

## 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 18, 2020 at 1:30 p.m. There was sufficient room within the chambers to satisfy recommended social distance measures due to the coronavirus pandemic.

Present were Chairperson **Mr. David Myers II**, Businessman Appointee; **Mr. Joe Petrulak**, Subcontractor Appointee; **Mr. Pete Clements**, General Contractor Appointee; **Mr. James Kordiak**, Member-At-Large Appointee; and **Mr. Karl Zimmermann**, Realtor Appointee.

Vice-Chairperson **Mr. Stephen Boehning**, Engineer 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. Andy Sobczak, Environmental Planning and Code Enforcement Chief; Mr. Roland DeBlois, Planning Director; Mr. Thomas Allred, Ms. Kelly Buck, Ms. Daphne Driskell and Ms. Vanessa Carter Solomon, Code Enforcement Officers; and Ms. Lisa Carlson, Recording Secretary.

### 00:00:00 **Call to Order**

Chairperson Mr. David Myers II called the meeting to order and led all in the Pledge of Allegiance. The secretary called the roll, establishing that a quorum was present.

At the request of Chairperson Mr. David Myers II, newly appointed Board member Mr. James Kordiak introduced himself and provided a brief overview of his background.

### 00:03:00 **Approval of Minutes**

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Karl Zimmermann, the Board voted unanimously (5-0) to approve the minutes of**

**February 24, 2020 as presented.**

00:05:10 **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.

00:11:20 **Attorney's Overview of Board Purpose and Procedures**

Mr. Andy Sobczak, IRC Environmental and Code Enforcement Chief, explained that due to social distancing guidelines during the coronavirus pandemic, there would be no Evidentiary Hearings heard at this meeting. He went on to say that the code officers have been working closely with the Respondents to close out the Compliance cases and have recommended time extensions for all remaining cases. All Respondents were informed they could attend the meeting or participate remotely. He recommended Administrative Costs be imposed for the Lien Release cases that will be heard at the meeting.

00:14:14

**ON MOTION BY Mr. Pete Clements, SECONDED BY Mr. Joe Petrulak, the Board voted unanimously (5-0) to accept the Agenda as presented.**

00:14:41 **Agenda Additions or Deletions, Consent Items**

Mr. Andy Sobczak reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda. Cases #2019070116, #2019100103 and #2019120013 – thirty-day extension until June 19, 2020. Cases #2019090066, #2019110018, #2019050048, #2019070015, #2019080104, #2020010009, #2019120098, #2019100098, #2019120079, #2019110024, #2019070112, #2019030078, #2019110039 and #2019100014 – sixty-day extension until July 24, 2020. Cases #2019110041, #2018090159, #2019120034, #2019100063, #2019020051 and #2019120072 – ninety-day extension until August 21, 2020. Cases #2019090063, #2009060075, #2011050078 and #2018060068 were rescheduled.

In compliance were cases #2019070086 and #2019010016.

00:22:04

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Karl Zimmermann, the Board voted unanimously (5-0) to accept the Consent Agenda as presented.**

**LIEN RELEASES**

00:22:54 **Case #2019110073 – Deborah Jean Hathaway**

Mr. Andy Sobczak summarized that this case related to debris and junk vehicles. He said that after no extensions, a \$100 per day fine was imposed on February 22, 2020 when compliance was not met. Compliance was verified on March 13, 2020 after a passage of twenty days, for a flat accrued fine of \$2,000 with administrative costs being \$1,700. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$80,262.

00:24:20

**ON MOTION BY Mr. Karl Zimmermann, SECONDED by Mr. Pete Clements, 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.

00:22:35 **Case #2019100041 – Alessandro Felix**

Mr. Andy Sobczak reviewed details of this case related to property maintenance and swimming pool maintenance violations. He stated that after no extensions, a \$100 per day fine was imposed on February 22, 2020 when compliance was not met. Compliance was verified on March 13, 2020 after a passage of twenty days, for a flat accrued fine of \$2,000 with administrative costs being \$1,700. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$80,262.

00:25:55

**ON MOTION BY Mr. Pete Clements, SECONDED by Mr. Joe Petrulak, 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.

00:26:10 **Case #2018050310 – Daisy Josey**

Mr. Andy Sobczak described this case relating to debris and an unsecured vacant structure. After two extensions, a \$100 per day fine was imposed on January 26, 2019 when compliance was not met. Compliance was verified following demolition on December 2, 2019 after a passage of 310 days, for a flat accrued fine of \$31,000 with administrative costs being \$2,300. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$19,497.

00:27:44

**ON MOTION BY Mr. Joe Petrulak to acknowledge compliance and reduce the fine to administrative costs of \$2,300. There was no second to this motion.**

00:27:57

**ON MOTION BY Mr. Pete Clements, SECONDED by Mr. Karl Zimmermann, the Board voted unanimously (5-0) to acknowledge compliance and reduce the fine to \$3,100 which is ten percent of the total fine.**

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

00:28:17 **Case #2019110070 – Debroah J. Hathaway**

Mr. Andy Sobczak noted that this case related to debris as well as zoning use and noise violations. After no extensions, a \$100 per day fine was imposed on November 27, 2019 when compliance was not met. Compliance was verified on March 3, 2020 after a passage of 97 days, for a flat accrued fine of \$9,700 with administrative costs being \$1,700. He added that the Property Appraiser's estimated market value for the Subject Property is

currently \$103,656.

00:30:07

**ON MOTION BY Mr. Pete Clements, SECONDED by Mr. Joe Petrulak, 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.

00:30:33 **Case #2018090175 – Renato Filho**

Mr. Andy Sobczak advised that this case related to encroachment and alteration of right-of-way violations. After no extensions, a \$100 per day fine was imposed on December 22, 2018 when compliance was not met. Compliance was verified on April 28, 2020 after a passage of 493 days, for a flat accrued fine of \$49,300 with administrative costs being \$1,700. He added that the Property Appraiser's estimated market value for the Subject Property is currently \$87,386.

00:35:17

**ON MOTION BY Mr. Pete Clements, SECONDED by Mr. Karl 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.

00:35:27 **Case #2019110025 – Suncor Ft Pierce LLC**

Mr. Andy Sobczak reported that this case related to overgrown weeds and swimming pool maintenance violations. After no extensions, a \$100 per day fine was imposed on December 3, 2019 when compliance was not met. He advised that while the Subject Property is not yet in compliance, the Respondent has requested a Partial Release of Lien for a separate property at 430 Pittman Avenue in Vero Beach.

00:36:47

**ON MOTION BY Mr. Pete Clements, SECONDED by Mr. Joe Petrulak, the Board voted unanimously (5-0) to find the violations and issue a Partial Release of Lien for the property at 430 Pittman Avenue in Vero Beach.**

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

00:36:55     **Case #2008090232 – Roberta Stewart & Early Frazier Sr.**

Mr. Andy Sobczak informed the Board that this case related to overgrown weeds and was heard as a Lien Release at the March 25, 2019 board meeting at which time a fine of administrative fees of \$2,000 was imposed. Since that time, the County acquired this property and proceeded to sell it at a Tax Deed sale after scrubbing the fine. He asked that the Board release the lien.

00:38:23

**ON MOTION BY Mr. Karl Zimmermann, SECONDED by Mr. Joe Petrulak, the Board voted unanimously (5-0) to acknowledge compliance issue a Lien Release on the Subject Property.**

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

00:38:47     **Case #2016090053 – Ernestine Roker**

Mr. Andy Sobczak reviewed details of this case relating to overgrown weeds and debris that was heard as a Lien Release at the March 25, 2019 board meeting at which time a fine of administrative fees of \$2,000 was imposed. Since that time, the County acquired this property and proceeded to sell it at a Tax Deed sale after scrubbing the fine. He asked that the Board release the lien.

00:39:24

**ON MOTION BY Mr. Joe Petrulak, SECONDED by Mr. Karl Zimmermann, the Board voted**

**unanimously (5-0) to acknowledge compliance issue a Lien Release on the Subject Property.**

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

00:40:03 **Case #2005040017 – Gerald T. & Judith A. Capak**

Mr. Andy Sobczak noted that this case related to swimming pool enclosure violations. After no extensions, a \$100 per day fine was imposed on June 25, 2005 when compliance was not met. Compliance was verified on May 18, 2020 after a passage of 5,441 days, for a flat accrued fine of \$544,100 with administrative costs being \$1,700. He added that Subject Property changed hands in 2016 and that the Property Appraiser's estimated market value for the Subject Property is currently \$129,790.

00:44:07

**ON MOTION BY Mr. Pete Clements, SECONDED by Mr. Joe Petrulak, the Board voted (4-1) to acknowledge compliance and reduce the fine to \$12,979 against the former homeowner, which is ten percent of the assessed value of the Subject Property. Mr. Karl Zimmermann was the opposing vote.**

Mr. Roland DeBlois, Planning Director, pointed out that this case overlapped with the next one and suggested combining the fine and prorating it between the former and current homeowners based on the time of ownership.

00:51:52

**ON MOTION BY Mr. Pete Clements, SECONDED by Mr. Joe Petrulak, the Board voted unanimously (5-0) to RESCIND HIS PREVIOUS MOTION and make a new motion to acknowledge compliance and reduce the fine to \$9,517 which is a percentage of the assessed value of the Subject Property, split between the former and current homeowners, based on the time of ownership.**

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

00:52:53     **Case #2016060015 – Gerald T. & Judith A. Capak**

Mr. Andy Sobczak explained that this case related to swimming pool enclosure and property maintenance violations for the same Subject Property as the previous case. After two extensions, a \$100 per day fine was imposed on October 22, 2016 when compliance was not met. Compliance was verified on May 18, 2020 after a passage of 1,304 days, for a flat accrued fine of \$130,400 with administrative costs being \$2,300.

00:54:37

**ON MOTION BY Mr. Karl Zimmermann, SECONDED by Mr. Joe Petrulak, the Board voted unanimously (5-0) to acknowledge compliance and reduce the fine to \$3,462 which is a percentage of the assessed value of the Subject Property, split between the former and current homeowners, based on the time of ownership.**

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

00:54:40     **Authorization for Notices to Appear**

**ON MOTION BY Mr. Joe Petrulak, SECONDED BY Mr. Karl Zimmermann, the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the June 22, 2020 meeting.**

### **Adjournment**

There being no further business, the meeting was adjourned at 2:26 p.m. Members congratulated Mr. Roland DeBlois on his upcoming retirement.