

## 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, September 25, 2017 at 1:30 p.m.

Present were Chairman **Stephen Boehning**, Engineer Appointee; Vice-Chairman **Pete Clements**, General Contractor Appointee; **Karl Zimmermann**, Realtor Appointee; **David Myers II**, Businessman Appointee; **Joe Petrulak**, Subcontractor Appointee; and **Bruce Redus**, Member-at-Large Appointee.

Let the record show that there is a vacancy for an Architect Appointee

Also in attendance was Attorney Jennifer Peshke, Attorney for the Board; IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Betty Davis, Kelly Buck, and Vanessa Carter Solomon, Code Enforcement Officers; Steven Hitt, Senior Environmental Planner; and Lisa Carlson, Recording Secretary.

### 4:23:15 **Call to Order**

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

### 4:23:59 **Approval of Minutes**

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve the minutes of August 28, 2017 as presented.**

### 4:24:14 **Attorney's Overview of Board Purpose and Procedures**

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

### 4:29:34 **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 #2017010135, #2017060091, #2017030011, #2017030193, #2017050128, #2017070029, #2017060253, #2017010088, #2014040012, #2017010089, #2017010004, #2017010085, #2017050140, #2017050078, #2017070071, #2017060190, #2017050003, #2017030144, #2017050022, #2017020140, #2017020141, #2017040026, #2017050123, #2017050058, #2017060065, #2017050117 and #2017040170 – 30-day extension until October 20, 2017. Cases #2017040072, #2017040164, #2015080027, #2016110005, #2017050001, #2017030072, #2016110043, #2017020126, #2016100034, #2017010079, #2017050101 and #2017050121 – 60-day extension until November 24, 2017. Cases #2016070091, #2016060156, #2017030117, #2016020065 and #2015060142 – 90-day extension until December 22, 2017.

In compliance were Cases #2017070077, #2017070158, #2017080108, #2017080111, #2017050061, #2017050115, #2017050113, #2017030170, #2017060039, #2017060041 and #2016120045.

Mr. DeBlois recommended that the Lien Release Requests be heard at 2:30 p.m. or later. He noted that there is an Addendum to the agenda that contains three Lien Release Requests.

4:44:33

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to accept the Consent Agenda with the revisions.**

4:44:45 **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 HEARINGS**

4:45:22 **Case #2017060181 – Edward D. & Jacqueline D. Spencer**

Ms. Betty Davis, IRC Code Enforcement Officer, submitted three photographs into evidence as well as an Affidavit of Service indicating that the property had been posted on September 15, 2017 after attempts of certified and first-class mail were unsuccessful. She summarized that this case involved debris and property maintenance issues as well as a commercial vehicle and recreational vehicle (RV) on the Subject Property. She recommended a ninety-day extension, until December

22, 2017 for the Subject Property to be brought into compliance.

Respondent Mr. Edward Spencer testified that the commercial vehicle is not typically on the Subject Property and that there is an error regarding what is his property and what belongs to the neighbors. He added that the notice was sent to an incorrect address.

4:53:10

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of ninety days, until December 22, 2017, for compliance or a \$100 per day fine would be imposed.**

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

4:53:32     **Case #2017060036 – Jill Renee Cole (TR) (TOK)**

Inspector Ms. Betty Davis submitted one photograph into evidence as well as an Affidavit of Service indicating that the property had been posted on September 15, 2017 after attempts of certified and first-class mail were unsuccessful. She summarized that this case involved customer complaints of the vacation rental as well as unpermitted fence and building additions. She recommended a ninety-day extension, until December 22, 2017 for the Subject Property to be brought into compliance.

Respondent Ms. Jill Cole stated that she is working with an engineer to obtain the required after the fact permits and that the property is not currently being used as a vacation rental.

5:01:31

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Redus, the Board voted unanimously (6-0) to find the violation and grant an extension of ninety days, until December 22, 2017, for compliance or a \$100 per day fine would be imposed.**

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

5:01:54     **Case #2017070078 – Jeffrey & Debra Blanchard**

Inspector Ms. Betty Davis submitted one photograph into evidence as well as an Internet advertisement for a kennel located on the Subject Property called Southern Charm Mini Aussie's. She reported that this case involved an unpermitted kennel and recommended a sixty-day extension, until November 24, 2017 for the Subject Property to be brought into compliance.

Respondent Ms. Debra Blanchard testified that she had made application for a commercial kennel permit and is currently working towards meeting the requirements.

5:10:11

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find the violation and grant an extension of sixty days, until November 24, 2017, for compliance or a \$100 per day fine would be imposed.**

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

5:10:42 **Case #2017030181 – Alfred J. III & Kimberly Koontz**

Mr. Roland DeBlois informed the Board that this case related to an unpermitted dock and reviewed County Code Section 971.41(7)(e) that provides criteria for single-family docks constructed prior to the construction of a principal single-family unit. He stated that that the previous owner of the Subject Property got approval for the dock but did not construct the dwelling within the required three-year timeframe and then sold the property to the Respondent who has not yet built a dwelling. He added that the above referenced County Code Section states that upon determination by the Code Enforcement Board that a violation has occurred, they shall order the owner to cease use of the dock until a principal dwelling is constructed and a certificate of occupancy is issued.

Steven Hitt, Senior Environmental Planner, submitted four photographs into evidence as well correspondence from 1991 between the County and the previous owner of the Subject Property regarding approvals for the proposed dock. He stated that the building permit expired without a final inspection and an additional unpermitted section of dock has since been added.

Attorney Mr. Owen Sokolof, Representative for the Respondents, stated that his clients purchased the Subject Property in 2001 and signed an accessory agreement agreeing to build a residence within three years. The client originally

intended to build a house on the Subject Property but forgot about the accessory dock issue after mistakenly believing that the homeowner's association required them to build a much larger home than they desired. He asked that his clients be allowed to continue utilizing the dock while working towards building a home on the Subject Property and obtaining the proper after the fact permits for the dock.

Lengthy discussion followed between the Board regarding the possible timeline they should allow for compliance. Mr. DeBlois recommended an extension of sixty days, until November 24, 2017, to allow for the permitting to occur and for usage of the dock to cease. He added that the permitting approval should be designed to prevent dockage of a boat if home construction is not planned.

5:41:11

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to find the violation and grant an extension of sixty days, until November 24, 2017, for compliance or a \$100 per day fine would be imposed. Compliance would entail ceasing the use of the dock as well as the issuance of after the fact permits that include the prevention of boat dockage.**

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

### **LIEN RELEASE REQUESTS**

5:42:44      **Case #2014060025 – SE4OW&L LLC**

Mr. Roland DeBlois reported that this case related to overgrown weed violations at a vacant house that originally came before the Board on June 28, 2014. After no extensions, the fine was imposed on September 20, 2014 when compliance was not met. Compliance was achieved on August 30, 2017 after a passage of 1075 days for a flat fine of \$107,500 with administrative costs being \$1700. He added that the 2016 tax assessed value of the Subject Property is \$50,620 and recommended finding compliance and reducing the fine to \$5000 which is approximately ten percent of the appraised value.

Mr. Christopher Bailey, Representative for the Respondent, stated that his client purchased the Subject Property as part of a 231-property batch in December of 2016 at a tax deed sale.

5:50:47

**ON MOTION BY Mr. Petrulak, SECONDED by Mr. Redus, the Board voted (3-3) to acknowledge compliance and reduce the fine to \$5000. Mr. Myers II, Mr. Zimmermann and Mr. Boehning were the opposing votes. Motion did not carry.**

5:51:37

**ON MOTION BY Mr. Myers II, SECONDED by Mr. Zimmermann, the Board voted (4-2) to acknowledge compliance and reduce the fine to \$10,750. Mr. Clements and Mr. Petrulak were the opposing votes. The motion carries.**

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

The secretary administered the testimonial oath to everyone who would be testifying at today's hearings that had arrived after the beginning of the meeting.

5:52:54      **Case #2013080030 – Douglas M. Jr. & Catherine Woodby**

Mr. Roland DeBlois reviewed that this case related to overgrown weeds, property maintenance and fence violations that originally came before the Board on September 23, 2013. After no extensions, the fine was imposed on October 26, 2013 when compliance was not met. Compliance was achieved by demolition on March 24, 2017 after a passage of 1255 days for a flat fine of \$125,500 with administrative fees being \$1700. The 2016 tax assessed value of the Subject Property was \$80,000. He reminded the Board that at the January 23, 2017 Code Enforcement Meeting, they ordered a Conditional Setting of the Fine to \$5,500 if the Subject Property is brought into compliance within sixty days, by March 24, 2017. The Respondent is here today to ask the Board for reconsideration of the fine.

Respondent Kevin Hawkins explained that he purchased the Subject Property at a tax deed sale and like other vacant properties he's purchased, in addition to the demolition costs and Code Enforcement fines, there are several other costs and fines involved, often making the purchase cost prohibitive. He questioned the precedence of how the Board determines the size of fines for Lien Release properties and added that he was under the mistaken impression that fines were scrubbed in foreclosure scenarios to include tax deed sales.

Mr. Roland DeBlois reviewed the process of liens sometimes being scrubbed during the foreclosure process.

6:10:27

**ON MOTION BY Mr. Zimmermann, SECONDED by Mr. Petrulak, the Board voted unanimously (6-0) to acknowledge compliance and uphold the previous determination of \$5500.**

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

6:11:44     **Case #2012020111 – Wilma H. Martin**

Mr. Roland DeBlois advised that this case related to overgrown weeds and property maintenance violations that originally came before the Board on March 26, 2012. After two extensions, the fine was imposed on August 25, 2012 when compliance was not met. Compliance was achieved on April 13, 2013 after a passage of 231 days for a flat fine of \$23,100 with administrative costs being \$2300. The 2016 tax assessed value of the Subject Property was \$12,000. He recommended finding compliance and reducing the fine to administrative costs of \$2300.

Respondent Mr. Kevin Hawkins agreed to the proposed fine.

6:14:47

**ON MOTION BY Mr. Clements, SECONDED by Mr. Myers II, the Board voted unanimously (6-0) to acknowledge compliance and reduce the fine to administrative costs of \$2300.**

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

6:15:14     **Case #2012020111 – Wilma H. Martin**

Mr. Roland DeBlois advised that this case related to the same property as the previous case and involved overgrown weeds and debris violations that originally came before the Board on July 23, 2012. After no extensions, the fine was imposed on August 25, 2012 when compliance was not met. Compliance was achieved on April 13, 2013 after a passage of 231 days for a flat fine of \$23,100 with administrative costs being \$1700. Because this case overlaps with the next case, he

recommended finding compliance and reducing the fine to \$850 which would be half of the administrative costs.

Respondent Mr. Kevin Hawkins agreed to the proposed fine.

6:23:57

**ON MOTION BY Mr. Clements, SECONDED by Mr. Petrulak, the Board voted unanimously (6-0) to acknowledge compliance and reduce the fine to \$850.**

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

6:24:14      **Case #20120070025 – Wilma H. Martin**

Mr. Roland DeBlois advised that this case related to the same property as the previous two cases and involved overgrown weed violations that originally came before the Board on November 22, 2012. After no extensions, the fine was imposed on December 22, 2012 when compliance was not met. Compliance was achieved on April 13, 2013 after a passage of 112 days for a flat fine of \$11,200 with administrative costs being \$1700. Because this case overlaps with the previous case, he recommended finding compliance and reducing the fine to \$850 which would be half of the administrative costs.

Respondent Mr. Kevin Hawkins agreed to the proposed fine.

6:25:57

**ON MOTION BY Mr. Zimmermann, SECONDED by Mr. Petrulak, the Board voted unanimously (6-0) to acknowledge compliance and reduce the fine to \$850.**

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

Chairman Boehning called a five-minute recess at 3:36 p.m.

### **EVIDENTIARY HEARINGS**

6:35:29      **Case #2017050209 – Mary F. Helms**

Inspector Ms. Betty Davis submitted two photographs into evidence and reported that this case involved debris, junk vehicles and illegal RV use on a vacant property. She recommended a thirty-day extension, until October 20, 2017 for the



Subject Property to be brought into compliance.

6:37:10

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty days, until October 20, 2017, for compliance or a \$100 per day fine would be imposed.**

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

6:37:49      **Case #2015010087 – Daniel & Shirley Zink**

Inspector Ms. Vanessa Carter Solomon submitted a report from the IRC Building Department into evidence as well as an Affidavit of Service indicating that the property had been posted on September 15, 2017 after attempts of certified and first-class mail were unsuccessful. She summarized that this case involved several expired permits associated with converting the Subject Property into a quadraplex. She recommended a sixty-day extension, until November 24, 2017 for the Subject Property to be brought into compliance.

6:39:20

**ON MOTION BY Mr. Clements, SECONDED BY Mr. Redus, the Board voted unanimously (6-0) to find the violation and grant an extension of sixty days, until November 24, 2017, for compliance or a \$100 per day fine would be imposed.**

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

### **COMPLIANCE HEARINGS**

6:45:49      **Case #2017050137 – FN Investments LLC**

Ms. Kelly Buck, IRC Code Enforcement Officer, submitted two photographs into evidence and advised that this case originally came before the Board on June 26, 2017 for zoning use, unpermitted building modification and sign violations. She stated that there has been no progress towards compliance and recommended that a \$100 per day fine be imposed with a start date of September 23, 2017.

6:40:34

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find the violation and impose a \$100 per day fine beginning September 23, 2017.**

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

6:40:59      **Case #2017060071 – Helena maria (LE) & Maria Mahoney**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted one photograph into evidence and explained that this case originally came before the Board on July 24, 2017 for a fence violation. She testified that there has been no progress towards compliance and recommended that a \$100 per day fine be imposed with a start date of September 23, 2017.

6:41:49

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and impose a \$100 per day fine beginning September 23, 2017.**

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

6:42:16      **Case #2016120069 – Jonathan E. Harris**

Mr. Roland DeBlois reviewed that this case related to debris, junk vehicle and overgrown weed violations that came before the Board as a Repeat Violation on March 28, 2016. A fine was later imposed on February 17, 2017 when compliance was not achieved. At the April 24, 2017 Code Enforcement Board meeting, attorney for the foreclosing company, Ms. Michelle Napier of Napier & Rollin PLLC advised that she intended to bring the Subject Property into compliance as soon as the homeowner was evicted and the Board subsequently ordered a Conditional Setting of the Fine to ten percent of the accrued flat fine with a minimum of \$1700 to cover administrative costs. Since that time, there has been no progress towards compliance and in fact a great deal more debris has accumulated on the Subject Property. He recommended that the Board direct staff to begin county abatement proceedings to clean up this public nuisance.

Inspector Ms. Vanessa Carter submitted five photographs into evidence as well as an Affidavit of Service indicating that the property had been posted on September 15, 2017 after attempts of certified and first-class mail were

unsuccessful.

6:51:34

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and begin county abatement proceedings.**

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

6:51:49      **Case #2017060049 – Walter W. Sgarrini**

Inspector Ms. Vanessa Carter Solomon submitted one photograph into evidence and explained that this case originally came before the Board on July 24, 2017 for debris, overgrown weeds and junk vehicle violations. She stated that after one extension, there has been no progress towards compliance and recommended that a \$100 per day fine be imposed with a start date of September 23, 2017.

6:52:35

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to find the violation and impose a \$100 per day fine beginning September 23, 2017.**

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

6:52:53      **Case #2016070050 – Ken Davin**

Mr. Roland DeBlois testified that this case originally came before the Board on July 24, 2017 for land clearing, debris and building permit violations. He reported that the only remaining issues are unpermitted garage enclosure and air conditioning system violations. He recommended that a \$100 per day fine be imposed with a start date of September 23, 2017.

6:55:45

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Redus, the Board voted unanimously (6-0) to find the violation and impose a \$100 per day fine beginning September 23, 2017.**

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

6:56:24     **Authorization for Notices to Appear**  
**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to authorize the Notices to Appear for cases leading up to the October 23, 2017 meeting.**

**Adjournment**

There being no further business, the meeting was adjourned at 4:05 p.m.