

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, January 28, 2019 at 1:30 p.m.

Present were Chairman **Mr. Bruce Redus**, Member-at-Large Appointee; Vice-Chairman **Mr. Joe Petrulak**, Subcontractor Appointee; **Mr. Pete Clements**, General Contractor Appointee; **Mr. Karl Zimmermann**, Realtor Appointee; and **Mr. Stephen Boehning**, Engineer 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. Jennifer Peshke, Attorney for the Board; IRC staff: Mr. Roland DeBlois, Environmental and Code Enforcement Chief; Mr. Thomas Allred, Ms. Kelly Buck, Ms. Rose Jefferson and Ms. Vanessa Carter Solomon, Code Enforcement Officers; Mr. David Checchi and Mr. Michael Collins, Contractor License Investigators; Mr. John McCoy, Chief of Current Development; and Ms. Lisa Carlson, Recording Secretary.

10:10:42 Call to Order

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

10:11:35 Approval of Minutes

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to approve the minutes of January 28, 2019 as presented.

10:11:55 Attorney's Overview of Board Purpose and Procedures

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

10:17:28 **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 #2018090217, #2017090224, #2018110105, #2018110022 and #2018110088 – thirty-day extension until March 22, 2019. Case #2018090220 – sixty-day extension until April 19, 2019. Cases #2018090159, #2013040043, #2014070129, #2013040172, #2014040093 and #2017030011 were rescheduled.

In compliance were cases #2018110013, #201810105, #2018110058, #2019010064, #2018120054, #2018120055, #2018120057, #2018110147, #2019010051, #2019010059, #2018110018, #2018100039, #2018060127, #2018100127 and #2018110025.

Mr. DeBlois recommended that the Administrative Hearings be heard at 2:30 p.m.

10:22:29

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

10:22:59 **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

10:24:04 **Case #2018110135 – Tammy Desjardins**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, entered seven photographs and a Notice of Violation into evidence as well as an Affidavit of Service indicating that the Subject Property had been posted on February 15, 2019 after attempts of certified and first-class mail were unsuccessful. She reported that this case related an unpermitted deck and shed as well as no Certificate of Occupation for the Subject Property.

Respondent Ms. Tammy Desjardins produced a copy of a Certificate of Occupancy application and explained that her engineer passed away before he

completed the revised plans for the deck addition.

Mr. Roland DeBlois recommended a sixty-day extension, until April 19, 2019, for the Subject Property to be brought into compliance by renewing permits as necessary and getting final inspections or a \$100 per day fine would be imposed.

10:36:19

ON MOTION BY Mr. Boehning, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of sixty days, until April 19, 2019, 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.

10:36:42 **Case #2018100020 – The Oaks of Vero HOA**

Inspector Ms. Vanessa Carter Solomon entered five photographs and a landscape plan into evidence as well as an Affidavit of Service indicating that the Subject Property has been posted on February 14, 2019 after attempts of certified and first-class mail were unsuccessful. She advised that this case involved excessive trimming of oak trees on a community perimeter border causing the need for at least thirty trees to be replaced. She recommended a ninety-day extension, until May 17, 2019, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

Respondents Mr. Patrick Tighe and Mr. Ray Clark agreed with staff's assessment of the damaged trees, informed the Board that new management had taken effect on January 2, 2019 and that a new landscaping firm had been hired.

10:54:38

ON MOTION BY Mr. Boehning, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of ninety days, until May 17, 2019, 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.

10:55:52 **Case #2019010017 – Brian T. & Kelley D. Stolze**

Mr. Roland DeBlois entered two aerial photographs, a letter and project timeline from the Respondent and an approved Verification of Exemption Affidavit for Nonresidential Farm Building into evidence and provided an overview of this case involving the construction of a storage/office building on an agricultural property without current accessory land use.

Mr. John McCoy, Chief of Current Development, expanded on Mr. DeBlois' testimony that the building was built with the intention of being an accessory to a wholesale nursery. He confirmed that there was no written communication articulating a timeframe that the nursery must be established but that it was clear to staff that there has been steady progress toward project completion.

Mr. Thomas Allred, IRC Code Enforcement Officer, entered four photographs into evidence depicting the building on the Subject Property and the surrounding landscape.

Respondents Mr. Brian T. Stolze and Ms. Kelly D. Stolze, owners of Caribbean Lawn and Landscaping, Inc., entered fourteen photographs into evidence illustrating the current condition of the Subject Property and detailed a timeline of their purchase of the property and their progress on the project with the building being completed in December of 2018. They described the infrastructure that has been put in place for trees that will be planted within ninety days. They stressed that they are a legitimate operation, have invested over one million dollars in the development of the Subject Property and have tried to be good neighbors.

Mr. Roland DeBlois stated that the project timeline submitted by the Respondents seems appropriate and recommended a ninety-day extension, until May 17, 2019 for the Respondent to show steady progress toward fifty percent or greater of the site footprint becoming devoted to plants.

After several disruptions from members of the audience with Chairman Redus repeatedly informing them they would not be allowed to testify, Ms. Jennifer Peshke, Attorney for the Board, reiterated that the Board could only take testimony from County staff and the alleged Violator, per Florida Statute 162.07 Conduct of Hearing rules of procedure.

11:43:20

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of ninety days, until May 17, 2019, 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.

ADMINISTRATIVE HEARINGS

11:44:43 **Case #2019010065 – MHC Countryside at Vero Beach LLC and Steve Mizzelle [Violator]**

The secretary administered the testimonial oath to the Respondent and to Mr. David Checchi and Mr. Michael Collins, IRC Contractor License Investigators, as they had arrived after the beginning of the meeting.

Investigator Mr. Michael Collins reviewed details of this case involving unlicensed contracting for enclosing a carport.

Respondent Mr. Steve Mizzelle testified that as a friend, he assisted the Respondent in closing in the carport and that no money had changed hands.

Mr. Roland DeBlois discussed the county's owner/builder requirements and noted that the Stop Work Order on the project remains in effect until such time that proper permits are acquired.

11:57:39

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Boehning, the Board voted 4-1 to dismiss Citation #0201 due to lack of compensation. Mr. Petrulak was the opposing vote.

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

11:58:13 **Case #2019020052 – Darren Vega and Daniel Terron [Violator]**

Investigator Mr. Michael Collins reviewed details of this case involving an unpermitted and unlicensed garage enclosure.

12:01:09

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to uphold Citation #0202 as written.

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

LIEN RELEASE REQUESTS

12:02:04 **Case #2017080115 – Shon A. Brooks**

Mr. Roland DeBlois summarized that this case related to debris, junk vehicles and overgrown weeds that originally came before the Board on October 23, 2017. After one extension, a \$100 per day fine was imposed on December 23, 2017 when compliance was not met. Compliance was achieved on February 27, 2018 after a passage of 66 days, for a flat accrued fine of \$6,600 with administrative costs being \$2,000.

Inspector Ms. Vanessa Carter Solomon pointed out that unbeknownst to her until recently, she had been communicating with the tenant rather than the Respondent throughout the case and that the Respondent was unaware of the violation or the fines imposed because his mailing address is incorrect with the county's Property Appraiser.

The secretary administered the testimonial oath to the Respondent and his Representative as they had arrived after the beginning of the meeting. They proceeded to review details of the case.

Mr. Roland DeBlois recommended acknowledging compliance and setting the fine at administrative costs of \$2,000.

12:10:57

ON MOTION BY Mr. Zimmermann, SECONDED by Mr. Boehning, the Board voted 4-1 to acknowledge compliance and reduce the fine to administrative costs of \$2,000. Chairman Redus was the opposing vote.

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

Chairman Mr. Bruce Redus called a five-minute recess at 3:31 p.m.

EVIDENTIARY HEARINGS

12:19:09 **Case #2018110069 – Toma Fettig**

Ms. Rose Jefferson, IRC Code Enforcement Officer, entered two photographs into evidence as well as an Affidavit of Service indicating that the Subject Property has been posted on February 15, 2019 after attempts of certified and first-class mail were unsuccessful. She reported that this case related to overgrown weeds and recommended a thirty-day extension, until March 22, 2019, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

12:20:17

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until March 22, 2019, 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.

12:20:39 **Case #2018110126 – Gregory Gornell**

Mr. Thomas Allred, IRC Code Enforcement Officer, entered one photograph into evidence and described this case relating to an unpermitted fence. He recommended a thirty-day extension, until March 22, 2019, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

12:21:20

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until March 22, 2019, 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.

12:21:30 **Case #2018110075 – Thomas J. Hart**

Inspector Ms. Vanessa Carter Solomon entered three photographs into evidence and as well as an Affidavit of Service indicating that the Subject Property has been posted on February 15, 2019 after attempts of certified and first-class mail were unsuccessful. She stated that this case involved violations relating to junk vehicles, recreational vehicle storage, debris (including appliances) and boat storage. She recommended a seven-day extension, until March 4, 2019, to secure or remove the refrigerator and a thirty-day extension, until March 22, 2019, for the

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

12:23:14

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of seven days, until March 4, 2019, to secure or remove the refrigerator and thirty days, until March 22, 2019, 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.

12:23:25 **Case #2018120002 – Hardwood Tree Farm LLC**

Inspector Mr. Thomas Allred testified that this case involved the burning of debris from offsite locations on a residential property and recommended a thirty-day extension, until March 22, 2019, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

12:25:10

ON MOTION BY Mr. Clements, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until March 22, 2019, 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.

12:25:14 **Case #2019010016 – James Hagans Jr.**

Inspector Mr. Thomas Allred provided details of this case involving an unpermitted shed as well as unpermitted patios. He added that the Respondent has applied for after-the-fact permits and recommended a sixty-day extension, until April 19, 2019, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

12:26:20

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

until April 19, 2019, 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.

12:26:34 **Case #201120061 – 5850 34th Ln, LLC**

Inspector Mr. Thomas Allred entered five photographs into evidence and advised that this case involved violations relating to an unsecured and unmaintained swimming pool and hot tub as well as unpermitted structures. He recommended a seven-day extension, until March 4, 2019, to secure the swimming pool and hot tub and a thirty-day extension, until March 22, 2019, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

12:27:54

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find the violation and grant an extension of seven days, until March 4, 2019, to secure the swimming pool and hot tub and thirty days, until March 22, 2019, 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.

12:28:30 **Case #2018120036 – Pressley Ranch Inc.**

Inspector Ms. Vanessa Carter Solomon entered five photographs and several items of correspondence between staff and the Respondent into evidence and as well as an Affidavit of Service indicating that the Subject Property has been posted on February 14, 2019 after attempts of certified and first-class mail were unsuccessful.

Mr. Roland DeBlois explained that the Subject Property had been issued a Temporary Use Permit for a concrete batch plant and that now that the project is finished, the Subject Property is required to be restored to a stabilized condition. He recommended a sixty-day extension, until April 19, 2019, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

12:30:04

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Clements, the Board voted unanimously (5-0) to find

the violation and grant an extension sixty days, until April 19, 2019, 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

12:30:54 **Case #2018060068 – Louise P. Marzorati**

Ms. Kelly Buck, IRC Code Enforcement Officer, entered three photographs into evidence and reminded the Board that this case came before them on January 28, 2019 for violations relating to debris and junk vehicles. At that time, the Board found the violation and ordered a thirty-day extension, until February 22, 2019, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed. She pointed that there has been no recent progress toward compliance and recommended that a \$100 per day fine be imposed with a start date of February 23, 2019.

12:31:37

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 February 23, 2019.

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

12:31:54 **Case #2017060191 – Johnny Johnson**

Inspector Ms. Kelly Buck entered two photographs into evidence and informed the Board that this case came before them on October 23, 2017 for violations relating to debris, junk vehicles and egress obstructions as well as an unpermitted structure used as living quarters. She stated that after several extensions, the only remaining issue is for the unpermitted carport and that the demolition permit has expired. She recommended that a \$100 per day fine be imposed with a start date of February 23, 2019.

12:32:37

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

beginning February 23, 2019.

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

12:33:24 **Case #2019020045 – Odessa Clark [Estate]**

Inspector Ms. Kelly Buck entered three photographs into evidence and noted that the repeat violations in this case involve debris, vehicle parking and an unsecured swimming pool enclosure. She recommended a thirty-day extension, until March 22, 2019, for the Subject Property to be brought into compliance or a \$100 per day fine would be imposed.

12:35:00

ON MOTION BY Mr. Boehning, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of thirty days, until March 22, 2019, 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.

LIEN RELEASE REQUESTS

12:36:04 **Case #2017050058 – Karen E. and Buddy L. Taylor Jr.**

Mr. Roland DeBlois provided an overview of this case relating to an unsecured swimming pool and an unpermitted swimming pool enclosure that originally came before the Board on July 24, 2017. After two extensions, a \$100 per day fine was imposed on October 21, 2017 when compliance was not met. Compliance was verified on October 1, 2018 after a passage of 345 days, for a flat accrued fine of \$34,500 with administrative costs being \$2,300. He recommended acknowledging compliance and setting the fine at \$3,450 which is ten percent of the flat accrued fine.

12:38:27

ON MOTION BY Mr. Zimmermann, SECONDED by Mr. Boehning, the Board voted unanimously (5-0) to acknowledge compliance and reduce the fine to \$3,450, which is ten percent of the flat accrued fine.

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

12:38:54 **Case #2016110027 – Samuel Martin**

Mr. Roland DeBlois reported that this case related to an unsecured and unmaintained swimming pool that originally came before the Board on February 27, 2017. After no extensions, a \$100 per day fine was imposed on March 7, 2017 when compliance was not met. Compliance was verified by aerial photographs on March 23, 2018 after a passage of 381 days, for a flat accrued fine of \$38,100 with administrative costs being \$1,700. There has since been a change of ownership and Mr. Martin is requesting a Partial Lien Release for his second property at 946 10th Ct SW in Vero Beach. He recommended acknowledging compliance, setting the fine at \$3,810 which is ten percent of the flat accrued fine and releasing the lien for the Respondent's second property.

12:42:37

ON MOTION BY Mr. Boehning, SECONDED by Mr. Petrulak, the Board voted unanimously (5-0) to acknowledge compliance, reduce the fine to \$3,810, which is ten percent of the flat accrued fine and releasing the lien to the Respondent's second property at 946 10th Ct SW in Vero Beach, Florida.

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

12:42:52 **Authorization for Notices to Appear**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the March 25, 2019 meeting.

Adjournment

There being no further business, the meeting was adjourned at 4:06 p.m.