

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, May 21, 2018 at 1:30 p.m.

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

Mr. David Myers II, Businessman Appointee, was absent.

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

Also, in attendance was Ms. Edie Collins, Substitute Attorney for the Board; IRC staff: Mr. Roland DeBlois, Environmental and Code Enforcement Chief; Mr. Thomas Allred, Ms. Rose Jefferson, Ms. Kelly Buck and Ms. Vanessa Carter Solomon, Code Enforcement Officers; Mr. David Checchi and Mr. Kenneth Johnson, Contractor License Investigators; and Ms. Lisa Carlson, Recording Secretary.

9:23:42 **Call to Order**

Chairman Pete Clements called the meeting to order and the secretary called the roll, establishing that a quorum was present.

9:24:15 **Approval of Minutes**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to approve the minutes of April 23, 2018 as presented.

9:24:39 **Attorney's Overview of Board Purpose and Procedures**

Attorney Ms. Edie Collins, filling in for vacationing Ms. Jennifer Peshke, Attorney for the Board, gave a brief overview of the procedures and purpose of the Code Enforcement Board.

9:32:02 **Pledge of Allegiance**

Chairman Pete Clements led all in the Pledge of Allegiance.

9:32:38 **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 #2018010126, #2017120038, #2018020123, #2018020128, #2018030100, #2018010005, #2018020038 and #2018020170 – thirty-day extension until June 22, 2018. Cases #2017070106, #2016030011 and #2018040047 – sixty-day extension until July 20, 2018. Case #2016120067 – ninety-day extension until August 24, 2018. Cases #2018030071, #2018040074 and #2017100075 were rescheduled.

In compliance were cases #2018030041, #2018010086, #2018010090, #2018040053, #2018040071, #2017110072, #2018020057, #2018020166, #2018020168, #2017080124, #2018050065, #2018050074 and #2018050076.

Mr. DeBlois recommended that the Administrative Hearings be heard at 2:30 p.m. and that the Lien Release Requests be heard at 3:00 p.m. or later. He reviewed the Lien Release Request addendum case #2010070249 and recommended that the conditional setting of the fine be extended an additional thirty days, until June 22, 2018.

9:39:19

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

9:39:34 **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.

COMPLIANCE HEARINGS

9:40:34 **Case #2018010116 – Jesus Moran & Maria Colin**

Mr. Thomas Allred, IRC Code Enforcement Officer, entered four photographs into evidence and reminded the Board that this case originally came before them on

March 26, 2018 for a variety of violations to include debris, unpermitted structures, right-of-way alterations, junk vehicles and commercial vehicle parking. He stated that although a fence permit has been issued, the fence height does not conform, and that commercial equipment and debris remain on the Subject Property. He recommended a thirty-day extension, until June 22, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

Respondent Mr. Jesus Moran explained that he intends to revise the fence permit to accommodate the higher fence and that he is in possession of a home occupational license issued in 2015 for the Subject Property. He added that he is in the process of obtaining a right-of-way permit and also purchasing a commercial property where he will relocate the commercial vehicles.

Mr. Roland DeBlois clarified County regulations involving fence permits and commercial vehicles allowed on residential properties.

9:57:29

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Redus, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until June 22, 2018, for compliance or a \$100 per day fine would be imposed.

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

EVIDENTIARY HEARINGS

9:58:14 **Case #2018040135 – Cole L. & Jill R. Cole**

The secretary administered the testimonial oath to Respondent Mr. Cole Cole, as he had arrived after the beginning of the meeting.

Inspector Mr. Thomas Allred entered four photographs into evidence and advised that this case involved violations relating to an unpermitted pole barn addition, commercial vehicles and overgrown weeds. He recommended a sixty-day extension, until July 20, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed

Respondent Mr. Cole Cole explained that he purchased the Subject Property as a foreclosure and has worked diligently to make it habitable for his family. He

contended that none of the vehicles on his property are commercial and that the structures that may be unpermitted were present when he purchased the property.

Mr. Roland DeBlois questioned which structures may be unpermitted and whether there had been any recent construction. He reviewed the regulations for commercial vehicles on a residential property and the need to investigate further as to whether this was a violation in this case.

The secretary administered the testimonial oath to Mr. David Checchi, IRC Contractor License Investigator, as he had arrived after the beginning of the meeting.

Investigator Mr. David Checchi acknowledged that it was possible that there had been no active construction when the Stop Work Order was issued and confirmed that there was no permit on file for the pole barn addition.

10:26:30

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of sixty days, until July 20, 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.

ADMINISTRATIVE HEARINGS

10:27:13 **Case #2018040077 – Kevin Marto and John O’Connell [Violator]**

The secretary administered the testimonial oath to Mr. Kenneth Johnson, IRC Contractor License Investigator, and Respondent Mr. John O’Connell as they had arrived after the beginning of the meeting.

Investigator Mr. Kenneth Johnson detailed facts surrounding that this case involving demolition of a structure on a residential property without the required pre-demolition inspection.

Respondent Mr. John O’Connell stated that while he did in fact call it in, the inspection evidently did not transpire, something that had never happened to him in his approximate twenty-five years of doing business in Indian River County.

10:40:41

**ON MOTION BY Mr. Redus to uphold Citation #0432.
There was no second to this motion.**

10:42:51

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Redus, the Board voted unanimously (5-0) to uphold Citation #0432 but rescind the \$500 fine.

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

10:43:23 **Case #2018040161 – Ronald W. & Pamela R. Boscaljon and All Year Cooling & Heating Inc. [Violator]**

Investigator Mr. David Checchi reported that this case involved an unpermitted air conditioner changeout at a residential property.

Mr. Roland DeBlois stated that as the Respondent was not in attendance to exercise his right to appeal, he recommended that the Board uphold Citation #0324 as issued.

10:46:41

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to uphold Citation #0324.

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

10:47:03 **Case #2018040106 – Robert & Patricia A. Voegel and Troy Raia [Violator]**

Investigator Mr. David Checchi indicated that this case had to do with unlicensed sea wall repairs and that further research revealed several additional violations by the Respondent in Brevard County.

Mr. Roland DeBlois stated that as the Respondent was not in attendance to exercise his right to appeal, he recommended that the Board uphold Citation #0377 as issued.

10:51:41

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to uphold Citation #0377.

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

LIEN RELEASE REQUESTS

10:52:24 **Case #2016110005 – Magnolia Manor Vero Beach LLC**

The secretary administered the testimonial oath to Mr. George Tadrowski, Representative for the Respondent, as he had arrived after the beginning of the meeting.

Mr. Roland DeBlois clarified that this case originally came before the Board on June 26, 2017 for unpermitted structures and commercial events being held at an agricultural property. He explained the evolution of county regulations relating to commercial events held at residential properties including agricultural properties over four acres that must include a residential structure. He noted that although there is currently no residence on the Subject Property, commercial events have continued. After three extensions, the fine was imposed on March 24, 2018 when compliance had not been achieved. While compliance has not yet been attained, to date there has been a passage of fifty-eight days for a flat fine of \$5,800 with administrative fees being \$2,600. He stated that the Respondent is seeking a Conditional Setting of the Fine and concluded that until a residence is established on the Subject Property, it will not be in compliance as a commercial event venue.

Representative for the Respondent, Contractor Mr. George Tadrowski of GT Custom Builders, outlined his endeavors toward obtaining after-the-fact permits for the Subject Property. He pointed out that when the Respondents purchased the Subject Property, it had already been functioning as a wedding venue for several years and they were surprised to receive a letter from the County regarding permitting the existing structures and becoming licensed as a commercial event venue. He described complications in acquiring after-the-fact permits for buildings built ten years ago that now must meet commercial building code requirements to include fire suppression and handicapped facilities. He added that he and his clients were under the impression that as long as the County continued giving them extensions, that they were allowed to continue hosting commercial events. He concluded that they were not allowed to begin construction on the required

residential structure until the after-the-fact permits were resolved.

Mr. Roland DeBlois entered into evidence and reviewed a letter from the Respondent detailing the progress towards compliance and plan of action.

The secretary administered the testimonial oath to Mr. Wesley Mills, Representative for the Respondent, as he had arrived after the beginning of the meeting.

Mr. Wesley Mills of Mills, Short & Associates, Representative for the Respondent, stated that his firm had been hired by the Respondent to design and engineer the future residential structure and garage. He discussed the challenges and complexities to both the after-the-fact permitting process as well as the temporary use permits for the future residential structure.

Extensive discussion followed regarding the fact that throughout the extensions, the Respondent did not cease the use of the Subject Property for commercial events.

11:31:37

ON MOTION BY Mr. Petrulak, SECONDED by Mr. Zimmermann, the Board voted unanimously (5-0) to not accept the Lien Release Request and continue accruing the \$100 per day fine.

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

Chairman Clements called a five-minute recess at 3:38 p.m.

EVIDENTIARY HEARINGS

11:38:33 **Case #2018040104 – Kelli Mintzer**

Ms. Rose Jefferson, IRC Code Enforcement Officer, entered one photograph into evidence as well as an Affidavit of Service indicating that the Subject Property has been posted on May 11, 2018 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 thirty-day extension, until June 22, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

11:39:05

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until June 22, 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.

11:39:12 **Case #2018030132 – Titone Properties LLC**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, entered one photograph into evidence as well as an Affidavit of Service indicating that the Subject Property has been posted on May 11, 2018 after attempts of certified and first-class mail were unsuccessful. She advised that the only remaining issue is an unmaintained swimming pool and recommended a thirty-day extension, until June 22, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

11:40:05

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until June 22, 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.

11:40:24 **Case #2018030133 – Innova Investment Group LLC**

Inspector Ms. Vanessa Carter Solomon entered one photograph into evidence as well as an Affidavit of Service indicating that the Subject Property has been posted on May 11, 2018 after attempts of certified and first-class mail were unsuccessful. She described this case involving yard debris at a vacant residence and recommended a thirty-day extension, until June 22, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

11:41:05

ON MOTION BY Mr. Petrulak, SECONDED BY Mr.

Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until June 22, 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.

11:41:24 **Case #2018040092 – Donald H. & Christina N. Robinson**

Inspector Mr. Thomas Allred described this case involving debris on the Subject Property. He recommended a thirty-day extension, until June 22, 2018, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

11:42:45

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until June 22, 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.

COMPLIANCE HEARINGS

11:43:14 **Case #2017120146 – Keith A. & Gregory A. Grainger**

Inspector Mr. Thomas Allred entered six photographs into evidence and noted that this case originally came before the Board on February 26, 2018 for a variety of violations related to debris, overgrown weeds, unpermitted structures and commercial vehicles. He testified that there has been no recent progress and recommended that a \$100 per day fine be imposed with a start date of May 19, 2018.

11:45:24

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Redus, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning May 19, 2018.

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

11:45:34 **Case #2018020108 – Dallas & Jane Yates [Estate]**

Inspector Mr. Thomas Allred reminded the Board that this case originally came before them on April 20, 2018 for a variety of reasons, the most serious being health & safety violations related to exposed septic systems. At that meeting, a fine was imposed with a start date of April 21, 2018. The Environmental Control Hearing Board (ECHB) has a concurrent case against the Respondent and recently sought approval from the BCC for an injunction to clean up the Subject Property due to health and safety issues. The owners of the property are deceased, and the estate has not been settled. He concluded that as this case does rise to the level of public nuisance requiring county abatement, both with the septic system issues and general debris, and recommended that the Board make a determination under the County's public nuisance ordinance Chapter 973 declaring the Subject Property a public nuisance requiring county abatement and approaching the BCC with a parallel path as the injunction being sought by the ECHB.

11:49:44

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and declare the Subject Property a public nuisance warranting County abatement.

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

11:49:51 **Case #2018020147 – John P. Cassidy**

Inspector Mr. Thomas Allred entered four photographs into evidence and summarized that this case originally came before the Board on March 26, 2018 for debris and unpermitted driveway alterations. He reported that there has been no progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of May 19, 2018.

11:51:12

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning May 19, 2018.

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

11:51:28 **Case #2018010111 – Dwight David Sapp & Tina L. Webster**

Inspector Mr. Thomas Allred reviewed the details of this this case that originally came before the Board on March 26, 2018 for commercial vehicle parking as well as right-of-way and zoning district use violations. He stated that there has been no progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of May 19, 2018.

11:52:34

ON MOTION BY Mr. Boehning, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning May 19, 2018.

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

11:53:08 **Case #2018010109 – Tina Sapp Webster**

Inspector Mr. Thomas Allred entered three photographs into evidence for this case that originally came before the Board on March 26, 2018 in conjunction with the previous case at the neighboring property. He commented that there has been no progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of May 19, 2018.

11:53:54

ON MOTION BY Mr. Boehning, SECONDED BY Mr. Myers II, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning May 19, 2018.

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

11:54:05 **Case #2017120119 – Elias Almanza**

Inspector Mr. Thomas Allred entered seven photographs into evidence and reported that this case originally came before them on February 26, 2018 for violations relating to debris, junk vehicles and unpermitted structures. He indicated that there has been no progress toward compliance and recommended that a \$100

per day fine be imposed with a start date of May 19, 2018.

11:55:54

ON MOTION BY Mr. Boehning, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning May 19, 2018.

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

11:56:00 **Case #2017120118 – Pablo Almanza**

Inspector Mr. Thomas Allred entered six photographs into evidence and reported that this case originally came before them on February 26, 2018 for violations relating to debris, junk vehicles and overgrown weeds. He commented that there has been no progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of May 19, 2018.

11:57:04

ON MOTION BY Mr. Boehning, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning May 19, 2018.

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

11:57:14 **Case #2018020146 – Kenny Holmes**

Inspector Ms. Kelly Buck, IRC Code Enforcement Officer, entered one photograph into evidence and reported that this case originally came before them March 26, 2018 for violations relating to debris and junk vehicles. She commented that there has been no progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of May 19, 2018.

11:58:54

ON MOTION BY Mr. Boehning, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and impose a \$100 per day fine beginning May 19, 2018.

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

LIEN RELEASE REQUESTS

11:59:24 **Case #2017040139 – Raymond E. and Elizabeth Macht**

Mr. Roland DeBlois clarified that this case originally came before the Board on May 22, 2017 for a variety of violations to include unpermitted structures, junk vehicles, debris and illegal parking. After two extensions, the fine was imposed on August 26, 2017 when compliance had not been accomplished. Compliance was achieved on February 26, 2018 after a passage of 153 days for a flat fine of \$15,300 with administrative fees being \$2,300. He recommended reducing the fine to administrative costs of \$2,300.

12:01:17

ON MOTION BY Mr. Petrulak, SECONDED by Mr. Redus, the Board voted unanimously (5-0) to acknowledge compliance and reduce the fine to administrative costs of \$2,300.

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

12:01:24 **Case #2017050137 – FN Investments LLC**

Mr. Roland DeBlois clarified that this case originally came before the Board on June 26, 2017 for violations related to an unpermitted porch on the back of a business. After no extensions, the fine was imposed on September 23, 2017 when compliance had not been accomplished. Compliance was achieved on February 19, 2018 after a passage of 149 days for a flat fine of \$14,900 with administrative fees being \$1,700. He recommended reducing the fine to administrative costs of \$1,700.

12:03:17

ON MOTION BY Mr. Redus, SECONDED by Mr. Zimmermann, the Board voted unanimously (5-0) to acknowledge compliance and reduce the fine to administrative costs of \$1,700.

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

12:03:44 **Case #2015040137 – Titone Properties LLC**

Mr. Roland DeBlois clarified that this case originally came before the Board on November 9, 2015 for electrical violations. After several extensions, a flat fine of \$4,990 was imposed in May 2017. The fine has not been paid but the Respondent has come before the Board to obtain partial lien releases for nine other properties and is now seeking a partial lien release for a tenth property. He recommended that rather than continuing to grant partial releases of lien, the Respondent pay the fine on this Subject Property in order to lift the lien on all properties.

12:09:27

ON MOTION BY Mr. Zimmermann, SECONDED by Mr. Petrulak, the Board voted unanimously (5-0) to deny partial lien releases related to the Subject Property.

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

12:09:31 **Authorization for Notices to Appear**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Boehning, the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the June 25, 2018 meeting.

Adjournment

There being no further business, the meeting was adjourned at 4:16 p.m.