

## **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, 1840 25th Street, Vero Beach, Florida on Monday, October 23, 2006 at 1:30 p.m.

Present were Vice Chairman Joe Garone, General Contractor Appointee; Joe Petrulak, Subcontractor Appointee; Keith Hedin, Businessman Appointee; Cliff Suthard, Member-at-Large Appointee; John Owens, Engineer Appointee and Dana Stetser, Architect Appointee.

Absent was Chairman Karl Zimmermann, Realtor Appointee (excused).

Also in attendance were IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Betty Davis, Debbie Clifford, Vanessa Carter Solomon, Rose Teague and Kelly Zedek, Code Enforcement Officers; Polly Kratman, IRC Solid Waste Disposal District Managing Director; Darcy Vasilas, Assistant to the Executive Aide; and Terri Collins-Lister, Staff Assistant IV. Others present: Attorney Suzanne Vitunac, Attorney for the Board.

### **Call to Order**

Vice Chairman Garone called the meeting to order and the secretary called the roll, establishing that a quorum was present.

### **Approval of Minutes of September 25, 2006**

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve the minutes of September 25, 2006 as presented.**

### **Attorney's Overview of Board Purpose and Procedures**

Attorney Vitunac gave a brief overview of the procedures and purpose of the Code Enforcement Board.

### **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 #2006060048, #2006070032, #2006050110, #2006070075, and #2006060120 - 30 day extension until November 24, 2006. Cases #2005010034, #2006060130, #2006030052, and #2006050078 - 90 day extension until January 19, 2007. Case #2006070073 was rescheduled, and Case #9711562 was granted a continuance to a time certain of November 27, 2006.

In compliance were Cases: #2006060147, #2005120087, #2006060065, #2006040113, #2006030072, #2006070017, #2006060081, #2006070029, #2006080001, #2006060094, #2006090054, #2006090094, #2006090024, #2006090075, #2006090025, #2006090052, and #2006090047,

Addition to the Agenda: Case #2006030250 under Lien Release Requests.

Vice Chairman Garone explained if anyone present was on the Consent Agenda and wanted to be heard, they should let the Board know, otherwise their case would be extended, based on staff's recommendation.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to accept the Consent Agenda with the additions.**

### **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.

### **Case #2006050002 – Christopher N. Kirrie Trust, UTD**

Mr. DeBlois related there was a request for rehearing/renotification on this case which he would explain in length, but first he recapped the series of events leading up to this request. He continued this case came before the Board as an Evidentiary hearing on July 24, 2006, and at that time after hearing evidence and receiving testimony, the Board entered an order requiring certain corrective action related to site plan violation.

Mr. DeBlois explained the focus of the order of the Board was for an issue of a second story that staff alleged, due to provided information, was built without required building permits and contrary to the approved site plan. The Respondent's contention was that when he was noticed for the hearing where he was initially cited,

the notice was directed toward other issues of compliance such as storage and parking areas, clean up of debris, and fence repair which the Respondent complied with. When it came time for the Evidentiary hearing, the Respondent explained he had complied with the specific site plan violations he had been noticed on under the initial Violation Notice to Appear, but staff indicated there was an issue of the second floor and although it was not specific, Code Enforcement staff felt it was appropriate to proceed on the basis it was generally noncompliant with the site plan. Since that time the Respondent's attorney had contacted IRC Attorney Will Collins who concurred with the Respondent's attorney, in order to allow for full due process it would be appropriate to renotice the Respondent on the issue of the second floor addition and essentially restart the process for that particular issue.

Mr. DeBlois related based on the direction from the Attorney Collins, staff was recommending the Board rescind the order from July 24, 2006 having to do with the second floor addition. He continued on that rescindment, staff would proceed to renotice the Respondent and bring the case back at a subsequent meeting under a new Evidentiary hearing process.

The Respondent stated he had requested since he was found to be in compliance with the issues that were brought up by Mr. DeBlois, and properly noticed to him under Case #200605002, that case number at this point be retired and any further notification be under a separate case number.

Attorney Vitunac asked Mr. DeBlois if that was the intent of his recommendation to the Board. Mr. DeBlois replied staff could not support that request, and he asked the Board to support staff's stance. He gave the reason as the current case spoke to, and cited the specific issue of site plan noncompliance. He felt to close that case and start a new one would give the wrong impression that staff and the Board found the Respondent was in compliance with the site plan and that would not be a correct conclusion pending the rehearing on the issue he had cited. Mr. DeBlois had no objection to the Board issuing an order rescinding the order that was entered, but he did object to closing this case as complied and starting a new case. He also had no objection to acknowledging the aspects for which the Respondent had complied with the initial notice.

Attorney Vitunac clarified staff was asking the Board to issue an order which finds the items that were properly noticed for hearing were complied with. Mr. DeBlois replied in the affirmative. Attorney Vitunac asked what staff was doing under the initial case number and was there Notice to Correct issued. Mr. DeBlois responded a Notice of Violation and a Notice to Appear were issued.

Attorney Vitunac inquired if there was a notice issued to the Respondent

regarding the second floor. Mr. DeBlois answered the initial Notice of Violation was not specific to the issue of the second floor, it was specific to the other issues. She asked the Respondent if his attorney had discussed with Attorney Collins the issue before the Board right now about whether or not this needed to be started as a new case or if it was a part of the old case. The Respondent responded that had been discussed, and in fact, after speaking with Mr. DeBlois last week, Mr. DeBlois stated there was no problem with clearing this case and reissuing under another case number. Mr. DeBlois interjected he did not state that.

Attorney Vitunac asked if Attorney Collins had given any instruction regarding this matter. Mr. DeBlois replied Attorney Collins had not given direction regarding the specific issue of closing the case and starting a new case, but he did give direction on the appropriateness of rescinding this order and renoticing on the existing case.

Attorney Vitunac stated since neither of the attorneys were present, and out of fairness to both the Respondent and Code Enforcement, she felt it would be appropriate for both of the attorneys to discuss this matter. She asked the Board to rescind the order on Case #2006050002 to retain jurisdiction, and to bring the case back for hearing at the next Board meeting scheduled for November 27, 2006. In the meantime, she suggested both attorneys meet to determine the course of action.

The Respondent stated it sounded fair, although it was causing the case to drag on and he had hoped to get it cleared today. Attorney Vitunac explained the issue of the second floor was a matter that may come before the Board at a later date either as a new case, or depending on what the attorneys came up with for arguments, as a portion of the existing case. She felt the fairest way to handle the matter was asking the Board today to rescind the original order, retain jurisdiction and set it back up for a hearing when both attorneys could either be present or had conferred with each other. Mr. DeBlois stated he could support that recommendation.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to rescind the Order imposed July 24, 2006, retain jurisdiction of the case, and schedule the case to come back before the Board at the November 27, 2006 meeting.**

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

## **Case #2006050055 – Maggie Runyon**

Mr. DeBlois recapped this was a Compliance hearing having to do with an order entered by the Board on June 26, 2006. At that time, the Board found the Respondents, Maggie Runyon as the property owner, and Aviar Espinosa as the lot unit owner within the mobile home park, as putting in a mobile home without the required permits. The Board granted until August 25, 2006 for the Respondents to obtain a permit for the mobile home or to remove the mobile home from the property. An extension was granted at the August 28, 2006 meeting, giving the Respondent to October 20, 2006 to obtain the permit.

Inspector Vanessa Carter Solomon, IRC Code Enforcement Officer, related the mobile home was still in its current location and no permits had been filed, however, she spoke with Mr. Bill Runyon and he stated he had been to the IRC Building Department on several occasions to submit the paperwork and was sent away because they were missing one or more of the required forms. They had obtained a contractor to do the work and were apparently ready to take the remaining forms to the Building Department today to submit for the permit.

Mr. Runyon explained Mr. Espinosa was finally able to obtain a contractor out of Ocala approximately two weeks ago, and the contractor sent all the necessary paperwork to obtain the permit. He confirmed the information related by Inspector Carter Solomon and noted he had been working with the IRC Planner of the Day and would be going to the Building Department after this meeting.

Mr. DeBlois asked what had been occurring since the Board entered the initial order on June 26, 2006 until now that would cause the Respondent to not submit for a building permit until now. Mr. Runyon replied they had not been able to find a contractor until just two weeks ago to set up a used mobile home.

Mr. DeBlois stated staff could support a 30 day extension, until November 24, 2006, to allow for the Respondent to obtain the necessary building permit.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2005060077 – Cedar Cove Rentals, PA**

Mr. DeBlois recapped this related to a case that came before the Board on July 25, 2005 with an initial compliance date of October 21, 2005 having to do with an issue of the Respondent obtaining after-the-fact building permits for an unpermitted enclosure of a carport or removal of the carport modifications. There had been a number of Orders Granting Extension issued by the Board ultimately giving the Respondent until October 20, 2006 to comply.

Inspector Betty Davis, IRC Code Enforcement Officer, reported she was on the site today and the structure appeared to have been cut off where it did not meet the setbacks but they would need to get a Certificate of Occupancy (CO) because there were setback issues and a survey along with an engineer's certification on the structure needed to be submitted. The concrete flooring was still sticking out into the setback, and according to the IRC Building Department, a new roof was put on the home without a final CO being issued.

Mr. DeBlois inquired why it had taken so long to bring the property into compliance. Inspector Davis replied there had been several delays, one of which a tenant would not let the contractor into the building to do the work, plans had to be drawn up and approved, and a new survey had to be done. Ms. Cathy Summerlin, representing the contractor, explained a survey had been done but the surveyor's computer system had crashed and she was awaiting the final paperwork to arrive. She felt once the final survey was received, a CO should be issued.

Mr. DeBlois stated based on the testimony, staff could support a one time 30 day extension, until November 24, 2006.

**ON MOTION BY Suthard, SECONDED BY Mr. Hedin,  
the members voted unanimously (6-0) to approve  
staff's recommendation.**

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

**Case #2006080056 – Christopher Murray**

Inspector Rose Teague, IRC Code Enforcement Officer, reported this case was in compliance.

**Case #2006080089 – John E. and Frances M. Brink**

Mr. DeBlois recapped this case related to a residentially zoned property with an issue of junk, trash and debris, accumulation of junk vehicles, and an issue of a Portable On-Demand (POD) storage unit being used for storage on the property.

Inspector Debbie Clifford, IRC Code Enforcement Officer, reported she had received complaints and on August 18, 2006 she first cited the Respondent for having a POD storage unit in the front yard. There were also two junk vehicles in the south part of the yard and another truck for sale.

The Respondent, Mr. Robert Brink, related he was the son of John and Frances Brink, who were both deceased. He had been cleaning up the home since his parents' death. He continued the two junk vehicles would be out of the yard tomorrow, the truck belonged to a friend and he was trying to sell it for him. The debris had been put into a large pile and was going to the landfill tomorrow.

Mr. DeBlois stated based on the testimony, staff would recommend the Board to find the violations as cited and would support granting 30 days, until November 24, 2006 to allow the Respondent to clear the junk vehicles, remaining debris, and the POD storage unit from the property.

Mr. Brink indicated the POD unit was not for storage, he was moving out of state and was putting all the furniture and belongings from his parents in the POD to move to Tennessee in December, 2006. Mr. DeBlois replied staff would amend their recommendation to 30 days, until November 24, 2006, for the junk, trash and debris, along with junk vehicles, and 90 days, until January 19, 2007, for the removal of the POD unit.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Heden, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006060111 – Damien and Bonnie Gilliams**

Mr. DeBlois reported although this case was listed under Evidentiary hearings, the Board entered an order previously on August 28, 2006, which had a two tiered compliance date. He continued the Board had entered an order giving the

Respondent until the September 25, 2006 meeting to be in compliance with obtaining dock repair permit, the removal of construction debris and overgrown weeds and he was ultimately given until November 24, 2006 to resolve the issue with the dock.

Mr. DeBlois related the September 25, 2006 meeting was in respect to compliance with the initial issues of clean up and fence repair of the property. Subsequently staff visited the property and there were some issues of unresolved compliance so the Respondent was renoticed for this meeting. The issues cited for this notice related to junk, trash and debris, and fencing that was in disrepair.

Inspector Davis stated at the September 25, 2006 hearing, the Respondent was supposed to be in compliance with the permit for the dock repairs, construction debris, and the overgrown weeds. He had come to the hearing and stated he had cleaned the property after she had inspected it on September 24, 2006. When she visited the site today, the fence which was part of the problem before, was still wrapped around a tree and debris was embedded in it. There were piles of debris and construction materials that were supposed to be piled in the back of the house and it was still scattered throughout the yard. She added the dock was still in disrepair but the permit had been applied for.

The Respondent, Mr. Damien Gilliams, stated when he went to apply for the dock permit he was told he needed an engineering drawing for the boathouse which took time. He hired an engineer and as soon as the engineer completed the drawing, it was submitted to the IRC Building Department. He was under the impression that once the dock permit was applied for he could leave the lumber where it was. He was not aware the pepper trees needed to be removed, but when Inspector Davis told him they were in violation, he cut them down. The Respondent thought he was in compliance.

Inspector Davis related she had spoken with the Respondent several times over the past couple of weeks and advised him of what needed to be done on the property.

Mr. DeBlois summarized the Board order entered at the August 28, 2006 meeting giving the Respondent until September 22, 2006 to comply with certain aspects of miscellaneous junk, trash and debris removal, fence repair, and overgrown weeds. When the Respondent came before the Board at the September 25, 2006 meeting, based on information he provided staff, it was concluded the Respondent had complied with the September 22, 2006 first tier compliance, the other tier was the completion of the dock with permits at the November 27, 2006 meeting. Since from a staff perspective, the first tier compliance had not been



achieved, there should be a modification to the Board's finding. Other alternatives were to consider fining Mr. Gilliams for his noncompliance on certain issues past the September 22, 2006 compliance date, or to formally grant an extension after acknowledging there was not compliance to work towards getting the property fully complied. From a staff perspective, there were two approaches, one was to acknowledge compliance was not achieved by the September 22, 2006 compliance date and grant an extension to the November 24, 2006 date, or to consider issuing fines for certain issues until they come into compliance.

The Respondent stated the dock was under contract to be rebuilt, however, there were two other docks in marinas he owned that were under contract to be repaired first. The contract was for 150 days to have all three completed.

Mr. DeBlois reported staff's recommendation was to rescind the Acknowledgement of Compliance on the issues of debris, overgrown weeds, and fence repair and grant 30 days, until November 24, 2006 to resolve those issues. He also recommended a fine be imposed in the amount of \$500 for the issue of noncompliance, and extending the dock repair compliance date 90 days, until January 19, 2007.

The Respondent questioned the \$500 fine. Mr. DeBlois explained the fine was because at the September 25, 2006 hearing, the Respondent indicated he was in compliance after the Inspector had made a site visit the day before when it was not. Subsequently when another inspection was made, the property was in fact not in compliance. Mr. DeBlois continued it was a matter of determining if there was legitimate miscommunication or misunderstanding of what was considered compliance. He would be willing to remove the recommendation of imposing a fine, but there should be a correction made to the record stating the property was not in compliance based on the new testimony at the September 25, 2006 meeting.

A lengthy discussion ensued on measures the Respondent needed to take to clean up his property.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the members voted (5-1) to grant 30 days, until November 24, 2006 to clear the issues of fencing repair or removal, overgrown weeds, and 90 days, until January 19, 2007 for the dock repairs. Mr. Hedin opposed.**

The Respondent stated he would not be able to get the dock finished before

the 120 days granted. Vice Chairman Garone suggested the Respondent hire another crew to do the work and added he had been dragging his feet in getting the repairs scheduled.

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

**Case #2006080109 – I.J. and Rachel Pinkney**

The secretary proceeded to administer the testimonial oath to the Respondent.

Mr. DeBlois recapped staff had issued a Notice of Hearing for a junk vehicle violation.

Inspector Kelly Zedek, IRC Code Enforcement Officer, reported she was patrolling the Gifford area with the IRC Sheriff's Department and spotted an untagged vehicle in the front yard of the Respondent's property. When she visited the property on October 19, 2006, the vehicle was still in the same spot untagged.

Mr. DeBlois inquired if the vehicle appeared road worthy. Inspector Zedek replied in the affirmative.

Attorney Vitunac explained to the Respondent, Mr. I.J. Pinkney, he needed to either get a current license plate and registration on the vehicle or put it in storage. The Respondent stated he would comply with the requirement.

Mr. DeBlois stated staff could support granting 30 days, until November 24, 2006 to allow the Respondent to bring the vehicle into compliance.

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006080015 – Janna K. Gates and Ciera Gates**

Mr. DeBlois recapped this was an Evidentiary involving junk vehicles and junk, trash and debris.

Inspector Zedek reported she noted an untagged vehicle on the subject

property. She spoke with the Respondent yesterday and was told it would be taken care of within 30 days. The junk, trash and debris had been cleared from the property.

The Respondent, Ms. Crereser Gates, mother of Janna and Ciera Gates, related the vehicle belonged to her son-in-law who was making repairs to enable the vehicle to be road worthy. She felt the vehicle could be working within 30 days or she would have it removed from the property.

Mr. DeBlois stated staff could support Finding in Violation of the junk vehicle and granting 30 days, until November 24, 2006, to bring the vehicle into compliance.

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation.**

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

#### **Case #2006080021 – Crereser Gates**

Mr. DeBlois recapped this case involved a junk vehicle.

Inspector Zedek reported there were two untagged vehicles located on this property. One of the vehicles belonged to the Respondent's mother who had recently passed away and would be removed in a couple of days. There was also a white van that the Respondent explained she had just gotten a tag for today and would be placing it on the vehicle this afternoon.

Mr. DeBlois stated based on the testimony he could support granting 30 days, until November 24, 2006 to allow the Respondent to remove one vehicle from the property and bring the second vehicle into compliance.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the members voted unanimously (6-0) to approve staff's recommendation.**

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

#### **Caledonia Groves, LLC**

Mr. DeBlois recapped this case had to do with health and safety along with

public nuisance issues relating to the repair or removal of dilapidated structures.

Inspector Davis reported she had calls from neighbors concerned about possible damage to their homes from the debris located on the cited property. There were also abandoned groves and overgrown weeds along with a dilapidated house that may have some historical value. She continued the property was slated to be developed, but the construction had not yet begun.

Mr. DeBlois noted there were mixed issues with dilapidated structures that may have historical value. While the land owner had no requirement to repair historic structures, and although there were incentives, building code exemptions and allowances to retain such structures, there was a hazardous structure issue that needed to be resolved.

Mr. Adrian Smith, representing Caledonia Groves, LLC, related he and his colleague had purchased this land 18 months ago and they realized there were two buildings on the property in poor repair. He was in the process of receiving quotes for removal of both buildings. He opined he could have the structures removed within 60 days.

Mr. DeBlois stated based on testimony, staff could support a 90 day timeframe, until January 19, 2007, to allow for the dilapidated buildings to be repaired, relocated or demolished.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006090063 – Jimmy Thatcher**

Mr. DeBlois recapped this case had to do with overgrown weeds violation, accumulation of junk, trash, and debris and junk vehicle storage.

Inspector Teague reported she had received several complaints of junk, trash and debris from neighboring property owners and had not achieved contact with the Respondent.

The Respondent, Mr. Jimmy Thatcher, noted he had been in and out of the hospital for the past couple of months but he was doing the best he could in getting

things cleaned up. He continued one vehicle was being towed away today and another would be removed by the weekend. There was a vehicle stored under a tarp which was not a junk vehicle but did not have a current tag. He added the furniture was going to be in the next trash pick-up.

Mr. DeBlois stated staff could support granting 60 days, until December 22, 2006 to resolve the remaining issues and bring the property into compliance.

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the members voted unanimously (6-0) to support staff's recommendation.**

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

**Case #200090053 – Jorge Posada**

Mr. DeBlois recapped this was an issue of an addition to a residence without prior IRC building permits.

Inspector Teague reported this case involved an addition to the back of the home without building permits. When she approached the Respondent's wife, she was told her husband was working with an engineering company to get plans drawn up.

The Respondent, Mr. Jorge Posada, explained he was having a problem getting his engineering plans because his job was very small and the engineering firms did not take the time for the small jobs. He stated he was trying to close in an existing porch with an existing roof to make another room on his home.

Mr. DeBlois stated based on the testimony, the Respondent was attempting to bring his property into compliance by obtaining the necessary permits. He could therefore support a 90 day timeframe, until January 19, 2007 for the Respondent to obtain an after-the-fact building permit and then 60 days, until March 23, 2007 to complete the job.

**ON MOTION BY Petrulak, SECONDED BY Mr. Hedin, the members voted unanimously (6-0) to approve staff's recommendation.**

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

## **Case #2006090056 – Jocelyn Lewis**

Mr. DeBlois recapped this was an Evidentiary hearing with issues cited by staff of junk, trash and debris, and overgrown weeds.

Inspector Carter Solomon reported several neighboring property owners had complained of the violations existing on the Respondent's property. When she initially visited the property, she was informed by the Respondent her parents had both passed away and her house had been destroyed by the 2004 hurricanes. She was moving into her parents home and had no where to store all of the possessions from both households. Since the initial notice was sent a substantial amount of progress had been made.

Ms. Jocelyn Lewis, the Respondent, related the series of events that occurred when her home was destroyed in 2004, the illnesses and eventual deaths of both her parents, and the process she has been going through with repairing her home and getting her parents home cleaned up.

Mr. DeBlois stated based on the testimony, he could support a 30 day time frame for compliance, until November 24, 2006.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation.**

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

## **Cases #2006090109, #2006090110, and #2006090111– Centex Homes**

Mr. DeBlois explained there were two Respondents in this case, Centex Homes, the developer of the property, and Southern Waste Systems, which was a waste hauling business. The issue related to non-franchise waste haulers using oversized dumpsters.

Attorney Vitunac asked if service had been received on Centex Homes. Inspector Zedek replied service had been received on one of the three related cases. Attorney Vitunac clarified proceedings would affect Southern Waste Systems but not Centex Homes.

Mr. DeBlois provided the background of the case by explaining IRC had franchise agreements with a number of waste haulers and under that agreement the

waste haulers were able to use waste hauling containers greater than 15 cubic yards. He continued under those franchise regulations, if a waste hauling company was not under contract through the franchise they would be under a non-exclusive franchise, and thereby limited to a container size of less than 15 cubic yards.

Mr. DeBlois related IRC Code Enforcement staff had been working with the IRC Solid Waste Disposal District in sending notices to waste haulers to make them aware of the limitations. Based on that, there had been blanket notices to several companies in the past.

Ms. Polly Kratman, IRC Solid Waste Disposal District Managing Director, reported there were two franchise agreements in place, one with Waste Management, Inc. and one with Treasure Coast Refuse. She continued all other haulers wishing to use roll off containers within the unincorporated area of IRC must use, per County Ordinance Chapter 204, roll off containers that were less than 15 cubic yards in size. There was no franchise required for use of those containers.

Inspector Zedek related she had been contacted by Ms. Kratman on August 25, 2006 regarding the illegal 20 cubic yard containers at three locations. After contact had been made several times by Ms. Kratman to Southern Waste Systems, the containers were finally switched out with those in compliance.

Mr. DeBlois stated staff was requesting a Continuing Order Acknowledging Compliance but if there was a future violation, Southern Waste Systems would be on notice using containers larger than 15 cubic yards would result in a \$250 per container per day fine.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation.**

It is noted for the record the Respondent's representative, Mr. Anthony Lomangino, for Southern Waste Systems was present for this hearing.

Vice Chairman Garone called for a break at 3:46 p.m. and the meeting resumed at 3:53 p.m.

**Case #2006060062 – Arthur Lee Jones**

The secretary administered the testimonial oath to the Respondent.

Mr. DeBlois recapped this was an Acknowledgment of Compliance and Setting of Fine regarding illegal vehicle parking in the right-of-way, junk vehicles, junk, trash and debris. At the September 25, 2006 meeting the Respondent was not present, but based on testimony from staff, the Board concluded the violation had not been resolved and entered an Order Imposing Fine effective September 23, 2006. Subsequently Mr. Jones came into compliance within four days of the set compliance date, and based on the timeframe of four days of noncompliance, the flat fine calculation of \$100 per day was \$400.

Inspector Zedek reported the Respondent came into the office on September 27, 2006 to inform her the recreational vehicle had been removed. She confirmed the removal of the violation on October 19, 2006. Mr. DeBlois asked if the Respondent had given a reason why he could not comply with the imposed September 23, 2006 date. Inspector Zedek replied the Respondent had just received the title for the recreational vehicle on September 27, 2006.

The Respondent, Mr. Arthur Lee Jones, explained his nephew had parked the recreational vehicle in the right-of-way and had threatened him if it was removed. The Respondent was finally able to obtain the title to the vehicle four days later, on September 27, 2006, and removed the vehicle that date.

Mr. DeBlois stated based on the explanation and the noted effort to comply, staff could support an Acknowledgement of Compliance and rescinding the fine.

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens,  
the members voted unanimously (6-0) to approve  
staff's recommendation.**

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

### **Case #2006060061 – Arthur Lee Jones**

Mr. DeBlois recapped this was an adjacent property to the previous case with similar circumstances. The issue on this property had to do with a fence that was erected without obtaining a building permit. He noted that violation also came into compliance on September 27, 2006.

Inspector Zedek related compliance had been achieved by the removal of the fence. Mr. DeBlois stated based on this testimony, staff could support a Finding of Compliance and rescinding the fine.



**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2005090141 – Christopher and Lori Newton**

Mr. William Corbit and his attorney, John Tolarino, reported Mr. Newton had not owned the property since June 14, 2006 when it was purchased by Mr. Corbit.

Mr. DeBlois related this case had to do with an Order Imposing Fine the Board entered against the previous owners of the property, Christopher and Lori Newton, on January 23, 2006. The issue for imposing the fine was accumulation of junk, trash and debris and an unlicensed junk vehicle on the subject property. The Order Imposing Fine referenced the compliance date of April 22, 2006 which would be the start date of the fine at \$100 per day.

Inspector Carter Solomon reported she had been contacted by the new owner on October 13, 2006 and at his request inspected the property on October 16, 2006 and found the property to be in compliance. She added she had been called out in September, 2006 to confirm compliance but the property was not completely cleared.

Inspector Carter Solomon explained Mr. Corbit had met with her in June, 2006 when he purchased the property. The previous owner, Mr. Newton, had been in property foreclosure and Mr. Corbit purchased the property through foreclosure proceedings. Mr. Corbit purchased the property with the lien attached and realized the property had to be brought into compliance.

Mr. DeBlois stated based on the testimony, the fine had been calculated from the April 22, 2006 Imposing of Fine date until October 13, 2006 when the call was received to confirm compliance, at \$100 per day, totaling \$17,400.

Attorney Tolarino explained his client, Mr. Corbit had been working with Inspector Carter Solomon to get the property cleaned up but there were issues regarding Mr. Newton not allowing Mr. Corbit onto the property and threatening to call law enforcement if any of his debris was removed. Mr. Corbit added he had been involved in legal proceedings to get Mr. Newton off the property, stating he was mentally unstable, and was finally able to get a dumpster delivered onto the property to remove the debris.

Mr. DeBlois asked Mr. Corbit if he closed on the property without knowing there was a lien. Mr. Corbit explained when he purchased the property it was in final foreclosure and the liens were not identified. A lengthy discussion ensued regarding whether or not Mr. Corbit was aware of a lien when he purchased the property.

Mr. DeBlois recommended calculating the fine from the eviction notice date to Mr. Newton instead of the original April 22, 2006 date and charging \$8,400.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006030250 – James Russell Cassels**

Mr. DeBlois recapped this case was regarding an Order Imposing Fine that was entered by the Board on September 25, 2006 with the beginning date of noncompliance as September 23, 2006 having to do with unenclosed storage of more than one boat, junk vehicles, accumulation of junk, trash and debris, overgrown weeds, use of a recreational vehicle as living quarters, and dilapidated structure on the subject property.

Inspector Davis reported when she initially cited the case it was due to complaints from a neighbor. The Respondent's home had been destroyed in the 2004 hurricanes and he subsequently developed a lung disease due to breathing the mold in the home. He had spent time in the hospital and the day before the September 25, 2006 hearing his father passed away. She continued the Respondent had come to the County several times to meet with the State Housing Initiative Program Coordinator to try to obtain help with housing. Inspector Davis added the Respondent had been doing the best he could alone to demolish the house and get a mobile home on the property.

Mr. DeBlois stated based on the circumstances, with an explanation of why the Respondent was not at the September 25, 2006 hearing, and since there were extenuating circumstances, staff could support rescinding the fine and granting a 90 day extension, until January 19, 2007 to bring the property into compliance.

The Respondent reported he now had some money coming in so he could make some progress in bringing the property into compliance. He was on disability and may qualify for some housing assistance programs.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation to rescind the fine and grant 90 days, until January 19, 2007 to bring the property into compliance.**

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

**Case #2006070051 – Douglas C. McVay & Gregory Pillon**

Mr. DeBlois related this was a Compliance hearing regarding an unsafe building, junk, trash and debris.

Inspector Davis reported she spoke with the Respondent, Douglas McVay, last week and was informed the man he was selling the property to was supposed to take care of cleaning it up. He was told the property was still in his name and he was responsible for the cleanup and the hearing was for today.

Mr. DeBlois stated at the Evidentiary hearing there was a mention of a buyer but nothing had been completed with the sale of the property. He recommended based on the testimony received, the fine be imposed.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2005070042 – BW Treasure, Inc.**

Mr. DeBlois recapped this case had to do with a long-standing landscape problem and noted the Board and County staff had been working with the Respondent to resolve some of the landscape issues but they had not been remedied after granting several extensions. Based on that information, he recommended imposing the fine.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the members voted unanimously (6-0) to approve staff's recommendation of imposing the fine of \$100 per day.**

Mr. Hedin felt the fine should be increased from the traditional \$100 per day to \$150 per day since the Respondent had been given over one year to resolve the landscaping issue.

**ON MOTION BY Mr. Hedin to increase the fine to \$150 per day. The motion died to a lack of a second.**

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

**Case #2006030241 – James & Patricia Wawrzyniak**

Mr. DeBlois related this was an order for a structure without a building permit.

Inspector Carter Solomon reported the Respondent poured a concrete patio on the side and rear yards of his property without the necessary permit. She continued he subsequently applied for a building permit with a current survey which clearly showed an encroachment of the setbacks. She contacted the Respondent in New York because the patio had to be cut to meet the setback requirements, and he assured her he would be back in town in September, 2006 to correct the problem. Since the last extension was granted at the September 25, 2006 hearing, Inspector Carter Solomon had not heard from the Respondent.

Mr. DeBlois stated based on the testimony, he would recommend the fine be imposed.

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006060021 – Ronald C. & Rose C. Rigby**

Mr. DeBlois asked Inspector Davis if there had been any attempts made to bring this property into compliance. Inspector Davis replied in the affirmative, noting the Respondent had kidney failure and was in poor physical condition but his brother has been trying to help him. They had cleared the junk vehicle and the destroyed mobile home from the property and were just waiting for the removal of the mobile home frame.

Mr. DeBlois stated based on the testimony, he could support a 30 day extension, until November 24, 2006 to bring the property into compliance.

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006080078 – Dean & Pamela Earl**

Mr. DeBlois asked Inspector Teague if there had been any progress on this case of swimming pool enclosure violation. She responded there was no safety net or no screened enclosure.

Mr. DeBlois stated based on the testimony, he recommended the fine be imposed starting October 2, 2006 when the Respondent was first given a compliance date for installing at least a temporary pool enclosure.

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006080011 – Ronald Anderson**

Mr. DeBlois recapped this was an overgrown weed violation. Inspector Carter Solomon reported there had been no progress on the case and she read a letter submitted by the Respondent, a copy of which is on file in the Commission Office, claiming health issues had prevented him from mowing the overgrown weeds. He had asked for more time to resolve the violation.

Mr. DeBlois stated staff could support a one time 30 day extension, until November 24, 2006, to bring the property into compliance. Mr. Hedin expressed concern because the neighbors were being inconvenienced by the overgrown weeds and questioned what the 30 days were going to do. Inspector Carter Solomon explained the Respondent had taken care of the yard previously, but because he had health issues he had not been able to take care of it recently and could not afford to pay someone else to mow it.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the members voted (5-1) to approve staff's recommendation of granting another 30 days, until November 24, 2006 to bring the property into compliance. Mr. Hedin opposed.**

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

**Case #2006080073 – James Anderson, FBO 92<sup>nd</sup> Avenue Trust**

Mr. DeBlois related this case was brought before the Board last month at the September 25, 2006 meeting regarding overgrown weeds, junk, trash and debris. A representative of 92<sup>nd</sup> Avenue Trust, James Alabre, reported at that meeting he would clear the property but Inspector Davis indicated he had accomplished some of the work such as mowing the front yard, but the trash and construction debris had not been cleaned up and the backyard had not been mowed.

Mr. DeBlois stated based on the testimony, he recommended the fine be imposed.

**ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006080104 – Clarence Bennett**

Inspector Zedek reported the IRC Sheriff's Office delivered the Notice of Hearing on October 6, 2006 regarding junk vehicle violations. She added as of October 19, 2006 the vehicles were still on the property.

Mr. DeBlois stated based on the testimony, he recommended the Board find the Respondent in violation of junk vehicles on residential property, and grant 30 days, until November 24, 2006 for compliance.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006090007 – Patrick H. Hollingsworth**

Inspector Davis reported there was no service for this case.

**Case #2006070054 – Jeffrey Anderson**

Mr. DeBlois reported this property was posted on October 13, 2006, a copy of the Affidavit of Service is on file in the Commission Office. He continued this was an overgrown weed issue. Mr. DeBlois recommended granting 30 days, until November 24, 2006 to bring the property into compliance.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2005120015 – Mark P. & Kathy J. Lehr**

Mr. DeBlois reported staff verified compliance as of October 12, 2006 of a lien imposed April 22, 2006 with an issue of overgrown weeds. He added the Respondent had been noticed of this hearing but was not in attendance. The total fine based on 173 days would be \$17,300. On this particular case Mr. DeBlois recommended the Board acknowledge compliance and set the fine at the full amount of \$17,300.

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the members voted unanimously (6-0) to approve staff's recommendation.**

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

**Case #2006050076 – Mark P. & Kathy J. Lehr**

Mr. DeBlois stated since the Respondent was not present for this hearing and the property was still not in compliance, he would like to withdraw this case and bring it back before the Board at the next meeting scheduled for November 24, 2006.

**Authorization for Notices to Appear**

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant Authorization for Notices to Appear for November, 2006.**

**Other Matters**

There being no further business, the meeting was adjourned at 4:55 p.m.