

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, April 23, 2012 at 1:40 p.m.

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

Absent was **John Owens**, Engineer 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; Attorney David Hancock, Attorney for the Board; and Reta Smith, Recording Secretary.

11:54:18 **Call to Order**

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

11:55:00 **Approval of Minutes of March 26, 2012**

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to approve the minutes of March 26, 2012 as presented.

11:55:16 **Attorney's Overview of Board Purpose and Procedures**

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

12:38:59 **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 #2012010059, #2011090022, #2011100131, #2011110048, #2011110090, #2011050026, #2011090130, #2012020006, #2011090081, #2011120064, #2011120052, #2012010137, #2012020017, #2012020022, #2012020028, #2012020084, #2012020121, #2011110025, #2012020086, #2011120003, #2012020054 and #2011110096 - 30 day extension until May 18, 2012. Case #2012010045 - 60 day extension until June 22, 2012. Cases #2011080067, #2012020025, #2012030042, #2012030038 and #2012010067 were rescheduled. Case #2011120102 was withdrawn.

In compliance were Cases #2012020037, #2012020008, #2012020107, #2012020072, #2012020139, #2012020012, #2012020065, #2012010119, #2012020056, #2012030096, #2012030049, #2012030051, #2012020172, #2012020164, #2012020165, #2012030032, #2012030034, #2012030102, #2012030003, #2012030067, #2012030111, #2012030109, #2012030050, #2012030048, #2012030039, #2012030029, #2011110021, #2011100125, #2011120024 and #2011120058.

DeBlois announced there were no Lien Release Requests today; however there was one addendum to the agenda of a compliance case #2011110031 for Charlie & Mary Ann Jones.

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

12:12:11

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

12:12:27 **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.

12:22:42

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until June 22, 2012, for compliance or a \$100 per day fine would be imposed.

It is noted for the record the Respondents were present for this hearing.

12:24:58 **Case #2012020039 – National Oil & Gas Distributor (Mobile Gas Station)**

Mr. DeBlois outlined this had to do with establishment of a U-Haul truck rental business at a gas station without required County site plan approval and landscape maintenance compliance.

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted two photographs and a copy of the approved site plan into evidence. She advised the Respondents had recently applied for administrative approval to include the U-Haul business; but had received a discrepancy letter from the IRC Current Development Division outlining certain issues that needed to be addressed. Ms. Carter Solomon noted the Respondent was working to resolve the U-Haul business issues and installing required landscaping to come into compliance, and recommended an extension of 60 days, until June 22, 2012, for the violations be to be resolved or be subject to a \$100 per day fine.

Respondent Mr. Aziz Dadedea stated the landscaping should be finished by the end of the day and he was striving for compliance.

12:28:33

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find the violations and grant an extension of 60 days, until June 22, 2012, for compliance or a \$100 per day fine would be imposed.

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

12:29:08 **Case #2012030082 – William & Marjorie Flanigan**

Mr. DeBlois indicated this case involved agriculturally-zoned property that had

been cited for the dumping of land clearing debris from an off-site land clearing job onto the subject property without County authorization.

Ms. Kelly Buck, IRC Code Enforcement Officer, submitted four photographs taken on March 20, 2012 into evidence and testified she had observed Respondent Mr. Mike Pelletier dumping debris on the property on that date. She stated the Respondent explained the neighborhood children had formed a dirt track on the site and he was placing tree stumps around the track to prevent the kids from jumping and riding on the subject property. Inspector Buck continued she then contacted the IRC Sheriff's office, who took Respondent Pelletier into custody; however charges had since been dropped.

Inspector Buck submitted five photographs taken on April 3, 2012 into evidence, and noted some of the debris had been removed; however there were still some stumps remaining. She submitted three photographs taken on April 10, 2012 and pointed out it showed the property was 100% in compliance at that time.

Mr. DeBlois recommended the Board find the property currently in compliance but enter a Continuing Order so if the violation occurred again in the future there would be an automatic \$100 per day fine imposed.

Attorney John Rooney, representing Respondent Pelletier, took issue with Inspector Buck calling in the IRC Sheriff's department to deal with his client.

Discussion followed.

12:42:56

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to find current compliance and enter a Continuing Order so that in the event the violation of illegal dumping recurred, an automatic \$100 per day would be imposed.

It is noted for the record Respondent Pelletier and his attorney were present for this hearing.

12:43:29 **Case #2012020161 – Jorge Espinoza**

Inspector Davis submitted two photographs into evidence and described junk, trash and debris on the subject property. She recommended an extension of 30

days, until May 18, 2012, for compliance.

12:47:57

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

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

12:48:40 **Case #2012030020 – Ramon Quinones**

Mr. DeBlois advised this was a junk, trash and debris violation for a bird coop on residentially-zoned property that was erected without permits, adding there was a separate issue of whether or not the coop was actually on the Respondent's property or was located within common area adjacent to it.

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on April 9, 2012 along with two photographs taken on April 20, 2012, and one aerial photo taken November 1, 2011 into evidence. She detailed she had received a complaint from neighbors about several structures built off the property line.

Mr. DeBlois pointed out the property was very well maintained and it was just the issue of the dove pen built on adjacent property without permits; adding more than four animals associated with a residence would trigger the need for approval for a non-commercial animal boarding place.

Discussion ensued.

Respondent Mr. Ramon Quinones admitted the doves belonged to him and even though the pens were not technically on his property, he was responsible for them.

Inspector Davis recommended an extension of 60 days, until June 22, 2012, to allow the Respondent time to apply for necessary permits and in the event such permits were not forthcoming, to remove the structures. Mr. DeBlois observed the structures would have to be relocated in any event.

13:04:52

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until June 22, 2012, to allow the Respondent time to apply for necessary permits and in the event such permits were not forthcoming, to remove the structures.

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

Chairman Petrulak called a recess at 2:50 p.m. and reconvened the meeting at 3:00 p.m.

13:06:01 **Case #2012020157 – Alfred & Ginette Beakbane**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on April 13, 2012, and one photographs into evidence. She advised there was initially trash in the side of the road and the front of the house, but this had been moved and what remained was a pile of trash bags being stored in the side yard. She recommended an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

13:07:09

ON MOTION BY Mr. Zimmermann, SECONDED BY Suthard, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

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

13:07:14 **Case #2012030035 – I.J. & Rachel Pinkney**

Inspector Buck submitted a photograph into evidence and confirmed receiving service on April 5, 2012. She indicated the junk, trash and debris violation was in compliance and explained the remaining zoning use district violation was for the housing of approximately 13 chickens and roosters on the site. Inspector Buck recommended an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

13:08:25

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

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

13:08:36 **Case #2012020151 – Jaime R. & April Martinez**

Inspector Davis submitted an Affidavit of Service indicating the property had been posted on April 9, 2012 and two photographs into evidence, and outlined the case involved junk, trash and debris and an unsecured fence. She stated the Respondents were working to come into compliance and recommended an extension of 30 days, until May 18, 2012.

13:09:47

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

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

13:09:55 **Case #2012020159 – Port Everglades Research (Jay D. Mussman) (Walgreens)**

Inspector Davis submitted two photographs into evidence and testified she had received a complaint about the lack of visibility on the southwest corner of the property when exiting the site. She observed the Respondent had trimmed the hedges and had promised to remove a small palm tree and do more trimming, and recommended an extension of 30 days, until May 18, 2012, for compliance.

13:11:28

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

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

13:11:54 **Case #2012030018 – Marie Wengert & Wanda Dennison**

Mr. DeBlois reported this case was in compliance.

13:12:07 **Case #2012030077 – Kelly Construction**

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted an Affidavit of Service indicating the property had been posted on April 13, 2012, and five photographs into evidence, and described overgrown weeds on the subject property. She recommended an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

13:13:06

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

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

13:13:09 **Case #2012020078 – Kelly Construction**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on April 13, 2012, and two photographs into evidence. She indicated the violation in this case was for overgrown weeds on a vacant lot that was not being maintained. She recommended an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

13:14:08

ON MOTION BY Mr. Clements, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

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

13:14:15 **Case #2012030081 – Kelly Construction**

Inspector Jefferson submitted one photograph and an Affidavit of Service indicating the property had been posted on April 13, 2012 into evidence, and described overgrown weeds on a vacant lot. She recommended an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

13:15:05

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

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

13:15:09 **Case #2012030058 – Cookies & Crackers Corp.**

Inspector Jefferson submitted a photograph into evidence and confirmed service on April 12, 2012. She testified she had received complaints from surrounding neighbors about a vacant, unsecured, unsafe domicile and had cited the Respondent for property maintenance violation and health and safety hazard/public nuisance. Inspector Jefferson recommended an extension of 30 days, until May 18, 2012, to secure the residence or demolish the structure, or be subject to a \$100 per day fine.

13:16:14

ON MOTION BY Mr. Clements, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until May 18, 2012, to secure the residence or demolish the structure, or be subject to a \$100 per day fine.

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

COMPLIANCE HEARINGS

13:16:26 **Case #2011120038 – Jill L. Price**

Mr. DeBlois recapped this case initially came to the Board on February 27,

2012 for two trailers stored on subject the property, at which time the Board had entered an Order stipulating removal of one of the two trailers from the site and granted an extension until April 20, 2012.

Inspector Carter Solomon submitted a photograph taken on the morning of April 23, 2012 into evidence and reported the two trailers were still located in the driveway.

Mr. DeBlois recommended the fine be imposed due to non-compliance.

13:18:21

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of April 21, 2012.

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

13:18:42 **Case #2011100150 – Keith A. Moskowitz**

Mr. DeBlois summarized the Board had an evidentiary hearing on February 27, 2012 regarding an unsafe building violation for a residence on the property. At that time, the Board granted an extension until March 23, 2012 for the Respondent to obtain all required permits and final inspections, and an Order Granting Extension until April 20, 2012 was approved at the March 26, 2012 Board meeting.

Inspector Buck confirmed as of this morning the Respondent had not called in for final inspection remaining on one permit, even though she had made him aware of the deadline to do so.

Mr. DeBlois recommended the Board impose the fine of \$100 per day for non-compliance, with a start date of April 21, 2012.

13:21:31

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of April 21, 2012.

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

13:21:32 **Case #2012030026 – Keith A. Moskowitz**

Mr. DeBlois advised this case had originally come to the Board on March 26, 2012 as a repeat violation from a previous Order dating back to 2010, with the issues being signs without permits, parking on adjacent property and use of a parking lot without approval. He recapped the Board had granted an extension until April 20, 2012, and the Respondent had come into compliance with the exception of the violation of parking on the south side of the street across from the subject business, contrary to the approved parking plan for the property.

Inspector Buck submitted a photograph dated April 23, 2012 into evidence and pointed out the photo showed there were still two vehicles parked on the south side of the road.

Mr. DeBlois recommended the Board find non-compliance for the violation of unauthorized parking and impose the fine of \$100 per day with a start date of April 21, 2012.

13:24:22

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find non-compliance for the violation of unauthorized parking contrary to the approved parking plan and impose the fine of \$100 per day with a start date of April 21, 2012.

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

13:24:28 **Case #2012010039 – Andrew & Holly Toolson (Charles Schwab Bank Na)**

Mr. DeBlois indicated this had initially come to the Board for a junk, trash and debris violation on February 27, 2012. After finding the violation the Board granted until March 23, 2012 to comply, at which time an Order Granted Extension was granted with the current compliance date being April 20, 2012.

Inspector Davis testified nothing had been done towards cleaning up the property and recommended the fine of \$100 per day with a start date of April 21, 2012 be imposed.

13:25:48

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of April 21, 2012.

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

13:26:05 **Case #2012010076- Donald & Melissa Tabor (HSBC Bank USA Na Tr)**

Mr. DeBlois summarized this originally came before the Board on February 27, 2012 for overgrown weeds and junk, trash and debris, with one extension being given until April 20, 2012.

Inspector Davis stated everything remained the same and she had not been able to make contact with the property owners. Mr. DeBlois recommended the Board find non-compliance and impose the fine of \$100 per day with a start date of April 21, 2012.

13:27:12

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of April 21, 2012.

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

13:27:13 **Case #2012010070 – Michael & Christine McPhee (Wells Fargo Bank Na)**

Inspector Carter Solomon submitted one photograph into evidence and confirmed this case had initially been to the Board on February 27, 2012 for a swimming pool maintenance violation. She continued the Respondents were given until March 23, 2012 to bring the property into compliance, and one extension had been granted since that time. Inspector Carter Solomon confirmed she had inspected the property this morning and since no progress had been made she recommended the Board find non-compliance and impose the fine of \$100 per day with a start date of April 21, 2012.

13:27:55

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of April 21, 2012.

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

13:28:11 **Case #2012010012 – Bertha E. Valle (Bank of America)**

Inspector Carter Solomon summarized this case initially came to the Board on February 27, 2012 for a property maintenance violation for overgrown weeds and junk, trash and debris for discarded wood, fence material and palm fronds left on the property. She submitted four photographs into evidence and reported no progress had been made towards compliance; therefore it was her recommendation to impose the fine of \$100 per day with a start date of April 21, 2012.

13:28:58

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of April 21, 2012.

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

13:29:03 **Case #2012010015 – Nathan Scott & Jennifer Sjolom (Wells Fargo Bank)**

Inspector Carter Solomon advised this case came to the Board as an evidentiary hearing on February 27, 2012 for overgrown weeds, swimming pool enclosure and pool maintenance violations, with one extension subsequently being granted. She submitted two photographs into evidence and confirmed the pool was still accessible and unmaintained and the grass had not been mowed. Inspector Carter Solomon recommended the Board find non-compliance and impose the fine of \$100 per day with a start date of April 21, 2012.

13:29:59

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of April 21, 2012.

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

13:31:00 **Case #2011090204 – Giovanni Parente**

Inspector Carter Solomon submitted four photographs into evidence and recapped this case came to the Board on March 26, 2012 for overgrown weeds and junk, trash and debris violations. She reported at that time the Board had granted a 30 day extension until April 20, 2012; however nothing had been done and she recommended imposing the fine of \$100 per day with a start date of April 21, 2012.

13:32:15

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to find non-compliance and impose the fine of \$100 per day with a start date of April 21, 2012.

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

13:32:33 **Case #2011110031 – Charlie L. & Mary Ann Jones**

Mr. DeBlois recalled this case came before the Board on February 27, 2012 for junk, trash and debris and commercial equipment storage on residential property violations, and a 60 day extension until April 20, 2012 was granted at that time.

Inspector Buck submitted a photograph into evidence and testified the construction material debris was still on the subject property; however she had not observed any commercial equipment being stored on the site at this time.

Mr. DeBlois recommended the Board find non-compliance for the junk, trash and debris violation and impose the fine of \$100 per day with a start date of April 21, 2012.

Mr. Clements mentioned he personally knew of the Respondents' situation and the wife was having serious health problems. He wondered if it would be possible to grant one more extension, and in the meantime he would explain to them the gravity of the situation.

Mr. DeBlois explained staff typically took circumstances such as this into consideration and recommended an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

Mr. Suthard noted even if the fine was imposed it would be still be possible for the Respondent to appear before the Board to explain the circumstances and plead his own case at a later date.

13:35:44

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (5-0) to grant an extension of 30 days, until May 18, 2012, for compliance or a \$100 per day fine would be imposed.

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

13:36:57 **Authorization for Notices to Appear**

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the May 21, 2012 meeting.

Other Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 3:32 p.m.