

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 27, 2007, at 1:30 p.m.

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

Also in attendance was IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Don Wixon, Code Enforcement Coordinator; Betty Davis, Debbie Clifford, Vanessa Carter Solomon and Rose Teague, Code Enforcement Officers. Others present: Attorney Suzanne Vitunac, Attorney for the Board and Reta Smith, Recording Secretary.

Call to Order

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

Approval of Minutes of August 27, 2007

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve the minutes of August 27, 2007 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 #2005110098 and #2007040077- 30 day extension until October 19, 2007. Cases #2007050089, ##2007030091 and #2007070072 - 60 day extension until November 23, 2007. Cases #2007070019, #2007060043, #2007080093, #2007060024 and #2007010078 were rescheduled. He noted on page eight, Case #2007060077 was a duplicate case and should be ignored.

In compliance were Cases: #2007040200, #2007040060, #2007030107, #2007060017, #2006090082, #2006060026, #2007060070, #2007030019, #2007070027, #2007070048, #2007070087, #2007060080, #2007050117, #2007060068, #2007060124, #2007070109, #2007080063, #2007080065, #2007080045, #2007080047, #2007080089 and #2007070104.

Mr. DeBlois observed there was an addendum for a case involving Thomas Parker; however there was no certified service. In the event the Respondent was present, staff was ready to proceed with the case and would advise the Board at that time.

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to accept the Consent Agenda with the revisions and 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.

1:27:06 Case #2007030014 – Scott & Nancy Ritter

Mr. DeBlois related this Compliance hearing had to do with a shed built without required permits, and the Board had given the Respondent until September 21, 2007, to either obtain permits and modify the structure or remove the shed.

The Respondent clarified he had applied for a permit on June 21, 2007, but had received a letter from the IRC Building Department advising he needed a Type "C" permit. He said he was working on getting an updated survey and other paperwork in order to build a garage and then he would tear the shed down.

Mr. DeBlois recommended a 60 day extension, until November 23, 2007.

DeBlois observed IRC did not have a regulation addressing untagged vehicles being used at the racetrack, other than the presumption it was a junk vehicle if it was not registered. He noted the only other possible precedent was the definition of a swamp buggy as a recreational vehicle (RV), so it was a question of what category the Respondent's vehicle would fall under.

Attorney Vitunac suggested giving the Respondent some time for compliance and asking him to document it was being used as an off-road vehicle or remove it. The Respondent said he had not kept his receipts from the racetrack and only went there two or three times a year. He mentioned he was a single father of two children and it would be a financial burden to register and insure the vehicle.

Mr. Zimmermann asked if other counties had ordinances covering this type of situation and if so, he wondered why IRC would penalize a citizen just because no ordinance had been written to cover a situation that did not seem to be a violation.

Discussion ensued.

Mr. DeBlois recommended an extension of 30 days, until October 19, 2007, for the Respondent to either bring the vehicle into compliance by making it roadworthy or remove it from the property.

2:15:06

ON MOTION BY Mr. Petrulak to approve staff's recommendation.

Discussion followed about what constituted a roadworthy vehicle.

Mr. DeBlois noted the other alternative would be to find a place to store the vehicle so it was not in an unenclosed area of the lot.

Chairman Garone confirmed the motion on the floor had died for lack of a second.

2:17:26

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, to grant an extension of 120 days, until January 25, 2008, for the Respondent to acquire a receipt showing he had paid a fee to use the vehicle as he claimed, and make that receipt available to Code Enforcement staff.

2:31:52 **Case #2007060097 – Michael & Joan Purdy**

Mr. DeBlois recapped this Evidentiary hearing related to a boat lift constructed on a dock in such a way that it encroached beyond the extended lot line of the neighboring property, and no permit had been pulled for the boat lift.

Mr. Andrew Sobczak, IRC Environmental Planner, submitted photographs and an Affidavit of Service into evidence, which are on file in the Commission Office, and described the procedure for review and approval of boat lifts. He showed a survey provided by the Respondent on the overhead projector, which indicated both the Respondent's and the neighbor's property.

Discussion followed about whether or not it was actually the neighbor's dock that encroached on the Respondent's property. Mr. DeBlois said this would all be established during the permitting process.

The Respondent testified he had bought the property in June, 2007, and there was a dock permit from 1986, although it did not show the boat lift. Mr. DeBlois recommended the Board grant 90 days, until December 21, 2007, for the Respondent to go through an after-the-fact approval process for the boat lift.

2:43:54

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

Mr. Suthard asked if staff knew whether the neighbor had obtained a permit for his boat lift. Mr. DeBlois replied staff would investigate matters and try to resolve the issues, including whether or not the neighbor was encroaching on the Respondent's property.

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

2:46:55 **Case #2007070100 – Samuel A. Block**

Inspector Vanessa Carter Solomon, IRC Code Enforcement Officer, testified a sales trailer had been placed on property at the Polo Grounds of Pointe West without a temporary use permit. On April 17, 2007, the Respondent had applied for a temporary use permit, but it was subsequently denied based on the fact there were fewer than 10 contiguous lots for sale, so it was necessary for the sales trailer to be removed from the property.

Inspector Betty Davis, IRC Code Enforcement Officer, submitted a photograph into evidence, which is on file in the Commission Office. She described there were several employee vehicles parked on the lot along with ATV's, tractors, flatbed trailers, lawnmowers and an awning and utility shed on the site. She confirmed a permit had been pulled for the shed, but there was a question of whether the parcel number on the permit was the same as the subject property. Inspector Davis clarified it was considered a repeat violation because of previous storage of material connected with a septic tank company.

Mr. DeBlois noted this was a disruption to the neighborhood and felt there needed to be an immediate cessation of the business and removal of equipment from the property, with an established period of time to remove the structures.

The Respondent testified he did not know the septic tanks had previously been stored on his property. He said he had a Declaration of Unity of Title for all of the property he owned at Vero Lake Estates, including the subject site. The Respondent agreed to cease the lawn business, but believed the shed was legal. He maintained the lawn maintenance use had ceased and confirmed the tractor and trailer belong to him and the ATVs were in joint ownership.

Discussion followed about whether or not the Unit of Title had been recorded.

Mr. DeBlois said he would review the information to verify the building permit issue. He recommended the Board grant an extension 30 days, until October 19, 2007, for the Respondent to get after-the-fact approval if necessary and for staff to verify the property was no longer being used for commercial business purposes.

3:18:10

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:18:35 **Case #2007090062 – George McCullers**

The Respondent testified the property had been mowed by 12:30 p.m. today and Mr. DeBlois withdrew the case as complied.

3:20:28 **Case #2007080096 – Tarmac America Inc.**

Mr. DeBlois recapped this was about occupancy of a business without a certificate of occupancy (CO) being issued.

The Respondent explained all the buildings and structures and the utility permit had been finalled and the only thing needed was sod in order for the inspection process to begin for the final CO. He anticipated the sod would be laid within the next two weeks.

Mr. DeBlois recommended 30 days, until October 19, 2007, for the Respondent to finalize obtainment of a CO.

Discussion followed about the fact the Respondent had been operating his business without a CO.

Mr. DeBlois advised the Board could issue an abbreviated time frame to either cease operation or obtain a CO, or be fined up to \$250 per day. Mr. Hedin observed it would be cheaper for the Respondent to pay the fine rather than shut down the operation.

3:30:36

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted (5-2) to approve staff's recommendation. Mr. Hedin and Mr. Suthard in opposition.

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

3:32:03 **Case #2007010010 – Family Limited Partners Ltd.**

Mr. DeBlois related this Evidentiary hearing involved Douglas Mazda and Family Limited Partners Ltd. as the owners of the property on U.S. Highway #1, and was for parking and display of vehicles in public right-of-way and illegal signs. Inspector Zedek submitted photographs into evidence, which are on file in the Commission Office. She testified on May 12, 2007, she had issued a ticket for \$100 for parking in the right-of-way, and on July 21, 2007, she had observed more signs on the property. Inspector Zedek confirmed the Respondent was in compliance at this time.

Mr. DeBlois noted the maximum fine that could be imposed was \$250 per day

and recommended the Board issue a Continuing Order for parking in the right-of-way and/or illegal signs. He clarified if the fine of \$250 for each of the two types of violations was imposed and the Respondent was in violation again, it could be increased to a fine of up to \$500 per sign per day or per vehicle per day for each violation type.

The Respondent's representative, Mr. Charles Wilson of the Indian River Auto Dealers Association, explained the auto dealers in the area were working with the County to resolve ongoing problems and they planned to go to the Board of County Commissioners (BCC) with regards to the County's sign ordinance.

3:43:07

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:43:26 **Case #2007060158 – Hubbell Properties**

Inspector Zedek said she had not received service on this case.

LIEN RELEASE REQUEST

3:43:40 **Case #2006090002 – Larry Wells & Janice Ercoline**

Mr. DeBlois advised although the Respondent was not present, this was a case where a notice of foreclosure had been recorded just before the Board's Order Imposing Fine was recorded, and the County's Attorney had concluded a rescindment of the fine was in order. Inspector Carter Solomon confirmed the junk, trash and debris and overgrown weeds violations had been complied.

3:45:37

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to rescind the fine.

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

Mr. DeBlois recalled he had earlier mentioned an addendum to the agenda for

Thomas Parker; however since the Respondent did not receive proper service and was not present today, Mr. DeBlois would withdraw the addendum and renote the Respondent.

Chairman Garone called a recess at 4:03 p.m. and reconvened the meeting at 4:14 p.m.

3:47.22 **Case #2007030001 – Kenneth Holmes**

Mr. DeBlois recapped this was a Compliance hearing regarding an Order the Board had entered in June, 2007, involving a dilapidated structure and related debris. Last month, the Board had granted an extension for the Respondent to obtain demolition permits, but there was no indication any progress had been made. Inspector Davis stated the Respondent had told her he did not understand what the Board had instructed him to do, and she had explained what was necessary. She advised there was another case, the Brown property, tied to this case because the Respondent was supposed to be buying the property and incorporating the two sites; however Inspector Davis had been unable to reach him.

Mr. DeBlois preferred trying to work with the Respondent if at all possible. He noted the Board had already approved a 60 day extension on Consent for the Brown case, and recommended the Board grant a one-time extension of 60 days, until November 23, 2007, and if nothing happened by then the fine could be imposed.

3:50:40

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:50:47 **Case #2007060110 – Dale Muchler**

Inspector Teague reported the gibney unit was still on the property, but the untagged car had been removed.

3:51:48

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to grant a 30 day extension, until October 19, 2007.

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

3:57:02 **Case #2007060134 – Gary Dean Compton**

Inspector Teague observed the Respondent had cleaned up the junk, trash and debris and mowed the front part of the yard, but there was an overgrown section that needed mowing. Mr. DeBlois recommended a 30 day extension, until October 19, 2007, for full compliance.

3:53:11

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:53:17 **Case #2007050011 – DLF International, Inc.**

Mr. DeBlois related this Compliance hearing had to do with outside storage of non-agricultural business equipment on agriculturally-zoned property, along with a concrete slab poured without a permit. Inspector Carter Solomon confirmed the Respondent had obtained administrative approval and a permit for the concrete slab, but had brought in more material to store on the property. Mr. DeBlois recommended the fine be imposed.

3:54:35

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:54:44 **Case #2007030054 – Leonardo Romero**

Inspector Teague reported she had checked this morning and the junk vehicle was still on the property, but the junk, trash and debris violation had been resolved. Mr. DeBlois recommended 30 days, until October 19, 2007, for compliance.

3:55:11

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:55:25 **Case #2007030116 – Barry Kazukauskas**

Inspector Teague noted the junk, trash and debris had been cleaned up; however there was still an untagged pickup truck on the site. Mr. DeBlois recommended a 30 day extension, until October 19, 2007, for compliance of the junk vehicle.

3:56:18

ON MOTION BY Mr. Owens, SECONDED BY Mr. Zimmermann, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:56:30 **Case #2007040118 - Kevork Ursulean & Alex & Andrew Wilsnack**

Mr. DeBlois reported this case had two-tiered compliance dates and the Respondent had complied with the first tier, so this was a no-action item.

3:57:53 **Case #2007060030 – Citrus Springs Village G Homeowners Association**

Inspector Teague testified the Respondent had replaced some of the dead landscape material on the west property line and had requested a 30 day extension. Mr. DeBlois recommended the Board find a violation on landscape maintenance and grant 30 days, until October 19, 2007, for compliance.

3:59:03

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:59:14 **Case #2007070023 – Kelly Construction & Development Inc.**

Mr. DeBlois recommended an extension of 30 days, until October 19, 2007, for the Respondent to mow the overgrown weeds.

3:59:50

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:00:01 **Case #2007070030 – Patricia Pero**

Inspector Teague related the Respondent had requested time to allow her to sell an RV which exceeded the size allowed at residential lots, adding the vehicle had been removed from the right-of-way. Mr. DeBlois recommended 60 days, until November 23, 2007, for compliance.

4:00:52

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:00:59 **Case #2007070058 – Tim Buzewitz**

Inspector Teague said she had received a call from someone advising the Respondent had an accident up north and was requesting an extension to arrange for somebody local to mow the overgrown weeds and remove junk, trash and debris. Mr. DeBlois recommended an extension of 30 days, until October 19, 2007, for compliance.

4:01:47

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:01:59 **Case #2007070088 – Edward Doleo**

Inspector Teague reported no service on this case.

4:02:10 **Case #2007070090 – Richard Chisholm**

Mr. Don Wixon, IRC Code Enforcement Coordinator, related this Evidentiary hearing had to do with palm fronds and debris, and as of Friday, September 21, 2007, he found some progress had been made. He recommended a 30 day extension, until October 19, 2007.

4:02:57

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:03:05 **Case #2007060077 – TRN Investment, Inc.**

Inspector Debbie Clifford, IRC Code Enforcement Officer, confirmed the weeds had been mowed and the junk vehicles were removed, and all that remained was junk, trash and debris, including a dilapidated trailer. Mr. DeBlois recommended an extension of 60 days, until November 23, 2007, for the Respondent to come into compliance.

4:04:01

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:04:13 **Case #2007060130 – Elihu Skinner & R. Lee (Co-trustees)**

Inspector Clifford reported she had not received service on this case.

4:04:24 **Case #2007070008 – Joyce & William Simpson**

Inspector Clifford reported she had not received service on this case.

4:04:30 **Case #2007060049 – Thomas & Christy Parker**

Inspector Clifford reported she had not received service on this case.

4:04:41 **Case #2007060047 – Thomas Parker**

Inspector Clifford reported she had not received service on this case.

4:04:44 **Case #2007070110 – Lorenzo Catalina Gonzalez**

Inspector Davis observed the junk vehicles had been removed and the Respondent was working on getting rid of the junk, trash and debris.

4:05:35

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to grant an extension of 60 days, until November 23, 2007, for compliance.

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

4:05:44 **Case #2007080068 – Centex Homes**

Inspector Davis stated this was a repeat sign violation that was presently in compliance, but the landscape violation had not been resolved. She recommended the Board grant an extension of 30 days, until October 19, 2007, for the landscape issue and issue a Continuing Order for the sign violation.

4:06:21

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:06:34 **Case #2007080059 – Shannon Cook & Robert Kahn**

Inspector Teague submitted photographs into evidence, which are on file in the Commission Office. She described overgrown weeds, junk, trash and debris and

a dilapidated mobile home and shed on the property, and advised the Respondent

was working to come into compliance. Mr. DeBlois recommended a 60 day extension, until November 23, 2007.

4:09:06

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:09:27 **Case #2007080081 – Thomas & Michelle McNamara**

Inspector Clifford reported she had not received service on this case.

4:09:40 **Case #2007080030 – Dale Arthur Eichmann**

Inspector Clifford described there were two untagged vehicles still remaining on the property, although several had been removed. Mr. DeBlois recommended an extension of 30 days, until October 19, 2007, for compliance.

4:10:29

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:10:40 **Case #2007080032 – Andrew & Margaret Mary Pool**

Inspector Clifford reported she had not received service on this case.

4:10:50 **Case #2007070013 – Patricia Audie (Lotz) Presnell**

Inspector Teague submitted an Affidavit of Service dated September 13, 2007, and a photograph into evidence, which are on file in the Commission Office. She described overgrown weeds on the property and Mr. DeBlois recommended 30 days, until October 19, 2007, for compliance.

4:11:53

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:12:01 **Case #2007070106 – St. Lucie Development Corp.**

Inspector Teague reported she had not received service on this case.

4:12:12 **Case #2007080056 – Jesus & Diana Alvarez**

Inspector Carter Solomon submitted an Affidavit of Service dated September 19, 2007, into evidence, which is on file in the Commission Office. Mr. DeBlois recommended an extension of 30 days, until October 19, 2007, for compliance of the overgrown weeds violation.

4:12:58

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:13:06 **Case #2007080062 – David B. McAdams**

Inspector Carter Solomon submitted an Affidavit of Service dated September 19, 2007, into evidence, which is on file in the Commission Office. Mr. DeBlois recommended an extension of 30 days, until October 19, 2007, for the Respondent to mow the overgrown weeds.

4:13:22

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:13:29 **Case #2007080074 – Michael Riley**

