

CODE ENFORCEMENT BOARD

A meeting of the Indian River County (IRC) Code Enforcement Board (the Board) was held in the Commission Chambers at the County Administration Building, 1801 27th Street, Building "A", Vero Beach, Florida on Monday, August 24, 2015 at 1:30 p.m.

Present were Chairman **Karl Zimmermann**, Realtor Appointee; **David Myers II**, Businessman Appointee, **Stephen Boehning**, Engineer Appointee; **Tony Gervasio**, Member-at-Large Appointee; **Joe Petrulak**, Subcontractor Appointee.

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

Let the record show that there is a vacancy for an Architect 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; David Checchi and Betty Beatty-Hunter, IRC Contractor License Investigators; and Lisa Carlson, Recording Secretary.

9:03:31 **Call to Order**

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

9:06:36 **Approval of Minutes of**

ON MOTION BY Mr. Myers, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve the minutes of July 27, 2015 as presented.

9:07:03 **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.

9:12:36 **Agenda Additions or Deletions, Consent Items**

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief,

Deputy County Attorney Bill DeBraal related that the abandoned property was in foreclosure and asked the Board to rescind this parcel property from the lien so that it would be a partial satisfaction of the code lien, clearing title for the sale.

Mr. DeBlois recommended the board release the subject property from the lien but keep the fine amount in place.

9:30:47

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to release the subject property from the lien but keep the fine amount of \$4010 in place.

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

EVIDENTIARY HEARINGS

9:31:51 **Case #2015030026 - Fire House Garage Inc.**

Mr. DeBlois summarized that this case had to do with a commercially zoned property. There were some site modifications that occurred without the required county site plan approval as well as some landscape maintenance and storm water drainage issues. The owner has met with staff on an initial site plan approval.

Ms. Betty Davis, IRC Code Enforcement Officer, submitted an Affidavit of Service indicating that the property was posted on August 14, 2015. She described a concrete drive in a retention pond area as well as parking and landscape maintenance issues and is recommending a 90 day extension for compliance due to the site plan issues.

Engineering representative for the Respondent, Mr. Todd Smith, testified that he has been tasked with modifying the drainage system to accommodate the concrete slab. He agreed with the staff recommendation of 90 days that grants him the time to resolve the issues.

since paid the citation.

Respondent Mr. James Funk related that until Mr. Checchi educated him, he was unaware of many of the permitting requirements in this county. He stressed that he did not willfully and deliberately try to manipulate the system.

10:18:55

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to uphold the citations in the amount of \$500 to both the homeowners and the drywall contractor.

It is noted for the record that the Respondents were present for this hearing.

10:19:25 **Case #2015070051 – Stegar I LLC, Gary Nash, Reg. Agent**

Mr. DeBlois pointed out that this is the first of three cases relating to the same violations.

Investigator Checchi testified that after receiving complaints regarding unpermitted work and unlicensed contractors, he approached the subject property on July 10, 2015 and observed trucks in the driveway backed up to the garage. Mr. Brian Martin and Mr. John Diskin came to the door and stated they were doing painting and trim work for the owner but were not authorized to allow access onto the property. After confirming that no permits were issued, Mr. Checchi posted a Stop Work Order and issued \$500 citations to Mr. Martin, Mr. Diskin and Mr. Gary Nash, the homeowner. An after the fact permit has since been issued.

Respondent Mr. Gary Nash stated that at the time that this violation occurred, he was in negotiations to hire a new contractor. In the meantime, he hired Mr. Martin and Mr. Diskin to assemble some cabinets and put them in place but not mount them. It is unknown to him why they did end up mounting one cabinet but he contends that they did not do anything else.

10:23:53

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to uphold Citation #1187 in the amount of \$500.

The Respondent stated that regarding the following two cases, he will be paying their fines as well. Discussion ensued as to whether these cases would still

need to be heard and it was concluded that they do.

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

10:29:10 **Case #2015070053 – Stegar I LLC, Gary Nash, Reg. Agent and Brian Martin**

Mr. DeBlois read the complaint related to the previous case above.

The Respondent clarified that there was no painting or trim work being done when the inspector arrived; he had mistakenly told him that because he was nervous. He will not contest the citation.

10:34:20

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to uphold Citation #1185 in the amount of \$500.

It is noted for the record the Respondents were present for this hearing.

10:34:45 **Case #2015070054 – Stegar I LLC, Gary Nash, Reg. Agent and John W. Diskin**

Mr. DeBlois read the complaint related to the previous case above.

Mr. Nash related that he was standing in for Mr. Diskin and would be paying the citation.

10:35:47

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to uphold Citation #1184 in the amount of \$500.

It is noted for the record that the Respondent Gary Nash was present for this hearing but Respondent John Diskin was not.

10:36:04 **Case #2015060024 – N.W. Flach**

Ms. Betty Beatty-Hunter, IRC Contractor License Investigator, testified regarding an unlicensed contractor and unpermitted work.

the project is self-funded. He didn't feel it was fair to be fined since he continually made progress on the property and kept up with inspections.

10:51:15

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted (4-1) to find compliance and reduce the fine to \$4700 to cover administrative costs. Mr. Gervasio was the opposing vote.

Discussion followed regarding the cost of each extension and the two year time frame of this project.

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

10:59:44 **Case #2010100094 - John C Ruzkowski and Citibank, N.A.**

Mr. DeBlois related that the case concerned overgrown weeds on a vacant property. The original Order dated November 22, 2010 gave the Respondents until January 21, 2011 to come into compliance after which a \$100 per day fine was imposed. January 26, 2015 is the compliance date with 1465 days accrued for a fine of \$146,500 and administrative costs of \$1700. Staff acknowledges that since the violations were not a substantial safety issue, perhaps 10% or \$14,650 would be excessive; however, due to the time frame, perhaps \$1700 administrative costs would be rather low. He recommends a \$2500 total fine.

Ms. Tammy Bogart, listing agent representing Citibank, N.A., testified that this property is currently under contract. It was not foreclosed on until June 2015 but the bank began maintaining the property on January 26, 2015 and it has remained in compliance since. She respectfully requested that the fine be reduced to administrative costs.

11:05:15

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted (0-5) to find compliance and reduce the fine to \$2500 to cover administrative costs. THE MOTION WAS DEFEATED.

Discussion followed regarding the date the bank took possession, when maintenance on the property began, and whether a \$2500 fine is appropriate based on the four year time frame.

11:06:59

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to find compliance and reduce the fine to \$5000.

It is noted for the record that a representative for the current property owner was present for this hearing.

11:07:25 **Case #2014120015 - Joshua S Putman and US Bank National Assoc**

Mr. DeBlois related that this case concerned fallen tree debris and dead oak tree limbs causing potential hazard to adjacent properties. On March 23, 2015 the board entered an Order imposing a \$100 per day fine with a start date of March 21, 2015. Staff verified compliance on August 7, 2015 for a total of 139 days of non-compliance for a \$13,900 fine plus administrative fees of \$2000. Staff supports setting the fine at administrative costs only.

Inspector Carter Solomon testified that the bank did attempt to comply before August of 2015 by sending a company to trim the tree; however, there was a misunderstanding as to what trimming needed to be done.

Ms. Tammy Bogart, listing agent representing US Bank National Association, testified that this property is currently under contract. It was foreclosed on in May 2015 and on July 6, 2015, the bank became aware of the code violation and immediately contacted Inspector Carter Solomon and were informed of the specific tree issue. A tree trimming company was dispatched, but as mentioned earlier, there was a misunderstanding as to the specific trimming needed, causing the project to take extra time. She respectfully requested that the fine be reduced to administrative costs.

Discussion followed regarding the date the bank took possession versus when maintenance on the property began.

11:15:10

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to find compliance and reduce the fine to \$2000 to cover administrative costs.

It is noted for the record that a representative for the current property owner was present for this hearing.

11:16:03 **Case #2013100151 - Regina M Ginn & Ken Stuckey**

Mr. DeBlois related that the case concerned debris and junk vehicle violations. It originally came before the Board on February 24, 2014 and the Respondent was given until March 21, 2014 to come into compliance. There was one subsequent extension before it came to the Board for a compliance hearing on April 28, 2014 at which time the Respondents were found not in compliance and a \$100 per day fine was imposed with a start date of April 26, 2014. Staff has verified compliance as of July 20, 2015 after a passage of 450 days which would be a \$45,000 fine plus \$2000 administrative costs. Staff supports setting the fine at administrative costs only.

Mr. Richard Beneducci, listing agent representing Fannie Mae Mortgage Association, testified that this property is barred from fines by the foreclosure. He went on to say that everything is in compliance now.

Discussion followed regarding the doing a partial lien request or hold holding off on entering an order until clarification can be reached.

This case is TABLED until the next meeting on September 28, 2015.

It is noted for the record that a representative for the current property owner was present for this hearing.

11:21:25 **Case #2014070062 - Kenneth A Landers Jr & Doris J Inman Landers and Green Tree Servicing**

Mr. DeBlois testified that this is case is about an unmaintained swimming pool which originally came before the Board on August 25, 2014 and granted the Respondent until October 2014 to come into compliance, at which time the Board found noncompliance and posted a \$100 per day fine beginning October 25, 2014. The verification date for compliance was August 17, 2015 which is a passage of 296 days for a fine of \$29,600 plus administrative fees of \$1700. Staff recommends setting the fine at 10% of the flat fine which is \$2960.

Mr. Richard Beneducci, listing agent representing Fannie Mae Mortgage Association, testified that his company received the property on July 8, 2015 and immediately put the property into compliance by draining and covering the swimming

lift is moved from the south to the north side of the dock, the issue could be resolved.

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on August 14, 2015 and one aerial photograph into evidence. She testified that a permit was issued in 1996 but was never closed.

Respondent Ms. Raquel Tilton testified that she recently spoke to the company that built the dock in 1996 and they are investigating the problem.

Mr. DeBlois stated that waterfront lots such as this are uncommon in that the property line extends into the water. The reason for the problem is that the neighbor is trying to sell his property and needs clear title as soon as possible. Staff recommends giving the Respondent 30 days to flip the boat lift to the other side with a compliance date of September 25, 2015.

Discussion ensued regarding the time and logistics needed to make the boat dock change.

11:41:31

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until September 25, 2015, for compliance or a \$100 per day fine would be imposed.

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

11:43:15 **Case #2015080030 - Robert & Allison Dewees**

Mr. DeBlois related that this case involved a semi-truck parking at a residence that exceeds the size limit allowed.

Inspector Carter Solomon testified that the truck without the trailer has been parked in the driveway for extended periods. An Affidavit of Service indicating the property had been posted on August 14, 2015 and one photo was entered into evidence.

Mr. DeBlois discussed the code, a copy of which was entered into evidence, which allows for a semi to be parked for no more than ten hours in a calendar month on a residential property and no overnight parking. He recommends a 30 day extension until September 25, 2015 for the Respondent to come into compliance by

11:52:17 **Case #2015070162 - Federal Home Loan, Mortgage Corp**

Mr. DeBlois testified that this case is about a repeat violation involving an unsecured structure, debris and overgrown weeds.

Inspector Davis related that this complaint came from the City of Fellsmere regarding the condition of the property. The Respondent did clean up the majority of the debris but there are still a few issues. Four photos have been submitted into evidence. Staff is requesting a 30 day extension for compliance.

11:57:38

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until September 25, 2015, for compliance or a \$100 per day fine would be imposed.

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

11:58:05 **Case #2015070137 – Mark Titone and Mark Titone**

Inspector Carter Solomon submitted eight photographs into evidence and described miscellaneous building materials and debris as well as overgrown weeds on the subject property. She also discussed the swimming pool that is unsecured due to a fence issue. Staff recommends an extension of 30 days, until September 25, 2015, for compliance.

Respondent Mr. Mark Titone stated that he recently purchased the property that had been vacant for eight years and immediately began getting calls from Code Enforcement. He has been diligent in working on the property and intends to be in compliance within the 30 day extension.

12:11:41

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 25, 2015, for compliance or a \$100 per day fine would be imposed.

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

nonconformance and landscape maintenance violations. The well pump has been stolen twice which has caused landscaping to die. In addition, the property needs to be secured. Five photos have been entered into evidence and staff is requesting an extension 60 days for compliance, until October 23, 2015.

12:17:25

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until October 23, 2015, for compliance or a \$100 per day fine would be imposed.

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

12:17:39 **Case #2015060063 Joanne T. Roberts**

Inspector Davis testified that the Respondent was cited for an unpermitted dock that was put in between 2007 and 2009. Two photos have been entered into evidence and staff is requesting an extension 60 days for compliance, until October 23, 2015.

12:18:45

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until October 23, 2015, for compliance or a \$100 per day fine would be imposed.

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

12:18:59 **Case #2015060091 William C. Sr and William Minnis**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on August 14, 2015 and six photos into evidence. She testified that the Respondent was cited for overgrown weeds, debris and an unsecured vacant structure. The property is currently in probate as the owner passed away but the daughter is working on resolving the problems. Staff is requesting an extension of 30 days, until September 25, 2015, for compliance in securing the property and mowing the overgrown weeds. In addition, staff is requesting an extension of 60 days, until October 24, 2015 to repair or demolish the structure.

12:21:35

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 25, 2015, for compliance in securing the property and mowing the overgrown weeds or a \$100 per day fine would be imposed. In addition, the Board granted an extension of 60 days, until October 24, 2015, for compliance in repairing or demolishing the structure or a \$100 per day fine will be imposed.

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

12:21:44 **Case #2015060127 Beachland Property Group LLC**

Inspector Jefferson testified that the Respondent has been cited for an overgrown vacant lot. Staff is requesting an extension 30 days for compliance, until September 25, 2015.

12:22:33

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 September 25, 2015, for compliance or a \$100 per day fine would be imposed.

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

12:22:39 **Case #2015060042 Filgeance Fleuristal**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on August 12, 2015 and four photos into evidence for debris and an unpermitted fence. Staff is requesting an extension 30 days for compliance, until September 25, 2015.

12:23:39

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 September 25, 2015, for compliance or a \$100 per day fine would be imposed.

12:28:18

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 25, 2015, for compliance or a \$100 per day fine would be imposed.

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

12:28:30 **Case #2015060154 Martha R Williams**

Inspector Jefferson submitted an Affidavit of Service indicating the property was posted on August 12, 2015, and three photos into evidence. She testified that the Respondent has been cited for overgrown weeds, maintenance violations and debris. Staff is requesting an extension 30 days for compliance, until September 25, 2015.

12:29:45

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 25, 2015, for compliance or a \$100 per day fine would be imposed.

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

12:29:51 **Case #2015070023 Bryon S Parker**

Inspector Jefferson testified that the Respondent was cited for overgrown weeds and debris and submitted two photos into evidence. Staff is requesting an extension of 30 days for compliance, until September 25, 2015.

12:30:45

ON MOTION BY Mr. Boehning, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 25, 2015, for compliance or a \$100 per day fine would be imposed.

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

12:31:02 **Case #2015070097 Jeffrey Harms & Hannah Rockey**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on August 12, 2015 and three photos into evidence for overgrown weeds. Staff requests an extension of 30 days for compliance, until September 25, 2015.

12:32:00

ON MOTION BY Mr. Boehning, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until September 25, 2015, for compliance or a \$100 per day fine would be imposed.

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

12:32:02 **Case #2015070098 David L Earle**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on August 12, 2015 and four photos into evidence for overgrown weeds. Staff requests an extension of 30 days for compliance, until September 25, 2015.

12:32:00

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 September 25, 2015, for compliance or a \$100 per day fine would be imposed.

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

COMPLIANCE HEARINGS

12:34:02 **Case #2015060054 Loretta Larose, Sawgrass Welding & Repair, Loretta Emons and Freddy Ray Emmons**

Inspector Davis testified that this is the eighth time that this case has been before the Board. The Respondent has been cited for excessive storage of vehicles, boats and trailers on the subject property. Five photos have been submitted into evidence. Staff is requesting that the Board find noncompliance and that the fine be

Adjournment

There being no further business, the meeting was adjourned at 4:30 p.m.

Chairman Karl Zimmermann

Date

Lisa Carlson, Recording Secretary

Date