



**the minutes of November 24, 2008 as presented.**

1:47:08

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

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

1:52:46

**Agenda Additions or Deletions, Consent Items**

Mr. Don Wixon, Code Enforcement Coordinator, requested the Board hear Cases #2008110065, #2008100337 and #2008120001 at the beginning of today's meeting in order for IRC staff to attend. He announced there were two addendums to the agenda: Case #2008120001, Thomas & Elizabeth Jackson; and Case #2008080043, Frederick & Rita Mensing.

Mr. Wixon reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda: Cases #2008080029, #2008090130, #2008080151, #2008070231, #2008040183, #2008040188, #2008100297, #2008090244, #2008090017, #2008100107, #2008060038, #2008070265, #2008060137, #2008080039, #2008080053, #2007060047, #2008040182, #2008070040 and #2008080134 - 30 day extension until February 20, 2009. Cases #2008080043, #2008040191, #2008040169, #2008100077, #2006110064, #2008070239 and #2008080068 - 60 day extension until March 20, 2009. Case #2008050216 - 90 day extension until April 24, 2009. Cases #2008100296, #2008100322, #2008110119 were rescheduled. Case #2008030107 was a duplicate on the agenda.

In compliance were Cases: #2008100007, #2008070136, #2008090043, #2008110057, #2008110055, #2008110151, #2008110152, #2008110042, #2008100335, #2008110156, #2008110067, #2008110073, #2008110140, #2008100333, #2008090154, #2008090024, #2008100053, #2008090072, #2008120049, #2008120171, #2008070290, #2008120092, #2008080127, #2008070248, #2008070182, #2008030056 (first tier), #2008110079, #2008080092, #2008100052, #2008100071, #2008090234, #2008090056, #2008070150, #2008060146, #2008090083, #2008080017, #2008090109, #2008040180, #2008090185 and #2008090045.

Chairman Zimmermann advised if anyone present had heard their name or case number called for a Consent item and wanted their case to be heard, they should get with their Code Enforcement Officer and the Board would accommodate their request.

2:07:21

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

2:07:50 **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.

2:08:21 **Case #2008110065 – Sharon L. Bailey**

Mr. Wixon related this Evidentiary hearing had to do with a zoning district use violation and health and safety hazard/public nuisance for a dog kennel on residentially zoned property. Ms. Betty Davis, IRC Code Enforcement Officer, explained this case had been reported by the IRC Animal Control Department because there were more animals than allowed on the site. She stated the Respondent had advised there were presently only seven animals; however this was still two animals over the County's allotment and it would be necessary to apply for and obtain a non-commercial kennel license.

Mr. Jerry Dixon, IRC Animal Control Officer, testified he had last inspected the property on October 9, 2008, at which time there were 16 adult dogs, nine puppies and two cats on the premises.

The Respondent stated the animals were part of her family and only slept in cages in a back room at night or when nobody was home and they were all well kept. She maintained she did not run a commercial kennel; however she did offer puppies for sale from time to time to supplement her social security income.

Discussion followed.

Inspector Davis agreed to drop the charge of health and safety hazard/public nuisance. Mr. Wixon recommended a period of 30 days, until February 20, 2009, for the Respondent to obtain a non-commercial kennel permit or bring the number of animals into compliance with the County code.

2:22:30

**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.

2:22:58      **Case #2008100337 – Sam & Stephanie Evans**

Ms. Debbie Clifford, IRC Code Enforcement Officer, submitted photographs and other information into evidence, which are on file in the Commission Office, and related she had received a complaint from the IRC Building Division about a building addition to a home without a permit.

Mr. Shawn Doughtrich, IRC Building Inspector, testified the illegal structure was a manufactured building addition connected to the main residence. He explained it did not appear an after-the-fact permit could be obtained because of the set-back and other issues. He added there was plumbing piped into the structure and a sump pump had been installed in a low lying area of the back yard and was draining onto an adjacent lot.

The Respondent agreed to take down the structure and asked for time to remove it. Mr. Wixon recommended 60 days, until March 20, 2009, to comply.

2:28:47

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

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

2:30:02      **Case #2008120001 – Thomas & Elizabeth Jackson**

Mr. Wixon related this Evidentiary hearing involved swimming pool maintenance and enclosure, overgrown weeds and unsecured vacant structure violations.



**approve staff's recommendation.**

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

2:52:13 **Case #2008100132 – Nancy Dgetluck & John Kelly**

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted a photograph into evidence, which is on file in the Commission Office, and summarized she had received several complaints about overgrown weeds on a vacant lot.

The Respondents stated they had purchased the lot in 2005 and it had never been cleared of pepper trees and dense vegetation. Mr. Wixon stated it was staff's contention the lot had been cleared in 2007 and the Respondents should mow the grass and get rid of the weeds. He recommended 30 days, until February 20, 2009, for compliance.

3:00:35

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

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

3:03:53 **Case #2008090226 – Samuel & Audrey Hunter**

Ms. Kelly Zedek, IRC Code Enforcement Officer, submitted a photograph into evidence, which is on file in the Commission Office. She testified the junk, trash and debris had been cleaned up and the only remaining issue was a junk vehicle on the property. Mr. Wixon recommended 30 days, until February 20, 2009, for compliance.

3:06:17

**ON MOTION BY Mr. Hedin, 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.

3:08:56 **Case #2008110046 – Root Bros. Inc.**



3:21:33

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to find a violation and grant 30 days, until February 20, 2009, for compliance.**

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

3:23:59     **Case #2008120233 – Cun Yong Zheng**

Inspector Carter Solomon reported this was a repeat violation of a Board Order from June 26, 2006 for junk, trash and debris. She explained the Respondent had tenants who continually left garbage out by the road for four and five days at a time, and she had received numerous complaints from neighbors about the stench. Mr. Wixon recommended the Board maintain a Continuing Order and immediate compliance on any existing garbage on the property.

3:30:54

**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 and his interpreter were present for this hearing.

Chairman Zimmermann called a recess at 3:15 p.m. and the meeting was reconvened at 3:25 p.m.

### **LIEN RELEASE REQUESTS**

3:32:05     **Case #2008050158 – Tommy Lee Lewis**

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief, recapped this case initially came to the Board in July, 2008 for an unsecured damaged structure. At the August 25, 2008 Compliance hearing, staff indicated the property was not in compliance as of the compliance date of August 22, 2008 and the Board had imposed the fine. Subsequently, the Respondent and Mr. Jens Tripson had contacted staff and advised the Respondent had boarded up the property on August 24, 2008, which was two days after the compliance date.



Inspector Clifford submitted photographs into evidence, which are on file in the Commission Office, and confirmed the property was presently in compliance.

3:38:47

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to acknowledge compliance and rescind the fine.**

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

3:39:05      **Case #2005020048 – Josie & Carl Keifner**

Mr. DeBlois related this was an issue of a dilapidated unsafe structure that first went to the Board in May, 2005. He noted the building was ultimately condemned and demolished by the County and the accrued fine on the property amounted to \$78,000 for 780 days of non-compliance. He reviewed information contained in the backup and submitted information and a photograph into evidence, which are on file in the Commission Office.

Mr. DeBlois continued there was a separate lien for demolition costs amounting to \$3,822.92 and he asked the Board to acknowledge compliance and set the code enforcement fine to a certain amount. He recommended the Board set the fine at \$10,000 on top of the demolition fee.

Discussion ensued.

3:46:30

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to set the fine at \$6,200, which would be approximately \$10,000 less the \$3,822.92 demolition cost.**

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

3:46:38      **Case #2008040197 – Silver Shores Holding LLC**

Mr. DeBlois advised this case had initially been to the Board for an Evidentiary hearing in August, 2008 when an Order was issued for the Respondent to secure all points of entry for an unsecured damaged vacant structure until all repairs had been made. He continued the Respondent had applied for permits to rebuild the structure

and ultimately obtained them; however prior to him getting the permits the case had come back to the CEB in November, 2008. Mr. DeBlois related since the building was not secured at that time the Board imposed the fine with a start date of November 22, 2008.

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office. Mr. DeBlois noted the Respondent got his permit to repair the structure on December 17, 2008, and staff considered the case to be in compliance as of that date. He summarized this would constitute a fine for 25 days in the amount of \$2,500.

The Respondent, Mr. James Bellow, stated when he had originally applied for the permit he assumed there would be no reason to secure the building and thought Inspector Carter Solomon had obtained an extension on his case while he was out of town.

Lengthy discussion followed.

4:15:09

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to uphold the \$2,500 fine.**

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

4:15:48 **Case #2008040128 – Miroslar Posavec**

Mr. DeBlois related this was an overgrown weeds violation that had first been to the Board in May, 2008, and due to noncompliance an Order Imposing Fine was ultimately entered with a start date of June 21, 2008. He confirmed staff had concluded the property had been mowed as of August 27, 2008, which was a total of 67 days for a fine of \$6,700. Mr. DeBlois stated the bank holding the mortgage had recently contacted staff because the lien was not only against the subject property but reverted to any and all real or personal property of the Respondent, which affected another property at 8310 Meredith Place in Vero Beach. He recommended the Board find compliance and set the fine in the amount of \$1,500 to cover administrative costs, with a partial release of lien to cover the Meredith Place property.

Mr. Richard Beneduce, a realtor representing the Respondent, said he was

helping with a short sale of both properties. He submitted copies of e-mails into evidence, which are on file in the Commission Office, and said the lender National City Bank was supposed to maintain the property but had not immediately done so.

4:24:22

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

Mr. DeBlois clarified if the \$1,500 fine was paid the County would release the entire lien; however if it was not they would do the first step of a partial release of lien to cover the Meredith Place property.

It is noted for the record the Respondent, Christina Posavec, and her representative were present for this hearing.

4:26:31     **Case #2008070204 – Robert & Nancy Foreman**

Mr. DeBlois recapped this was a case where there was still a violation for overgrown weeds and the Board had imposed the fine in November, 2008; however the IRC Attorney's office had advised the CEB was preempted from imposing its lien because this was a bankruptcy case with a discharge of joint debtors that the County was a party to. He summarized the CEB was compelled to release the lien but could start it as a new case if the property did not come into compliance, and recommended the Order Imposing Fine be rescinded.

4:30:05

**ON MOTION BY Mr. Petrulak, 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.

4:30:50     **Case #2008090224 – Mary Alice Williams**

Inspector Zedek submitted photographs into evidence, which are on file in the Commission Office. She confirmed the unsecured vacant structure violation was complied and the Respondent was currently working on obtaining an after-the-fact permit for a patio and porch enclosure. She recommended the Board find a violation and grant an extension of 90 days, until April 24, 2009, for the Respondent to obtain

and comply with the permits.

4:32:31

**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.

4:32:44 **Case #2008100019 – Delia Arocha**

Inspector Davis advised she had not received service on this case.

4:32:52 **Case #2008100098 – Daniel LoPresti**

Inspector Jefferson advised she had not received service on this case.

4:33:01 **Case #2008100091 – Robert Jones & Carolyn Stokes (Bank of New York)**

Inspector Jefferson confirmed she had only received service on the bank and would post the property.

4:33:15 **Case #20081000109 – Deutsch Bank National Trust Company**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and described overgrown weeds and junk, trash and debris on the property. Mr. Wixon recommended the Board find the violations and grant an extension of 60 days, until March 20, 2009, for compliance.

4:34:47

**ON MOTION BY Mr. Hedin, 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.

4:34:56 **Case #2008100271 – The Fountains at Amber Lakes POA**



Inspector Zedek submitted an Affidavit of Service dated January 8, 2009 and a photograph into evidence, which are on file in the Commission Office. She described junk, trash and debris on a vacant lot and recommended the Board find a violation and grant 30 days, until February 20, 2009, for compliance.

4:38:03

**ON MOTION BY Mr. Owens, 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.

4:38:09      **Case #2008110060 – Erika & Michael Cole (LaSalle Bank)**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office. She explained this case involved a property in foreclosure and she had received complaints about swimming pool enclosure and maintenance violations, health and safety hazard/public nuisance and structure exterior maintenance violation. Inspector Davis recommended the Board find a violation and grant 10 days, until February 5, 2009, for the pool gate to be secured.

4:39:44

**ON MOTION BY Mr. Hedin, 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.

4:39:56      **Case #2008100295 – Christopher & Amber Vlangas**

Inspector Davis advised she had not received service on this case.

4:40:21      **Case #2008110008 – Erika C. Ness (Chase Home Finance)**

Inspector Davis advised this was another foreclosure case and since she did not have service on the Respondent owner, the case would be rescheduled.

4:41:55      **Case #2008110050 – Robert Lesane (Southstar Bank)**

Inspector Jefferson advised she had not received service on this case.

4:42:09 **Case #2008110053 – Secured Capital Finance Inc.**

Inspector Jefferson reported this was an overgrown weeds violation at a vacant house and recommended an extension of 30 days, until February 20, 2009, for compliance.

4:42:34

**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.

4:42:43 **Case #2008110160 – Yvenold & Mimose Toussaint**

Inspector Jefferson advised she had not received service on this case.

4:42:56 **Case #2008110035 – Laura M. O'Connor (Nation City Mortgage)**

Inspector Jefferson related she had not received service from the Respondent owner and the case would have to be rescheduled.

4:43:39 **Case #2008100317 – Allen Holden (U.S. Bank N.A. as Trustee)**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office, and confirmed she had received Notice of Discharge from the Federal Bankruptcy Court. Attorney Vitunac noted the bank's foreclosure action was still ongoing and advised the Board could proceed with the case. Inspector Carter Solomon related the violation was overgrown weeds at a vacant residence and recommended an extension of 30 days, until February 20, 2009, for compliance.

4:45:28

**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.

4:45:43      **Case #2009070146 – James & Nicole Collins (HSBC Bank USA)**

Inspector Jefferson submitted an Affidavit of Service dated January 16, 2009 and photographs into evidence, which are on file in the Commission Office. She described the health and safety hazard/public nuisance violation was for a dead pine tree, and there were also overgrown weeds and junk, trash and debris violations on the property. Mr. Wixon recommended a finding of violation and an extension of 30 days, until February 20, 2009, for compliance.

4:47:28

**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.

4:47:32      **Case #2008080135 – Suzann Gutierrez (Wells Fargo Bank)**

Inspector Jefferson submitted an Affidavit of Service dated January 16, 2009 and photographs into evidence, which are on file in the Commission Office, and pointed out the front yard was being maintained; however the rear yard was overgrown.

4:48:18

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to find a violation and set 30 days, until February 20, 2009, for compliance.**

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

4:48:30      **Case #2008060018 – Donnini Enterprises Inc. (Vero Mobil)**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office. She related the sign violation was resolved but there were landscape maintenance and site plan nonconformance issues regarding the landscape. She requested the Board grant a 60 day extension, until March 20, 2009.



4:50:31

**ON MOTION BY Mr. Hedin, 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.

4:50:37     **Case #2008120002 – Kate Ott (U.S. National Bank Association as Trustee)**

Inspector Carter Solomon stated the overgrown weeds violation was currently in compliance but she recommended the Board enter a Continuing Order.

4:50:57

**ON MOTION BY Mr. Hedin, 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.

4:51:12     **Case #2008110168 – U.S. Bank National Association**

Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office, and described two dead trees constituting a health and safety hazard/public nuisance violation. She recommended the Board grant an extension of 30 days, until February 20, 2009, for removal of the trees.

4:51:37

**ON MOTION BY Mr. Hedin, 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.

4:52:05     **Case #2008100097 – Susan King**

Mr. Wixon related this Compliance hearing was for an overgrown weeds





demolition.

5:01:28

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, to find noncompliance and grant 60 days, until March 20, 2009, for compliance.**

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

5:01:47

**Authorization for Notices to Appear**

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (7-0) to approve Authorization for Notices to Appear for February, 2009.**

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