

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, July 28, 2014 at 1:30 p.m.

Present were Chairman **Pete Clements**, General Contractor Appointee; **Joe Petrulak**, Subcontractor Appointee; **Karl Zimmermann**, Realtor Appointee; Vice-Chairman **Aaron Bowles**, Engineer Appointee and **David Myers II**, Businessman Appointee.

Absent was **Tony Gervasio**, 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; Attorney Jennifer Peshke, Attorney for the Board; and Reta Smith, Recording Secretary.

9:51:20 **Call to Order**

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

9:52:25 **Approval of Minutes of June 23, 2014**

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to approve the minutes of June 23, 2014 as presented.

9:52:45 **Attorney's Overview of Board Purpose and Procedures**

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

9:58:54 **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 #2013110071, #2012110095, #2013020065, #2014010022, #2014020069 and #2014060018 - 30 day extension until August 22, 2014. Cases #2014030071, #2014030039, #2012100236 and #2014020087 - 60 day extension until September 19, 2014. Cases #2014030029, #2014030021, #2013090061, #2014060037 and #2014070118 were rescheduled.

In compliance were Cases #2014050031, #2014040042, #2014060063, #2014060069, #2014060070, #2014060051, #2014060054, #2014060098, #2014060026, #2014070061, #2014040074, #2014050019, #2014030004, #2013120012, #2014050041, #2014060016 and #2014060017.

Mr. DeBlois noted there was one Rehearing Request for Case #2014020131, Keith Moskowitz, and an addendum for a Lien Release Request for Case #2009110049, Odyssey (II) DP V LLC/Granite Marble & Sink Outlet Inc. He recommended the cases be heard with the other Lien Release Requests no sooner than 3:00 p.m.

Mr. DeBlois recommended the Board hear Case #2014030066, Mitchell Dudek, at the beginning of today's hearings because of attendance by County staff.

10:05:56

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

10:07:05 **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.

EVIDENTIARY HEARING

10:07:25 **Case #2014030066 – Mitchell Dudek**

Mr. DeBlois recapped this case had been to the Board for an evidentiary hearing on May 19, 2014 for vehicle parking/storage at a residence, and at that time a question was raised by the Respondent's attorney on the issue of due process and the Board entered an Order of Continuance to continue the hearing pending resolution of this matter, and staff had since recited the Respondent under a new

Notice of Violation which subsequently led to today's hearing. Mr. DeBlois pointed out the second Notice of Violation included the original vehicle parking/storage plus a violation for stormwater drainage, and he recommended proceeding with the two issues separately.

Mr. DeBlois recalled the subject property was advertised on the Internet as a short-term vacation rental; however it was zoned as a single-family home and needed to meet parking requirements associated with that zoning. He submitted into evidence and read from section 911.15.4(b) of the County's code regarding parking and storage of automobiles as follows:

"A maximum of three automobiles may be parked in an unenclosed area on a single-family zoned lot; however one additional vehicle for each licensed driver permanently residing at the premises may be parked on the lot. No automobile may be parked or stored in any required yard area. The provisions of this section shall not preclude the parking of automobiles by persons visiting a single family home."

Mr. DeBlois submitted into evidence two photographs and correspondence between staff and Dr. Miles Conway, a neighbor living directly south of the Respondent. Dr. Conway, 2314 South Highway A-1-A, Vero Beach, confirmed the photographs were taken by him at 9:50 a.m. on June 24, 2014 and 7:01 a.m. on June 25, 2014, and noted the same five vehicles appeared to have been parked overnight in the driveway and on the right-of-way. He testified on numerous other occasions he had observed more than three vehicles stored unenclosed overnight on the property; however he acknowledged this had not occurred since the County had issued the latest Notice of Violation.

Discussion followed.

Mr. DeBlois recommended the Board find current compliance but because the violation was recurring in nature recommended the Board find a violation had occurred and enter a Continuing Order in the event it recurred in the future.

Ms. Sharon Kramer, 3 Royal Palm Pointe, Vero Beach, mother of the Respondent, testified the vehicles in the photographs belonged to local people visiting someone renting the property at the time and said she did not know if the visitors stayed overnight.

Attorney Barry Segal, representing the Respondent, maintained the code exempted visitors to the property and there was no evidence as to who owned the

vehicles and how long they had been at the residence.

Mr. Petrulak asked if visiting vehicles had to be parked in the required yard area.

Mr. DeBlois responded vehicles had to be parked in a designated driveway or in the garage, and the issue was overnight stays of more than three vehicles stored unenclosed on the subject property.

Attorney Segal pointed out “overnight” was not in the code provision and there was no restriction for visitors.

Mr. Zimmermann noted there were limitations based on the ability of the property to handle the number of cars parked on the site.

Discussion ensued.

Chairman Clements suggested the Board address the stormwater drainage issue and take staff’s recommendation for the entire case.

Mr. DeBlois pointed out the Notice of Hearing referenced elevation changes to 23rd Street S.E. road and right-of-way resulting in offsite flooding on property to the south of the subject property.

Mr. David Hays, IRC Land Development Manager, submitted a 1995 survey into evidence showing pre-development contours of approximately six to seven feet across the middle of the 23rd Street property and Dr. Conway’s property. He submitted into evidence a 2011 survey indicating the roadway in front of the Respondent’s property had an elevation of 11 to 11 feet six inches across. Mr. Hays noted the driveway had been moved over to the west and contended the road had been improved when the driveway was poured and the elevation had been changed at that time.

Mr. Hays submitted photographs into evidence and attested the Respondent’s driveways and side yards were graded toward the road and towards the property to the south and the owner, Dr. Conway, had complained that rainfall runoff was inundating his property.

Mr. DeBlois submitted into evidence an e-mail dated May 5, 2014 from Dr. Conway, along with a number of pictures taken by him on the issue of drainage and flooding on his property.

Dr. Conway reviewed the photographic evidence and stated flooding had not occurred during the 2004 hurricanes; however now whenever there was a downpour water and mud streamed through the retaining wall from the Respondent's residence onto his property because of the difference in elevation. Dr. Conway alleged the foundations and structures of his fence line and driveway had been compromised by the runoff, adding there had been no incidents of flooding prior to the construction of the Respondent's residence.

Dr. Tom Gillman, 2455 23rd Street S.E., Vero Beach, confirmed he had written a letter dated May 13, 2014 that was submitted into evidence, and maintained the Respondent's property had been built up so high that flooding occurred on his and Dr. Conway's property during rainstorms.

Attorney Segal asked Dr. Gillman if he had complained to the County when he witnessed changes being to the roads by the prior owner of the subdivision. Dr. Gillman said he had observed the Respondent's property had been raised by one foot and he had complained but nothing was done.

Attorney Segal showed a video taken during a rainstorm in the week prior to today's hearing and indicated the water Dr. Conway claimed was running onto his property was not coming from the Respondent's property since the video showed the Respondent's property was dry when he walked on it. Attorney Segal claimed water on the Conway property was flooding the common area of the subdivision because the leaves were flowing in that direction on the other side of his fence and not coming south from the Respondent's property. He contended Dr. Conway did not like his client using his property as a vacation rental and wanted to convince the Board the Respondent was causing flooding on his property; however there was a civil remedy for the parking and drainage issues and he felt it was not a matter of code enforcement.

Discussion followed about the way the area had historically drained.

Mr. DeBlois stated it was staff's position that there was alteration to the 23rd Street S.E. road and right-of-way associated with the Respondent's property resulting in drainage flow to the south onto the Conway property. He recommended the Board find the violation and grant the Respondent approximately 90 days, until October 24, 2014, to obtain design approval from County engineering staff to construct drainage improvements and correct the off-site stormwater drainage caused by elevation changes association with the construction of the Respondent's property, or otherwise potentially be subject to a \$100 per day fine.

Mr. Petrulak wondered if too much of a burden was being placed on one particular homeowner rather than all of the people who shared the right-of-way, since the roadway was a private road shared by the subdivision.

Mr. Zimmermann said he would not support taking action on the drainage issue and thought it should be litigated in court by the parties involved. It was the consensus that the Board was in agreement with Mr. Zimmermann.

11:54:27

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted (4-1) to find current compliance of the vehicle parking but to find a violation had occurred and enter a Continuing Order that parking not occur in anything other than the designating parking area. Chairman Clements opposed.

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

Chairman Clements called a recess at 3:40 p.m. and reconvened the meeting at 3:45 p.m.

LIEN RELEASE REQUEST

11:58:15 **Case #2009110049 – Odyssey (II) DP V LLC/Granite Marble & Sink Outlet Inc.**

Mr. DeBlois recapped this case had originally come to the Board on January 25, 2010 and had to do with a sign violation and no permit for alterations done by Granite Marble & Sink Outlet Inc., a tenant within a commercial plaza at 1820 58th Avenue. He noted the owner of the plaza was cited as a Respondent along with the tenant and the Board had granted an extension until March 19, 2010 for the Respondents to obtain an after-the-fact sign permit or remove the sign and to obtain a tenant build-out permit from the IRC Building Department. On March 22, 2010 upon learning nothing had been done the Board imposed a \$100 per day fine with a start date of March 20, 2010.

Mr. DeBlois indicated staff had recently been contacted by a representative of the property owner who advised the property came into compliance when the tenant moved out in mid-2011 and the sign and all improvements were removed from the

tenant's portion of the property. He estimated if July 1, 2011 was used as the compliance date, there were 468 days of non-compliance for an accrued flat fine in the amount of \$46,800.

Mr. Braxton Bone, representing Respondent Odyssey (II) DEP V LL, said he had not been aware of the lien until recently and asked that the fine be reduced to administrative costs.

Mr. DeBlois confirmed there had been no extensions in this case and recommended the fine be reduced to administrative costs in the amount of \$1,700.

12:03:38

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find compliance and set the fine at \$1,700 to cover administrative costs.

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

EVIDENTIARY HEARING

12:04:23 **Case #2014010030 – John Pickerill**

Mr. DeBlois related this case involved a zoning district use violation for outside storage of commercial equipment and other material not customarily associated with a single family residence, junk, trash and debris and land clearing debris stockpile violations.

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted an Affidavit of Service indicating the property had been posted on July 17, 2014 and six photographs into evidence. She stated when she had initially cited the Respondent in January, 2014 there were large piles of debris along with trucks and trailers associated with his business stored on the site; and after he contacted staff he was advised he could keep whatever was necessary to maintain the property. Inspector Carter Solomon continued since that time the site was not being maintained and more construction debris and dirt had been brought onto the property, along with trucks and trailers and other equipment that were still being stored. She admitted the Respondent had removed or burnt a lot of land debris but there were remaining violations that had to be addressed.

Mr. DeBlois recommended an extension of 60 days, until September 19, 2014, for the Respondent to resolve the outdoor storage of commercial equipment and miscellaneous debris piles of land clearing materials not allowed in single-family zoning, or potentially be subject to a \$100 per day fine.

Attorney Adam Chrzan, representing the Respondent, explained the Respondent had purchased the property about three years ago and since that time there had been a problem with water runoff from the west onto his property, and he intended to use the equipment to help shore up some of the areas of erosion. He asked for a site inspection with staff to go over what needed to be removed.

Mr. Petrulak recalled this case had been before the Board previously and it was obvious nothing had been resolved.

12:11:42

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted (4-1) to find the violation and grant an extension of 60 days, until September 19, 2014, for compliance or a \$100 per day fine. Mr. Myers opposed.

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

COMPLIANCE HEARING

12:13:24 **Case #2013080131 – Vero Beach Corners Retail Center**

Mr. DeBlois recapped this case originally came to the Board on October 28, 2013, at which time the Board granted the Respondent until January 24, 2014 to repair existing site irrigation, replace dead or missing landscape, repair a dumpster enclosure and remove miscellaneous junk, trash and debris on the property. He noted there had been a number of extensions granted, during which time the Respondent applied for administrative approval to change the landscape plan to afford more visibility to the site. Mr. DeBlois confirmed the new landscape plan had been approved in May, 2014 and it was now a matter of the Respondent complying with the amended plan.

Ms. Betty Davis, IRC Code Enforcement Officer, submitted the amended landscape plan and five photographs into evidence and explained the Respondent was planning on redoing the façade of the building in January, 2015 and had asked

to do the perimeter landscaping at that time; but there was a minimal amount of work remaining on the perimeter landscape and she recommended an extension of 30 days, until August 22, 2014, for compliance of that aspect. She added staff would work with the Respondent on the dumpster and the remaining landscaping as they were redoing the building.

Respondent Mr. Joe Cataldo advised he and his partners had submitted plans for permits to do the building and wanted to do all the work at once, and he asked the Board for more time.

12:20:22

ON MOTION BY Mr. Zimmermann to grant staff's recommendation of 30 days, until August 22, 2014, for the Respondent to complete the perimeter landscaping.

There was no second to the motion.

Discussion ensued.

12:23:27

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers, the Board voted (4-1) to find non-compliance and grant an extension of 30 days, until August 22, 2014, for the Respondent to complete the perimeter landscaping. Mr. Petrulak opposed.

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

EVIDENTIARY HEARINGS

12:24:23 **Case #2014040005 – John King/Clear Zone Maintenance/LTB Farms LLC**

Mr. DeBlois explained the subject property was previously owned by Mr. Webb, who entered into a commercial lease agreement with Respondent Mr. Billy Hitchcox of LTB Farms LLC to use the property as a vegetable farm. He continued Mr. Hitchcox entered into a written agreement with Respondent Mr. Bobby Lindsey of Clear Zone Maintenance, who brought land clearing debris on to the property as part of that agreement.

Mr. DeBlois clarified the issue before the Board was the existing stockpiles of material brought in from off site which staff had cited as a violation of the public nuisance ordinance and not associated with an active agriculture operation. He stated Respondent Mr. John King, the current owner, bought the property while the debris was on the site and maintained some of the debris was brought on to the site during the County/State Road #60 road widening project and was not his responsibility. Mr. DeBlois submitted related correspondence and six photographs provided by Respondent King into evidence.

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on July 17, 2014 and 13 photographs into evidence, and described large piles of concrete and tree debris that Respondent King claimed were left on the property from the road construction. She submitted three aerial photos taken in 2008, 2012 and 2014, and observed some of the debris could have come from on site; but not all of it.

Respondent King testified he had cleaned up the center of the site but there was a lot of non-vegetative matter and debris from the road clearing on the back part of the property that Respondent Clear Zone Maintenance had brought in and he wanted them to clean it up.

Attorney Jennifer Peshke, Attorney for the Board, advised all the CEB could do was rule on whether or not a violation existed on the property, and since Respondent King was the present owner it was his responsibility. She added any issues between Respondent King and a prior owner or lessee was a civil matter.

Discussion followed.

Mr. Petrulak noted there were three Respondents in this case and wondered if any action by the Board would go equally to all three, although he understood it was ultimately the property owner who would bear the burden. Mr. DeBlois said depending on what the Board's finding was, if any of the other parties was found to have some liability there could potentially be a lien against all other real or personal property they owned if they did not fulfill compliance with their liability.

Mr. Robert Lindsey, representing Respondent Clear Zone Maintenance, testified he had a contract with the road builder to do only vegetative clearing on the 66th Avenue widening project. He stated cabbage palms and material not usable for chipping were hauled onto the subject property, which he noted was already full of concrete, rocks, metal debris and had obviously been used previously as a dumping ground.

Discussion ensued.

Mr. DeBlois recommended an extension of six months for progressive clean up of the property.

Chairman Clements noted Respondent King had brought this to staff's attention and he was ultimately responsible for getting the site cleared up. He suggested allowing more than six months with the caveat that Inspector Carter Solomon inspected the site on a regular basis to make sure reasonable progress was being made.

Mr. DeBlois amended his recommendation for the Board to grant seven months, until February 20, 2015, for compliance.

13:05:58

ON MOTION BY Mr. Myers, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of seven months, until February 20, 2015, for compliance.

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

13:06:54 **Case #201312009 – Cox & Lindsey Groves Inc.**

Mr. DeBlois indicated this case had to do with a zoning district use violation for storage of debris without approval on agriculturally-zoned property. He explained the Respondent had an arrangement with Sunshine State Biomass Cooperative whereby material brought on to the site would be segregated and sifted through and eventually brought to its facility for processing to be used as biomass fuel. Mr. DeBlois continued Sunshine State Biomass Cooperative maintained the operation was an agriculture exempt operation and not subject to County approval or regulation; however it was staff's opinion the use needed to have administrative approval.

Ms. Kelly Buck, IRC Code Enforcement Officer, submitted five photographs into evidence. Mr. DeBlois testified there were at least 200 truck piles of debris stored on the subject property and recommended the Board find the violation and direct the Respondent to immediately cease bringing new material from off-site on to the property and grant 90 days, until October 24, 2014, to apply for and obtain administrative approval for a recycling center, or otherwise move towards removal of the debris from the property.

Respondent Mr. Robert Lindsey testified there were cattle on the property, which constituted an agricultural use of the land; however he agreed to apply for administrative approval as recommended by staff.

13:17:50

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and directed the Respondent to immediately cease bring new material from off site on to the property. The Board granted an extension of 90 days, until October 24, 2014, for the Respondent to apply for and obtain administrative approval for a recycling center or otherwise remove the debris from the property, or a potential \$100 per day fine.

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

13:19:12 **Case #2014060021 – Robert Lindsey**

Mr. DeBlois advised this case was very similar to the previous case with the same violation and explanation.

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted two photographs into evidence.

Mr. Zimmermann suggested the Board stipulate that the case was the same as Case #2013120009 and make the same motion in order to move the agenda along.

13:20:19

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violation and directed the Respondent to immediately cease bring new material from off site on to the property. The Board granted an extension of 90 days, until October 24, 2014, for the Respondent to apply for and obtain administrative approval for a recycling center or otherwise remove the debris from the property, or a potential \$100 per day fine.

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

13:21:35 **Case #2014040088 – John T. Reilly Jr. (Bank of New York Mellon)**

Inspector Davis confirmed service to the Bank of New York Mellon on July 11, 2014 and submitted an Affidavit of Service indicating the property had been posted on July 17, 2014 and one photograph into evidence. She described overgrown weeds on the subject property and recommended an extension of 30 days, until August 22, 2014, for compliance.

13:22:23

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

13:22:28 **Case #2014050059 – National City Bank**

Inspector Jefferson confirmed service on July 14, 2014 and submitted two photographs into evidence. Mr. DeBlois indicated the case had to do with overgrown weeds and recommended 30 days, until August 22, 2014, for compliance.

13:23:09

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

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

13:23:21 **Case #2014060041 – Federal Home Loan, Mortgage Corp.**

Inspector Davis confirmed service by posting on July 14, 2014 and submitted four photographs into evidence. She advised the case had to do with a property maintenance violation, junk, trash and debris and overgrown weeds and recommended 30 days, until August 22, 2014, for compliance.

13:23:39

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

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

13:24:44 **Case #2014030020 – Patrick Kehoe (U.S. Bank National)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on July 17, 2014 and two photographs into evidence and described overgrown weeds at a vacant residence. She noted the property was in foreclosure and a bank representative told her they would take care of the violation, and recommended 30 days, until August 22, 2014, for compliance.

13:25:10

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

13:25:43 **Case #2014050005 – Wells Fargo Bank NA**

Inspector Jefferson confirmed service on July 4, 2014 and submitted three photographs into evidence. She recommended 30 days, until August 22, 2014, for compliance of the overgrown weeds and swimming pool maintenance; and seven days, until August 4, 2014, to secure the swimming pool

13:26:49

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until August 22, 2014, for compliance of the overgrown weeds and swimming pool maintenance; and seven days, until August 4, 2014, to secure the swimming pool enclosure, or a \$100 per day fine.

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

13:30:36 **Case #2014050125 – Robert & Nilia Barber (Bank of New York Mellon) (Green Tree Servicing, LLC)**

Inspector Jefferson submitted into evidence four photographs and an Affidavit of Service indicating the property had been posted on July 17, 2014, and confirmed service on Robert & Nilia Barber on July 5, 2014 and service on the bank and Green Tree Servicing, LLC on July 7, 2014. She indicated the case had to do with overgrown weeds, junk, trash and debris and property maintenance violation for a dilapidated fence and recommended 30 days, until August 22, 2014, for compliance.

13:31:51

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

13:32:03 **Case #2014050097 – Ines & Roberto Diaz**

Inspector Jefferson confirmed service on July 5, 2014 and submitted two photographs into evidence. She recommended 30 days, until August 22, 2014, for compliance in the overgrown weeds violation.

13:32:41

ON MOTION BY Mr. Myers, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

3:32:50 **Case #2014060074 – William Saene (Tenant)**

Inspector Carter Solomon said she would reschedule this case because she did not have service on the property owner.

13:32:06 **Case #2014060076 – Titone Properties LLC**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on July 17, 2014 and two photographs into evidence. She described junk, trash and debris in the rear yard of the subject property and recommended an extension of 30 days, until August 22, 2014, for compliance.

13:34:00

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

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

13:34:10 **Case #2014060048 – Christopher & Rhonda Morcillo**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on July 17, 2014 and submitted two photographs into evidence. She indicated the case had to do with overgrown weeds and junk, trash and debris and recommended 30 days, until August 22, 2014, for compliance.

13:35:26

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

13:35:34 **Case #2014050136 – Federal National Mortgage Association**

Inspector Carter Solomon advised there was no service on this case.

13:35:43 **Case #2014060022 – Axel Juarez**

Inspector Solomon confirmed service by posting on July 17, 2014 and submitted two photographs into evidence. She related the case had to do with a zoning district use violation for storage of commercial equipment on the subject

property and recommended 30 days, until August 22, 2014, for compliance.

13:36:56

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

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

13:37:17 **Case #2014060025 – SE4OW&L LLC**

Inspector Carter Solomon submitted two photographs into evidence and confirmed service via registered mail on July 18, 2104, and described overgrown weeds on the subject property. She noted the Respondent had a California address and therefore recommended an extension of 60 days, until September 19, 2014, for compliance.

13:38:34

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until September 19, 2014, for compliance or a \$100 per day fine.

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

13:38:42 **Case #2014050095 – Walter Roberts**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on July 17, 2014 and two photographs into evidence. She advised the case had to do with overgrown weeds and swimming pool maintenance violations and recommended 30 days, until August 22, 2014, for compliance.

13:39:55

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

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

13:40:10 **Case #2014060108 – Abdool Khan (Countrywide Home Loans Inc.)**

Inspector Davis confirmed service by posting on July 17, 2014 and on Countrywide Home Loans Inc. on July 2, 2014, and submitted one photographs into evidence. She indicated the case had to do with overgrown weeds and recommended 30 days, until August 22, 2014, for compliance.

13:40:52

ON MOTION BY Mr. Myers, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

13:41:02 **Case #2014030041 – Regina Ginn & Kent Stuckey**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on July 17, 2013 and one photograph into evidence. She related the property had been cited for no building permit for constructing a lean-to carport on the residence and recommended an extension of 30 days, until August 22, 2014, for compliance.

13:42:11

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

13:42:18 **Case #2014070002 – Tracy Cook**

Inspector Davis confirmed service by posting the property on July 21, 2014 and submitted three photographs into evidence. She stated the Respondent had been cited for illegal parking and storage, zoning district use for outdoor storage, junk vehicles and boat/trailer storage, and recommended an extension of 30 days,

until August 22, 2014, for compliance.

13:43:32

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until August 22, 2014, for compliance or a \$100 per day fine.

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

COMPLIANCE HEARINGS

13:43:46 **Case #2014040084 – Dennis & Dorothy McDougall**

Mr. DeBlois recapped this case had to do with junk, trash and debris and encroachment into a right-of-way or easement. Inspector Davis reported nothing had been done about the bamboo and other plantings in the public right-of-way and the accumulation of lawn and tree clippings were still present. Mr. DeBlois recommended the Board impose a fine of \$100 per day with a start date of July 26, 2014.

13:45:04

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of July 26, 2014.

It is noted for the record the Respondents were not present for this hearing.

13:45:22 **Case #2014040026 – Linda Jackson (J.P. Morgan Chase Bank)**

Mr. DeBlois summarized this case had first been to the Board on June 23, 2014 for overgrown weeds, swimming pool maintenance, pool enclosure and junk, trash and debris, at which time the Board gave the Respondent until June 30, 2014 to secure or drain the swimming pool and until July 25, 2014 to resolve the remaining violations.

Inspector Davis advised nothing had been done and the IRC Building Department was looking at the property for building condemnation. Mr. DeBlois recommended the Board impose a fine of \$100 per day with a start date of July 1,

2014.

13:46:44

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of July 1, 2014.

It is noted for the record the Respondents were not present for this hearing.

13:46:59 **Case #2014040049 – Federal National Mortgage Association**

Inspector Carter Solomon related this case had initially been to the Board on June 23, 2014 for overgrown weeds, junk, trash and debris and health and safety hazard/public nuisance for a dead palm tree in the back yard of the property. She reported nothing had been done and recommended the \$100 per day fine be imposed with a start date of July 26, 2014.

13:47:51

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of July 26, 2014.

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

13:48:02 **Case #2014050077 – Patrick & Margarete Collins**

Inspector Carter Solomon recalled this case had first been to the Board on June 23, 2014 at which time the Board granted the Respondents approximately 30 days to resolve the overgrown weeds and swimming pool maintenance violations. She submitted two photographs into evidence showing the property was extremely overgrown and the pool was still unmaintained, and stated she had not had any contact with the Respondents. Inspector Carter Solomon recommended the Board impose a fine of \$100 per day with a start date of July 26, 2014.

13:48:57

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of July 26, 2014.

It is noted for the record the Respondents were not present for this hearing.

13:49:05 **Case #2014010094 – Bank of New York Mellon**

Inspector Davis recapped this property had previously been cited in February, 2014 for overgrown weeds, junk, trash and debris and swimming pool maintenance violations. She submitted one photograph into evidence and reported the pool had been shocked out but it still was not clear and the neighbors were complaining about stockpiling of debris on the property. Inspector Davis recommended a \$100 per day fine be imposed with a start date of July 26, 2014.

13:49:54

ON MOTION BY Mr. Myers, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the repeat violations and impose a \$100 per day fine with a start date of July 26, 2014.

It is noted for the record the Respondents were not present for this hearing.

13:50:10 **Case #2014050003 – Lee Ann Weaver (Fradette)/(U.S. Bank National Association)**

Inspector Jefferson advised this case had initially been to the Board on June 23, 2014, at which time the Board granted until July 25, 2014 for the Respondents to comply with the overgrown weeds, junk, trash and debris, health and safety hazard/public nuisance, swimming pool enclosure and pool maintenance violations. She submitted three photographs taken on July 28, 2014 into evidence and reported no progress had been made.

Mr. DeBlois noted the Board had granted seven days for compliance of the pool enclosure violation and recommended the Board impose a fine of \$100 per day with a start date of July 1, 2014.

13:51:02

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of July 1, 2014.

It is noted for the record the Respondents were not present for this hearing.

13:51:13 **Case #2014050061 – Robert & Linda Davies (J.P. Morgan Chase Bank)**

Inspector Jefferson indicated this case had originally come to the Board on June 23, 2014 for overgrown weeds, at which time an extension of 30 days was granted. She submitted two photographs taken on July 28, 2014 into evidence and noted nothing had been done and recommended the Board impose a fine of \$100 per day with a start date of July 26, 2014.

13:51:52

ON MOTION BY Mr. Myers, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of July 26, 2014.

It is noted for the record the Respondents were not present for this hearing.

13:52:01 **Case #2014050062 – William Metz Jr.**

Inspector Jefferson confirmed this case initially came to the Board on June 23, 2014 for overgrown weeds, at which time the Board granted until July 25, 2014 for compliance. She submitted two photographs taken on July 28, 2014 into evidence and reported nothing had been done, and recommended the Board impose a fine of \$100 per day with a start date of July 26, 2014.

13:52:31

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find non-compliance and impose a \$100 per day fine with a start date of July 26, 2014.

It is noted for the record the Respondents were not present for this hearing.

LIEN RELEASE REQUEST

13:53:07 **Case #2012010065 – BZ Auto Corp (Robert Zankl, Registered Agent)**

Mr. DeBlois told the members the IRC County Attorney's office had brought this case to his attention because a closing was occurring on certain commercial property, one of which was the subject property. He summarized the case first came

to the Board on February 27, 2012 for an unsecured fire-damaged building and dead and missing landscape, at which time an extension was granted until March 23, 2012 for compliance. Mr. DeBlois continued the case came back for a compliance hearing on March 26, 2012, and upon hearing nothing had been done the Board imposed a fine of \$100 per day starting on March 24, 2012. Mr. DeBlois confirmed compliance had been attained as of May 22, 2013, which was a passage of 424 days of non-compliance for a flat fine in the amount of \$42,400.

Mr. DeBlois indicated the Attorney's office advised there was an issue of a foreclosure and a lis pendens that was filed in a procedure prior to the Board's entering of an Order Imposing Fine, and he recommended a Partial Release of Lien to release the subject property from the lien but keep it against real and personal property owned by the Respondent business.

13:56:10

ON MOTION BY Mr. Meyer II, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find compliance and set the flat fine at \$42,400 and enter a Partial Release of Lien to release the subject property but keep the lien against all real and personal property owned by the Respondent business.

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

13:56:28 **Authorization for Notices to Appear**

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the August 25, 2014 meeting.

Other Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 5:45 p.m.