

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, January 26, 2015 at 1:30 p.m.

Present were Chairman **Karl Zimmermann**, Realtor Appointee; **Pete Clements**, General Contractor Appointee; **Tony Gervasio**, Member-at-Large Appointee; **Joe Petrulak**, Subcontractor Appointee; and **David Myers II**, Businessman Appointee (arrived at 1:32 p.m.).

Let the record show there are vacancies for an Architect Appointee and an Engineer Appointee.

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

10:39:07 **Call to Order**

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

10:40:22 **Election of Officers**

Chairman Clements announced Mr. Aaron Bowles had resigned from the Board and would therefore not be a candidate for nomination. Mr. Myers arrived at 1:32 p.m.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to elect Mr. Karl Zimmermann as Code Enforcement Board Chairman for 2015.

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Zimmermann, the members voted unanimously (5-0) to elect David Myers II as Code Enforcement Board Vice-Chairman for 2015.

10:42:34 **Approval of Minutes of November 24, 2014**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to approve the minutes of November 24, 2014 as presented.

10:42:56 **Attorney's Overview of Board Purpose and Procedures**

Attorney Jennifer Peshke, Attorney for the Board, gave a brief overview of the procedures and purpose of the Code Enforcement Board.

10:48:58 **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 #2013100068, #2014070175, #2014030031, #2014090125, #2014070141, #2014100112, #2014070146, #2014100157, #2014070053, #2013100037, #2014070169 and #2014100070 - 30 day extension until February 20, 2015. Cases #2012120009, #2014070011, #2014060021, #2014090140, #2013040024, #20140800090, #2014080132, #2014090134, #2014100101, #2012100094, #2014030039 and #2014070102 - 60 day extension until March 20, 2015. Cases #2014060097, #2013070120, #2013110071 – 90 extension until April 24, 2015. Cases #2014070238, #2014100083, #2014110016, #2014110021, #2014120085, #2014120143, # were rescheduled.

In compliance were Cases #2014100131, #2014100011, #2014100117, #2014070174, #2014100087, #2014110036, #2014090001, #2014120029, #2014120051, #20145120062, #2014120072, #2014090120, #2014120097, #2014120126, #2014120150, #2014100081, #2012100236, #2014070108, #2014090142, #2014050034, #2014070149, #2014080008, #2014070101, #2014070105, #2014090094, #2014090116, #2014070210 and #2014120044.

Mr. DeBlois noted there was an addendum to the agenda concerning a compliance hearing for Case #2014080001, Indigo Development Inc., and he recommended on Consent a 60 day extension until March 20, 2015. He recommended the Lien Release Requests be heard at 3:00 p.m., and advised Case #2010090072, Janet Mabry (U.S. Bank), would be heard via a conference call at a time certain of 4:00 p.m.

11:01:46

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

11:02:10 **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

11:02:49 **Case #2014100071 – Maryellen & Douglas Margiotta**

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted three photographs into evidence showing overgrown weeds on a vacant lot.

Respondent Mr. Doug Margiotta said he fenced in the property because he was afraid neighborhood children might get hurt climbing a tree on the lot and did not understand why he had to keep it mowed.

Mr. DeBlois explained once a lot in a platted subdivision had been mowed the grass had to be kept to a height of less than 12 inches, and recommended an extension of 60 days, until March 20, 2015, for compliance.

11:12:25

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until March 20, 2015, for compliance or a \$100 per day fine.

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

11:13:51 **Case #2014100138 – Pinnacle Groves Ltd.**

Ms. Kelly Buck, IRC Code Enforcement Officer, submitted one photograph taken January 22, 2015 into evidence and testified she had received complaints from residents about a dumpster outside the approved area, along with furniture and miscellaneous debris. She mentioned she had cited the Respondent in the past for the same issue and advised the Respondent of the option of applying for administrative approval (AA) for additional dumpsters on the site; however the

violations were always complied with before the matter came before the Board.

Ms. Jennifer Tailor, representing the Respondent, explained when residents moved from apartments and left items behind, the articles were put in the dumpster in question. She stated she had received proposals from a number of vendors to build an enclosure around the dumpster and intended to go through with the AA process.

Mr. DeBlois recommended an extension of 30 days, until February 20, 2015, for the Respondent to comply by removing the dumpster and debris until obtaining AA from the County.

Discussion followed.

Mr. DeBlois clarified if the dumpster was going to be on the premises for more than 30 days during the AA process, it should be kept in a non-overflow condition. He amended his recommendation to grant 60 days, until March 20, 2015, to resolve the dumpster enclosure issue.

11:26:29

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 60 days, until March 20, 2015, for the Respondent to obtain administrative approval for the dumpster or a \$100 per day fine; with the understanding the area around the dumpster be kept in a non-overflow condition in the meantime.

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

11:27:41 **Case #2014110041 – Mi Lee Copeland (Fred Mensing)**

Mr. DeBlois indicated this case had to do with property zoned Rose-4 that allowed both site-built and mobile homes. He explained Mr. Fred Mensing had placed a mobile home on the property without approvals for building permits, tie-downs and hook-ups, etc., and compliance would be to obtain the proper permits and complete the mobile home set up or remove it from the property.

Ms. Betty Davis, IRC Code Enforcement Officer, submitted an Affidavit of

Service indicating the property had been posted on January 15, 2015, and two photographs into evidence. She confirmed the IRC Building Department had posted the site as dangerous and required the mobile home to either be permitted or removed, or they could demolish it and put a lien against the property. She submitted into evidence correspondence from Mr. Mensing and the Respondent's husband, Mr. Dan Copeland, whereby Mr. Copeland had requested the mobile home be removed.

Chairman Zimmermann inquired how the mobile home was moved onto the subject property in the first place.

Mr. Copeland related Mr. Mensing had contacted him while his wife was out of town and asked to either buy or lease the subject property but he had not given his permission for the mobile home to be moved onto the site.

Mr. Fred Mensing advised his stepson was the legal owner of the mobile home in question and it was his understanding it was all right to place it on the subject property owned by Respondent Copeland.

Chairman Zimmermann observed Respondent Mi Lee Copeland was shaking her head and it appeared to him she was not giving permission to keep the mobile home on her property and had no interest in selling the property to Mr. Mensing. He advised the only issue the Board was concerned with was that a mobile home was illegally on the subject property, and the remaining issues were a civil matter between the Respondent and Mr. Mensing.

Mr. DeBlois clarified there were two alternatives for compliance; one was for the mobile home to be removed to a legal location and properly permitted or that it be properly permitted on the subject property.

Respondent Ms. Mi Lee Copeland confirmed she had not given permission for the mobile home to be moved on to her property and wanted it removed.

Lengthy discussion followed.

Mr. DeBlois felt the mobile home was essentially abandoned on the subject property similar to an automobile and he recommended a 60-day time frame, until March 20, 2015, to get it removed from the site. Mr. Petrulak recommended the Respondent contact the IRC Sheriff's department and let them know the mobile home was on her property illegally.

2012, at which time compliance was acknowledged and a fine was set in the amount \$1,700. Mr. DeBlois continued regarding the following Case #2012010090, Gifford Gardens LLC, there was an Order Imposing Fine entered in May, 2012 for an unsafe building violation, and that case had yet to be resolved so there was still a fine accruing on the property.

Mr. DeBlois requested property at 4230 26th Avenue, Vero Beach, be released from both liens because it was no longer owned by either Mr. Melech Berman or Gifford Gardens.

Discussion followed about how the title of the property at 4230 26th Avenue came to be clouded by the two other cases mentioned above.

Mr. Jonathan Carrol, a bank representative, testified there was a contract for sale on the property at 4230 26th Avenue and the liens on the other properties were inhibiting the sale.

Mr. DeBlois submitted information from the IRC Property Appraiser's office into evidence and was not sure of the legal weight of the lien on the property involved in the request. He recommended the Board accommodate the bank's request to clear the title.

12:15:16

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to release the property at 4230 26th Avenue from the lien association with Case #2011090027, Melech Berman.

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

12:18:21 **Case #2012010090 – Gifford Gardens LLC**

This case was discussed along with the previous case; however the Board decided to make a separate motion to accommodate the Lien Release Request.

12:18:32

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to release the property at 4230 26th Avenue from the lien association with Case #2012010090, Gifford Gardens LLC.

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

12:18:55 **Case #2012090149 – Edner Romilus et al (U.S. Bank N.A.)**

Mr. DeBlois summarized this case first came to the Board on October 22, 2012, at which time both Respondent Romilus and the bank were cited for overgrown weeds on a vacant lot. He continued when the case came back for a compliance hearing on January 28, 2013, upon learning the violation had not been corrected the Board imposed a \$100 per day fine with a start date of December 22, 2012.

Mr. DeBlois verified compliance as of January 19, 2015, which was a passage of 758 day of non-compliance for a flat accrued fine amount of \$75,800. He noted there had been one extension which translated to \$2,000 for administrative costs or 10% of the accrued fine amount would be \$7,580.

Ms. Bea Nelson, a realtor representing the bank, advised the subject property was assessed at \$39,770 and there was presently a contract in the amount of \$29,900 pending today's hearing. She asked for a reduction in the lien amount, adding there were also taxes and a utility lien connected with the property, which was in poor condition and needed a new roof, etc.

12:24:49

ON MOTION BY Mr. Clements, SECONDED BY Mr. Gervasio, the Board voted (4-1) to acknowledge compliance and set the fine at 10% of the accrued fine for an amount of \$7,580. Chairman Zimmermann opposed.

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

12:27:04 **Case #2012110093 – Marie Simmons**

Mr. DeBlois related this case had originally been to the Board on February 25, 2013 for a fence installed without a permit and a commercial trailer at the residence, at which time the Board gave the Respondent until March 22, 2013 to obtain after-the-fact permits for the fence and remove the commercial vehicle from the property. He continued the case eventually came back to the Board on October 28, 2013 after several extensions, and upon hearing the fence violation was unresolved the Board entered a \$100 per day fine with a start date of October 26, 2013.

Mr. DeBlois confirmed compliance as of April 29, 2014, which was 185 days of non-compliance for a flat fine in the amount of \$18,500. He noted there were five extensions granted, meaning administrative costs would amount to \$3,200 and 10% of the accrued flat fine would be \$1,850.

Ms. Patricia Collucci and Mr. James Collucci, daughter and son of the Respondent, said they were not aware of any liens against the property.

Mr. DeBlois explained part of the reason five extensions had been granted was because the commercial vehicle violation had complied and there was some misunderstanding regarding communicating exactly what had to be done to get the fence permitted, resulting in the fine finally being imposed.

Mr. Vanessa Carter Solomon, IRC Code Enforcement Officer, testified Respondent Simmons had been into the office several times and was aware of liens on her properties and the cases had been scheduled for Lien Release Requests on several occasions; but she was not present for any of the hearings.

Discussion ensued.

Mr. DeBlois mentioned Respondent Simmons did not reside at the subject property and the tenant might have been receiving the Orders Granting Extension; nevertheless he concluded she was aware of the fines after they had been imposed. He recommended setting the fine at 10% of the flat fine for an amount of \$1,850.

12:46:12

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted (2-3) to acknowledge compliance and set the fine at \$1,850, or 10% of the flat fine. Chairman Zimmermann, Mr. Myers II and Mr. Clements opposed.

It was the consensus the three members were opposed because of continuity and setting a precedent.

12:47:28

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to acknowledge compliance and set the fine at \$3,200 to cover administrative costs of \$1,700 and \$1,500 for five extensions.

It is noted for the record the Respondent's son and daughter were present for this hearing.

Mr. DeBlois explained the Respondent's children were trying to sell a property that was not part of this case but was clouded by the lien and they wanted a partial release for a third property.

Discussion followed.

12:54:51 **Case #2012080153 – James Collucci & Marie Simmons**

Mr. DeBlois recapped this case first came to the Board on November 26, 2012 for junk, trash and debris and a mobile home frame on the property, at which time the Board found the violations and gave the Respondents until January 25, 2013 to clean up the property and remove the mobile home. He continued the case came back for a compliance hearing on April 22, 2013, at which time staff testified the junk, trash and debris violation had not been resolved and the Board entered a \$100 per day fine with a start date of April 20, 2013.

Mr. DeBlois verified compliance as of September 20, 2013, which was the passage of 153 days on non-compliance for a flat fine of \$15,300. He advised 10% of the flat fine would be \$1,530 and administrative costs would be \$1,700 plus \$1,200 for four extensions, for a total amount of \$2,900.

Respondent James Collucci maintained he had done what was necessary to comply.

Mr. DeBlois explained there had been some progress made and partial compliance was attained; however the fine involved junk, trash and debris on the site after four extensions had been granted. He recommended the fine be set at \$2,900 for administrative costs.

13:01:26

ON MOTION BY Mr. Clements, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to acknowledge compliance and set the fine amount at \$2,900 to cover administrative costs.

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

Chairman Zimmermann called a recess at 3:55 p.m. and reconvened the meeting at 4:02 p.m.

13:04:06 **Case #2010090072 – Janet Mabry (U.S. Bank)**

A speaker phone interview was attempted; however it was not successful due to technical difficulties and Mr. DeBlois decided to move on with the agenda and hear this case later on.

13:08:46 **Case #2012100050 – Roland & Marie Noel**

Mr. DeBlois recounted this case had originally been to the Board on November 26, 2012 for an overgrown weeds violation, at which time a 30-day extension until December 21, 2012, was granted. He related the case came back on January 28, 2013, and after hearing nothing had been done a \$100 per date was imposed with a start date of December 22, 2012.

Mr. DeBlois confirmed compliance was verified as of December 16, 2014, which was 724 days of non-compliance for a flat accrued fine of \$72,400. He noted 10% of the flat fine would be \$7,240 or administrative costs in the amount of \$1,700.

The new owner of the property stated Respondents Roland & Marie Noel had abandoned the property and he acquired it on December 2, 2014 at a courthouse sale and immediately worked towards compliance.

Mr. DeBlois recommended the fine be set at 10% of the flat fine for an amount of \$7,240.

13:13:30

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to acknowledge compliance and set the fine amount at \$7,240, representing 10% of the flat fine.

It is noted for the record the new owner of the property was present for this hearing.

13:15:34 **Case #2013040017 - John Latt & Nichole Rockwood**

Mr. DeBlois summarized this case first came to the Board on June 24, 2013 for construction debris, property maintenance violation and health safety

hazard/public nuisance, at which time an extension was granted until August 23, 2013. He continued the case came back for a compliance hearing on January 27, 2014 after two extensions, and upon learning nothing had been done the Board entered an Order Imposing Fine of \$100 per day with a start date of December 21, 2013.

Mr. DeBlois noted compliance was confirmed as of December 30, 2014, which was a passage of 339 days of non-compliance for a flat fine of \$33,900. He confirmed 10% of the flat fine would be \$3,390 or estimated administrative costs of \$2,300.

Mr. Otto Torkaman stated he had bought the property on December 12, 2014 through a tax sale and complied in less than one month.

Mr. DeBlois noted the property was in an unsafe condition for a lengthy period of time and recommended the fine be set at 10% of the flat fine for an amount of \$3,390.

13:21:20

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to acknowledge compliance and set the fine amount at \$3,390, representing 10% of the flat fine.

It is noted for the record the new owner of the property was present for this hearing.

13:22:00 **Case #2013040047 – Titone Properties LLC**

Mr. DeBlois recapped this case originally came to the Board on September 23, 2013 for interior modifications to a residence without permits, at which time the Board granted until October 25, 2013 to obtain after-the-fact permits and inspections; and when it came back for a compliance hearing the Board imposed a \$100 per day fine with a start date of October 26, 2013.

Mr. DeBlois verified compliance as of January 26, 2015, which was 457 days of non-compliance for a flat fine in the amount of \$45,700. He advised 10% of the flat fine would be \$4,570 or estimated administrative costs of \$1,700.

Respondent Mr. Mark Titone stated a tenant on the property had started a fire in the residence and fought him in court when he tried to do an eviction. He indicated

he had a buyer for the property and asked that the fine be reduced to administrative costs.

Mr. DeBlois noted Respondent Titone was present at the initial hearing and recommended the fine be reduced to 10% of the flat fine, for an amount of \$4,570.

13:27:38

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to acknowledge compliance and set the fine amount at \$4,570, representing 10% of the flat fine.

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

13:27:56 **Case #2014060076 – Titone Properties LLC**

Mr. DeBlois related this case had first been to the Board on July 28, 2014 for household garbage and trash in the rear yard of the subject property, at which time the Board granted until August 22, 2014 for compliance. He continued when the case came back for a compliance hearing on August 25, 2014, upon learning nothing had been done the Board imposed a fine of \$100 per day with a start date of August 23, 2014.

Mr. DeBlois verified compliance as of September 2, 2014, which was 10 days after the fine was imposed and translated to a flat fine of \$1,000. He noted there were no extensions granted so the administrative costs would be \$1,700.

Respondent Mr. Mark Titone testified the tenants on the subject property had been evicted and had led him to believe the junk, trash and debris violation had been taken care of.

Mr. DeBlois recommended rescinding the fine in this case because of the circumstances and the prompt response by the Respondent to comply within 10 days.

13:33:36

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted (3-2) to acknowledge compliance and waive the fine on this case. Chairman Zimmermann and Mr. Myers II opposed.

Chairman Zimmermann expressed concern about the Board moving away from its precedent. Mr. Petrulak observed there were other cases the Board had granted extensions to for a similar violation; but in this case no extension was granted.

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

13:36:26 **Case #2011090199 – John & Marlene Cairns**

Mr. DeBlois indicated this case had to do with property at the Jungle Club fitness center that initially came to the Board on November 28, 2011 for land clearing permit violation and drainage not constructed in accordance with the approved site plan at the time. He advised the Board imposed a \$500 fine for the land clearing violation, which had since been paid; however the lingering issue was obtaining site plat approval for drainage re-configuration and complying with the either the current approved plan at the time or a revised plan.

Mr. DeBlois stated a number of extensions had been granted to allow for the revised site plan approval submittal process and it ultimately came back to the Board for a compliance hearing on January 27, 2014, at which time staff advised the site drainage was not constructed in accordance with the approved plan at the time and consequently the Board imposed a \$100 per day fine with a start date of December 21, 2013. He noted this case had come back to the Board on April 28, 2014, at which time the Respondent advised he was trying to get a loan to cover the cost associated with coming into compliance and the Board agreed to subordinate the CEB lien to allow for the bank to issue a loan for the Respondent to complete the necessary work. Mr. DeBlois summarized at this point the work had been completed and the Respondent was back to address the fine.

Mr. DeBlois related there was a passage of 401 days of non-compliance which translated to a flat fine in the amount of \$40,100. He noted 10% of the flat fine would be \$4,100 and administrative costs would be \$1,700 plus \$2,700 for nine extensions, for a total of \$4,400.

Mr. Randy Mosby, representing the Respondent, explained the project had taken so long because of difficulties dealing with the rock formation associated with the location of the Jungle Club and permitting for other additions, also going through approximately three different AAs for landscape changes. He asked the Board to consider rescinding the lien because of the expense involved to complete the project.

Mr. DeBlois recommended setting the fine at \$4,400 to cover administrative costs.

13:45:50

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to find compliance and reduce the fine to administrative costs in the amount of \$4,400.

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

13:46:47 **Case #2014030069 – Titone Properties LLC (Tenant)**

Mr. DeBlois recapped this case first came to the Board on August 25, 2014 for overgrown weeds and junk, trash and debris, at which time the Board granted 30 days for compliance. He continued the case came back for a compliance hearing on November 24, 2014 after two extensions, and upon hearing nothing had been resolved the Board entered a \$100 per day fine with a start date of November 22, 2014. Mr. DeBlois confirmed compliance on December 3, 2014, after 11 days of non-compliance for an accrued flat fine in the amount of \$1,100.

Respondent Mr. Mark Titone submitted a copy of a page from a lease signed by his tenant into evidence stating the tenant was responsible for all garbage, trash, etc.; however the tenant had appeared before the Board and advised the junk, trash and debris on the site was not her responsibility. He maintained the tenant had deceived both him and the Board and noted any fine imposed today would be paid by the tenant.

Mr. DeBlois pointed out Respondent Titone was present at the October 27, 2014 meeting when a 30 day extension was granted and the violation was not resolved, regardless of what the circumstances were between him and his tenant. He recommended either the flat fine of \$1,100 or potentially a reduction in the fine amount.

Discussion followed.

Mr. Petrulak noted this case had dragged out for a long period of time before compliance was attained.

13:56:18

ON MOTION BY Mr. Petrulak, SECONDED BY Chairman Zimmermann, to find compliance and set the fine at \$2,300 to cover administrative costs.

Mr. DeBlois did not believe the Board had latitude beyond the flat fine in this case because the Order Imposing Fine was strictly for the flat fine amount or something less. Attorney Peshke agreed with Mr. DeBlois.

Mr. Petrulak rescinded his motion and Chairman Zimmermann rescinded his second.

13:57:29

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find compliance and set the flat fine at \$1,100.

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

EVIDENTIARY HEARINGS

13:59:49 **Case #2014100050 – Kelly Construction & Development**

Inspector Jefferson confirmed service on January 8, 2015 and submitted one photograph into evidence. She described overgrown weeds on the subject property and recommended an extension of 30 days, until February 20, 2015, for compliance.

14:00:34

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 20, 2015, for compliance or a \$100 per day fine.

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

14:00:48 **Case #2014100009 – Nighat Chagani**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, confirmed service on January 14, 2015, and submitted one photograph into evidence. She reported the cited violations were for unpermitted construction in the right-of-way and

no building permit, and noted the Respondent had poured a concrete apron the right-of-way without a permit and also built a shed with a permit that had not been finalized. Inspector Carter Solomon recommended an extension of 60 days, until March 20, 2015, for compliance.

14:02:19

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 60 days, until March 20, 2015, for compliance or a \$100 per day fine.

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

14:02:30 **Case #2014100032 – Tarpon IV LLC**

Inspector Carter Solomon confirmed service on January 16, 2015 and submitted one photograph into evidence. She described an old house in extreme disrepair that had been cited for property maintenance and zoning district use violations, and recommended an extension of 60 days, until March 20, 2015, for compliance.

14:03:45

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violations and grant an extension of 60 days, until March 20, 2015, for compliance or a \$100 per day fine.

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

14:04:02 **Case #2014100084 – Gerald & Adele Miller**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on January 15, 2015 and two photographs into evidence. She described overgrown weeds and health and safety hazard/public nuisance violation for a recreational vehicle (RV) connected to electric on the property, and recommended an extension of 30 days, until February 20, 2015, for compliance.

14:05:30

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until

February 20, 2015, for compliance or a \$100 per day fine.

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

14:05:47 **Case #2014090105 – Rodolfo Jesus Carrillo Fernandez**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on January 16, 2015 into evidence, and described health and safety hazard/public nuisance for pepper trees encroaching onto adjacent property. She recommended an extension of 30 days, until February 20, 2015, for compliance.

Mr. DeBlois cited section 973.03 of the IRC code and clarified in this case the overhanging limbs were creating a fire hazard for the adjoining lot owner.

Discussion ensued.

14: 12:11

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 20, 2015, for compliance or a \$100 per day fine.

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

14:12:29 **Case #2014110026 – William & Patricia Brogna (Cindy Pugliese)**

Inspector Davis submitted two photographs into evidence and described junk, trash and debris on the subject property and confirmed service on Respondent Brogna on January 17, 2015 and on Respondent Pugliese on January 15, 2015. She noted the property had been foreclosed on but the new ownership had not been recorded and recommended an extension of 30 days, until February 20, 2015, for compliance.

14:14:57

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 20, 2015, for compliance or a \$100 per day fine.

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

14:14:34 **Case #2014110001 – The Enclave at Vero Beach HOA**

Inspector Kelly Buck submitted an Affidavit of Service indicating the property had been posted on January 15, 2015 and two photographs into evidence. She stated the case had to do with an abandoned subdivision that was overgrown and recommended an extension of 60 days, until March 20, 2015, for compliance.

Mr. DeBlois explained staff's focus was on the common areas of the property near the front of the road and not each individual lot, except for lots with homes that had been partially constructed.

14:18:15

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until March 20, 2015, for compliance or a \$100 per day fine.

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

14:18:47 **Case #2014100153 – Michael & Rachael Kramer (ABN AMRO Mortgage Group, Inc.)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on January 16, 2015 and three photographs showing overgrown weeds into evidence. She confirmed service on the foreclosing bank on January 14, 2015 and recommended an extension of 30 days, until February 20, 2015, for compliance.

14:19:47

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 20, 2015, for compliance or a \$100 per day fine.

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

14:19:50 **Case #2014110037 – Daniel & Colleen Zicari**

Inspector Jefferson confirmed service on January 15, 2015 and submitted four photographs into evidence. She related the property had been cited for health and safety hazard/public nuisance, unsafe building, property maintenance and junk, trash and debris violations.

Mr. DeBlois explained a fire had burnt the house and the building had been secured and the yard maintained and the Respondents had pulled a demolition permit as of today's date. He recommended an extension of 60 days, until March 20, 2015, for compliance.

14:21:17

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violations and grant an extension of 60 days, until March 20, 2015, for compliance or a \$100 per day fine.

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

14:21:36 **Case #2014120015 – Joshua Putman (U.S. Bank National Association)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on January 16, 2015 and two photographs into evidence. She confirmed service on the bank on January 15, 2015 and indicated the case had to do with junk, trash and debris and a large oak tree constituting a health and safety hazard/public nuisance violation at a vacant residence. Inspector Carter Solomon recommended an extension of 30 days, until February 20, 2015, for compliance.

14:22:59

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 20, 2015, for compliance or a \$100 per day fine.

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

14:23:13 **Case #2014120061 – Robert & Evelyn Weatherington (PNC Mortgage)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on January 16, 2015 and two photographs into evidence. She confirmed service on the bank on January 6, 2015 and testified the cited violation was for overgrown weeds in the rear yard of the subject property, and recommended an extension of 30 days, until February 20, 2015, for compliance.

14:24:57

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 20, 2015, for compliance or a \$100 per day fine.

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

14:24:47 **Case #2014120090 – Asi Ben Simon & Ben Tzvist (Tenant)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on January 16, 2015 and one photograph into evidence. She described junk, trash and debris on the subject property and recommended an extension of 30 days, until February 20, 2015, for compliance.

14:25:57

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 20, 2015, for compliance or a \$100 per day fine.

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

14:26:09 **Case #2014120130 – Daniel & Colleen Zicari**

Mr. DeBlois advised this case was in compliance.

COMPLIANCE HEARINGS

14:26:36 **Case #2014080019 – Roberto & Yolanda Diaz**

Inspector Carter Solomon submitted two photographs into evidence and recapped this case initially came to the Board on September 22, 2014, at which time the Respondents were present. She testified the overgrown weeds and swimming pool maintenance violations were complied; however two junk vehicles were still on the site.

Mr. DeBlois noted the Board's Order granted until December 19, 2014 for compliance of the junk vehicles and recommended the fine be imposed with a start date of December 20, 2014.

14:28:36

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to find non-compliance for the junk vehicles and impose a \$100 per day fine with a start date of December 20, 2014.

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

14:28:52 **Case #2014020095 – Leroy Miller (Floridascapes Lawn & Landscape Service)**

Inspector Carter Solomon detailed this case initially came to the Board on June 23, 2014 for no building permit for a shed, stockpiling of land clearing debris and zoning district use violation for agriculturally-zoned property being used for a commercial landscape business that was not incidental to or associated with an onsite nursery.

Mr. DeBlois advised this matter was reviewed by IRC Planning staff and in order to achieve compliance the Respondent would have to establish a bona fide nursery on the site and everything related to the use of the property would have to be an accessory to that bona fide agricultural use. He added the Respondent would also have to cease the stockpiling of debris on site and apply for and obtain a building permit for sheds on the property.

Mr. DeBlois confirmed some nursery plantings had been established on the site; however there was still stockpiling of debris unrelated to mulching or anything

associated with the agriculture use. Inspector Carter Solomon submitted four photographs into evidence and testified the stockpile contained wood, garbage bags, old Christmas trees and material not associated with a nursery, adding on one occasion she had observed a truck picking up debris from the pile to take the land fill.

Mr. DeBlois felt it was still not clear whether or not there was a principal agricultural use on the property; but the debris piling was specifically contrary to the Board's Order regarding compliance. He recommended the \$100 per day fine be imposed with a start date of December 20, 2014.

14:32:41

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of December 20, 2014.

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

14:32:54 **Case #2014100178 – J.P. Morgan Chase Bank NA**

Inspector Davis recapped this case first came to the Board on October 31, 2014 for swimming pool enclosure violation, swimming pool maintenance, property maintenance, overgrown weeds and junk, trash and debris. She submitted four photographs into evidence and reported some work had been done by the bank but the pool was still accessible and the fence was still falling down.

Mr. DeBlois advised staff had received a letter from J.P. Morgan Chase Bank NA saying they had transferred the mortgage to another bank; however the IRC Property Appraiser had no record any other owner of the property. He concluded the property was not in compliance and recommended the fine be imposed against Respondent J.P. Morgan Chase Bank NA.

14:35:49

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine against J.P. Morgan Chase Bank NA with a start date of December 20, 2014.

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

14:36:08 **Case #2014090124 – Peter Rossell**

Inspector Carter Solomon indicated this case initially came to the Board on November 24, 2014 for overgrown weeds. She submitted two photographs into evidence and reported nothing had been done and recommended a \$100 per day fine be imposed with a start date of December 20, 2014.

14:37:05

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of December 20, 2014.

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

14:37:20 **Case #2014060066 – John & Karen Kuehne**

Inspector Carter Solomon recapped this case had first been to the Board on November 24, 2014 for overgrown weeds and a property maintenance violation for a pond on the property. She submitted one photograph into evidence and indicated nothing had been done and recommended the fine be imposed with a start date of December 20, 2014.

14:38:04

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of December 20, 2014.

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

14:38:16 **Case #2014100004 – John A Morgan (Estate) (E&Y Assets LLC)**

Inspector Carter Solomon summarized this case initially came for an evidentiary hearing on November 24, 2014 for an unsecured vacant structure, swimming pool maintenance and pool enclosure, at which time the Board granted an extension of seven days, until December 1, 2014, for the pool enclosure violation to be resolved and 30 days, until December 19, 2014, for the remaining violations to come into compliance. She submitted four photographs into evidence and testified locks had been put on the door so the house was not accessible and the pool had been drained; however all of the pool screens were broken.

Inspector Carter Solomon recommended the \$100 per day fine be imposed with a start date of December 2, 2014.

14:39:52

ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of December 2, 2014.

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

14:40:57 **Case #2014100018 – Monty & Lora Peters**

Inspector Carter Solomon related this case first came to the Board on November 24, 2014 for overgrown weeds on a vacant lot, at which time a 30-day extension was granted. She submitted two photographs into evidence showing the property was in the same condition and recommended the \$100 per day fine be imposed with a start date of December 20, 2014.

14:41:53

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of December 20, 2014.

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

14:42:08 **Case #2014090110 – James & Sherry Moore (Tenant)**

One the advice of Attorney Peshke, Mr. DeBlois said he would withdraw this case and issue a Notice to the new owner of the subject property.

14:45:57 **Case #2014090106 – Gary Dean Compton**

Mr. DeBlois recalled this case had been before the Board for an evidentiary hearing on November 24, 2014 for junk vehicles and overgrown weeds, at which time the Board granted the Respondent until January 23, 2015 to comply. He confirmed the overgrown weeds violation had been resolved.

Inspector Jefferson testified the Respondent thought if he obtained current

registration and insurance for the vehicle it would resolve the junk vehicle violation; however she had advised it would also have to be roadworthy.

Mr. DeBlois noted one vehicle had been removed and the grass had been cut, and there had been a certain level of compliance. He recommended an extension of 30 days, until February 20, 2015, for compliance of the remaining junk vehicle violation.

14:47:38

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find non-compliance for the junk vehicle and grant an extension of 30 days, until February 20, 2015, for compliance.

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

LIEN RELEASE REQUESTS

14:48:19 **Case #2010090072 – Janet Mabry (U.S. Bank)**

Mr. DeBlois recapped this case had first been to the Board on February 28, 2011 for junk, trash and debris, at which time both Respondent Janet Mabry and the U.S. Bank had been cited. He continued the Board gave until March 25, 2011 for compliance with one Order Granting Extension, and when the case ultimately came back for a compliance hearing on April 25, 2011, upon hearing nothing had been done the Board entered a \$100 per day fine starting on April 23, 2011.

Mr. DeBlois advised since that time a foreclosure had occurred on the property and staff verified compliance as of December 23, 2014 after the foreclosure action, which was 1,341 days of non-compliance for a flat fine of \$134,100. He stated the bank was taking the position the County's lien was inferior due to the foreclosure and was scrubbed during that process as it applied to the subject property; however it would still remain against any other real and personal property of the owner. Mr. DeBlois recommended the Board acknowledge compliance and set the fine at 10% of the flat fine, for an amount of \$13,410.

14:51:26

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to find compliance and set the fine at 10% of the flat fine, or a amount of \$13,410.

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

Mr. DeBlois stated he would reschedule any remaining Lien Release Requests that had not been heard today due to Respondents not being present.

14:51:54 **Authorization for Notices to Appear**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the February 23, 2015 meeting.

Other Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 5:50 p.m.