A meeting of the Indian River County (IRC) Code Enforcement Board (the Board) was held in the Commission Chambers at the County Administration Building, 1801 27th Street, Building “A”, Vero Beach, Florida on Monday, May 22, 2017 at 1:30 p.m.

Present were Chairman Stephen Boehning, Engineer Appointee; Vice-Chairman Pete Clements, General Contractor Appointee; David Myers II, Businessman Appointee; and Joe Petrulak, Subcontractor Appointee.

Karl Zimmermann, Realtor Appointee, was absent.

Let the record show that there is a vacancy for an Architect Appointee as well as a vacancy for a Member-at-Large Appointee.

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

Call to Order

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

Approval of Minutes

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to approve the minutes of April 24, 2017 as presented.

Attorney’s Overview of Board Purpose and Procedures

Attorney Ms. Jennifer Peshke, Attorney for the Board, gave a brief overview of the procedures and purpose of the Code Enforcement Board.
4:57:24 **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 #2016120067, #2014040012, #2017030074, #2017030076, #2016120045, #2017030075, #2017020023 and #2016120100 – 30-day extension until June 23, 2017. Cases #2017010004, #2016050001, #2016030077, #2015060063, #2015060062, #2017030072 and #2017020032 – 60-day extension until July 21, 2017. Case #2015100143 – 90-day extension until August 25, 2017. Cases #2017010088, #2017030172, #2016070091, #2017040057, #2016050004, #201050027, #2012120003 and #2013110011 have been rescheduled. Case #2016070031 – Mr. DeBlois advised the Board that Respondent Marcilla Yorks’ daughter contacted staff and indicated that her mother is hospitalized, and requested that the case hearing be rescheduled, to which staff did not object.

In compliance were Cases #2017020122, #2017030066, #2017030031, #2017020066, #2017040035, #2016020006, #2016120071, #2017020110, #2017040061, #2017040169, #2017040058, #2017030182, #2017030188, #2017050051, #2015030026, #2017010121, #2017020035 and #2017020018.

Mr. DeBlois recommended that the Administrative Hearings be heard at 2:30 p.m. and that the Lien Release Requests be heard at 3:00 p.m. or later. He noted that there is an Addendum to the agenda which contains three Lien Release requests.

5:08:13

**ON MOTION BY Mr. Myers II, SECONDED BY Mr. Petrulak, the Board voted unanimously (4-0) to accept the Consent Agenda with the revisions.**

5:08:35 **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**

5:08:42 **Case #2017030170 – Constance R. Schmale Adams**

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted eight
photographs into evidence and described debris, zoning use and landscape violations as well as illegal parking in the right of way on the Subject Property. She recommended a sixty-day extension, until July 21, 2017, for the Subject Property to be brought into compliance.

Respondent Ms. Constance Medlin agreed to the proposed sixty-day extension.

5:19:25
ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (4-0) to find the violation and grant an extension of sixty days, until July 21, 2017, for compliance or a $100 per day fine would be imposed.

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

5:29:42 Case #2017020138 – Jude T. Marleau

Inspector Ms. Rose Jefferson submitted three photographs into evidence as well as a Building Permit issued by the Indian River County Building Division. She testified that this case involved an expired building permit for a fence and recommended a thirty-day extension, until June 23, 2017, for the Subject Property to be brought into compliance.

Respondent Mr. Jude Marleau advised that he was under the impression that the County would automatically perform the final inspection and that he didn’t know that he had been expected to schedule it.

5:32:41
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and grant an extension of thirty days, until June 23, 2017, for compliance or a $100 per day fine would be imposed.

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

5:34:18 Case #2017020105 – Dara Nicholls

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted one
photograph into evidence and testified that this case involved the use of a recreational vehicle (RV) as living quarters on the Subject Property. She recommended a sixty-day extension, until July 21, 2017, for the Subject Property to be brought into compliance.

Respondent Ms. Dara Nicholls testified that she had been unaware that allowing people to live in the RV was a code violation and agreed to the proposed sixty-day extension.

5:39:21
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and grant an extension of sixty days, until July 21, 2017, for compliance or a $100 per day fine would be imposed.

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

5:41:52 Case #201040170 – McDonald’s Restaurants of FL Inc.

Ms. Betty Davis, IRC Code Enforcement Officer, submitted fifteen photographs into evidence and described landscaping and sign violations at the Subject Property. She recommended a sixty-day extension, until July 21, 2017, for the Subject Property to be brought into compliance.

Representative for the Respondent, Ms. Liliam Sanchez, agreed to the proposed extension of sixty days.

5:48:51
ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and grant an extension of sixty days, until July 21, 2017, for compliance or a $100 per day fine would be imposed.

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

COMPLIANCE HEARINGS

5:52:43 Case #2015070003 – Kelly Garceau
Mr. Roland DeBlois reviewed this case that initially came before the Board on November 23, 2015 for site plan nonconformance issues regarding a shared access driveway. The Respondent has since gone through the process of hiring an engineer and has obtained a site plan for project design. After several extensions, there has been a great deal of progress observed and he recommended a thirty-day extension, until June 23, 2017, for compliance.

Respondent Mr. Kelly Garceau explained details of the project and stated that he continues to make efforts to complete the site plan work and has dissolved the Safe Tow business.

5:59:51
ON MOTION BY Mr. Petrolak to find the violation and impose a fine of $100 per day. There was no second to the motion. MOTION FAILED.

6:01:41
ON MOTION BY Mr. Myers II, SECONDED BY Mr. Clements the Board voted (3-1) to find the violation and grant an extension of thirty days, until June 23, 2017, for the Subject Property to be brought into compliance or a $100 per day fine would be imposed. Mr. Petrolak was the opposing vote.

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

6:02:43  Case #2017050053 – Tracey Scarborough

Mr. Roland DeBlois reviewed this Repeat Violation that initially came before the Board on January 23, 2017 for excessive vehicle parking at the Subject Property. He recommended a $100 per day fine be imposed with a start date of May 17, 2017 which was when the Respondent signed for the certified mail from the County. The end date would be the date of this meeting for a total of six days amounting to $600.

Inspector Vanessa Carter Solomon submitted one photograph into evidence and discussed the constant complaints regarding this violation. She added that the Subject Property was not in compliance as of that morning.

Respondent Mr. Tracey Scarborough contended that the vehicles were parked at the residence for only short periods of time and that his efforts to sell them
continues.

6:16:21
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II the Board voted unanimously (4-0) to find the violation and impose a fine of $600 which is calculated at $100 per day from May 17, 2017 through May 22, 2017.

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

Chairman Boehning called a five-minute recess at 2:56 p.m.

LIEN RELEASE REQUESTS

6:25:04  Case #2010070229 – Thomas H. Hudson

Mr. Roland DeBlois summarized that this case related to debris and unsecured structure violations that originally came before the Board on September 27, 2010. The fine was imposed on November 20, 2010 when compliance was not met. Compliance has not yet been achieved but as of the date of this meeting there has been a passage of 2,375 days for a flat fine of $237,500 with administrative costs being $1700. He added that the Subject Property is assessed at $27,170. He recommended reducing the fine to administrative costs of $1700 if the property is brought into compliance within sixty days, July 21, 2017.

Ms. Kelly Buck, IRC Code Enforcement Officer submitted one photograph into evidence that depicted the dilapidated structure on the Subject Property.

Respondent Mr. Rogy Hadad explained that he had recently purchased the Subject Property through a tax deed sale and planned to demolish the structure.

6:33:11
ON MOTION BY Mr. Clements for conditional setting of the fine to administrative costs of $1700 if the Subject Property is brought into compliance within sixty days, by July 21, 2017. There was no second to the motion. MOTION FAILED.
ON MOTION BY Mr. Myers II, SECONDED by Mr. Petrulak, the Board voted unanimously (4-0) for conditional setting of the fine to $3400 if the Subject Property is brought into compliance within sixty days, by July 21, 2017.

COMPLIANCE HEARINGS

Case #2015040137 – Titone Properties LLC

Mr. Roland DeBlois summarized that this case originally came before the Board on October 26, 2015 for various violations ranging from roof damage, broken windows, damaged electrical service and an unpermitted addition. The unpermitted addition from thirty years ago is currently undergoing final inspections and he recommended an extension of thirty days, until June 23, 2017, for the Subject Property to be brought into compliance.

Respondent Mr. Mark Titone explained that it took almost eighteen months to obtain the building permit due to revisions, engineering, surveying, etc. by County staff. He went on to say that the work is complete and he is awaiting final inspections.

ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted (3-1) to find the violation and grant an extension of thirty days, until June 23, 2017, for compliance or a $100 per day fine would be imposed. Mr. Petrulak was the opposing vote.

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

EVIDENTIARY HEARINGS

Case #2017030023 – Max D. Wiltzius

Inspector Ms. Rose Jefferson submitted one photograph into evidence as well as an Affidavit of Service indicating that the property had been posted on May 12, 2017 after attempts of certified and first class mail were unsuccessful. She testified that this case involved debris violations and recommended a thirty-day extension,
until June 23, 2017, for the Subject Property to be brought into compliance.

6:48:40
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of thirty days, until June 23, 2017, for compliance or a $100 per day fine would be imposed.

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

6:48:49 Case #2017010085 – Johnny Roy Chambliss

Inspector Ms. Kelly Buck submitted two photographs into evidence and testified that this case related to debris and junk vehicle violations. She recommended a sixty-day extension, until July 21, 2017, for the Subject Property to be brought into compliance.

6:49:40
ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (4-0) to find the violation and grant an extension of sixty days, until July 21, 2017, for compliance or a $100 per day fine would be imposed.

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

6:49:49 Case #2017010086 – Johnny Roy Chambliss

Inspector Ms. Kelly Buck submitted one photograph into evidence and testified that this case related to debris violations. She recommended a sixty-day extension, until July 21, 2017, for the Subject Property to be brought into compliance.

6:51:10
ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and grant an extension of sixty days, until July 21, 2017, for compliance or a $100 per day fine would be imposed.

It is noted for the record that Respondent was not present for this hearing.
Case #2017010089 – Mosley Family Grocery LLC

Inspector Ms. Kelly Buck submitted two photographs into evidence and explained that this case involved debris, yard encroachment, unpermitted building additions and junk vehicle violations. She recommended a sixty-day extension, until July 21, 2017, for the Subject Property to be brought into compliance.

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrolak, the Board voted unanimously (4-0) to find the violation and grant an extension of sixty days, until July 21, 2017, for compliance or a $100 per day fine would be imposed.

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

Case #2017020039 – CGV Investments LLC

Inspector Ms. Kelly Buck submitted one photograph into evidence and summarized that this case involved an unsecured abandoned house as well as overgrown weeds. She recommended a thirty-day extension, until June 23, 2017, for the Subject Property to be brought into compliance.

ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and grant an extension of thirty days, until June 23, 2017, for compliance or a $100 per day fine would be imposed.

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

Case #2017010009 – David G. Conran

Inspector Ms. Vanessa Carter Solomon submitted three photographs into evidence as well as an Affidavit of Service indicating that the property had been posted on May 12, 2017 after attempts of certified and first class mail were unsuccessful. She indicated that this case involved debris and junk vehicle violations and recommended a sixty-day extension, until July 21, 2017, for the Subject Property to be brought into compliance.
ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and grant an extension of sixty days, until July 21, 2017, for compliance or a $100 per day fine would be imposed.

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

Inspector Ms. Vanessa Carter Solomon submitted six photographs into evidence and testified that this case involved landscaping violations at a retention pond and recommended a sixty-day extension, until July 21, 2017, for the Subject Property to be brought into compliance.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of thirty days, until June 23, 2017, for compliance or a $100 per day fine would be imposed.

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

Inspector Ms. Betty Davis submitted three photographs into evidence as well as an Affidavit of Service indicating that the property had been posted on May 12, 2017 after attempts of certified and first class mail were unsuccessful. She reported that this case involved an unsecured vacant structure as well as debris violations. She recommended a thirty-day extension, until June 23, 2017, for the Subject Property to be brought into compliance.

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of thirty days, until June 23, 2017, for compliance or a $100 per day fine would be imposed.
It is noted for the record that Respondent was not present for this hearing.

7:02:09  **Case #2017040054 – Bob Evans Farms Inc.**

Inspector Ms. Betty Davis submitted eleven photographs into evidence and testified that this case involved landscape maintenance and sign violations. She recommended a thirty-day extension, until June 23, 2017, for the Subject Property to be brought into compliance.

7:03:56
**ON MOTION BY Mr. Myers II, SECONDED BY Mr. Clements,** the Board voted unanimously (4-0) to find the violation and grant an extension of thirty days, until June 23, 2017, for compliance or a $100 per day fine would be imposed.

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

7:04:13 **Case #2017040132 – Eric W. Allshouse**

Inspector Ms. Betty Davis submitted one photograph into evidence as well as an Affidavit of Service indicating that the property had been posted on May 12, 2017 after attempts of certified and first class mail were unsuccessful. She testified that this case involved junk, trash and debris violations and recommended a thirty-day extension, until June 23, 2017, for the Subject Property to be brought into compliance.

7:04:50
**ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II,** the Board voted unanimously (4-0) to find the violation and grant an extension of thirty days, until June 23, 2017, for compliance or a $100 per day fine would be imposed.

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

7:05:29  **Case #2017030176 – Kenny Holms**

Inspector Ms. Kelly Buck submitted one photograph into evidence and testified that this case involved junk vehicle violations. She recommended a thirty-day
extension, until June 23, 2017, for the Subject Property to be brought into compliance.

7:06:40

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and grant an extension of thirty days, until June 23, 2017, for compliance or a $100 per day fine would be imposed.

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

7:06:59  Case #2017040139 – Raymond E. and Elizabeth Macht

Inspector Ms. Betty Davis submitted nine photographs into evidence and testified that this case involved violations related to debris, building permit, parking in right of way and junk vehicles. She recommended a thirty-day extension, until June 23, 2017, for the Subject Property to be brought into compliance.

7:08:30

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and grant an extension of thirty days, until June 21, 2017, for compliance or a $100 per day fine would be imposed.

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

7:08:59  Case #2017040105 – NMT Investments LLC

Inspector Ms. Vanessa Carter Solomon submitted two photographs into evidence as well as an Affidavit of Service indicating that the property had been posted on May 12, 2017 after attempts of certified and first class mail were unsuccessful. She testified that this case involved overgrown weeds and recommended a thirty-day extension, until June 23, 2017, for the Subject Property to be brought into compliance.
7:09:30
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of thirty days, until June 23, 2017, for compliance or a $100 per day fine would be imposed.

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

7:09:49  **Case #2017040011 – Brian V. Sowell**

Inspector Ms. Vanessa Carter Solomon submitted two photographs into evidence and testified that this case involved junk, trash and debris violations. She recommended a thirty-day extension, until June 23, 2017, for the Subject Property to be brought into compliance.

7:10:30
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (4-0) to find the violation and grant an extension of thirty days, until June 23, 2017, for compliance or a $100 per day fine would be imposed.

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

7:10:59  **Case #2017050052 – Palms at Vero Beach Ltd Ptnr**

Inspector Ms. Vanessa Carter Solomon submitted eight photographs into evidence and testified that this case involved landscape violations. She recommended a sixty-day extension, until July 21, 2017, for the Subject Property to be brought into compliance.

7:12:30
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and grant an extension of sixty days, until July 21, 2017, for compliance or a $100 per day fine would be imposed.

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

7:13:12  Case #2016030011 – Lanna D. Wood

Inspector Ms. Vanessa Carter Solomon reported that this case originally came before the Board on April 25, 2016 for unpermitted building modifications. She stated that there has been very little progress and recommended that a $100 per day fine be imposed with a start date of May 20, 2017.

7:13:50
ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and impose a $100 per day fine beginning May 20, 2017.

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

7:14:12  Case #20161100437 – MCM5 Holdings Company LLC

Inspector Ms. Vanessa Carter Solomon submitted one photograph into evidence and reported that this case originally came before the Board on February 27, 2017 for site plan violations. She stated that there has been no progress and recommended that a $100 per day fine be imposed with a start date of May 9, 2017.

7:15:30
ON MOTION BY Mr. Petruclak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to find the violation and impose a $100 per day fine beginning May 9, 2017.

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

7:15:42  Case #2016120052 – Raymond W. & Janice C. Benedetti

Inspector Ms. Vanessa Carter Solomon reported that this case originally came before the Board on February 27, 2017 for unpermitted building modifications. She stated that there has been no progress and recommended that a $100 per day fine be imposed with a start date of May 20, 2017.
ON MOTION BY Mr. Clements, SECONDED BY Mr.
Myers II, the Board voted unanimously (4-0) to find the
violation and impose a $100 per day fine beginning

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

LIEN RELEASE REQUESTS

Case #2002060002 – Thomas Robert Blucher

Mr. Roland DeBlois summarized that this case related to site plan
nonconformance, junk vehicle and debris violations that originally came before the
Board in July 2002. It came into partial compliance in October 2004 and an $1800
fine was imposed. On November 20, 2004, a $100 per day fine was imposed when
compliance was not met. Compliance was achieved on December 17, 2013 after a
passage of 3314 days for a flat fine of $331,400 with administrative costs being
$3200. The current value of the property is $132,150. He recommended finding
compliance and reducing the fine to ten percent of the flat fine which would be
$33,140 plus the $1800 ordered in 2004.

ON MOTION BY Mr. Clements, SECONDED by Mr.
Myers II, the Board voted unanimously (4-0) to
acknowledge compliance and reduce the fine to
$33,140 plus the $1800 that had been ordered in 2004
for a total of $34,940.

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

Case #2012100161 – Lori & Kjell Eilertsen

Mr. Roland DeBlois summarized that this case related to overgrown weed and
debris violations that originally came before the Board in January 2013. After two
extensions, a fine was imposed on April 20, 2013 when compliance was not met.
Compliance was achieved on October 27, 2016 after a passage of 1286 days for a
flat fine of $128,600 with administrative costs being $2300. The current assessed
value of the property is $39,980. He recommended finding compliance and reducing
the fine to ten percent of the flat fine which would be $12,860.
7:27:27
ON MOTION BY Mr. Petrulak, SECONDED by Mr. Myers II, the Board voted unanimously (4-0) to acknowledge compliance and reduce the fine to $12,860.

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

7:17:04  **Case #2009010045 – Duetsche Bank Et AL**

Mr. Roland DeBlois explained that this case related to same Subject Property as the previous case (#2012100161 Lori & Kjell Eilertsen), and that this Respondent had been originally cited due to foreclosure proceedings. He went on to say that the foreclosure was dismissed and requested that the Board rescind the lien to this Respondent.

7:29:07
ON MOTION BY Mr. Clements, SECONDED by Mr. Myers II, the Board voted unanimously (4-0) to **RESCIND** the lien for Duetsche Bank Et AL.

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

7:30:04  **Case #2013090043 – Eagle Trace Estate Homes LLC**

Mr. Roland DeBlois summarized that this case related to overgrown weed and debris violations at a partially built and foreclosed upon subdivision. He stated that the liens would have been scrubbed during foreclosure proceedings and requested a Partial Release of Lien on the Subject Property.

7:33:57
ON MOTION BY Mr. Petrulak, SECONDED by Mr. Clements, the Board voted unanimously (4-0) to acknowledge compliance and issue a **Partial Release of Lien** to the Subject Property address.

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

7:34:24  **Authorization for Notices to Appear**
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (4-0) to authorize the Notices to Appear for cases leading up to the June 26, 2017 meeting.

Adjournment

There being no further business, the meeting was adjourned at 4:14 p.m.