trace Estate Homes (6200 55<sup>th</sup> Avenue, Vero Beach)**

Mr. DeBlois recapped there was no dumpster on this particular property; however this case had to do with junk, trash and debris for roof tiles being stored on a vacant lot and overgrown weeds. Inspector Buck submitted one photograph into evidence and advised the Respondent the tiles needed to be removed and recommended an extension of 30 days, until November 22, 2013, for compliance.

8:16:27

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted (3-1) to find the violations for junk, trash and debris and overgrown weeds and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine would be imposed. Mr. Hedin opposed. Mr. Bowles abstained.**

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



8:16:40 **Case #2013090054 – Eagle Trace Estate Homes (5500 62<sup>nd</sup> Place, Vero Beach)**

Inspector Buck submitted one photograph into evidence and described overgrown weeds and junk, trash and debris consisting of brick pavers on a vacant lot, with occupied homes on both sides on the property. Mr. DeBlois recommended an extension of 30 days, until November 22, 2013, for compliance.

8:17:33

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted (3-1) to find the violations for junk, trash and debris and overgrown weeds and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine would be imposed. Mr. Hedin opposed. Mr. Bowles abstained.**

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

8:17:40 **Case #2013090055 – Eagle Trace Estate Homes (5580 62<sup>nd</sup> Place, Vero Beach)**

Inspector Buck submitted one photograph into evidence and indicated this case had to do with overgrown weeds and a pile of junk, trash and debris on a vacant lot. Mr. DeBlois recommended an extension of 30 days, until November 22, 2013, for compliance.

8:18:25

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted (3-1) to find the violations for junk, trash and debris and overgrown weeds and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine would be imposed. Mr. Hedin opposed. Mr. Bowles abstained.**

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

8:18:44 **Case #2013090056 – Eagle Trace Estate Homes (5600 62<sup>nd</sup> Place, Vero Beach)**

Inspector Buck submitted one photograph into evidence and described assorted construction materials and overgrown weeds on a vacant lot. Mr. DeBlois

recommended an extension of 30 days, until November 22, 2013, for compliance.

8:19:15

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted (3-1) to find the violations for junk, trash and debris and overgrown weeds and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine would be imposed. Mr. Hedin opposed. Mr. Bowles abstained.**

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

Mr. Hedin explained the reason for his opposition in each of the cases involving Eagle Trace Estate Homes was because the dumpsters and junk, trash and debris had been on the premises for ten months and he thought less time than 30 days should be granted for compliance.

8:19:45 **Case #2013090107 – Joyal Enterprises, Inc. (D. R. Horton)**

Inspector Buck submitted one photograph taken October 24, 2013 into evidence and related this case had to do with a sign constructed without a permit and located in the County right-of-way. She confirmed service by registered mail on September 24, 2013, and stated the notice called for the Respondent to immediately remove the sign out of the right-of-way and to obtain a sign permit on or before October 1, 2013. Inspector Buck submitted into evidence an e-mail dated September 26, 2013 between a local sign company and the Respondent, and noted the sign company had been asked to remove the signs and apply for sign permits.

Mr. DeBlois recommended the Board find the violations and recommended an extension of 24 hours, until October 29, 2013, for the Respondent to remove the sign or be fined \$100 per day.

Respondent Mr. Howard Darvin, representing D. R. Horton, explained his previous sign contractor had created the problem and he had now contracted with a local vendor for signs on this and other development properties his company owned in the County. He requested an extension of 30 days to work with the new sign company.

Chairman Gervasio expressed his concern about the danger connected with the sign being in the right-of-way. Mr. Hedin observed the Respondent had known about the violation for some time and the sign was still in the right-of-way. Mr.

Clements did not see why the sign could not be removed in a timely manner. Mr. DeBlois added if the sign was not removed in the allotted time the County would remove it, so it was in the Respondent's interest that he remove the sign himself for future use.

8:28:56

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Bowles, the Board voted (4-1) to find the violations and grant an extension of 72 hours, until October 31, 2013, to remove the sign from the right-of-way or a \$100 per day fine would potentially be imposed. Mr. Petrulak opposed.**

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

### **LIEN RELEASE REQUEST**

8:30:36 **Case #2008020053 – Brian Rawinski & Cynthia Giannattasio**

Mr. DeBlois recapped this case initially came to the Board on April 28, 2008 for overgrown weeds and came back for a compliance hearing on May 19, 2008, at which time upon hearing nothing had been done the Board imposed a \$100 per day fine with a start date of May 17, 2008. He confirmed compliance had been verified as of July 3, 2013, which was 1,873 days of non-compliance for a flat fine of \$187,300. Mr. DeBlois noted there had been no Orders Granting Extension and recommended the fine be reduced to \$1,700 to cover administrative costs.

Respondent Mr. Andre Bezek, a realtor representing Freddie Mac, testified his employer had received a Certificate of Title dated July 10, 2013 and a Warranty Deed dated August 22, 2012 from the old foreclosing bank, and noted there was a currently a contract in the amount of \$36,500 on the property.

Inspector Jefferson confirmed the property was in compliance and had been maintained since July, 2013. Mr. DeBlois acknowledged the bank had been responsive once they got control of the property; however it had been out of compliance for five years.

8:37:58

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted (4-1) to find compliance and reduce the fine to \$1,700 to cover administrative costs. Mr. Hedin opposed.**

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

### **EVIDENTIARY HEARING**

8:40:51 **Case #2013100010 – William Juse**

Mr. DeBlois advised this case was in compliance.

### **COMPLIANCE HEARING**

8:41:34 **Case #2013090037 – Brenda Wilber**

Mr. DeBlois related this case came to Board on September 23, 2013 for property maintenance on a structure, at which time the Board granted until October 25, 2013 for the Respondent to take the boards off the windows and repair the broken window panes.

Respondent Ms. Brenda Wilber showed a photograph of the repaired windows from her cell phone and Mr. DeBlois confirmed compliance.

### **EVIDENTIARY HEARINGS**

8:47:40 **Case #2013080076 – Invero LLC (Tenant)**

Mr. DeBlois advised this case had to do with a car repair business at a multi-family residential property and junk vehicles.

Inspector Jefferson confirmed service on the tenant on October 18, 2013 and on the owner, Invero LLC, on October 1, 2013, and submitted three photographs into evidence. She stated the tenant had told her he was only repairing friends' automobiles and not receiving compensation and she had closed the zoning district use violation because he said he was in the process of moving. Inspector Jefferson recommended an extension of 30 days, until November 22, 2013, for compliance of the junk vehicles violation and to find the zoning district use violation currently in

compliance but enter a Continuing Order in case the car repair business recurred.

Respondent Mr. Benjamin Schwey, a tenant on the property, stated he was disabled and had cancer and it was almost totally impossible to run a business when he was undergoing treatment for leukemia. He indicated he would be vacating the subject property within a week's time.

8:56:16

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation for junk vehicles and grant an extension of 30 days, until October 25, 2013, for compliance; and to find compliance for the zoning district use violation and enter a Continuing Order in case the car repair business recurred, or a \$100 per day fine.**

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

8:57:12      **Case #2013100070 – 6350 Shoppes LLC (Mattress Firm)**

Mr. DeBlois advised this case related to Citation #0191 in the amount of \$400 for four days of an illegal sign display on Mattress Firm property, and submitted a copy of the citation into evidence.

Inspector Davis submitted two photographs into evidence and testified she had cited the property several times in the past for illegal signs. She confirmed Citation #0191 was issued for a sign being on the site from October 11<sup>th</sup> through October 14<sup>th</sup>, 2013. Inspector Davis submitted an Affidavit of Service indicating the property had been posted on October 17, 2013, and reported the sign was still present when she went to post the property and even though an employee removed the sign at that time, he told her it was worth the cost of business to keep the signs out and pay the fine whenever the Respondent had a sale.

Mr. DeBlois referred to page 231 of the backup and related the Board had previously entered an Order in November, 2012 indicating that any future violations would entail a \$500 per day fine, so there was an opportunity for the Board to impose a \$500 per day for each day of non-compliance. He recommended the Board uphold Citation #0190 in the amount of \$400; however by virtue of today's hearing the Respondent would be put on notice that any future violations would be \$500 per day fine.

Inspector Davis submitted into evidence an e-mail dated October 24, 2013 from the owner of the building, Mr. Alan Rosenthal, who stated he was trying to maintain compliance and did not feel he should be fined for what his tenant did.

Mr. DeBlois advised if the Board wished, they had an opportunity to impose a \$500 per day fine for each illegal sign. Chairman Gervasio noted there was four days of non-compliance in this case and asked why staff was not looking for a \$2,000 fine.

Attorney David Hancock, Attorney for the Board, advised the Respondent had already been cited and the fine amount could not be changed; however the Board could recommend any future citation be set at \$500 per sign per day.

Respondent Mr. Sean Powers, representing Mattress Firm, indicated in the future they would apply for a sign permit to advertise a special event sale.

9:04:58

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find four days of repeat violation and uphold Citation #0191 in the amount of \$400.**

It is noted for the record a representative of Mattress Firm was present for this hearing.

9:08:18      **Case #2013070019 – Terry & Tracy Borcheller**

Mr. Andrew Sobczak, IRC Senior Planner, submitted a 2012 aerial photograph and a survey of the subject property into evidence and related the lot had a 20 foot wide conservation easement with an adjacent 10 foot wide no-building zone, which was where native vegetation had been removed and playground equipment had been constructed. He submitted a photograph into evidence showing some of the play equipment in the conservation area, and added it was also straddling the property line and encroaching 10 feet into the neighboring property.

Mr. Sobczak indicated the Respondents were looking to purchase an abutting vacant property and relocate the conservation easement over onto that site, rather than relocate the playground equipment; and believed this would be a viable option provided the homeowners' association of the subdivision approved. He estimated approximately several hundred square feet of native vegetation had been removed and related he had asked that the native vegetation be replanted if the equipment

was removed. Mr. DeBlois recommended the Board find there was a violation of an illegal structure in the County easement and grant the Respondent 90 days, until January 24, 2014, to either apply for approval to relocate the easement or to remove the equipment and replant vegetation in the area of encroachment.

9:15:23

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation of an illegal structure in the County easement and granted the Respondent 90 days, until January 24, 2014, to either apply for approval to relocate the easement or to remove the equipment and replant vegetation in the area of encroachment.**

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

9:15:46      **Case #2013060157 – The Southland Corp.**

Inspector Davis confirmed service on The Southland Corp. in Dallas, Texas on October 16, 2013 and on the Vero Beach 7-11 store on October 21, 2013, and submitted two photographs into evidence showing deficient landscape maintenance and site plan non-conformance. She verified the sign violation was in compliance and recommended an extension of 30 days, until November 22, 2013, for compliance.

9:17:22

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violations for landscape maintenance and site plan non-conformance and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:17:33      **Case #2013070150 – Christopher Lawry**

Inspector Jefferson reported she had no service on this case.

9:17:42 **Case #2013080037 – Mark Elliott**

Inspector Jefferson advised there was no service on this case.

9:17:54 **Case #2013080081 – Edward & Wendy Winter**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on October 18, 2013 and two photographs into evidence. She testified she had received complaints about overgrown weeds and junk, trash and debris at a vacant house, and recommended an extension of 30 days, until November 22, 2013, for compliance.

9:18:55

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:19:07 **Case #2013080074 – HMC Holiday Village LLC**

Mr. DeBlois related this case had to do with overgrown weeds at a former mobile home park that was destroyed during the 2004 hurricanes. Inspector Jefferson confirmed receiving service on September 16, 2013 and recommended an extension of 30 days, until November 22, 2013, for compliance.

9:20:46

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:21:00 **Case #2013040044 – Steven Strongblood**

Mr. DeBlois stated this case would be rescheduled.



9:21:31 **Case #2013070064 – U.S. Bank NA**

Inspector Jefferson confirmed service on October 15, 2013 and submitted one photograph into evidence showing overgrown weeds. She recommended an extension of 30 days, until November 22, 2013, for compliance.

9:22:37

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:22:37 **Case #2013070130 – Deitria Andrews**

Inspector Carter Solomon stated there was no service on this case.

9:22:46 **Case #2013080077 – Robert & Gladys Jean Williams (First Impressions)**

Mr. DeBlois recapped this case had to do with landscape maintenance and site plan non-conformance violations at a day-care business.

Inspector Jefferson confirmed service on Respondents Robert & Gladys Jean Williams on September 12, 2013 and First Impressions on September 13, 2013, and submitted four photographs into evidence. She described dead and missing landscape material on the subject property and recommended an extension of 60 days, until December 20, 2013, for compliance.

9:24:15

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until December 20, 2013, for compliance or a \$100 per day fine.**

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

9:24:26 **Case #2013080128 – First Union National Bank of Florida**

Mr. DeBlois indicated this case related to landscape maintenance and site plan non-conformance violations at a commercial property.

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on October 18, 2013 and confirmed service by certified mail on the Vero Beach branch of First Union National Bank on October 16, 2013 and on First Union National Bank in California on October 21, 2013. She submitted five photographs into evidence and pointed out dead and missing landscape due to an irrigation problem on the site, and recommended an extension of 30 days, until November 22, 2013, for compliance.

9:25:58

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:26:09 **Case #2013080130 – Puget of Texas (C.T. Corporation System)**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on October 18, 2013 and 10 photographs into evidence; and confirmed service on Puget of Texas, Deerfield Beach, Florida on October 21, 2013; on Puget of Texas, Lacey, Washington on October 21, 2013; and on C.T. Corporation in Plantation, Florida on October 18, 2013. She advised this case had to do with landscape maintenance and site plan non-conformance at the Walgreens' store on State Road #60 in Vero Beach, and recommended an extension of 60 days, until December 20, 2013, for compliance.

9:28:34

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 60 days, until December 20, 2013, for compliance or a \$100 per day fine.**

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

9:28:52      **Case #2013090064 – Phyllis McCullers**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on October 18, 2013 and described overgrown weeds on the subject site. She recommended an extension of 30 days, until November 22, 2013, for compliance.

9:29:34

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:29:44      **Case #2013090066 – Georgios & Melpomeni Varahidis**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on October 18, 2013 and one photograph into evidence. She noted the property had been cited for overgrown weeds on several occasions in the past and recommended an extension of 30 days, until November 22, 2013, for compliance.

9:30:15

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:30:27      **Case #2013090095 – Yanna Group Inc.**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on October 18, 2013 and four photographs into evidence. She testified she had received a complaint that a mobile home had been pulled onto the property and the walls around the air conditioning unit had been removed. Inspector Davis summarized the Respondent had been cited for no building permit, zoning district

use violation, property maintenance violation for no fence around the generator unit, and location of structures violation for the location of the mobile home and the required fence. She recommended an extension of 30 days, until November 22, 2013, for compliance.

9:32:58

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:33:12      **Case #2013080041 – Gina & Ryan Albrecht**

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

9:33:18      **Case #2013080094 – Bank of New York Mellon**

Inspector Jefferson confirmed service on October 16, 2013 and submitted one photograph into evidence and pointed out overgrown weeds at a vacant residence. She recommended an extension of 30 days, until November 22, 2013, for compliance.

9:34:04

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:34:20      **Case #2013080095 – Kelly Construction**

Inspector Jefferson confirmed service on October 17, 2013 and submitted one photograph into evidence showing overgrown weeds on a vacant lot. She recommended an extension of 30 days, until November 22, 2013, for compliance.

9:34:57

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:35:06     **Case #2013080097 – Scott Hodges (Mark Treling)**

Inspector Jefferson indicated she had no service in this case.

9:35:16     **Case #2013080110 – Joseph & Kimberly Chapman (Deutsche Bank National Trust)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on October 18, 2013 and two photographs showing overgrown weeds into evidence. She recommended an extension of 30 days, until November 22, 2013, for compliance.

9:36:45

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:36:57     **Case #2013080111 – Robert & Gabrielle Gravitt (PNC National Bank)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on October 18, 2013 and two photographs into evidence. She advised the property had gone through the foreclosure proceeding and a Certificate of Title to the bank had been issued on October 25, 2013, so she would withdraw Respondents Robert & Gabrielle Gravitt from the notice and would proceed against Respondent PNC National Bank.

Inspector Carter Solomon related the cited violation was for overgrown weeds

and recommended an extension of 30 days, until November 22, 2013, for compliance.

9:38:08

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:38:29      **Case #2013080083 – Gigi Garcia (Tenant)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on October 18, 2013 and one photograph into evidence, and indicated the cited violations were for overgrown weeds and junk, trash and debris. She testified the grass had been cut as of October 28, 2013, so she would withdraw the overgrown weeds violation; however there was still some junk, trash and debris on the site. Inspector recommended an extension of 30 days, until November 22, 2013, for compliance.

9:39:35

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation for junk, trash and debris and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:39:45      **Case #2013090106 – Kelly Construction**

Inspector Buck confirmed service on October 17, 2013 and submitted one photograph taken on October 24, 2013 into evidence. She indicated the Respondent told her he needed time to comply with the overgrown weeds violation and recommended an extension of 30 days, until November 22, 2013, for compliance.

9:40:57

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

### **COMPLIANCE HEARINGS**

9:41:23      **Case #2013040161 – Anthony & Marie Cafiero (J.P. Morgan Chase Bank)**

Mr. DeBlois related the Board had entered an order on August 26, 2013 granting the Respondents until October 25, 2013 to resolve the swimming pool maintenance and overgrown weeds violations on the subject property. Inspector Jefferson submitted one photograph into evidence and reported nothing had been done. She recommended the \$100 per day fine be imposed with a start date of October 26, 2013.

9:42:32

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of October 26, 2013.**

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

9:42:53      **Case #2013070047 – Melanie Kremkau**

Mr. DeBlois recapped this case had first been to the Board on September 23, 2013, at which time the Board granted 30 days, until October 25, 2013, for the Respondent to mow overgrown weeds at a vacant property. Inspector Jefferson submitted two photographs into evidence and indicated no progress had been made towards compliance. She recommended a \$100 per day fine be imposed with a start date of October 26, 2013.

9:43:54

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of October 26, 2013.**

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

9:44:04      **Case #2013070029 – Nicole Devlin**

Mr. DeBlois recalled this case initially came to the Board for junk, trash and debris and overgrown weeds on September 23, 2013, at which time an extension was granted until October 25, 2013. Inspector Jefferson submitted two photographs into evidence and reported the junk, trash and debris violation had been resolved; however there were still overgrown weeds in the rear yard. She recommended a \$100 per day fine be imposed with a start date of October 26, 2013.

Mr. DeBlois noted since the front yard had been mowed and the junk, trash and debris had been removed, he would recommend an extension of 30 days, until November 22, 2013, for compliance.

9:45:57

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:46:38      **Case #2013070136 – Alfred & Miriam Davis**

Inspector Buck submitted one photograph into evidence and confirmed this case first came to the Board on September 23, 2013 for an abandoned unsecured vacant structure that had been damaged by fire. She noted nothing had been done and the IRC Building Department was continuing with condemnation proceedings, and recommended a \$100 per day fine be imposed with a start date of October 26, 2013.





9:50:45      **Case #2013070162 – Michael Lockhart (J.P. Morgan Chase Bank)**

Mr. DeBlois indicated this case had been to the Board on September 23, 2013 for overgrown weeds, at which time the Board granted a 30 day extension until October 25, 2013, to mow the overgrown grass. Inspector Davis advised the front yard had been mowed but nothing had been done to the side and rear yard, and said she would contact the bank to let them know the violation had not been resolved. Mr. DeBlois recommended an extension of 30 days, until November 22, 2013, for compliance.

9:51:52

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to grant an extension of 30 days, until November 22, 2013, for compliance or a \$100 per day fine.**

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

9:52:03      **Case #2013080009 – Abdool Khan (Countrywide Home Loans Inc.)**

Mr. DeBlois recalled this case came before the Board on September 23, 2013 for overgrown weeds, at which time an extension was granted until October 25, 2013. Inspector Davis noted this was a repeat violation and submitted one photograph taken October 26, 2013 into evidence, adding nothing had been done. Mr. DeBlois recommended a \$100 per day fine be imposed with a start date of October 26, 2013.

9:53:01

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of October 26, 2013.**

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

9:53:11      **Case #2013040047 – Titone Properties LLC**

Inspector Carter Solomon related this case had first come to the Board on September 23, 2013 for no building permit for interior renovations. She recalled the Respondent was at the initial hearing and stated he would apply for a permit; however as of this morning none had been applied for. Inspector Carter Solomon

recommended a \$100 per day fine be imposed with a start date of October 26, 2013.

9:53:59

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of October 26, 2013.**

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

9:54:13     **Case #2013080030 – Douglas & Catherine Woodby (GMAC Mortgage LLC)**

Inspector Carter Solomon summarized this case had initially been to the Board on September 23, 2013, at which time the Board entered an order giving the Respondents 30 days, until October 25, 2013, to resolve the overgrown weeds, property maintenance and the fence or wall violations. She submitted two photographs taken on October 28, 2013 into evidence and confirmed nothing had been done, and recommended a \$100 per day fine be imposed with a start date of October 26, 2013.

9:55:06

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of October 26, 2013.**

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

9:55:21     **Case #2013070152 – PNC Bank NA**

Inspector Carter Solomon stated this case had been to the Board on September 23, 2013 for overgrown weeds, junk, trash and debris and a swimming pool maintenance violation. She submitted two photographs taken on October 28, 2013 into evidence and reported the violations had not been resolved, and recommended a \$100 per day fine be imposed with a start date of October 26, 2013.

9:56:11

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of October 26, 2013.**

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

9:56:19      **Case #2013070131 – Wells Fargo Bank NA**

Inspector Carter Solomon related this case originally came to the Board on September 23, 2013, at which time the Board granted the Respondent until October 25, 2013 to resolve the overgrown weeds violation. She submitted two photographs taken on October 28, 2013 into evidence and noted nothing had been done; and recommended a \$100 per day fine be imposed with a start date of October 26, 2013.

9:57:03

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of October 26, 2013.**

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

9:57:13      **Case #2013040147 – Ronald Masse (Deutsche Bank National Trust)**

Inspector Carter Solomon reported this case initially came to the Board on August 26, 2013 and the Board granted 30 days to resolve the overgrown weeds and junk, trash and debris violations, with one extension subsequently being granted. She submitted two photographs taken October 28, 2013 into evidence and observed nothing had been done; and recommended a \$100 per day fine be imposed with a start date of October 26, 2013.

9:58:04

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of October 26, 2013.**

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



hearing in January, 2013, and upon hearing compliance had not been attained the Board imposed a \$100 per day fine with a start date of December 22, 2012. He confirmed compliance as of October 14, 2013, which was a passage of 296 days of non-compliance for an accrued fine of \$29,600.

Mr. DeBlois recommended the Board set the fine in the amount of \$1,700 to cover administrative costs.

10:05:36

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find compliance and set the fine amount at \$1,700 to cover administrative costs.**

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

10:06:21 **Case #2011090225 – Tito Antonio Pena**

Mr. DeBlois summarized this case initially came to the Board on November 28, 2011 for overgrown weeds. He advised the case came back in February, 2012, and after hearing nothing had been done, the Board entered an Order Imposing Fine with a start date of February 25, 2012. Mr. DeBlois confirmed compliance had been verified as of May 7, 2012, which was a passage of 72 days of violation for an accrued fine amount of \$7,200.

10:07:53

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find compliance and set the fine at the accrued amount at \$7,200.**

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

10:08:13 **Case #2012080153 – James Collucci & Marie Simmons**

Mr. DeBlois said he would reschedule this case.

10:08:53 **Case #2010050122 – Emily Fagnant (Aurora Loan Services LLC)**

Mr. DeBlois said this case would be rescheduled.

10:09:02 **Case #2013040009 – Joseph Campi**

Mr. DeBlois recapped the Board had entered an order on May 20, 2013 for a property maintenance violation for graffiti on a door and a broken window and overgrown weeds, and granted until June 21, 2013 for compliance. He continued when the case came back for a compliance hearing on June 24, 2013 and staff testified the issues were not resolved, the Board imposed a fine of \$100 per day with a start date of June 22, 2013. Mr. DeBlois confirmed the property came into compliance as of July 8, 2013, which was a passage of 16 days for an amount of \$1,600. He recommended the Board acknowledged compliance and set the fine at the accrued amount of \$1,600.

10:10:11

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find compliance and set the fine amount at the accrued amount of \$1,600.**

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

10:10:25 **Authorization for Notices to Appear**

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the November 25, 2013 meeting.**

### **Other Matters**

There were none.

### **Adjournment**

There being no further business, the meeting was adjourned at 4:40 p.m.