

## 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, January 24, 2011 at 1:30 p.m.

Present were Chairman **Cliff Suthard**, Member-at-Large Appointee; Vice Chairman **Joe Petrulak**, Subcontractor Appointee; **Karl Zimmermann**, Realtor Appointee; and **Keith Hedin**, Businessman Appointee.

Absent were **Joe Garone**, General Contractor Appointee and **John Owens**, Engineer Appointee, both excused. Let the record show there is a vacancy for an Architect Appointee.

Also in attendance was IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Andrew Sobczak, Environmental and Code Enforcement Senior Planner; Betty Davis, Vanessa Carter Solomon, Rose Jefferson and Kelly Buck, Code Enforcement Officers. Others present: Attorney Wayne Coment, Attorney for the Board; and Darcy Vasilas, Commissioner Assistant District 3, Recording Secretary.

### 9:45:11 Call to Order

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

### 9:46:29 Election of Chairman and Vice Chairman

Chairman Suthard opened the floor for nominations of Chairman for 2011.

**Mr. Petrulak nominated Mr. Hedin. Mr. Zimmerman nominated Mr. Petrulak. A vote was held with a tie vote of (2-2). Mr. Petrulak bowed the Chairmanship to Mr. Hedin and took the Vice Chairman position.**

9:48:19 **Approval of Minutes of November 22, 2010**

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the Board voted unanimously (4-0) to approve the minutes of November 22, 2010 as presented.**

9:48:38 **Attorney's Overview of Board Purpose and Procedures**

Attorney Wayne Coment, Attorney for the Board, gave a brief overview of the procedures and purpose of the Code Enforcement Board.

9:53:48 **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 #2010080028, #2010080137, #2010090118, #2010090206, #2010090231, #2010100028, #2010100017, #2010100050 - 30 day extension until February 25, 2011. Cases #2010050020, #2010020075, #2010060216, #2009120074, #2010100066, #2010100076, #2010090190 - 60 day extension until March 25, 2011. Cases #2010050036, #2010080168, #2010060001, #2010060002, #2010040126 – 90 day extension until April 22, 2011. Cases #2010090213, #2010100084, #2010090116, #2010110072, #2010110016, #2010100029 were rescheduled.

In compliance were Cases #2010090110, #2010090092, #2010100128, #2010090211, #2010100167, #2010110092, #2010110002, #2010110056, #2010110067, #2010110068, #2010100213, #2010110053, #2010110088, #2010100088, #2010110120, #2010060110, #2010120112, #2008050216, #201090056, #2010090059, #2010070285, #2010070225, #2010030082, #2010070076, #2010070347, #2010060020, #2010090017, #2010090007, #2010100136, #2010100125, and #2010100212.

Mr. DeBlois requested the Lien Release Requests, with the addition of one additional case, be heard at a time certain of 3:00 p.m.

Chairman Hedin 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.

10:03:50     **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.

10:04:03

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

10:04:18     **Case #2010090150 – Luis & Maria G. Raya**

Mr. DeBlois reported this Evidentiary hearing related to a residential property with the issue of junk vehicle storage.

Ms. Rose Jefferson, IRC Code Enforcement Officer, presented a photograph into evidence which is on file in the Commission Office.

The Respondent stated the property was a rental and he did not know what the untagged vehicle was being used for.

Mr. DeBlois recommended the Board find a violation and grant 30 days, until February 25, 2011 to allow the Respondent to resolve the issue.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the members voted unanimously (4-0) to approve staff's recommendation.**

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

10:11:45     **Case #2010110030 – Ronald Mayes**

Mr. DeBlois explained this Evidentiary hearing related to an overgrown weeds violation.

Ms. Kelly Buck, IRC Code Enforcement Officer, submitted a photograph into evidence which is on file in the Commission Office. She stated she had talked to the Respondent and was told he was having some financial problems and had asked for

some more time to resolve the problem.

Mr. Ronald Mayes explained he did not have employment or transportation at this time. Mr. DeBlois clarified staff was only asking for the grass to be mowed and that the property did not need to be cleared. Mr. Mayes responded he did have a small lawnmower and felt he could get it working in order to mow the grass.

Mr. DeBlois felt based on the Respondent's willingness to mow the grass, staff could support a 60 day timeframe, until March 25, 2011 to bring the property into compliance.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve staff's recommendation.**

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

10:17:36 **Case #2010110033 – Nathan A. Jacobs**

Mr. DeBlois explained this case related to an unmaintained swimming pool, pool enclosure violation, and overgrown weeds violations.

Inspector Buck testified she had not received service on the Respondent but there was bank representation present for this hearing. She continued there had been no improvements.

Ms. Danielle Levin, representing the bank, reported the bank did not yet have Certificate of Title on the home. The court records indicate the owners had filed for bankruptcy so the Certificate of Title would not be obtained until the bankruptcy was settled. Ms. Levin understood the fence being an urgent issue and would speak with her client and try to get those repairs made as soon as possible.

Mr. Clements asked if the owner had received notice. Inspector Buck replied they had not. Mr. Clements did not feel a lien against the property could be supported in this case and recommended the case be withdrawn until the bank takes possession of the property.

The case was withdrawn and it is noted for the record the Bank Representative was present for this hearing.

10:24:53 **Case #2010110139 – Ned & Debra Walker**

Mr. DeBlois reported this case was an Evidentiary hearing involving a residential property with overgrown weeds and a public safety hazard due to a dead tree.

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, reported she had not had any contact with the property owners or the bank representative. She posted the property and submitted an Affidavit of Service into evidence which is on file in the Commission Office.

Ms. Danielle Levin, representing the bank, related this case was in the foreclosure process but no final judgment had been given. This was a Bank of America loan and all their cases were under document review so until such time as the documents can be reviewed and deemed to be correct, no action could be taken. She asked for 30 to 60 days to move ahead as quickly as possible.

Mr. DeBlois recommended proceeding with the 60 day timeframe for compliance, which would be until March 25, 2011. He was particularly concerned with the dead tree which could affect structures if it fell.

**ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve staff's recommendation.**

It is noted for the record the Bank Representative was present for this hearing.

10:29:37 **Case #2010090084 - Dr. Leslie & Karen H. Tar**

Mr. DeBlois recapped this case related to oceanfront property with a violation of dune vegetation removed which was protected under the County's Land Development Regulations.

Mr. Andrew Sobczak, Environmental and Code Enforcement Senior Planner, submitted photographs into evidence, which are on file in the Commission Office. He related he went back to the dune area several months after the initial complaint in September, 2010 when he received a call regarding the seagrapes being cut and when he visited the property it appeared there had also been herbicide applied to the dune area as vegetation was not coming back.

Mr. DeBlois asked how the adjoining dune properties appeared. Mr. Sobczak replied the neighboring properties on either side had intact living seagrapes. There had been no permits issued for dune maintenance for any trimming. He continued if a permit had been issued, there was a minimum height of four-feet allowed for seagrapes to be trimmed back to, and in this case the trimming was substantially lower than four-feet and the trimming either resulted in the death of the seagrapes or herbicide had been applied.

Mr. DeBlois inquired if any trees deemed protected or specimen trees under the IRC Tree Protection Ordinance had been destroyed. Mr. Sobczak replied there were 15 individual seagrapes which had a diameter larger than 4-inches that would be considered protected.

Mr. DeBlois asked if either the IRC Tree Protection Ordinance or the Coastal Management Ordinance had information on calculation of fines. Mr. Sobczak responded there were fines for both protected and specimen vegetation; in this case the fine would be \$1,000 per each protected tree removed. Given the 15 separate seagrapes he found to have been removed the fine would total \$15,000.

Mr. DeBlois queried what Mr. Sobczak would recommend as a remedy to this issue. Mr. Sobczak replied a remedy would be for the property owner to obtain an after-the-fact Dune Vegetation Maintenance Permit, with that application he would include a plan to re-vegetate the dune and also pay the according fine of \$15,000.

Mr. DeBlois wanted to know if there were any other agencies having jurisdiction over this matter. Mr. Sobczak testified he had also forwarded photographs and site information to the Department of Environmental Protection.

Discussion was held regarding the area of dune disturbance in relation to the dune stabilization setback line. Mr. Sobczak showed on the overhead where the location of both the area of dune disturbance and the dune stabilization setback line were located.

Mr. DeBlois summarized based on testimony, staff recommended the respondent pay the \$15,000 fine and to submit an after-the-fat permit for dune alterations which would include a re-vegetation plan with a 60 day timeframe, until March 25, 2011 for compliance.

Dr. Leslie Tar cross-examined Mr. Sobczak. He pointed out Mr. Sobczak had indicated to him there were other properties adjacent to his on either side were also

involved. Mr. Sobczak confirmed his latest inspection last week the property immediately to the south also had the seagrapes cut to the ground.

Dr. Tar presented his hospital identifications on the overhead showing his address of business was Port Charlotte, Florida. He continued he had informed Mr. Sobczak the property being discussed was not his permanent regular address as he worked and lived on the west coast of the state.

Dr. Tar asked if any of the neighbors were questioned, and if so, were they asked if they knew who cut the vegetation. Mr. Sobczak replied he spoke to the neighbor immediately to the south who also recently had her seagrapes trimmed and she informed him she did not know who had cut the seagrapes.

Dr. Tar pointed out he had owned the property for 20 years and the form of cutting down the seagrapes had occurred on a yearly basis. Mr. Sobczak clarified Dr. Tar had informed him in the past the neighbors had trimmed the seagrapes for him.

Dr. Tar testified since he did not reside in the home he had owned for 20 years, but he allows his neighbors to use his driveway and felt they may have taken liberties of trimming his seagrapes because they obstructed their view of the ocean. He acknowledged the seagrapes protect against hurricane wind damage and he would prefer to have them as high as possible to protect his house. He was unaware of any regulations having to do with dune protection and chose not to make an issue of neighbors cutting the seagrapes. He also did not feel he should be held responsible for a violation someone else did to his property.

Mr. Zimmerman explained as evidenced in previous cases presented today, a property owner was ultimately responsible for cleaning up their property, whether or not they actually were responsible for the violations. He continued he could not understand how Dr. Tar knew of the seagrape cutting for years and did nothing to stop it. Mr. Zimmerman opined Dr. Tar would now most likely be hearing from the Florida Department of Environmental Protection who would be more impressive with their fines than what was being imposed today.

Mr. Petrulak asked Mr. Sobczak if when he visited the property in September, 2010, if the neighboring properties were also cut down. Mr. Sobczak replied they were not at that time, but when he revisited the site last week, the neighbors to the south were cut down at the same level as Dr. Tar's.

11:03:02

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to require an after-the-fact permit be required; with that permit a mitigation plan be submitted; and the fine be \$15,000 to be completed within 60 days, March 25, 2011.**

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

11:03:47 **Case #2010090085 - Susan Agnes Krol**

Mr. DeBlois related this was a Compliance hearing relating to an issue of land clearing and tree removal violations of a commercial property. At the November 22, 2010 meeting, staff presented evidence showing no permits were obtained for at least three protected cabbage palms that had been removed and land clearing had occurred without a permit. As a result of that Evidentiary hearing at staff's recommendation, the Board entered a fine of \$3,000, at \$1,000 for each of the three protected cabbage palms, and also directed that by January 21, 2011 the Respondent complete the disposal and removal of remaining land clearing debris on the property.

Mr. DeBlois reported to date, the property had been substantially cleaned up with some minor remaining debris. Pictures were submitted into evidence and are on file in the Commission Office. Staff deemed the Respondent was in compliance with the remaining issue of the fine of \$3,000. The Respondent had made a request to the Board to consider the replanting of the cabbage palms to mitigate some of the fine.

Ms. Krol testified there was a misunderstanding with the person clearing the property. The three cabbage palms were damaged from the 2004 hurricanes and were leaning with some of the roots exposed. When the property was being cleaned up the trees were pushed off to the side as they were thought to be part of the clearing process.

Ms. Krol continued she has 26 palm trees on the property and would be willing to plant three cabbage palms to replace those that were removed.

Mr. DeBlois stated since Ms. Krol had offered to plant three new cabbage palms, the Board should consider a possible reduction in fine to \$1,500 plus the



required planting of the new palms which would have to be a one-to-one replacement with a 10-foot clear trunk or larger tree.

**ON MOTION BY Mr. Zimmerman SECONDED BY Mr. Suthard, the Board voted unanimously (4-0) to reduce the fine to \$1,500 and require the Respondent to replace the three cabbage palms at 10-foot or larger clear trunk with coordination of planting location with Environmental Planning Staff within 60 days, March 25, 2011.**

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

Chairman Hedin called for a break at 3:05 p.m. and the meeting reconvened at 3:14 p.m.

### **LIEN RELEASE REQUESTS**

11:22:51 **Case #2008040137 – Myriam Barreto**

Mr. DeBlois recapped this was a case where the Order Imposing Fine was entered by the Board back in June 21, 2008 relating to an overgrown weed violation. Staff observed compliance had been achieved as of October 19, 2009 which was 485 days with a flat fine of \$48,500.

Inspector Solomon confirmed the compliance date noting that was the date the bank had taken over the property and started consistently maintaining the property. This particular property at the beginning of the case was not in foreclosure.

Mr. Edward J. VanHorn, representing PNC Bank, stated the position of the bank was the violation took place before the bank obtained the property and therefore technically the bank did not have the right to go onto the property and mow the lawn. Once the bank took possession, the property had been consistently

maintained. Mr. VanHorn requested a reduction of the fine.

Mr. DeBlois reviewed the notes on the case and indicated there had been partial release of liens on two other properties that were owned by the Respondent. The lien on this property had remained in place but the other properties had been released. There would also be another case on this agenda regarding the same property but a different violation. Staff would recommend setting the fine at \$5,000.

**ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Suthard, the Board voted unanimously (4-0) to approve staff's recommendation.**

It is noted for the record the bank representative was present for this case.

11:32:23 **Case #2007120040 – Michael Snodgress**

Mr. DeBlois recapped this case related to property with a swimming pool enclosure violation. The Respondent was given until April, 2008 to obtain permits and approvals from the IRC Building Department and to install a required enclosure around the pool. At a Compliance hearing on September 22, 2008, the Board entered an Order Imposing Fine. On October 2, 2008, twelve days after the start of the fine, the Respondent did finalize obtaining the permits and received a final inspection and approval. The accrued fine was \$1,200.

Mr. Michael Snodgress testified at the time of the fine he was out of work and had asked for a continuance which was granted. He had to go to Arizona to work and finally got enough money to take care of the permit and the fence. While trying to meet the deadline, he had problems with the inspections which drew out the process past the deadline.

Mr. DeBlois clarified with the Respondent there was a previous permit approved for a wood privacy fence but the Respondent ran out of money so had to apply for another permit for a chain link fence. The Respondent also said the chain link fence was constructed prior to the September 22, 2008 deadline but the inspections had not been finalized.

Ms. Kelly Buck, IRC Code Enforcement Officer, testified she had a copy of the Building Permit issued on March 24, 2008 for the chain link fence with a final

inspection on October 2, 2008.

Mr. DeBlois recommended reducing the fine to \$500.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve staff's recommendation.**

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

11:41:29 **Case #2009060239 – Wachovia Bank NA/New Horizons Marketing, Inc.**

Mr. DeBlois reviewed the case as a vacant house with an overgrown yard initially coming to the Board in August, 2009. On September 26, 2009 at a Compliance hearing staff testified the overgrown weed issue had not been resolved and as such, the Board entered an Order Imposing Fine. Staff observed compliance had been achieved as of December 3, 2010 with 433 days or \$43,300 of noncompliance.

Inspector Solomon confirmed the compliance date as December 3, 2010 and testified the property was still in compliance.

Mr. Gregory Dalessio, realtor, testified the bank Certificate of Title was issued in September, 2010 and was issued to him on November 20, 2010. He immediately brought the property into compliance. He requested reducing the fine to \$4,000 since the bank was not responsible for maintaining the property until they obtain possession.

Mr. DeBlois related given the circumstances and the bank's quick response, staff could support reducing the fine to \$4,000.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to reduce the fine to \$6,000 since the bank had not taken action on the property for over 60 days from the date of the issuance of the Certificate of Title.**

It is noted for the record the listing realtor was present for this case.

11:47:30 **Case #2008070034 - Robert Wallis**

Mr. DeBlois summarized the violation on this case was overgrown weeds and a commercial vehicle storage violation in a residential area initially coming before the Board in August, 2008. This was a foreclosure property and on October 25, 2008 at a Compliance hearing compliance had still not been achieved and the Board entered the fine. Compliance was acknowledged on December 15, 2010 that the violations had been resolved.

Inspector Solomon testified the property could have come into compliance sooner than December 15, 2010 but she had not been contacted prior to that time. The dates of noncompliance totaled 781 with a \$78,100 flat fine.

Ms. Christina Ripple, representing Fannie Mae, reported the foreclosure date was August 19, 2010 and the bank took possession on August 23, 2010. Landscaping and trash removal was done on August 29, 2010. She continued within 10 days of obtaining possession of the property all violations were cleared and requested a reduction in the fine as the property was currently under contract.

Mr. Zimmerman asked why Ms. Ripple had not contacted Code Enforcement until December 15, 2010 since the property was in compliance in August, 2010. Ms. Ripple did not know the reason.

Mr. DeBlois stated staff would recommend a fine reduction to \$2,500.

**ON MOTION BY Mr. Petrulak to approve staff's recommendation. The motion DIED due to a lack of second.**

**ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Petrulak, the members voted (3-1) to impose a \$3,500 fine. Mr. Suthard opposed.**

It is noted for the record a bank representative was present for this hearing.

11:54:59 **Case #2010030096 – Myriam Baretto**

Mr. DeBlois recapped this was the same property discussed previously concerning Myriam Baretto. The case had initially come before the Board in June,

2010 with an issue of a dead pine tree causing a health and safety issue. The Board initially granted 30 days for compliance and because of the foreclosure there were some extensions of time given. At a Compliance hearing November 22, 2010 the fine was imposed. Compliance was acknowledged by staff as of December 21, 2010, 31 days, or \$3,100 accrued leading up to the removal of the tree.

Inspector Solomon testified there were initially three trees on the property needing to be removed, and the bank hired a contractor and the property manager working for the bank was under the impression that the contractor had removed all of the trees only to find out the largest pine tree had been left in the back yard. It took a couple of months to get another contractor to remove the remaining tree.

Mr. Edward J. VanHorn, real estate broker assigned to the property, testified the property was assigned to him in October or November, 2010. He was not aware of any violations until a title company found the lien on the property and contacted him. He worked on getting the matter cleared as fast as he could once he found out there was a lien. Mr. VanHorn asked for leniency on the amount of the fine.

Mr. DeBlois stated based on the testimony presented, staff could recommend the fine be reduced to \$1,800.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to approve staff's recommendation.**

It is noted for the record, the real estate broker was present for this case.

12:00:35 **Case #2008050017 - Toma Fettig**

Mr. DeBlois related this case and the following case were both tied to property owned by the Respondent with a request for a partial release of lien of a certain property that was affected by the lien on this property. The subject property requested for release was located at 4536 61<sup>st</sup> Terrace, Vero Beach, FL 32962 and was not where the violations were located.

Mr. DeBlois continued the issue with this case at 1091 24<sup>th</sup> Street, SW, Vero Beach, was overgrown weeds which initially came before the Board for an Evidentiary hearing in July, 2008. The Board at a Compliance hearing on September 20, 2008 found a violation and entered a fine, which was now at 856 days and \$85,600.

Inspector Jefferson verified the property was still not in compliance.

Ms. Danielle Levin, representing the bank, stated the piece of property at 4535 61<sup>st</sup> Terrace was currently under contract and the goal was to get a partial release so they could close on it.

Mr. DeBlois stated while the property was still not in compliance concerning this case, Toma Fettig was no longer associated with the property proposed for release, and staff did not feel there would be any benefit to not releasing the property. They would recommend a partial release of the property at 4535 61<sup>st</sup> Terrace from this lien.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to approve staff's recommendation.**

It is noted for the record, the bank representative and Ed Richard, listing agent, for the released property at 4535 61<sup>st</sup> Terrace, were present for this hearing.

12:08:20 **Case #2008060057 – Toma Fettig**

Mr. DeBlois related this case involved property at 700 24<sup>th</sup> Street, SW, with the issue of a zoning district use of storage. The case originally came before the Board in July, 2008 with property being used for storage of boats, vehicles and utility trailers on a vacant residential lot. The Board did enter a fine as of September 22, 2008, and compliance was achieved approximately July 1, 2010.

Inspector Jefferson confirmed compliance of the property.

Mr. DeBlois related the fine would total approximately \$69,000 and similar to the previous case, the violation was not on the property where the partial release of lien was being requested at 4535 61<sup>st</sup> Terrace. As far as setting of the fine, staff would recommend finding of compliance on July 1, 2010 and set the fine for the specific property, giving staff the opportunity to calculate the exact amount and under a separate order, release the 61<sup>st</sup> Terrace property.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to**



**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to table the case for 60 days, until March 25, 2011 to allow the repair of the pool screen.**

It is noted for the record the listing agent for the property was present for this hearing.

12:31:16 **Case #2010060021 – Edward & Jorlena Agnes Williams**

Mr. DeBlois recapped this was a Compliance hearing for violations of overgrown weeds, junk, trash and debris, and a dirty swimming pool. The Board entered an Order on those issues in July, 2010 to both the Respondent and the bank as it was a foreclosure property. An extension was granted until December 24, 2010 to resolve the remaining issues.

Inspector Solomon testified she had inspected the property today and no progress had been made. She submitted photographs into evidence which are on file in the Commission Office.

Ms. Danielle Levin, representing Bank of America, stated the foreclosure case was being held up for review of documentation. She related there was a court hearing date of March 28, 2011 scheduled.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to impose the fine, beginning December 25, 2010.**

It is noted for the record the bank representative was present for this case.

12:37:33 **Case #2010070111 – Anthony A. & Rosemary Skuro**

Mr. DeBlois explained this was a situation where both of the Respondents were deceased and the property was in probate with a bank foreclosure pending. The violation was overgrown weeds. Mr. DeBlois recommended granting 60 days, until March 25, 2011, for compliance.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve staff's recommendation.**



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

12:38:44 **Case #2010080157 – Sarah Lamm**

Inspector Jefferson stated she had received numerous complaints on a residential property regarding land clearing without permits, an addition and covered porch without permits, home occupation, and a commercial vehicle at a residence violations.

Inspector Jefferson continued the land clearing and home occupation violations had been complied. The Respondent picked up an application for an after-the-fact building permit but would need to obtain the permit for the addition and the commercial vehicles were still on the property. Photographs were submitted into evidence and are on file in the Commission Office.

Mr. DeBlois recommended 60 days, until March 25, 2011 for the Respondent to finalize obtainment of the after-the-fact permits for the building addition and to also remove the commercial vehicles from the property.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve staff's recommendation.**

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

12:41:01 **Case #2010070286 – Bonnie Jane Abrahamson**

Inspector Solomon stated no service was received for this case.

12:41:13 **Case #2010090115 – Ernestine Roker**

Mr. DeBlois recapped this case had an unsecured vacant burnt structure and overgrown weeds violations. The Respondent was deceased and staff had been in contact with her daughter, representative of the property.

Inspector Buck verified she had service on the daughter, Audrey Williams, on January 13, 2011. She submitted photographs taken today into evidence which are on file in the Commission Office. Inspector Buck reported Ms. Williams was working with the IRC Health Department on pulling permits for demolition within the next two

weeks. If the demolition does not take place, efforts have already been taken for condemnation with the IRC Building Department.

Mr. DeBlois recommended granting 30 days, until February 25, 2011 for the structure to be either fully secured or demolished with permits and the weeds to be mowed.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to approve staff's recommendation.**

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

12:43:01 **Case #2010100026 – Jonathan T. Bloch**

Mr. DeBlois recapped this residential property had junk vehicle and junk, trash, and debris violations. Both the Respondent and the bank had been noticed as this was a foreclosure issue.

Ms. Betty Davis, IRC Code Enforcement Officer, testified she had posted the property and received service from the bank. She submitted photographs into evidence which are on file in the Commission Office. The only thing remaining was the junk vehicle. A car tag had been put on the vehicle but it had flat tires, the back window broken into, and was unsightly. She would recommend granting 30 days, until February 25, 2011 for removal of the vehicle.

**ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve staff's recommendation.**

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

12:44:21 **Case #2010100123 – Rafael Viamontes, II**

Inspector Solomon testified this property was posted on January 14, 2011 and she received service on the bank January 14, 2011. She submitted an Affidavit of Service and photographs into evidence which are on file in the Commission Office.

Inspector Solomon continued the residential property was vacant with overgrown weeds and junk, trash and debris violations. The overgrown weeds had

been mowed, but have since grown back, and a few piles of yard debris remained. She recommended granting 30 days, until February 25, 2011 to bring the property into compliance.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to approve staff's recommendation.**

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

12:45:43 **Case #2010110041 – Mickey & Brenda Webb Green**

Inspector Buck testified Mr. Green had been here earlier and stated the property was brought into compliance today. She asked to reschedule the case in order to verify compliance.

Mr. DeBlois stated the case was withdrawn.

12:46:35 **Case #2010110028 – James Thatcher & Robin Burker**

Inspector Solomon reported service was received on the Respondent for a boat trailer storage violation and a zoning district use violation. She continued the boat trailer and all items for a business had been removed from the property causing the zoning district use violation.

Inspector Solomon did request a Continuing Order relating to the items for a business to be instated because the Respondent had been cited for the same issue before.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to approve staff's recommendation.**

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

12:47:48 **Case #2010110042 – Robert E. & Yolanda M. Diaz**

Inspector Jefferson testified she had posted the property on January 14, 2011 and submitted an Affidavit of Service into evidence which is on file in the

Commission Office. The violations were junk, trash, and debris; no building permit for a shed tie-down; and a junk vehicle.

Inspector Jefferson continued the junk, trash and debris had been removed, the Respondent had asked for a 30 day timeframe to obtain a building permit with final inspection for the tie-down and to purchase a battery for the vehicle to prove it roadworthy.

Mr. DeBlois summarized staff recommended 30 days, until February 25, 2011, to allow the respondent to obtain the permit and get the final inspection for a shed tie-down and to either demonstrate the roadworthiness of the vehicle or remove it from the property.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve staff's recommendation.**

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

12:49:44 **Case #2010090207 – Curlie V. Davis**

Inspector Jefferson testified this was an overgrown weeds violation. She posted the property and submitted an Affidavit of Service into evidence which is on file in the Commission Office. This was a vacant house in foreclosure so she had also noticed the bank.

Mr. DeBlois recapped since the house was in foreclosure, he would recommend a 60 day timeframe, until March 25, 2011, to try to coordinate with the bank for compliance on mowing the weeds.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve staff's recommendation.**

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

12:50:56 **Case #2010110106 – Sally Ann Hosein**

Inspector Jefferson testified this was an overgrown weeds violation. She

posted the property and submitted an Affidavit of Service into evidence which is on file in the Commission Office. The house was vacant and not in foreclosure. She recommended granting 30 days, until February 25, 2011 to bring the property into compliance.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the members voted unanimously (4-0) to approve staff's recommendation.**

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

12:51:32 **Case #2010110114 – Scott J. Kennedy**

Inspector Solomon testified this property was posted and submitted an Affidavit of Service into evidence which is on file in the Commission Office. The violations were overgrown weeds and junk, trash and debris at an abandoned residence.

Mr. DeBlois recommended granting 60 days, until March 25, 2011 to allow for coordination with the bank for bringing the property into compliance.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve staff's recommendation.**

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

12:52:29 **Case #2011010028 – Christina O'Keefe**

Inspector Solomon testified this property was posted and submitted an Affidavit of Service into evidence which is on file in the Commission Office. The violations were overgrown weeds, junk, trash, and debris, and an unsecured vacant structure. The Respondent continues to say she will bring the property into compliance but never does. Inspector Solomon recommended granting 30 days, until February 25, 2011 to bring the property into compliance.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to approve staff's recommendation.**

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

12:54:12 **Case #2010020057 – Mattie Nichols**

Mr. DeBlois reported this was a Compliance hearing relating a structure exterior maintenance violation. This was actually the estate of the Respondent and had to do with a dilapidated structure. The Board gave until December 24, 2010 to repair the dilapidated structure or obtain permits to remove the structure.

Inspector Buck testified nothing had been done and she had talked with the Respondent's daughter who stated whenever she gets the money she will pull the permit for demolition. Staff had already started the process of condemnation with the IRC Building Department.

Mr. DeBlois recommended the fine be imposed.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to impose the fine.**

It is noted for the record the Respondent or her representative were not present for this hearing.

12:55:54 **Case #2009110031 – Kenneth Beebe, Jr.**

Inspector Solomon testified this case originally came before the Board at an Evidentiary hearing on June 28, 2010 regarding a building permit violation. The Respondent enclosed his front porch without permits and was given 90 days to resolve the issue. The permit was issued on September 17, 2010, however, since that time there had been no progress, even with two extensions being granted.

Mr. DeBlois recommended the fine be imposed.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to impose the fine.**

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

12:57:26 **Case #2010060191 – Charlie Jones**

Mr. DeBlois related this was a residential property with violations of an unsecured vacant structure that was resolved but the violations of overgrown weeds and a zoning district use remaining.

Inspector Buck testified and submitted photographs into evidence which are on file in the Commission Office. The overgrown weeds remained and the boat remained on the property. The Respondent told her the boat belonged to his nephew and the tag expired in 2005.

Mr. DeBlois recommended the fine be imposed.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to impose the fine.**

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

12:58:46 **Case #2010070011 – Derek W. & Tara M. Holt**

Inspector Solomon testified this case involved a fence or wall violation for brick pavers the Respondent had constructed along his property. He was told to get a building permit and modify the structure as necessary. The pavers are in the right-of-way and the permit was issued October 26, 2010 but nothing had been done.

Mr. DeBlois stated the building permit was a six-month permit that could be extended with inspections but that had not occurred. He recommended the Board impose the fine.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to impose the fine.**

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

1:00:37 **Case #2010070138 – David Van**

Mr. DeBlois related this was a junk, trash and debris issue.

Inspector Jefferson testified she inspected the property this morning and had

no contact with the property owner, had posted the property, and nothing had been removed.

Mr. DeBlois recommended the fine be imposed.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to impose the fine.**

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

1:01:52 **Case #2010090113 – Jeffrey E. Boutwell**

Inspector Solomon testified this was a vacant residence with violations of overgrown weeds, junk, trash, and debris. The property was not in foreclosure and she had made phone contact with the Respondent to encourage him to clean up the property. In September, 2010 the Respondent indicated he would make an effort to clean up the property but nothing had been done. She recommended the fine be imposed.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the members voted unanimously (4-0) to impose the fine.**

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

1:02:47 **Case #2010080164 – U.S. Bank, N.A.**

Inspector Solomon testified this was a vacant residence with violations of overgrown weeds, junk, trash, and debris. The overgrown weeds violation had complied but there still remained a pile of wood that was left on the edge of the property. One extension had been granted but the bank still had not removed the trash, therefore, staff recommended the fine be imposed.

**ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Suthard, the members voted unanimously (4-0) to impose the fine.**

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



1:03:50 **Case #2010090097 – James G. Rifenberg**

Mr. DeBlois related this was a foreclosure property where both the current land owner and the bank were noticed. The violation was overgrown weeds. It originally came before the Board in October, 2010 and an extension had been granted.

Inspector Davis presented a photograph into evidence which is on file in the Commission Office. She stated no effort had been made to mow the grass.

Mr. DeBlois recommended the fine be imposed.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to impose the fine.**

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

1:04:52 **Case #2010090011 – Gifford Gardens, LLC**

Mr. DeBlois reported this was the first of four cases on the agenda for Gifford Gardens, LLC. This involved a violation of not obtaining demolition permits for removing some dilapidated structures. After-the-fact permits were asked to be obtained.

Inspector Buck testified as of this morning no permit had been applied for. She knew a permit application had been completed but not submitted to the Building Department for approval.

Mr. DeBlois recommended the fine be imposed.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve staff's recommendation.**

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

1:06:44 **Case #2010090013 – Gifford Gardens, LLC**

Mr. DeBlois related this case was the same issue as the previous case but at

a different address.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve imposing the fine.**

1:06:58 **Case #20100900214 – Gifford Gardens, LLC**

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve imposing the fine.**

1:07:07 **Case #2010090016 – Gifford Gardens, LLC**

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to approve imposing the fine.**

1:07:21 **Case #2010090031 – Judy Giannarelli**

Inspector Solomon testified this case involved overgrown weeds and junk, trash and debris violations. The Respondent was granted one extension to resolve these issues and to date there had been no action taken as photographs were submitted into evidence and are on file in the Commission Office. Staff recommended the fine be imposed.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to impose the fine.**

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

1:08:08 **Case #2010070249 – Charles Jones**

Mr. DeBlois recapped this property had a violation of junk, trash and debris, and a zoning district use issue with the storing of commercial equipment for a contracting business.

Inspector Buck testified she had talked to the Respondent and was told his grandson lived on the property. She submitted photographs into evidence which are

on file in the Commission Office. Inspector Buck reported the property was continuously having the same violations.

Mr. DeBlois recommended the fine be imposed.

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to impose the fine.**

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

1:09:56 **Case #2010100094 – John C. Ruzkowski**

Inspector Solomon testified this was an overgrown weeds violation. She submitted photographs into evidence which are on file in the Commission Office. A bank representative had called to inquire about the violation but no action had been taken. Staff recommended the fine be imposed.

**ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to impose the fine.**

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

1:10:49 **Case #2010120037 – Southern Waste Systems (violator) – G. Norman and Gwen C. Black**

Mr. DeBlois recapped this was a case of a repeat violation against the violator, Southern Waste Systems, of an oversized dumpster contrary to the county regulations. The property owners were not being cited. A previous order against Southern Waste Systems had been entered in October, 2006 so they are on notice in the unincorporated County, they were not allowed to use, as a non-franchised company, commercial containers of 15 cubic yards or more.

Mr. DeBlois continued the Board had entered a Continuing Order against the violator for \$250 per day whenever the violation occurs.



**Petrulak, the members voted unanimously (4-0) to approve staff's recommendation.**

It is noted for the record no Respondent or representative was present for this case.

1:22:16 **Case #2009070209 – Wellington Homes of Indian River**

Mr. DeBlois related this case had to do with a shed and fence where the final permits were not obtained and ultimately led to the board imposing fine for the construction of a shed and fence without permits. The representative had called him and got the permitting issue straightened out and all inspections completed.

Mr. DeBlois stated based on when the fine was imposed on February 20, 2010, and the final inspections for both the fence and the shed by July 26, 2010, resulted in a \$15,600 straight fine. Staff recommended Acknowledging Compliance and Setting the Fine at \$1,500.

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to approve staff's recommendation.**

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

1:24:39 **Authorization for Notices to Appear**

**ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to Authorize the Notices to Appear for cases leading up to the March, 2011 meeting.**

There being no further business, the meeting was adjourned at 5:26 p.m.