

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, November 27, 2017 at 1:30 p.m.

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

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

Also in attendance was Ms. Jennifer Peshke, Attorney for the Board; IRC staff: Mr. Roland DeBlois, Environmental and Code Enforcement Chief; Ms. Betty Davis, Ms. Kelly Buck, Ms. Vanessa Carter Solomon and Ms. Rose Jefferson, Code Enforcement Officers; Ms. Cindy Corrente, Utility Services; Mr. David Hays, Land Development Manager; Mr. David Checchi, Contractor License Investigator; and Ms. Lisa Carlson, Recording Secretary.

5:10:23 **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.

5:11:19 **Approval of Minutes**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to approve the minutes of October 23, 2017 as presented.

5:11:34 **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.

5:17:34 **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 #2017050101, #2017040164, #2017030072, #2017080050, #2017010089, #2017010004, #2017010085, #2017080115, #2017060187, #2017060220, #2017080026, #2017010088, #2017050149, #2017060228, #2017100065 and #2017050122 – 30-day extension until December 22, 2017. Cases #2015080027, #2016110005, #2017070078 and #2016030077 – 60-day extension until January 19, 2018. Case #2017030181 – 60-day extension until January 19, 2018 for completion of the permitting process with the condition that the dock would not be used. Cases #2017050112, #2017080084, #2017100126, #2017100127, #2017090028, #2017080093, #2017090031 and #2017080144 were rescheduled.

In compliance were Cases #2017050102, #2017050197, #2017070055, #2017080112, #2017080091, #2017100125, #2017100029, #2017090076, #2017090032, #2017090042, #2017090044, #2017100078, #2017100062, #2017100045, #2017100020, #2017100021, #2017100022, #2017100023, #2017080012, #2017080088, #2017080144, #2017050001, #2017050121, #2017060190, #2017060182, #2017080107 and #2017050123.

Mr. DeBlois recommended that the Administrative Hearings be heard at 2:30 and that the Lien Release Requests be heard at 3:00 p.m. or later. He noted that there is an Addendum to the agenda that contains one Compliance Hearing and three Lien Release Requests. He added that this meeting is the last for Ms. Betty Davis, IRC Code Enforcement Officer, as she is retiring after thirty-six years with the county and he introduced new IRC Code Enforcement Officer, Mr. Tom Allred.

5:31:43

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

5:32:14 **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

5:32:44 **Case #2017050150 – Leo & Eileen F. Arnold (COTRS)**

Inspector Ms. Betty Davis summarized that this case involved unpermitted modifications made to a barn being used as living quarters for a security employee. She added that the Respondent is currently working with an engineer to obtain an after-the-fact permit and recommended a sixty-day extension, until January 19, 2018 for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

Respondent Mr. Leo Arnold agreed to the proposed extension of sixty days.

5:35:25

ON MOTION BY Mr. Clements, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find the violation and grant an extension of sixty days, until January 19, 2018, 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.

5:35:52 **Case #2017060136 – Kristin J. Mead**

Inspector Ms. Betty Davis reported that this case involved debris violations and an expired building permit for a roof. She clarified that the debris violation has been resolved and that the building permit has been renewed. She recommended a sixty-day extension, until January 19, 2018, for the Subject Property to be brought into compliance by completing the roofing project or a \$100 per day fine would be imposed.

Respondent Ms. Kristin Mead agreed to the proposed sixty-day extension.

5:38:25

ON MOTION BY Mr. Redus, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of sixty days, until January 19, 2018, 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.

5:40:24 **Case #2017020017 – Whispering Palms MHC LLC**

Ms. Cindy Corrente, Utility Services, informed the Board that this case began in March of 2016 with the mobile home community's rainfall discharges draining into the county's sewer system. She described multiple breaches in the system that allow rainfall to end up in the county's lift station and ultimately the wastewater treatment plant, causing a strain to the system. She acknowledged that the Respondent has taken some corrective actions but that they have been largely ineffective. She entered a spreadsheet into evidence indicating that 9,667,000 gallons of inflow entered the county's sewer system from January through October of 2017 from Whispering Palms with the problem becoming increasingly worse. She stressed that the overall system has not been fully evaluated so that the owners of the community understand just how large a problem they are facing. She requested that the Respondent smoke test the entire system, seal the systems that smoke and TV all the lines from the cleanout so that they can make a plan for repairs. She recommended a timeframe of thirty days, until December 22, 2017 for the Respondent to engage an engineer for the project and seventy-five days, until February 5, 2018, for an assessment of the testing and an approved action plan.

Attorney Mr. Richard Webb, representing the Respondent, acknowledged that the system has not been fully evaluated and that they are in the process of hiring an engineer. He added that some repairs were made in May of 2017 but that much is left to be done and agreed to the proposed extensions.

6:11:11

ON MOTION BY Mr. Clements, SECONDED BY Mr. Redus, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty days, until December 22, 2017, to secure an engineering firm and an extension of seventy-five days, until February 5, 2018 for assessment of testing and an approved plan of action or a \$100 per day fine would be imposed.

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

ADMINISTRATIVE HEARINGS

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.

6:12:13 **Case #2017110064 – Tudor & Christiana Scridon and Dynamic Air Quality & Cooling Systems [Violator]**

Mr. David Checchi, IRC Contractor License Investigator, summarized that this case had to do with an unpermitted air conditioner changeout.

Respondent Mr. Michael Boyle of Dynamic Air Quality & Cooling Systems, testified that this was an emergency changeout and that the permit was acquired the same day on this one-day project.

Mr. Roland DeBlois recommended that the Board disallow Citation #0309.

6:21:33

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to disallow Citation #0309.

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

6:21:49 **Case #2017090052 – Whispering Palms MHC LLC and James L. Wilkerson [Violator]**

Investigator Mr. David Checchi summarized that this case related to an unpermitted air conditioner and toilet installation performed by an unlicensed contractor.

Mr. Roland DeBlois stated that as the Respondents were not in attendance to exercise their right to appeal, he recommended that the Board uphold Citation #0359 as issued.

6:26:53

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to uphold Citation #0359.

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

EVIDENTIARY HEARINGS

6:27:22 **Case #2017100066 – William H. & Janet A. Wagner**

Inspector Ms. Betty Davis submitted one photograph into evidence as well as an Affidavit of Service indicating that the property had been posted on November 11, 2017 after attempts of certified and first-class mail were unsuccessful. She advised that this case involved repeat violations for an untagged recreational vehicle (RV), junk vehicles and debris as well as an unsecured swimming pool. She recommended a thirty-day extension, until December 22, 2017, for the swimming pool to be permitted and secured and a sixty-day extension, until January 19, 2017 for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

Respondent Mr. John Wagner testified that recent rainfall has prohibited his progress in cleaning up the Subject Property and that he is waiting for an insurance adjuster to view the hurricane damage before completing the process. He clarified that there is nobody living in the RV, that the junk vehicles are gone and that he would relocate and permit the swimming pool.

6:35:51

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violations and grant an extension of thirty days, until December 22, 2017, for permitting and securing of the swimming pool and an extension of sixty days, until January 19, 2018 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.

6:35:12 **Case #2017100011 – Scott Alan & Autumn Angel Owen**

Inspector Ms. Betty Davis submitted two photographs into evidence as well as an Affidavit of Service indicating that the property had been posted on November 17, 2017 after attempts of certified and first-class mail were unsuccessful. She reported that this case involved an unpermitted shed and zoning district use violations relating to the Respondent's lawn maintenance and extermination business causing excessive vehicles and equipment to be stored on the Subject Property. She went on to say that the Respondent has obtained a home occupation permit but that the number of vehicles stored on the Subject Property is still more than the permit allows and that he is in the process of obtaining a unity of title on the two adjacent lots that would accommodate the business. She recommended a thirty-day extension, until December 22, 2017, for the storage issues to be resolved and a sixty-day extension, until January 19, 2018 for the unity of title to be obtained and the Subject Property to

be brought into compliance or a \$100 per day fine would be imposed.

Representative for the Respondent, Mr. Joseph Paladin, President of Black Swan Consulting and Management Corporation, agreed to the proposed extensions.

6:43:11

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty days, until December 22, 2017, to resolve the storage issues and an extension of sixty days, until January 19, 2018 for compliance or a \$100 per day fine would be imposed.

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

LIEN RELEASE REQUESTS

6:43:44 **Case #2017050015 – Midway Estates Co-Op Inc.**

Mr. Roland DeBlois reported that this case related to an unenclosed dumpster area at a mobile home park that originally came before the Board on August 28, 2017. The fine was imposed on October 21, 2017 when compliance was not met. He went on to say that it has come to his attention that there was a misunderstanding regarding the time frame for completion and that the fencing company had since changed names which further added to the confusion in finding the permit that had been issued. He recommended acknowledging compliance and rescinding the fine.

6:49:27

ON MOTION BY Mr. Myers II, SECONDED by Mr. Petrulak, the Board voted unanimously (6-0) to acknowledge compliance and rescind the fine.

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

6:49:34 **Case #201090054 – Carolyn Matlak**

Mr. Roland DeBlois reviewed that this case related to dilapidated fence, debris and unsecured vacant structure violations that originally came before the Board on November 8, 2016. After no extensions, the fine was imposed on January 21, 2017

when compliance was not met. Compliance has not yet been achieved but after a passage of 310 days so far, the flat fine would currently be \$31,000 with administrative fees of \$1700. He recommended conditionally setting the fine at administrative costs of \$1700 if the Subject Property comes into compliance within thirty days, by December 22, 2017.

Ms. Kelly Buck, IRC Code Enforcement Officer, stated that while the front yard has been cleared, there is still the issue of the dilapidated fence and some debris in the back yard.

Respondent Mr. Eric Forbes, stated that he is in the process of purchasing the property for \$20,000 and has been working towards resolving the violations.

6:58:10

ON MOTION BY Mr. Clements, SECONDED BY Mr. Redus, the Board voted (2-4) to find the violations, set the fine at administrative costs of \$1700 and allow thirty days, until December 22, 2017, for compliance. Mr. Myers II, Mr. Zimmermann, Chairman Boehning and Mr. Petrulak were the opposing votes. This motion does not carry.

6:58:47

ON MOTION BY Mr. Myers II, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to find the violations, set the fine at \$3100, which is ten percent of the flat fine, and allow thirty days, until December 22, 2017, for compliance.

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

7:00:44 **Case #2013050122 – Debbie L. Brown**

Mr. Roland DeBlois advised that this case related to overgrown weed and debris violations that originally came before the Board on July 22, 2012. After no extensions, the fine was imposed on August 24, 2013 when compliance was not met. Compliance has not been achieved but after passage of 1556 days so far, the flat fine would currently be \$155,600 with administrative fees of \$1700. The 2016 tax assessed value of the Subject Property is \$30,380. He recommended conditionally setting the fine at administrative costs of \$1700 if it comes into compliance within thirty days, by December 22, 2017.

Inspector Ms. Kelly Buck submitted four photographs into evidence and acknowledged that while a great deal of effort has been made towards compliance, there is still some work to be done in the back yard.

Respondent Ms. Mashawn Green testified that she recently purchased the Subject Property at a tax deed sale and after evicting squatters, has been working diligently on cleaning up the property.

7:09:34

ON MOTION BY Mr. Clements, SECONDED BY Mr. Myers II, the Board voted (3-3) to find the violations, set the fine at administrative costs of \$1700 and allow thirty days, until December 22, 2017, for compliance. Mr. Redus, Mr. Zimmermann and Mr. Petrulak were the opposing votes. This motion does not carry.

7:10:07

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to find the violations, set the fine at \$1900 and allow thirty days, until December 22, 2017, for compliance.

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

7:10:24 **Case #2012100254 – Albert Lee McCord & Patricia L. Hardin**

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.

Mr. Roland DeBlois advised that this case related to debris, junk vehicle and overgrown weed violations that originally came before the Board on February 25, 2013. After one extension, the fine was imposed on May 18, 2013 when compliance was not met. Compliance was achieved on May 25, 2017 after passage of 1468 days, for a flat fine of \$146,800 with administrative fees being \$2000. He recommended acknowledging compliance and setting the fine at \$14,680 which is ten percent of the flat fine.

Representative for the Respondent, Mr. Michael McLaughlin of Fannie Mae, agreed to the proposed fine.

7:14:47

ON MOTION BY Mr. Zimmermann, SECONDED by Mr. Myers II, the Board voted unanimously (6-0) to acknowledge compliance and reduce the fine to \$14,680 which is ten percent of the flat fine.

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

7:15:14 **Case #2014090140 – James Wilson (1/4), Jonathan Wilson (1/4), Joshua Wilson (1/4) & Latate Wilson (1/4)**

Mr. Roland DeBlois reported that this case related to junk vehicle and overgrown weed violations that originally came before the Board on November 24, 2014. After four extensions, the fine was imposed on July 25, 2015 when compliance was not met. Compliance was achieved on April 5, 2017 after a passage of 620 days, for a flat fine of \$62,000 with administrative fees of \$2900. He recommended acknowledging compliance and setting the fine at administrative costs of \$2900.

Representative for the Respondent, Ms. Jill Gold of Wells Fargo, testified that she had taken possession of this foreclosed property on October 30, 2017 and agreed to the proposed fine.

7:20:07

ON MOTION BY Mr. Myers II, SECONDED by Mr. Zimmermann, the Board voted unanimously (6-0) to acknowledge compliance and reduce the fine to administrative costs of \$2,900.

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

7:20:34 **Case #2015010067 – D R Horton**

Mr. Roland DeBlois advised that this case related to sign violations that originally came before the Board on October 28, 2013. After one extension, a fine of \$2000 was imposed on March 24, 2014 for this repeat violation. This fine was paid, and the lien released. The case came back to the Board for a Compliance Hearing for another repeat violation on February 23, 2015 and a fine of \$300 per day was retroactively imposed with a start date of January 29, 2015. When the Respondent went to pay the fine that had at that point accrued to \$7500, they were incorrectly charged by Staff and paid only \$300. The Respondent recently became aware of the Lien when selling one of their many properties and the clerical error was noted as

well as the fact that the fine was still accruing as one sign was still illegally placed. With passage of 1033 days so far, the flat fine would currently be \$309,900 with administrative fees of \$1700; however, that would be for three signs and there is only one still in violation although it's unclear when the other two were removed. He reminded the Board that only \$300 has been paid so far towards the fine that was \$7500 in early 2015 but continues to accrue. He recommended conditionally setting the fine at \$7500, \$300 of which has already been paid, if it comes into compliance within thirty days, by December 22, 2017.

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, entered one photograph into evidence and stated that one sign currently remains in the right of way and while the Respondent does have a permit for the sign, it is illegally placed and is too large to be removed by Staff.

Mr. William Bakson, CFO/CPA, and Mr. Howard Darvin, Sales & Marketing Manager at D R Horton, detailed their understanding of the situation that they believe was caused by a lack of communication with the County and stated that they were unaware of the accruing fine.

7:38:47

ON MOTION BY Mr. Petrulak, SECONDED by Mr. Clements, the Board voted (5-1) to find the violations, set the fine at \$7500 with credit for the \$300 previously paid, and allow thirty days, until December 22, 2017, for compliance. Mr. Myers II was the opposing vote.

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

Chairman Boehning called a five-minute recess at 4:00 p.m.

EVIDENTIARY HEARINGS

7:50:29 **Case #2017100144 – Lost Tree Preserve LLC**

Mr. Roland DeBlois summarized that this case involved recurring violations related to development of a new subdivision. He stated that although the Respondent is currently in compliance, he recommended that the Board issue a Continuing Order to ensure continued compliance or a \$100 per day fine would be imposed.

Respondent Mr. Steve Melchtori debated the violations that allegedly involved

working outside the limits of the land development permit.

Mr. David Hays, IRC Land Development Manager, detailed the circumstances relating to the violations of the land development permit conditions.

8:03:10

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find current compliance and grant a Continuing Order 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.

8:03:39 **Case #2017090056 – Carl J. Walker**

Inspector Ms. Kelly Buck submitted four photographs into evidence and advised that this case involved debris, junk vehicles and dilapidated structures as well as roofing business storage beyond what is permitted. She recommended a ninety-day extension, until February 23, 2018 for the Subject Property to remove the debris and junk vehicles and an additional ninety-day extension, until May 18, 2018 to complete the removal of the dilapidated structures and acquire permitted replacement storage units or a \$100 per day fine would be imposed.

Respondent Mr. Carl Walker described his progress towards compliance and agreed to the proposed extensions.

8:14:13

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 ninety days, until February 23, 2018, for removal of debris and junk vehicles and an additional ninety days, until May 18, 2018, to replace the dilapidated structures with permitted replacement storage units or a \$100 per day fine would be imposed.

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

LIEN RELEASE REQUESTS

8:15:14 **Case #2014120085– Ronald G. Andrews**

Mr. Roland DeBlois reminded the Board that they had ruled on this Lien Release Request at the October 23, 2017 hearing and stated that he has since become aware of a misunderstanding regarding two adjacent properties. It has come to his attention that the lots were not split but were rather purchased together. He advised that the entire property has come into compliance and recommended acknowledging compliance and an amendment that would extend the previous \$2000 fine to include both properties.

Respondent Mr. Ron Rennick of Miam Inc. explained that he purchased the properties at tax deed sales and agreed to the proposed fine.

8:20:17

ON MOTION BY Mr. Petrulak, SECONDED by Mr. Redus, the Board voted unanimously (6-0) to acknowledge compliance and extend the previous fine of \$2000 to include both properties.

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

EVIDENTIARY HEARINGS

8:20:52 **Case #2017090023 – Gofys LLC**

Inspector Ms. Betty Davis submitted four photographs into evidence and reviewed that this case involved property maintenance violations due to significant hurricane damage from a couple of years ago. She stated that the Respondent has recently hired an engineer for the project and recommended a sixty-day extension, until January 19, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:22:41

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violations and grant an extension of sixty days, until January 19, 2018 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.

8:22:52 **Case #2017080042 – Conny Bestaendig**

Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted an Affidavit of Service into evidence indicating that the property had been posted on November 15, 2017 after attempts of certified and first-class mail were unsuccessful. She reported that this case involved vacation rental license violations and recommended a thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:24:11

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Redus, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty 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 not present for this hearing.

8:24:22 **Case #2017080043 – Daniel and Kat Bestaendig**

Inspector Ms. Rose Jefferson submitted an Affidavit of Service into evidence indicating that the property had been posted on November 15, 2017 after attempts of certified and first-class mail were unsuccessful. She reported that this case involved vacation rental license violations and recommended a thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:24:51

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty 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 not present for this hearing.

8:25:02 **Case #2017080025 – Paul & Bonnie Julin**

Inspector Ms. Rose Jefferson submitted two photographs into evidence as well as an Affidavit of Service indicating that the property had been posted on November 15, 2017 after attempts of certified and first-class mail were unsuccessful. She reported that this case related to junk vehicle and debris violations and

recommended a seven-day extension, until December 4, 2017 for removal of a refrigerator and a thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:27:11

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to find the violation and grant an extension of seven days, until December 4, 2017 for removal of a refrigerator and thirty 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 not present for this hearing.

8:27:22 **Case #2017060150 – Michael J. Deluca**

Inspector Ms. Betty Davis submitted an Affidavit of Service into evidence indicating that the property had been posted on November 17, 2017 after attempts of certified and first-class mail were unsuccessful. She informed the Board that this case involved an unpermitted fence and recommended a sixty-day extension, until January 19, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:27:56

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 January 19, 2018, 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.

8:28:52 **Case #2017100082 – Guillermo Escobar**

Inspector Ms. Betty Davis submitted four photographs into evidence as well as an Affidavit of Service indicating that the property had been posted on November 17, 2017 after attempts of certified and first-class mail were unsuccessful. She related that this case involved unpermitted land clearing, mining, debris and junk vehicle violations as well as someone living in an RV and operating a business on the Subject Property. She recommended a sixty-day extension, until January 19, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would

be imposed.

8:31:41

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to find the violation and grant an extension of sixty days, until January 19, 2018, 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.

8:31:52 **Case #2017100083 – Wabasso Investments LLC**

Inspector Ms. Betty Davis submitted three photographs into evidence as well as an Affidavit of Service indicating that the property had been posted on November 17, 2017 after attempts of certified and first-class mail were unsuccessful. She reported that this case involved site plan violations as well as significant property maintenance issues resulting from the most recent hurricane. She recommended a sixty-day extension, until January 19, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:35:16

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 January 19, 2018, 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.

8:35:22 **Case #2017100123 – Edward Wichert (TR) (TOK)**

Board Attorney Ms. Jennifer Peshke disclosed for the record that she represents this estate.

Inspector Ms. Betty Davis submitted three photographs into evidence as well as an Affidavit of Service indicating that the property had been posted on November 17, 2017 after attempts of certified and first-class mail were unsuccessful. She reported that this case involved swimming pool enclosure, property maintenance, debris and overgrown weed violations at a vacant residence. She recommended a fourteen-day extension, until December 11, 2017 to secure the swimming pool and a

thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:38:15

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Clements, the Board voted unanimously (6-0) to find the violation and grant an extension of fourteen days, until December 11, 2017 to secure the swimming pool and thirty 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 not present for this hearing.

8:38:33 **Case #2017100124 – Georgios & Melpomenz Varahidis**

Inspector Ms. Betty Davis submitted an Affidavit of Service into evidence indicating that the property had been posted on November 17, 2017 after attempts of certified and first-class mail were unsuccessful. She advised that this case involved overgrown weeds and recommended a thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:39:06

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Redus, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty 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 not present for this hearing.

8:39:22 **Case #2017080094 – Woodrow Dawsey**

Inspector Ms. Kelly Buck submitted one photograph into evidence as well as an Affidavit of Service indicating that the property had been posted on November 14, 2017 after attempts of certified and first-class mail were unsuccessful. She reported that this case involved a tree laying on a vacant lot and recommended a thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:41:26

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Clements, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty 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 not present for this hearing.

8:41:32 **Case #2017060058 – Robbie W. Todd**

Inspector Ms. Kelly Buck submitted one photograph into evidence as well as an Affidavit of Service indicating that the property had been posted on November 14, 2017 after attempts of certified and first-class mail were unsuccessful. She testified that this case involved overgrown weeds on a vacant lot and recommended a sixty-day extension, until January 19, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:42:06

ON MOTION BY Mr. Redus, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of sixty days, until January 19, 2018, 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.

8:42:22 **Case #2017070014– Kermit Lafranc Graham**

Inspector Ms. Kelly Buck submitted one photograph into evidence as well as an Affidavit of Service indicating that the property had been posted on November 14, 2017 after attempts of certified and first-class mail were unsuccessful. She reported that this case involved overgrown weeds on a vacant lot and recommended a sixty-day extension, until January 19, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:42:46

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of sixty days, until January 19, 2018, 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.

8:43:12 **Case #2017100009 – Thomas J. & Sally A. Fish**

Inspector Ms. Vanessa Carter Solomon submitted two photographs into evidence and advised that this case involved a fallen tree. She recommended a thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:44:16

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Redus, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty 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 not present for this hearing.

8:44:22 **Case #2017100002 – Kerry Rodriguez**

Inspector Ms. Vanessa Carter Solomon submitted one photograph into evidence as well as an Affidavit of Service indicating that the property had been posted on November 17, 2017 after attempts of certified and first-class mail were unsuccessful. She related that this case involved a tree laying on a vacant lot and recommended a thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:45:16

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty 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 not present for this hearing.

8:45:27 **Case #2017090047 – Mildred R. Hudson**

Inspector Ms. Vanessa Carter Solomon submitted one photograph into

evidence and reported that this case involved a junk vehicle violation. She recommended a thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:46:26

ON MOTION BY Mr. Redus, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty 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 not present for this hearing.

8:46:28 **Case #2017100075 – Richard Morgan Gaffney Jr.**

Inspector Ms. Vanessa Carter Solomon submitted an internet vacation rental listing into evidence as well as an Affidavit of Service indicating that the property had been posted on November 17, 2017 after attempts of certified and first-class mail were unsuccessful. She reported that this case involved an unpermitted Bed & Breakfast.

Mr. Roland DeBlois explained the distinctions between short term vacation rentals and Bed & Breakfasts and the criteria for licensing in Indian River County. He recommended a ninety-day extension, until February 23, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:49:46

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Clements, the Board voted unanimously (6-0) to find the violation and grant an extension of ninety days, until February 23, 2018, 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.

8:49:52 **Case #2017100068 – Beachland Property Group LLC**

Inspector Ms. Vanessa Carter Solomon submitted one photograph into evidence as well as an Affidavit of Service indicating that the property had been posted on November 17, 2017 after attempts of certified and first-class mail were unsuccessful. She informed the Board that this case involved overgrown weeds and

recommended a thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:50:46

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty 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 not present for this hearing.

8:50:52 **Case #201710044 – Beachland Property Group LLC**

Inspector Ms. Rose Jefferson submitted one photograph into evidence as well as an Affidavit of Service indicating that the property had been posted on November 15, 2017 after attempts of certified and first-class mail were unsuccessful. She reviewed that this case involved overgrown weeds and recommended a thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:51:46

ON MOTION BY Mr. Redus, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty 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 not present for this hearing.

8:51:59 **Case #2017110010 – Anand Patel No 1 LLC**

Inspector Ms. Kelly Buck submitted five photographs into evidence as well as an Affidavit of Service indicating that the property had been posted on November 14, 2017 after attempts of certified and first-class mail were unsuccessful. She summarized that this case involved debris and junk vehicles as well as the storage of commercial vehicles on a vacant lot. She recommended a thirty-day extension, until December 22, 2017, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

8:54:46

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to find the violation and grant an extension of thirty 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 not present for this hearing

COMPLIANCE HEARINGS

8:55:26 **Case #2017060160 – Norman Taylor**

Ms. Vanessa Carter Solomon advised that this case originally came before the Board on August 28, 2017 for an unpermitted addition to a mobile home. 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 November 25, 2017.

8:56:14

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Clements, the Board voted unanimously (6-0) to find the violation and impose a \$100 per day fine beginning November 25, 2017.

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

8:56:19 **Case #2017040072 – Belmont Equities LLC**

Inspector Ms. Kelly Buck submitted ten photographs into evidence and explained that this case originally came before the Board on June 26, 2017 for debris, landscape maintenance and site plan nonconformance violations. 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 November 25, 2017.

8:58:49

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 November 25, 2017.

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

8:58:53 **Case #2015010087 – Daniel & Shirley Zink**

Inspector Ms. Vanessa Carter Solomon reminded the Board that this case originally came before them on September 25, 2017 for unpermitted building additions and interior modifications made to the Subject Property. 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 November 25, 2017.

8:59:49

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 November 25, 2017.

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

9:00:09 **Case #2016110043 – MCMS Holdings Company LLC**

Inspector Ms. Vanessa Carter Solomon three photographs into evidence and explained that this case originally came before the Board on February 27, 2017 for sign violations as well as use established without site plan approval. 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 November 25, 2017.

9:01:49

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 November 25, 2017.

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

9:02:09 **Case #2017050209 – Mary F. Helms**

Inspector Ms. Betty Davis reminded the Board that this case came before them Board on September 25, 2017 for violations relating to debris, junk vehicles and illegal RV use on a vacant property. She went on to say that there has been no progress towards compliance and recommended that a \$100 per day fine be imposed with a start date of November 25, 2017.

9:02:35

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 November 25, 2017.

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

9:02:43 **Case #2017060159 – William & Rita Saling**

Inspector Ms. Betty Davis reported that this case originally came before the Board on June 23, 2017 for violations related to dilapidated vacant structures. 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 November 25, 2017.

9:03:25

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 November 25, 2017.

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

9:03:43 **Case #2017110081 – Red Warrior Holding Corp**

Inspector Ms. Betty Davis explained that this case came before the Board on June 26, 2017 for repeat violations relating to parking and landscape maintenance. She stated she hand delivered the Order Finding Violation to the Respondent on November 19, 2017 and it came into compliance after three days on November 21, 2017. She recommended that a \$300 fine be imposed.

9:05:00

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to acknowledge compliance and impose a \$300 fine.

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

9:05:14 **Authorization for Notices to Appear**
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Myers II, the Board voted unanimously (6-0) to

authorize the Notices to Appear for cases leading up to the January 22, 2018 meeting.

Adjournment

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