

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, March 28, 2011 at 1:30 p.m.

Present were Chairman **Keith Hedin**, Businessman Appointee; Vice Chairman **Joe Petrulak**, Subcontractor Appointee; **Karl Zimmermann**, Realtor Appointee; **Joe Garone**, General Contractor Appointee and **John Owens**, Engineer Appointee.

Absent was **Cliff Suthard**, Member-at-Large Appointee (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; Betty Davis, Vanessa Carter Solomon, Rose Jefferson and Kelly Buck, Code Enforcement Officers; Jose Gaunch, Building Official; and David Hays, Land Development Manager. Others present: Attorney Wayne Coment, Attorney for the Board; and Darcy Vasilas, Commissioner Assistant District 3, Recording Secretary.

11:30:40 Call to Order

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

11:32:38 Approval of Minutes of February 28, 2011

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve the minutes of February 28, 2011 as presented.

11:32:42 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.

11:37:44 **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 #2010110030, #2010020075, #2010110139, #2010070111, #2010090207, #2010080157, #2010090084, #2010090091, #2010090072, and #2010080075 - 30 day extension until April 22, 2011. Cases #2010060216, #2009120074, #2010110018, #2011010077, and #2010110016 - 60 day extension until May 20, 2011. Cases #2011010048, #2011010141, #2011020094, #2011010114, #2011020137, #2010120058, #2008120001, and #2007100188 were rescheduled.

In compliance were Cases #2010110040, #2010110044, #2010110021, #2011010016, #2011010014, #2010120098, #2010120096, #2010120018, #2011010020, #2011010150, #2011020056, #2011020122, #2011020113, #2011020185, #2011010113, #2011020021, #2011020022, #2010090190, #2010090161, #2010100050, #2010100123, #2010120097, #2011010005, #2010120056, #2010110100, #2011010029, and #2011030096.

Mr. DeBlois announced there were certain cases he was requesting to be heard at the beginning of the meeting due to the large number of people in attendance and staff involvement. He noted there was also noticed an Administrative Hearing and Lien Requests for a time certain of 2:30 p.m.

11:48:35

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to accept the Consent Agenda with the revisions.

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.

11:48:40

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.

11:49:13 **Case #2011030042 – Vista Golf, LLC**

Mr. DeBlois recapped this case relates to a repeat violation of a Board Order dating back to July 27, 2009 concerning an overgrown weeds violation at an abandoned golf course located within the Vista Royale development. He continued there were actually three sections of the overall Vista Golf Course that had been handled under different cases separately. This particular case involved a northern 9-acres that was ordered have the weeds mowed so they did not exceed 12-inches in height by August 21, 2009.

Mr. DeBlois explained under Florida Statutes and County Regulations, a repeat violation was a violation which occurred within five years of the Board's Order. In this case, it was staff's position there had been a repeat violation of that order, and therefore, it was being brought before the Board for consideration of the implications and potential imposition of fines.

Ms. Vanessa Solomon, IRC Code Enforcement Officer, presented photographs into evidence, which are on file in the Commission Office, and testified both Mr. Sullivan and Vista Golf, LLC had been cited since the July 27, 2009 date for failure to maintain the golf course. This would be the third Notice of Hearing concerning the status of the overgrown weeds. She did not believe the golf course had been mowed since November, 2010.

Mr. DeBlois inquired when the golf course would technically be considered in violation in this instance since there had been a cold snap which hampered growth. Inspector Solomon responded late February, 2011 the property was in violation and the Respondent was cited on March 4, 2011 after she visited the property where the weeds were observed to be over 12-inches in height; actually 4 to 5 feet high in some areas.

Mr. DeBlois called Ms. Joan Jarsulic, President of Vista Royale Association, Inc. to testify.

Ms. Jarsulic provided documentation to the Board concerning the property which included pictures. This information was submitted into evidence and is on file in the Commission Office.

Mr. DeBlois asked Ms. Jarsulic if the she could verify the property had been

overgrown since at least March 4, 2011. Ms. Jarsulic replied in the affirmative.

Mr. DeBlois inquired if the property had been overgrown prior to March 4, 2011. Ms. Jarsulic testified the overgrowth had been an ongoing problem; that occasionally there would be some mowing done in an attempt to correct the situation, however, it was never completely mowed except for one time in over the past two years. She continued, by the time the ninth hole of the golf course would be mowed, the first hole where they started would be overgrown exceeding 12-inches again.

Ms. Jarsulic pointed out the 27 holes of the golf course were protected under a covenant that has a Unity of Title provision; meaning no single parcel could be subject to lease, sale, or being split apart and the way one portion was treated all portions must be treated the same way. She continued there was an ongoing civil court case addressing this issue and the concern was whether or not a violation to a single portion of the property should in reality, apply to all 27 holes.

Mr. DeBlois stated at one time there had been some discussion there was potential for the Vista Royale Association to purchase either all, or a portion, of the golf course. He asked Ms. Jarsulic if she knew the status of that action. Ms. Jarsulic responded there was a settlement agreement signed during court ordered mediation that would put the purchase of the entire 27 holes up to the membership of Vista Royale. Under the due diligence portion of this proposal, it was determined that recommending purchase under the current conditions was not feasible, therefore, that proposed offer was withdrawn and the case was going back to court.

Mr. Hedin asked if there were any representatives from Vista Golf, LLC present. There were none.

Mr. DeBlois summarized this case was being brought to the Board as a repeat violation, there was an opportunity for the Board to consider imposition of fines for this repeat violation without giving the Respondent an opportunity for them to come into compliance before a fine was imposed. Staff recommended a fine of \$100 per day be imposed beginning March 4, 2011.

12:07:05

ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Owens, the members voted unanimously (5-0) to impose the fine beginning March 4, 2011 for the northern portion of Vista Royale.

Mr. DeBlois clarified for the record, this imposed fine would be recorded in the public records as a lien against the subject property and would accrue at the rate of \$100 per day until resolved. He added this lien attaches to not only the subject property, but any real or personal property owned by the Respondent. After three months, under Florida Statutes, the County has the opportunity to consider foreclosing on that lien.

The Respondent was not present for this hearing.

12:09:16 **Case #2010100217 – Paul Wayne & Shannon Yu-Hang Shoquis**

Mr. DeBlois recapped this was an Evidentiary Hearing having to do with a partially constructed residence that was currently in foreclosure. Other violations included overgrown weeds, junk, trash, and debris, a swimming pool enclosure violation, housing code violation, and an unsafe building violation.

Ms. Betty Davis, IRC Code Enforcement Officer, submitted photographs into evidence, which are on file in the Commission Office. She testified the IRC Building Department performed an inspection on the home which has set for over two years without being completed. According to County Code, if a home sets without being completed it can be condemned if it is exposed to the elements. There were no windows or doors in the home which left it completely exposed. Another issue was the pool on the property, which did not have water in it, was not fenced and there were construction materials left on the site. She reported contact had been made with a realtor representing a proposed buyer, who was willing to obtain permits and resolve the problems rather than going through condemnation.

Mr. Jose Gaunch, IRC Building Official, testified he inspected the property two weeks prior and noted the second story was completely frame and has been exposed to the weather. There was standing water all over the floors, the floors were rotted, many areas of the roof sheeting and walls were black and rotted. There was a small accessory structure in the front of the house adjacent to the driveway and the road which was built without a permit, nor was it on the survey or approved by the Planning Department. The structure was unsafe because it had been trussed and roofed but the tie beam and columns had not been poured.

Mr. Gaunch felt the entire roof was in complete disrepair and the residence concerned him structurally, life safety-wise with a unenclosed pool, and reported the house had been started back in 2003 and went through two permit expirations due to

problems with the contractor. A new permit was issued in 2007 that has since expired. An inspection report and a letter stating the structure was unsafe had been done and sent to the owners via certified mail, with a signed receipt dated October 14, 2010.

Mr. DeBlois stated if the potential buyer was present and would like to speak, the Board would like to hear from them. No one came forward.

Mr. DeBlois stated based on testimony, staff would recommend allowing 7 days for the pool to be secured and 60 days, until May 20, 2011 to move forward with obtaining a demolition permit or submittal of revised plans for repair and renewed permits.

12:21:37

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (5-0) to approve staff's recommendation.

The Respondent was not present for this hearing.

12:21:59 **Case #2011010031 – Scott H. & Denise M. Kenney**

Mr. DeBlois recapped this Evidentiary Hearing had to do with structural encroachments into a 10-foot drainage utility easement on the lot. There were also issues relating to final inspection approvals for a pool permit and structures and decking associated with the pool.

Ms. Kelly Buck, IRC Code Enforcement Officer, summarized in 2007 the Respondent applied for a Release of Easement for the 15-foot easement on the south side of his property. He proposed to release 5-feet to construct a swimming pool within that easement which was approved. Recently the Respondent came in to apply for Declaration of Covenant to install a fence on the west portion of the remaining 10-foot easement. During the approval process, a number of issues were discovered within that drainage easement and the IRC Engineering staff had a number of concerns; part of the pool deck was within that 10-foot easement; some fill dirt and landscape material had been brought in. There was also a pipe installed without a permit. Inspector Buck submitted photographs into evidence.

Mr. David Hays, IRC Land Development Manager, testified the pool was constructed within the 5-foot released easement and then an encroachment

occurred with the addition of the pool deck which was not part of the original permit. Subsequently, the rest of the easement had been filled in. An inspection was performed and the Respondent was notified there were structures and fill in the easement that needed to be removed and also the pool had not received a final inspection. This occurred in fall 2010 and the issues had still not been resolved.

Mr. DeBlois asked Mr. Hays if the pipe had been permitted or inspected for compliance with what may be allowed in the easement. Mr. Hays responded the pipe had been installed by the Respondent and during discussions one of the items for negotiation was if the Respondent could provide drainage via a pipe if his Homeowner's Association would agree.

Mr. Hays continued one day the Respondent had called and said the pipe was installed and he was ready for signoff. There had been no approvals prior to the installation and when an inspector went to the residence there appeared to be 25-foot piece of pipe that was cut in half with 10-feet on one property line and 10-feet on another property line. When the pipe was probed, it was not open all the way through.

Mr. DeBlois inquired what it would take to bring the property into compliance of an acceptable allowance that would not impede the drainage. Mr. Hays opined at this point they would need to confirm where the deck was and if proper maintenance of the utility easement could be maintained if a couple more feet of the easement were to be released. The permanent structures, if agreed by the Homeowner's Association, could be outside of the easement, making the Respondent whole if he were to sell the property so the new buyers would not be faced with structures within an easement. Beyond that, staff agreed to work with the Respondent on ways to protect the drainage and there would be several options he could perform as long as they were permitted and put through the covenant process. Currently, none of those options had been done.

Mr. DeBlois summarized the issues relating to the encroachments and alteration of the drainage easement contrary to County Code and obtainment of the final approvals for the pool and associated deck structures. Staff recommended the Board find the violations and grant the Respondent 60 days, until May 20, 2011 to resolve these issues.

Mr. Scott Kenney, the Respondent, requested 90 days for compliance as he had an overseas trip scheduled for the first 30 days of the time limit allowed. Mr. DeBlois stated he could support the 90 days, until June 24, 2011 as the compliance

date.

12:34:20

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the members voted unanimously (5-0) to approve staff's recommendation.

The Respondent was present for this hearing.

ADMINISTRATIVE HEARING

12:34:38 **Case #2009060086 – Vista Golf, LLC**

Mr. DeBlois related staff scheduled this item for two purposes; one related to course costs for County abatement of public nuisance; and the second item relates to direction from the Board of County Commissioners (BCC) that the County Attorney consider foreclosing on the assessed costs related to this case. The Respondent in the case, Vista Golf, LLC, pertains to the abandoned golf course that Vista Golf owns within the Vista Gardens development. This dates back to an Order Imposing Fine for a determination of public nuisance warranting County abatement the Board entered back in August of 2009. Prior to that time, the Board had an Order Finding Violation against Vista Golf in July 2009, Charles Sullivan, Jr., representing Vista Golf was present at that Evidentiary Hearing and the Board ordered the Respondent mow the overgrown weeds on the golf course.

Mr. DeBlois continued once the matter was brought before the BCC for abatement of the mowing, there was a provision that once the Board determines the violation was a public nuisance warranting County abatement and if that recurs, it would not need to go back before the Board but to the BCC to decide if they want to continue to abate the nuisance. In this particular case, the issue had gone back to the BCC for six mowings and now this hearing was essentially to put the cost of \$2,310 in an Order that can be recorded as a lien against the property after allowing the Respondent 45 days to contest the costs.

Mr. DeBlois recommended the Board ratify the contract of mowing for total charges of \$2,310.

Chairman Hedin asked if anyone representing Vista Golf, LLC was present. There was no response.

12:40:39

ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Petrulak, the members voted unanimously (5-0) to ratify the contract of mowing for total charges of \$2,310.

Mr. DeBlois presented the second aspect of the hearing by explaining at the March 15, 2011 BCC meeting, there was a discussion related to the authorizations to continue the mowings. As a result of that discussion, the BCC recommended the County Attorney take action to foreclose the liens that had accrued concerning this case. The County Attorney pointed out for foreclosing a lien it must be done with the Code Enforcement Board directing the County Attorney to do so.

Attorney Coment asked if there were outstanding fines or just the abatements costs being foreclosed upon. Mr. DeBlois replied there was \$5,700 that had initially accrued as a Code Enforcement fine then the actual cost of mowing of \$7,810. He was requesting the total of all costs associated with this case be foreclosed upon.

12:45:20

ON MOTION BY Mr. Owens, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to direct the County Attorney to foreclose on all fines and costs associated with this case and will include a list of concerns as listed by Ms. Jarsulic.

Mr. DeBlois pointed out Ms. Jarsulic, President of the Vista Royale Association, had requested to speak on how foreclosure on the fines and liens would affect the homeowners.

Mr. Petrulak inquired what the BCC's stance was on continuing to maintain the properties. Mr. DeBlois responded at the March 15, 2011 BCC meeting, the Commission decided to again abate the nuisance but did not form a final conclusion as to whether or not they would continue to do so. The BCC did want to take the position where they wanted to do more than just keep mowing the property and charging the actual cost of mowing, they wanted to move forward with foreclosing the fines.

Mr. DeBlois reported an invoice had been sent to Vista Golf with the accrued mowing costs to-date requesting payment and it had not yet been paid. The BCC was frustrated that not only were they having to abate the mowing, but the

Respondent had not paid any of the costs.

Ms. Jarsulic distributed comments to each Board member, and which is on file in the Commission Office. She summarized the liens being foreclosed upon were attached to a very small part of the overall 27-hole golf course property. The entire 27-hole golf course property was wholly owned by Vista Golf, LLC which is subject to a Unity of Title and protective covenants as she explained in the previous Vista Golf case. She asked the County, while seeking enforcement of its liens, do nothing that causes harm to the Unity of Title by separating parts of the property.

There was no representative for Vista Golf, LLC present for this hearing.

Chairman Hedin called for a break from 2:50 to 3:05 pm.

LIEN RELEASE REQUESTS

12:55:24 **Case #2004080046 – Leah M. Uliano**

Mr. DeBlois summarized this case concerns property with a barn structure that was converted to living quarters without permits. The other issue was a zoning use issue related to the barn being used as a living quarters. The case came back before the Board numerous times with extensions granted as the Respondent was working on getting engineering and structural drawings needed to convert the barn into essentially a residence.

Mr. DeBlois continued in April, 2007 when the case came back to the Board, compliance had not been achieved at the time, the Respondent was represented by an attorney and the Board imposed a fine of \$100 per day for noncompliance with a beginning date of April 21, 2007. Recently, staff received information as of June 11, 2010 the Respondent had ultimately obtained all necessary permits and final approvals for the barn conversion into a residence. Based on the flat fine from April 21, 2007 to June 11, 2010, the accrued fine would be \$114,700. Attorney Eugene O'Neill had contacted staff to review the issues, acknowledge compliance, and consider setting or reducing the fine based on circumstances he would explain.

Attorney Eugene O'Neill, representing the Respondent, distributed a packet of information, a copy of which is on file in the Commission Office. The packet contained a timetable of all actions taken regarding the property since the Respondent purchased it on July 23, 2002.

Attorney O'Neill related Ms. Uliano had purchased the property based on the appraisal identifying the building as a garage with apartment and lived there peacefully until August, 2004 when she applied for a fence permit. At that point a Notice of Violation was issued. Ms. Uliano then found the previous owner had not gotten all the necessary permits and she tried to get the after-the-fact permits. He went through the events included in the packet which led up to the November 22, 2004 Evidentiary Hearing where she had requested a continuance because her attorney at the time, Kevin Doty, could not attend. Since Ms. Uliano also did not attend, but had sent a registered letter requesting a continuance, there was no record of a continuance granted and she was sent an Order Finding Violation.

Attorney O'Neill continued Ms. Uliano then hired another attorney, Avery Chapman, who worked on the case for two years in which several extensions were granted. In April, 2007, Mr. Greg Schlitt, a licensed general contractor, took over trying to get all the permits approved and ran into many hurdles dealing with the IRC Building Department, including having to pay new impact fees and building permit fees which totaled \$9,059.87. An Estimate of Costs was presented showing Ms. Uliano had spent \$16,872.29 in total attorney fees and \$14,140.49 in contractor fees, surveys, and all required changes to comply with current building codes.

Ms. Leah Uliano took the stand and confirmed the information presented by Attorney O'Neill was correct. She again retraced the steps she had taken with attempting to bring the property into compliance as listed in the packet of information submitted into evidence.

Mr. Greg Schlitt took the stand and related his efforts in dealing with the IRC Building Department from 2007 until 2010 to finally resolve all issues.

Attorney O'Neill summarized he requested the Board waive the entire fine that had been accrued after hearing the myriad of difficulties and over \$40,000 in expenses Ms. Uliano had gone through.

Mr. DeBlois reviewed the three year fine amounted to \$114,700 and administrative costs according to the normal calculation, would amount to approximately \$5,100. From staff's perspective, he would recommend no more than the flat administrative cost of \$1,500, if that, due to the circumstances.

1:46:46

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Garone, the members voted (4-1) to rescind all fines in this case. Mr. Petrulak opposed.

November, 2010 it was pretty much gutted inside. Mr. Klekamp had admitted to putting in drywall, flooring, and other construction on the interior of the home. Inspector Davis advised Mr. Klekamp to come in to speak with the IRC Building Department to obtain after-the-fact permits and he agreed to do so.

Mr. DeBlois asked Inspector Davis if she had been inside the structure to see what had been done. She responded she had not and there had still been no one from the IRC Building Department that had been able to obtain entry to the property.

Attorney Pete Sweeney, representing Mr. Klekamp stated the claims being made against his client were unfounded. He claimed the person that had made the complaint was a former employee of Mr. Klekamp who had, along with her husband, been terminated from employment by Mr. Klekamp.

Attorney Sweeney asked Inspector Davis if there had ever been any prior Code Enforcement claims against Mr. Klekamp at that property. Inspector Davis responded there had not.

Attorney Sweeney questioned the conversation Inspector Davis stated she had with Mr. Klekamp. Inspector Davis reiterated Mr. Klekamp had told her that the drywall had been replaced, flooring, and some electrical work but she had advised him to speak with the Building Department for clarification on what work would require after-the-fact permits.

Attorney Sweeney asked Inspector Davis when she had spoken with Mr. Klekamp. Inspector Davis replied it was approximately March 18 or 19, 2011.

Attorney Sweeney did not feel there was any evidence other than a former disgruntled employee filing a complaint online, thinking they were doing so anonymously, to seek revenge against Mr. Klekamp. He continued there was no threshold of what Mr. Klekamp may, or may not have done. He could not verify what Inspector Davis reported Mr. Klekamp told her on the phone and would consider that as heresay.

Inspector Davis asked if the Respondent was currently living on the property as she had seen plumbing and electrical contractor vehicles located on the site. Attorney Sweeney replied in the affirmative.

Mr. DeBlois interjected it was the policy of the former Building Official that if certain work was performed at a cost under \$1,000 it may not need a building permit.

While preparing for this case today, he spoke with the current Building Department staff regarding that issue and was advised there was nothing in the Florida Building Code stating there was any threshold of value where you don't need a permit and the current Building Official does not make that initial assessment based on value, but if there were any plumbing or electrical work, a permit would be required. Essentially since Inspector Davis testified she had seen both plumbing and electrical contractor vehicles on the property that should provide evidence that both of those types of work were being done and would require permits.

Mr. DeBlois summarized based on the testimony provided by Inspector Davis there was sufficient evidence to conclude there was a violation of a Florida Building Code as cited. He recommended the Board find the Respondent in violation and grant a period of time of 60 days, until May 20, 2011, for the Respondent to come into compliance by coordinating with the Building Department and obtaining building permits.

2:11:09

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

The Respondent's attorney was present for this hearing.

2:12:56 **Case #2010110103 – Robert Weber**

Mr. DeBlois recapped this was an issue of an unsecured structure, debris from a dilapidated structure, and junk, trash, and debris.

Inspector Buck testified there was a small addition on the west side of the building that was falling apart with carpet and other debris. The Respondent had told her in December, 2010 he was going to remove the addition. Since that time, the IRC Building Department had condemned the rest of the structure and that process was still in the works.

Mr. DeBlois recommended 30 days, until April 22, 2011 for the Respondent to comply by either tearing down the dilapidated addition or otherwise obtain permits and repair it.

The Respondent, Mr. Robert Weber was present for the hearing and agreed to comply with staff's recommendation.

2:15:09

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

2:15:30 **Case #2011010106 – David G. Williams**

Mr. DeBlois summarized this was a dilapidated structure issue. The Respondent was ordered to repair and maintain the exterior of the structure on the property in good repair and sound condition or remove the dilapidated structure. When the case came before the Board in January, 2011, the Board granted an extension, until March 25, 2011 to bring the property into compliance.

Inspector Buck submitted photographs into evidence and reported the structure was secure and there was no access into the structure. The only remaining issue was the plywood on the roof was starting to cave in because it has no covering.

Mr. DeBlois summarized the structure could be considered secured, and was a vacant property undergoing foreclosure. The question was whether to proceed with the enforcement of actual full restoration of the structure at this point, or whether or not if it remains in good repair and in sanitary condition and is secured if that was sufficient.

Inspector Buck reported the property had been continuously mowed and some of the soffit had been removed. The windows and front door had also been secured.

Attorney David Osborn, representing Chase Bank, asked what needed to be repaired on the roof. Inspector Buck replied water was getting through the uncovered plywood on the roof and was therefore getting inside the structure.

Attorney Osborn stated the property was currently in the foreclosure process and the mortgagor still has title at this time. He requested additional time to address the roof issue before any fines or liens were placed against the property.

Mr. DeBlois related staff could support a 60 day extension, until May 20, 2011 to allow for repairs to the roof.

2:21:00

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

The representative of the bank was present for this hearing.

2:21:08 **Case #2011010106 – Keith Mason**

Mr. DeBlois recapped this case had to do with structural maintenance; a commercial vehicle located on residential property; junk, trash, and debris; and a junk vehicle.

Inspector Buck submitted photographs into evidence. She testified she had spoken with the Respondent who told her he was working with IRC Sheriff Deputy, Teddy Floyd, to get some assistance in getting the structure demolished and removed. She continued the commercial vehicle was not currently on the site and the citrus crates had been removed. The remaining debris was from the crumbling structure.

Mr. DeBlois recommended the Board find violations with respect to exterior maintenance violations; junk, trash and debris; and the junk vehicle violation and grant 60 days, until May 20, 2011 for the respondent resolve the issues.

The Respondent, Keith Mason, agreed to continue his efforts to bring the property into compliance.

2:24:15

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

The Respondent was present for this hearing.

2:24:34 **Case #2010110129 – Port Everglades Research**

Mr. DeBlois reported this case had to do with a Walgreen's Pharmacy with a violation of landscape maintenance and site plan compliance with respect to landscape.

Inspector Davis presented photographs into evidence, and testified there were

three 16-foot Holly trees that had the tops cut out reducing them to 8-feet. She had met with the property manager and advised him he would have to replace the three trees or put in one 20-foot tree to compensate. There were also some hedges along one side of the building that needed to be replaced. The Respondent had requested 60 days, until May 20, 2011 to replace all necessary vegetation.

2:26:38

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to grant the Respondent 60 days, until May 20, 2011 to replace the three Holly trees and any dead hedges to bring the property into compliance with County landscape and site plan requirements.

The Respondent was not present for this hearing.

2:26:51 **Case #2010110050 – DMK Vero Beach LLC (1/2) & JRM Vero**

Inspector Davis reported this case concerned a landscape maintenance violation and site plan nonconformance violation for hedges missing at the front of commercial property. The Respondent had requested 60 days, until May 20, 2011 to bring the property into compliance.

2:27:46

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the members voted unanimously, (4-0) to grant 60 days, until May 20, 2011 to bring the landscaping violations into compliance.

The Respondent was not present for this hearing.

2:28:29 **Case #2010100153 – Ryanwood Shopping Center, LLC**

Inspector Davis recapped this was another case of missing landscape and junk, trash, and debris violation.

Mr. DeBlois stated staff would recommend 60 days, until May 20, 2011 to allow the Respondent to correct the landscape and site plan violations and to clear the junk, trash, and debris.

2:30:15

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

The Respondent was not present for this hearing.

2:30:23 **Case #2010110128 – Sebastian Riverwalk Investors, LLC**

Inspector Davis recapped this was a landscape issue of dead hedges. The Respondent had replaced some of the hedges but requested 60 days, until May 20, 2011 to complete the replacement of the remaining plants.

2:31:13

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the members voted unanimously (4-0) to grant 60 days, until May 20, 2011 to complete the replacement of the dead hedges.

The Respondent was not present for this hearing.

2:31:25 **Case #2011010082 – GM Lawrence & Company**

Inspector Davis reported this was an abandoned subdivision with junk, trash, and debris; property maintenance violations; and health and safety hazard/public nuisance issues. She stated a person had been hired and has been mowing the property, the dumping had been cleared, and he will be mowing around the lakes and replace the utility covers and storm grates that had been stolen. The Respondent requested granting 60 days, until May 20, 2011 to bring the property into compliance.

2:32:46

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the members voted unanimously (4-0) to grant 60 days, until May 20, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

2:33:01 **Case #2010120014 – Morgan L. Thomas**

Ms. Rose Jefferson, IRC Code Enforcement Officer, recapped this case involved a junk, trash and debris violation consisting of construction material. She submitted photographs into evidence and related she had spoken with the Respondent and he had requested 60 days, until May 20, 2011 to bring the property into compliance.

2:34:33

ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to grant 60 days, until May 20, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

2:34:44 **Case #2010120013 – Morgan L. Thomas**

Inspector Jefferson reported this property was also owned by Mr. Thomas and it also involved junk, trash, and debris of construction materials. Staff recommended 60 days, until May 20, 2011 to bring the property into compliance.

2:35:59

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to grant 60 days, until May 20, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

2:36:03 **Case #2011010032 – William Alvin Jones**

Inspector Solomon related this property was posted after attempts at certified mail were unsuccessful. She submitted a photograph and Affidavit of Service into evidence. The cited violation was no building permit for a shed placed on the property. Staff was recommending granting 30 days, until April 22, 2011 to obtain a building permit and move the structure to comply with setback requirements.

2:37:14

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmerman, the members voted unanimously (4-0) to grant 30 days, until April 22, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

2:37:20 **Case #2011010071 – Kerry Rodrigue**

Inspector Solomon submitted a photograph and Affidavit of Service into evidence. She stated this case involved a vacant corner lot with a shed and a fence installed without permits and an accessory structure use violation. The Respondent had been stating since January, 2011 he would remove both the fence and the shed but has not removed either one. She recommended granting 30 days, until April 22, 2011 to allow the Respondent to remove both items from the vacant lot.

2:38:21

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the members voted unanimously (4-0) to grant 30 days, until April 22, 2011 to allow the Respondent to bring the vacant lot into compliance.

The Respondent was not present for this hearing.

2:38:31 **Case #2011010012 – Robert & Cheryl Councilor**

Inspector Jefferson submitted a photograph and Affidavit of Service into evidence. She recapped this case involved junk, trash, and debris; recreational vehicle storage violation; and boat/trailer storage violation. She reported there were approximately 12 bikes in the rear yard and several lawnmowers and miscellaneous debris. The Respondent had requested 30 days, until April 22, 2011 to resolve the junk, trash and debris violation. The recreational vehicle has been relocated off the property and the boat/trailer storage violation had also been resolved.

2:39:48

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

allow 30 days, until April 22, 2011 for the Respondent to remove the remaining junk, trash, and debris on the property.

The Respondent was not present for this hearing.

2:39:58 **Case #2011020178 – Daniel & Christine Mortimer**

Inspector Buck reported this was a case of junk, trash, and debris and a shed with no building permit. She submitted a photograph and a copy of the building permit which was pulled on March 21, 2011 into evidence. The Respondent requested 30 days, until April 22, 2011 to finalize the inspections of the shed and clean up of the junk, trash, and debris.

2:40:42

ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to grant 30 days, until April 22, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

2:41:05 **Case #2011020076 – Kenny Holmes**

Inspector Buck submitted photographs into evidence and related this was a case of junk, trash, and debris; junk vehicle violation; and no building permit for a fence. She continued the junk vehicle had been removed from the property and the only remaining violations were for a fence structure with soffit, tires, barricades, furniture, and other materials piled up behind it. The Repondent had initially pulled a fence permit in 2004 but never had final inspections so it expired and a new permit would have to be pulled. There was a permit for the shed on the property but it too had expired without final inspections so a new permit for the shed was also necessary.

Mr. DeBlois stated staff recommended 30 days, until April 22, 2011 to resolve the issues by pulling the appropriate permits and cleaning up the junk, trash and debris.

2:42:27

ON MOTION BY Mr. Petrulak, SECONDED BY Mr.

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

The Respondent was not present for this hearing.

2:45:36 **Case #2011020090 – Forest & Linda Railey**

Inspector Solomon submitted a photograph and an Affidavit for Notice to Appear into evidence with violations of overgrown weeds and swimming pool maintenance. She continued notice was received from National City Bank on March 18, 2011 and the realtor had the grass mowed, clearing the overgrown weed violation. The pool was not being maintained nor was it secured. It was constructed in 1982 so the pool barrier requirement does not apply to this property. The realtor had informed Inspector Solomon they were in the process of a short sale of the property so they were hoping within 30 days the property ownership could be transferred and the violations could be resolved.

2:46:38

ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to grant 30 days, until April 22, 2011 to resolve the pool maintenance and security issue.

The Respondent was not present for this hearing.

2:46:52 **Case #2011020091 – Margaret & Susan Callahan**

Inspector Solomon submitted photographs and Affidavit of Service into evidence for violations of swimming pool maintenance and a fence or wall violations. The pool was not being maintained but it was secured at this time. There was a fence down on the west side of this property currently in foreclosure. She recommended granting 60 days, until May 20, 2011 to bring the property into compliance.

2:47:50

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to grant 60 days, until May 20, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

2:47:58 **Case #2011010112 – Deborah M. & Secor Eastes, Doris Manning**

Inspector Solomon submitted photographs and Affidavit of Service into evidence for an illegal vehicle parked in the right-of-way; junk, trash, and debris; boat/trailer storage violation; no building permit violation; and yard encroachment violation. She continued the illegal vehicle parked in the right-of-way violation and the boat/trailer storage violation had been resolved. The canopy on the property did not require a building permit; however, it must meet the set back requirements.

Inspector Solomon reported the Respondent put a fence up in the front yard and came in for a building permit but because the fence was 6-feet tall in the front yard, it needed a final inspection and modifications so the fence would be in compliance with the County code. Staff would request 60 days, until May 20, 2011 to allow the Respondent to bring the property into compliance.

2:49:46

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

The Respondent was not present for this hearing.

2:50:02 **Case #2010120077 – Deloris Baker Miller**

Inspector Buck submitted a photograph into evidence and explained the Respondent had been cited with parking a commercial vehicle at residential property and illegal vehicle parking in the right-of-way.

Mr. DeBlois recommended granting 60 days, until May 20, 2011 to allow for removal of the commercial vehicle.

2:52:21

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

The Respondent was not present for this hearing.

2:52:45 **Case #: 2010100066 – Thanh & Thuyen Mai**

Inspector Solomon submitted photographs into evidence and reported it was concerning an overgrown weeds violation that had been brought before the Board in October, 2010. Since that time, condemnation proceedings had been started, but the Respondent has not mowed the grass since that time. Staff would recommend the fine be imposed.

2:53:45

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

The Respondent was not present for this hearing.

2:54:00 **Case #2010110114 – Scott J. Kennedy**

Inspector Solomon submitted photographs into evidence concerning overgrown weeds and junk, trash, and debris violations. When the case came before the Board on January 24, 2011 the Board granted 60 days to comply and to date no action had been taken. Staff recommended the fine be imposed.

2:54:43

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

The Respondent was not present for this hearing.

2:54:57 **Case #2010100017 – Bert A. Ammons**

Mr. DeBlois related this case concerned no building permit for structure; boat/trailer storage; zoning use district use violation; and yard sale violation. The yard sale violation had been resolved and the Respondent had agreed with a 30 day extension, until April 22, 2011, he would comply with clearing the remaining violations.

2:55:51

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

The Respondent was not present for this hearing.

2:56:30 **Case #2010110106 – Sally Ann Hosein**

Inspector Jefferson submitted a photograph into evidence concerning an overgrown weed violation that had come before the Board in January, 2011. The property was the same, with no action taken on the overgrown weeds. Staff recommended the fine be imposed.

2:57:05

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

The Respondent was not present for this hearing.

2:57:15 **Case #2011010066 – Gifford Gardens, LLC**

Inspector Buck submitted photographs into evidence and testified this was a case of two structures on a subject property; one being unsecured. There was still a large amount of debris inside the structure and the second structure has furniture. She had no contact with the Respondent and staff recommends he be fined.

2:57:55

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

The Respondent was not present for this hearing.

2:58:03 **Case #2011010067 – Gifford Gardens, LLC.**

Inspector Buck submitted photographs into evidence and testified this was a junk, trash and debris violation. The Respondent had not contacted her or cleaned up any of the debris so staff recommended the fine be imposed.

2:58:35

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

The Respondent was not present for this hearing.

2:58:46 **Case #2010110033 – Nathan A. Jacobs**

Inspector Buck reported this case entailed swimming pool maintenance and enclosure violations and overgrown weeds. The home was in foreclosure and the bank had a representative at the meeting last month and they were given seven days to secure the fence surrounding the pool. When the property was inspected on this date, no attempts had been made to secure and maintain the pool. Staff would recommend the fine be imposed.

2:59:17

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to impose the fine beginning the seventh day of the time allotted to secure the pool.

The Respondent was not present for this hearing.

LIEN RELEASE REQUEST

2:59:51 **Case #2009070157 – Brent & Terri Lamb**

Mr. DeBlois reported a representative for this property at the January 24, 2011 Board meeting as a Release of Lien Request but was tabled for 60 days until there was full compliance. This case had to do with overgrown weeds, swimming pool and maintenance violations. The bank had attempted to comply with securing the swimming pool with a wood frame structure with grate over the pool with the issue that this was not a building permit approvable structure so staff did not feel it was in compliance.

Mr. DeBlois continued he had received a letter dated March 24, 2011 that the realtor had taken steps to comply with the Board Order and they had the unpermitted

structure removed and repaired and padlocked the pool enclosure and have taken steps to clean the pool. From a staff perspective, steps had been taken to bring the property into compliance. From the original Board Order, with a start date of fine of September 1, 2009 and using an end date of March 26, 2011, that would be a flat fine of \$57,100. Because the realtor did not get the listing until November, 2010 and were not able to go before the Board until January, 2011, staff felt the fine could be reduced to \$2,500.

3:06:55

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

The Respondent or property representative was not present for this hearing.

3:07:46 **Case #2007100160 – Franklin & Connie Reed**

Mr. DeBlois recapped a letter from Attorney Rich Stringer had been received concerning this property that had an overgrown weed issue. The Board on April 28, 2008 entered an Order Imposing Fine. According to Attorney Stringer, there was a lis pendens filed for foreclosure prior to the County's recording of the Order Imposing Fine; therefore, our order does not have the weight of the lien. The property was bought and rehabilitated for resale. One solution would be to issue a partial release of the lien on the subject property but continue the lien for the Respondents for any other property they may own.

3:10:35

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to do a partial release of lien on this particular property but the Respondents will retain the lien for any other property they may own.

3:10:40 **Authorization for Notices to Appear**

ON MOTION BY Mr. Zimmerman, SECONDED BY Mr. Petrulak, the members voted unanimously (4-0) to authorize the Notices to Appear for cases leading up to the April 25, 2011 meeting.

There being no further business, the meeting was adjourned at 5:20 p.m.