

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, February 28, 2022, at 1:30 pm.

Present were Chairwoman **Ms. Dana DiFrancesco**; **Mr. Karl Zimmermann**, Realtor Appointee; **Mr. David Myers II**, Businessman Appointee; **Mr. Joe Petrulak**, Subcontractor Appointee; **Mr. James Kordiak**, Member-at-Large; **Mr. Terence Schlitt**, Engineer Appointee.

Vice Chairman **Mr. Pete Clements**, General Contractor Appointee, was absent.

Also, in attendance was Mr. Ryne Hartt, Attorney for the Board; IRC staff: Mr. Andrew Sobczak, Assistant Community Development Director; Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning; Ms. Susan Prado, Assistant County Attorney; IRC Code Enforcement Officers: Ms. Daphne Driskell, Ms. Vanessa Carter Solomon, Ms. Kelly Buck; Recording Secretary; and Ms. Lisa Plesnarski, Commissioner Assistant.

Call to Order

Chairwoman Dana DiFrancesco called the meeting to order and led all in the Pledge of Allegiance.

Approval of Minutes

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to approve the meeting minutes of January 24, 2022, as presented.

Attorney's Overview of Board Purpose and Procedures

Mr. Ryne Hartt read a brief overview of the Code Enforcement Board's procedures and purpose.

Agenda Additions or Deletions, Consent Items

Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning, reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension on the Consent Agenda.

Case #2021050044 was given an extension of 60 days to April 22, 2022, Case #2021090062 was brought into compliance, Case #2022010006 was rescheduled to March 28, 2022, Case #2022010035 was brought into compliance, Case #2021020054 was given a

30-day extension to March 25, 2022, Case #2021080004 was given a 30-day extension to March 25, 2022, and Case # 2021090117 was given a 30-day extension to March 25, 2022. Addendums for lien release requests Case #2021050026 and Case #2005060101 were also presented to the Board.

ON MOTION BY Joe Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to accept the Additions and Consent Items as presented.

Swearing in of Those Whom Will Testify

The secretary proceeded to administer the testimonial oath to those individuals who would testify at any hearing.

EVIDENTIARY HEARINGS

Case #2021080049 Guch, Jose

IRC Code Enforcement Officer Ms. Vanessa Solomon spoke regarding a property located at 515 27th Avenue. The cited violations were for junk vehicles, junk, trash and debris; property and swimming pool maintenance violations; and construction without a building permit. The swimming pool maintenance violation was brought into compliance. Notice was posted on the property on February 18, 2022, after unsuccessful attempts at regular and certified mail. Ms. Solomon explained the property is zoned residential, but has historically been used as, and is recognized as, a multi-family development. A complaint was received from a tenant regarding an overflowing garbage dumpster. Ms. Solomon showed photos taken during her site visit of unpermitted construction on two buildings as well as a large pile of trash. Ms. Solomon explained there was still a great deal of trash when she visited the site earlier and that there remained a few junk cars and trash on site, in addition to the outstanding building permits. Mr. Petrulak asked if a stop work order was issued. Ms. Solomon explained that the Building Department had issued a stop work order the same day she visited the property and explained that the Health Department had a separate proceeding regarding the septic system on the property.

Mr. Michael Baker, representative of the respondent, was present and explained that he was the respondent's realtor. Ms. Solomon asked him if the garbage pile she observed earlier had been removed. Mr. Baker responded that it had not, and explained that the tenants were responsible for payment of the dumpster and that a delinquent payment was why the dumpster had been removed. Citing a health and safety issue, staff requested that the respondent be given 48 hours, until March 1, 2022, to remove the garbage. Staff requested a 90-day extension to May 20, 2022, for resolution of the remaining violations, which include applying for building permits and the junk vehicle removal. Ms. Solomon further clarified that the respondent needed to submit for the building permits and remove the junk vehicles within 90 days, and remove the garbage pile within 48 hours. Ms. Solomon

explained the process to Mr. Baker and suggested he meet with the Planning Department if he had any outstanding questions.

Assistant County Attorney Susan Prado clarified that the 90-day timeframe was for the respondent to, at minimum, apply for the building permit. Mr. Zimmermann asked if a dumpster should be required on site. Ms. Solomon responded that typically in multi-family settings, a garbage dumpster is included. Mr. Baker responded that they would put a dumpster onsite. Mr. Guch explained that he understood the process and that Mr. Baker was only accompanying him before the Board as he had a better understanding of English. There was further discussion regarding the building permit process. Staff requested that the garbage be removed within 48 hours, or by March 1, 2022, and that an extension of 90 days until May 20, 2022, be also given for the remaining violations to be brought into compliance.

ON MOTION BY David Myers, SECONDED BY Joe Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation of 48 hours to March 1, 2022, for garbage removal, and a 90-day extension to May 20, 2022, to bring the remaining violations into compliance.

Note for the record that Respondent Jose Guch and his representative Michael Baker were present for this hearing.

Case #2021010015 Laney, James & Dana

IRC Code Enforcement Officer Vanessa Solomon spoke regarding property located at 1765 71st Avenue. The violations were for junk vehicles; junk, trash, and debris; zoning district use; and construction without building permits. Ms. Solomon stated that Notice was posted on the property on February 18, 2022, after attempts at mail were unsuccessful. Ms. Solomon showed photos taken onsite which showed junk vehicles and structures built without building permit. Ms. Solomon explained to the Board that Mr. Laney was deceased and that she had spoken to Mrs. Laney about what needed to be done in order for the property to be brought into compliance. Staff requested 60 days until April 22, 2022, for the property to be brought into compliance, or be subject to a fine in the amount of \$100 per day.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (6-0) to accept staff's recommendation of an extension of 60 days until April 22, 2022, for the property to be brought into compliance, or be subject to a fine in the amount of \$100 per day.

Note for the record that Respondent was **not** present for this hearing.

Case # 2021110034 Palmer, Michael S. and Kelly L.

IRC Code Enforcement Officer Vanessa Solomon spoke regarding property at 1262 15th Avenue. Ms. Solomon discussed the history of the property, reminding the Board that the property was previously deemed a sanitary nuisance and was cleaned up by the County. At that time, additional violations of unpermitted sheds and fencing were identified and later cited. Ms. Solomon explained that there were still issues with the site regarding trash which would be heard at the next Board meeting, but that the present evidentiary hearing was specifically for the unpermitted sheds and fencing. Mr. Palmer stated that he recently met with the County Planning Department to determine the required setbacks. Mr. Palmer explained that one of sheds was already onsite when he purchased the property and that he was not aware a permit was required when he rebuilt the structure. There was further discussion about the zoning and required setbacks. Ms. Solomon concluded by indicating staff's recommendation for an extension of approximately 30 days, until March 25, 2022, for the respondent to apply for building permits, or be subject to a fine in the amount of \$100 per day. Ms. Guerra clarified that Building permit applications should be submitted for all of the unpermitted sheds and fencing.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation of an extension of 30 days until March 25, 2022, for the property to be brought into compliance or be subject to a fine in the amount of \$100 per day.

Note for the record that Respondent, Michael Palmer was present for this hearing.

Case # 2021110010 Woody, Debora L.

IRC Code Enforcement Officer Vanessa Solomon spoke regarding property located at 2055 50th Avenue. Notice was posted on February 18, 2022, after attempts at regular and certified mail were unsuccessful. The violations were for junk, trash, and debris, as well as for recreational vehicle (RV) storage. Ms. Solomon showed photos of an unregistered RV parked in the driveway. Ms. Solomon explained that when she spoke to the homeowner, she discovered that she had been very ill for some time, and later, that the RV did not belong to her. The respondent indicated that she would contact the owner of the RV and request that it be removed. Ms. Solomon visited the site earlier and noted that the trash and debris were brought down to the curb. Ms. Solomon stated that she would contact Waste Management and ask if a pickup could be scheduled. Staff requested an extension of approximately 60 days until April 22, 2022, to bring the property into compliance.

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to accept staff's recommendation of an extension of

60 days until April 22, 2022, for the property to be brought into compliance.

Note for the record that Respondent was **not** present for this hearing.

Case # 2021110021 Kaser Management, LLC

IRC Code Enforcement Officer Vanessa Solomon spoke regarding residential property located at 2221 50th Avenue. Notice was posted on February 18, 2022, after attempts at regular and certified mail were unsuccessful. The cited violation pertained to a health and safety hazard / public nuisance for an unsecured freezer in the driveway that has since been removed. The remaining violation was for three trailers stored onsite. Ms. Solomon explained that she had spoken with the owner who explained she was beginning eviction proceedings with the tenant who had caused these violations. Staff requested approximately 60 days, or until April 22, 2022, for the property to be brought into compliance.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff's recommendation of an extension of 60 days until April 22, 2022, for the property to be brought into compliance.

Note for the record that Respondent was **not** present for this hearing.

Case # 2021040013 Eakins, Barbara and Melton, James

IRC Code Enforcement Officer Vanessa Solomon spoke regarding residential property located at 1130 35th Avenue. Notice was posted on February 18, 2022, after attempts at regular and certified mail were unsuccessful. Ms. Solomon explained that the resident, James Melton, owned a junk hauling business called "Junk Monkey," and that the violations cited were for commercial vehicle and trailer storage. Ms. Solomon stated that the trailers were removed and the property has been brought into compliance. However, due to the history of repeated violations and the nature of resident's business, staff requested that a Continuing Order for a fine be imposed in the amount of up to \$100 per day if the violation reoccurs.

ON MOTION BY Karl Zimmermann, SECONDED BY James Kordiak, the Board voted unanimously (6-0) to accept staff's request for a Continuing Order for a fine to be imposed in an amount up to \$100 per day if violation reoccurs.

Note for the record that Respondents were **not** present for this hearing.

LIEN RELEASE REQUESTS

Case # 2021120010 Valihora, Michael & Valihora, Michael (Trust)

Chief of Code Enforcement and Environmental Planning Rebeca Guerra spoke regarding residential property located at 2380 6th Street. The original violations were for recreational vehicle (RV) storage and illegal parking within the right of way. Ms. Guerra displayed a photo showing that the RV had been removed. She explained that the first Code Enforcement Board hearing was on June 28, 2021, the Notice to Appear for a repeat violation was sent on December 7, 2021, for a hearing that took place on January 24, 2022. The RV was removed that same day. The fine was imposed beginning December 18, 2021, in the amount of \$250 per day and the property was brought into compliance on January 24, 2022. There were a total of 37 days out of compliance, with a total fine in the amount of \$9,250. Ms Guerra further indicated that the administrative costs were \$1,700 and the assessed value of the home was \$118,661. Staff requested that a fine in the amount of \$1,700 for administrative costs be imposed.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (6-0) to approve staff's recommendation of a fine in the amount of \$1,700 for administrative costs.

Note for the record that the Respondent, **was not** present for this hearing.

Case #2021050026 Suncor Fort Pierce, LLC

Chief of Code Enforcement and Environmental Planning Rebeca Guerra spoke about a property located at 430 Stoney Brook Farm Court. The original violations were for swimming pool maintenance, overgrown weeds, and construction without a building permit (the existing permit had expired). Ms. Guerra showed an aerial photo taken in January 2022 of the completed work. A fine was imposed beginning May 22, 2021, and the property came into compliance on February 28, 2022. There were a total of 282 days out of compliance with an imposed fine of \$100 per day totaling \$28,200. The administrative costs were calculated at \$1,700.00 and it was noted that the assessed value of the property was \$414,971. Staff requested that 10% of the total fine, an amount of \$2,820, be paid. Mr. Joseph Paladin, representative of Suncor Fort Pierce, LLC, expressed to the Board that he accepted staff's recommendation.

ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, the Board voted unanimously (6-0) to approve staff's recommendation of a fine in the amount of \$2,820.

Note for the record that the Respondent representative, Joseph Paladin, **was** present for this hearing.

EVIDENTIARY HEARINGS

Case #2021100064 Lund, Mark G. & Denise L.

IRC Code Enforcement Officer Daphne Driskell spoke regarding residential property located at 7885 129th Street. The cited violation was for an unpermitted mobile home. Notice was posted on February 11, 2022, after attempts at regular and certified mail were unsuccessful. Ms. Driskell explained that the property owner renewed the expired permit on February 22, 2022. Staff's recommendation was for an extension of 60 days, until approximately April 22, 2022, for the property to come into compliance via the Building Department's final inspection, or be subject to a fine in the amount of up to \$250 per day. Ms. Driskell clarified that the 60 days being recommended was for final inspection of the mobile home. Respondents Mark and Denise Lund were present. Mr. Lund explained he was unaware that the permit was expired.

ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (6-0) to approve staff's recommendation for an extension of 60 days for the property to come into compliance with completion of the Building Department's final inspection, or be subject to a fine imposed in an amount up to \$250 per day.

Note for the record that the Respondents, Mark and Denise Lund, **were** present for this hearing.

Case #2021110054 Hernandez, David and Garcia, Alexandra

IRC Code Enforcement Officer Daphne Driskell spoke regarding residential property located at 8595 130th Avenue. The cited violation was for alteration of a right-of-way without a permit. Notice was posted on February 11, 2022, after attempts at regular and certified mail were unsuccessful. Ms. Driskell explained that the property owner applied for a permit on January 11, 2022, and was currently awaiting approval from the County. Staff requested an extension of 30 days, until approximately March 25, 2022, for the respondent to obtain a permit and final inspection, or all improvements be removed and restored to original condition, or be subject to a fine imposed in an amount of up to \$250 per day.

ON MOTION BY David Myers, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation for an extension of 30 days to approximately March 25, 2022, for

respondent to obtain a permit and final inspection, or all improvements be removed and restored to original condition, or be subject to a fine imposed in an amount of up to \$250 per day.

Note for the record that the Respondents were **not** present for this hearing.

Case #2021110058 Lawrence Land Holdings, LLC

IRC Code Enforcement Officer Daphne Driskell spoke regarding a property maintenance violation for a molding subdivision wall located at 8790 85th Street. Notice was posted February 11, 2022, after attempts at regular and certified mail were unsuccessful. Ms. Driskell showed photos of the wall and explained the status was unchanged. Staff requested an extension of 7 days, or until March 7, 2022, for the property to come into compliance by either removing (by pressure washing) all of the mold or painting the wall. Ms. Driskell showed correspondence from the property manager indicating that a cleaning would be done by no later than March 9, 2022. Mr. Kordiak asked how the mold on the wall was a code violation. Mr. Andrew Sobczak clarified that an unmaintained property is a code violation and walls are specified within that section of the code. Staff requested an extension of 7 days, or until March 7, 2022, for the property to come into compliance. Chairwoman Dana DiFrancesco called for a motion.

**Mr. David Myers moved for staff's recommendation.
MOTION failed for lack of a SECOND.**

**ON MOTION by Joseph Petrulak, SECONDED BY
Terence Schlitt, the Board voted unanimously (6-0)
for an extension of 14 days for the property to be
brought into compliance.**

Note for the record that the Respondents were **not** present for this hearing.

Case #2022010014 Robert Marks Enterprises, LLC

IRC Code Enforcement Officer Daphne Driskell showed photos of a sign violation at 13200 Old Dixie Highway. Both regular and certified mail were sent with service received February 3, 2022. Ms. Driskell explained that the sign exceeded size requirements for a temporary sign. Ms. Driskell also noted that it was improperly located in the right-of-way and needed to be moved. Staff recommended 7 days for the property to come into compliance by removing the sign from the right-of-way and then either obtaining a permit for its current size or a permit for a 4-square foot sign, or be subject to a fine in an amount up to \$250 per day.

ON MOTION by Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (6-0) for an extension of 7 days for the property to be brought into compliance.

Note for the record that the Respondent was **not** present for this hearing.

Case #2021120035 Moss, Robert A. II & Michelle L.

IRC Code Enforcement Officer Daphne Driskell spoke about residential property located at 9445 82nd Street and explained that the violations were for recreational vehicle storage and illegal use, as well as a change of use / site plan violation. Notice was posted February 11, 2022, after attempts at regular and certified mail were unsuccessful. Ms. Driskell stated that the recreational vehicle violations were brought into compliance. Staff recommended 60 days for the respondents to submit a site plan application to the Planning Department and receive approval for change of use, or be subject to a fine in the amount of up to \$250 per day. Ms. Guerra explained the process to respondents, specifying that after obtaining administrative approval, they would also be required to seek a change of occupancy through the Building Department. Ms. Driskell further explained that the building was classified as a volunteer fire station and the property needed to be changed to a residential certificate of occupancy.

Respondent Michelle Moss spoke and explained they had spoken to an engineer and were almost finished with their plans. Ms. Moss indicated they had also met with the Planning Department and it is their intention to fully comply with County codes. Ms. Moss stated that she did not believe they would be able to apply for the permit and obtain approval in that amount of time. Mr. Andrew Sobczak clarified that staff was only seeking for administrative approval for the change of use site plan to be obtained in 60 days.

ON MOTION by David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) for an extension of 60 days for respondents to obtain administrative approval for a change of use site plan.

Note for the record that the Respondents Michelle and Robert Moss **were** present for this hearing.

COMPLIANCE HEARINGS

Case #2021080033 CF KL Assets 2019-2, LLC

Assistant County Attorney Ms. Susan Prado spoke regarding a property located at 8415 102nd Avenue. Ms. Prado explained that the case was originally heard as an evidentiary hearing in November 2021 where the respondents were found to be in violation and were required to either obtain a demolition permit or make repairs to the property. Ms. Prado

explained that she had looked into the demolition permit issue and determined that they could obtain a partial demolition permit, also referred to as an alteration permit. Ms. Prado explained that the respondents' original demolition permit was later changed to an alteration permit. However, a permit to rebuild the home is still required and that the permit application could be submitted at the same time they were cleaning up the damage to the home. Jose Guanch from the Building Department was present to answer any questions. A discussion ensued between respondents and staff regarding the permit process and the timeline for the permit and construction process. Chairwoman DiFrancesco asked for clarification as to what would be considered full compliance for the case. Ms. Prado explained that the property would either need to be fully demolished or the home completely rebuilt with final inspection approval from the County. Mr. Petrulak asked for clarification regarding the history of the case. Ms. Prado explained that the original expectation was for the respondents to either remove the structure, or repair the structure with permits, and they have decided they were not removing the structure, but instead wanted to move forward with repairs and reconstruction. There was further discussion regarding the specificity of permits and the need to consult with a structural engineer in regard to safety.

Ms. DiFrancesco asked for staff's recommendation. Mr. Andrew Sobczak proposed a 30-day timeframe for the respondents to obtain a structural engineer's safety assessment. The respondents would also need to either submit a new permit application for the new contractor doing the work or submit a change of contractor form. If the respondents chose to submit a new permit application, a notarized letter from the owner was required indicating there was a formal termination of the prior contractor. The Board concluded that a report from a structural engineer was required determining whether the structure was safe for personnel to do the necessary work.

ON MOTION BY Terence Schlitt, SECONDED BY David Myers, the Board voted unanimously (6-0) to approve staff's recommendation of a 30-day extension to submit the required permit applications, contractor changes, and safety assessment report.

Note for the record that Respondent's representatives Gregg Dreilinger, Erin Smith, Kevin Lutz, and B.H. were present for this hearing.

Case #2021080050 Caplan, Richard L.

IRC Code Enforcement Officer Daphne Driskell spoke regarding a vacation rental license violation for property located at 1980 West Cayman Road. Ms. Driskell explained that the case had come before the Board in November 2021 and had been given multiple extensions, but that the status remained unchanged. Ms. Driskell stated that Mr. Caplan knew he was not permitted to rent the property, but still rented the home in January 2022. Staff recommended that a fine in the amount of \$250 per day, beginning February 25, 2022, be imposed until the property was brought into compliance.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (6-0) to approve staff's recommendation that a fine in the amount of \$250 per day be imposed beginning February 25, 2022, until the property was brought into compliance.

Note for the record that the Respondent **was not** present for this hearing.

LIEN RELEASE REQUESTS

Case #2019090051 Winchester-Lucas, Sheri (SUC CO-TRS)

Chief of Code Enforcement and Environmental Planning Rebeca Guerra spoke regarding a case pertaining to construction without approved building permits at 8546 103rd Avenue. Ms. Guerra explained that front and rear decks were constructed and the house was lifted and supports installed, all without permits. Ms. Guerra showed photos of the work that had been done. A fine was imposed on December 21, 2019. The property subsequently came into compliance on January 11, 2022, and was out of compliance for 752 days with a fine of \$100 per day totalling \$75,200. Administrative costs were calculated at \$2,000, with one extension being granted by the Board. The total assessed value of the property was \$69,367. Staff's recommendation was for 10% of the total fine, in the amount of \$7,520, to be imposed.

Mr. Ontario Johnson, owner's representative, spoke and explained that the owner had some difficulties with their contractor. There was some discussion about the timing of the permitting. Mr. Johnson explained that the owners live out of state, so he was trying to help them resolve the issue.

ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, the Board voted unanimously (6-0) to approve staff's recommendation of a fine in the amount of \$7,520, 10% of the total fine.

Note for the record that Respondent's representative Ontario Johnson **was** present for this hearing.

Case #2018020108 Yates, Dallas and Jane (Estate of)

Chief of Code Enforcement and Environmental Planning Rebeca Guerra spoke and provided history of the case. Ms. Guerra reviewed a list of properties owned by the respondent and explained that liens go against all properties under the owners name. The respondent's current request was for a partial lien release for 4225 32nd Avenue only, which

was not part of the original case. Ms. Guerra gave a PowerPoint presentation reviewing further detail of the property addresses and previous County actions. Assistant County Attorney Susan Prado then showed the Board a letter from Mr. Dean Mosely, the respondent's attorney, requesting a partial lien release. Mr. Mosely indicated that the respondent wanted the lien release so the property could be sold and proceeds used to pay outstanding fines. Ms. Prado explained that the County was not in agreement with having the property released, due to the fact the case has been ongoing since 2018. There was also a concurrent Health Department case and the County had concerns about the ability to recoup what has been expended as there were still fines running. Ms. Prado further explained that the County wanted to move forward with a foreclosure action. Ms. Prado stated that due to these reasons, staff's recommendation was to deny release of the lien. A discussion ensued about properties owned by the estate and the respondent.

Ms. Dallasteen Yates, respondent and representative of the estate, spoke and explained that she was looking to sell some property to generate money to resolve the code issues. Ms. Yates contended that there had been some interest in the properties, but that the liens had dissuaded potential buyers. There was discussion between the Board and Ms. Yates about the amount of fines that were still accruing. Chairwoman DiFrancesco moved for a motion.

ON MOTION BY James Kordiak, SECONDED BY Joseph Petrulak. The Board voted (5-1), with David Myers OPPOSING, to deny respondent's request for partial lien release.

Note for the record that Respondent Dallasteen Yates **was** present for this hearing.

Case #2005060101 Mattia, Pietro c/o Primio Lalma

Assistant Community Development Director Mr. Andrew Sobczak spoke and provided history for the case. The original violation was for a dead tree which encroached upon a neighbor's property. Mr. Sobczak explained that the current owners were gifted the property and the previous owner thought the issues had been resolved. A fine had been running for 17 years resulting in a very large sum. Mr. Sobczak explained that using aerial photos, it was determined the tree in question was removed around 2011. The current owner now wished to sell the property, and in the process, discovered the lien. Mr. Sobczak explained that the property was a vacant, unimproved residential property valued at approximately \$8,500. Staff recommendation was for administrative costs in the amount of \$2,000, as there was one extension granted by the Board.

Respondents Ms. Lori Strazzulla and Mr. Keaton Moore were present. Ms. Strazzulla requested a further reduction in the fine amount, but expressed that she accepted staff's recommendation as it was significantly less than the total fine.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-

0) to impose a fine for administrative costs in the amount of \$2,000.

Note for the record Respondents Ms. Lori Strazzulla and Mr. Keaton Moore were present for this hearing.

There was a five-minute recess (3:45pm – 3:50pm).

EVIDENTIARY HEARING

Case #202210002 Edgerly, Roger W. and Barbara J.

IRC Code Enforcement Officer Ms. Tricia Johnson spoke regarding an overgrown weeds violation at 960 32nd Avenue. Ms. Johnson stated that Notice was posted on February 16, 2022. Ms. Johnson showed photos taken earlier showing that the status was unchanged. Staff's recommendation was for a 30-day extension, until March 25, 2022, for the property to be brought into compliance, or a fine be imposed in an amount of up to \$250 per day.

ON MOTION BY Joseph Petrulak, SECONDED BY David Myers, the Board voted unanimously (6-0) to approve staff's recommendation of a 30-day extension until March 25, 2022, for the property to be brought into compliance, or a fine be imposed in an amount up to \$250 per day.

Note for the record that the Respondent was **not** present for this hearing.

LIEN RELEASE REQUEST

Case #2021090133 Moskowitz, Keith A.

Chief of Code Enforcement and Environmental Planning Rebeca Guerra spoke regarding property located at 5720 U.S. Highway 1 and provided context for the case. Ms. Guerra gave a timeline of the extensive history of violations dating back to 2012. The requested lien release related to a repeat zoning district use violation. A fine in the amount of \$250 per day had accrued from October 1, 2021, until January 17, 2022, for a total 108 days. The total fine was \$27,000, with administrative costs in the amount of \$1,700. The 2021 assessed value of the property was \$325,310. Due to the extensive history of code violations and the nature of those violations, staff recommended that a fine in the amount of \$27,000 be imposed.

Mr. Joseph Paladin, representative of the present and new owners, requested that the amount be reduced to 10% of the total fine, plus administrative costs.

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann. The Board voted (5-1), with James Kordiak OPPOSING, to approve staff's recommendation of a fine in the amount of \$27,000.

Note for the record that the Respondent's representative Joseph Paladin, was present for this hearing.

ADMINISTRATIVE HEARINGS

Case #2017080035 Palmer, Michael S. Kelly R.

Assistant County Attorney Susan Prado spoke regarding property located at 1286 14th Avenue. Ms. Prado explained the request before the Board was to seek authority to move forward with a foreclosure process for the subject site. Ms. Prado reviewed the extensive history of the case and showed photos noting that it was still not in compliance. On January 22, 2018, the Board issued an Order Imposing Fine. Ms. Prado explained that per Florida Statute 162.09(3), after three months of an Order Imposing Fine being issued, the Code Enforcement Board count grant authority to move forward with foreclosure proceedings on a property. Ms. Prado explained there was at least one tenant living in the home and that it was not a homesteaded property. Ms. Prado displayed photos taken by Code Enforcement Officer Vanessa Solomon earlier, showing the status remained unchanged. Ms. Vanessa Solomon spoke and further elaborated on the history of her multiple site visits, that she had spoken to the property owner several times, and that still the property had never been brought into compliance.

Mr. Palmer spoke and stated that he had been in communication with Ms. Solomon about his property at 15th Avenue. Mr. Palmer said he did not initially receive correspondence regarding the 14th Avenue property, but did get a copy of the original Order last May. Mr. Palmer said he had cleaned up the yard, but there were still a few unregistered vehicles.

Ms. Solomon explained that she had only heard from Mr. Palmer once or twice since 2018, and that each time she had explained to him that the property was not in compliance. Ms. Solomon maintained that the property had never been brought into compliance, and instead only gotten progressively worse over the years. Ms. Prado spoke about the hearing and actions taken regarding for Mr. Palmers other property at 15th Avenue. Mr. Petrulak spoke about the previous hearings and expressed he had no doubt Mr. Palmer knew what he needed to accomplish to come into compliance. Mr. Palmer asserted he was not initially notified of the fine.

Ms. Prado explained that a requirement of the foreclosure proceedings would be to show that the owner was properly noticed. Ms. Prado explained how the foreclosure process

would progress, and that there was still time for Mr. Palmer to bring the property into compliance. Mr. Myers moved to accept the staff attorney's recommendation.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to accept staff attorney's recommendation to proceed with Florida Statute 162.09(3) foreclosure proceedings on the property.

Note for the record that the Respondent Michael Palmer, was present for this hearing.

Case #2018020108 Yates, Dallas and Jane (Estate of)

Assistant County Attorney Susan Prado spoke about the history of the violations and fines at the 64th Avenue property and explained the property was still out of compliance. Due to the condition of the property and the amount of time out of compliance, staff was requesting the authority to move forward with foreclosure proceedings as per Florida Statute 162.09(3). Ms. Prado clarified a foreclosure action would encompass all of the properties.

Ms. Yates stated that she did not agree with the recommendation, that she feels the action was punitive, and requested that foreclosure proceedings not be commenced. There was discussion about the significant amount of time the property had been out of compliance and the subject property's involvement with several County boards for code violations. Ms. Yates contended she still wanted to have the ability to sell some of the property in order to generate proceeds to pay fines and rectify outstanding issues. Ms. Prado explained that the case had been ongoing since 2018, and that at the last Environmental Control Hearing Board hearing, Ms. Yates was asked to present a business plan which had yet to be produced. Ms. Yates objected and maintained her intent was to come into compliance.

ON MOTION BY James Kordiak, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to accept staff attorney's recommendation to proceed with Florida Statute 162.09(3) foreclosure proceedings on the property.

Note for the record that the Respondent Dallasteen Yates, was present for this hearing.

Case #2017040072 Belmont Equities, LLC / Arima Holdings, LLC / Family Dollar

Assistant County Attorney Susan Prado spoke about the history of violations at this property dating back to 2017. An Order Imposing Fine was issued on January 26, 2017, for a fine in the amount of \$100 per day. Violations were for site plan nonconformities and junk, trash, and debris. Ms. Prado explained that the fine was now over \$100,000 and the property was still out of compliance. Due to the condition of the property and the amount of time in

noncompliance, staff was requesting the authority to move forward with foreclosure proceedings, as per Florida Statute 162.09(3).

IRC Code Enforcement Officer Kelly Buck gave a PowerPoint presentation and described the history and timeline of violations at 4490 43rd Avenue. There was site plan noncompliance regarding some landscaping having been removed, as well as complaints from the community for junk, trash, and debris. Ms. Buck explained that she had visited the site earlier and there was still trash piled around dumpsters that needed to be removed. Ms. Buck showed photos of a large pile of debris. Ms. Buck explained that in 2018 she and Ms. Solomon had met with a landscaper and walked the site. No action or feedback was ever received from the landscaper. Ms. Buck noted that several residents had written to the County Commissioners and the Family Dollar corporation to complain about the condition of the site.

Attorney Kate Cooper of Mintzer, Sarowitz, Zeris, Ledva & Meyers, LLP spoke on behalf of Family Dollar and explained that property owners had not notified them of the outstanding issues, and that as a result, the matter was not able to be addressed properly. Ms. Cooper requested a continuance of 60 days and stated that she believed the property could be brought into compliance quickly.

Ms. Prado expressed that the County was not in agreement with the request for 60 days and then noted the timeline involved for foreclosure proceedings.

ON MOTION BY Karl Zimmermann, SECONDED BY Joseph Petrulak, the Board voted unanimously (6-0) to accept staff attorney's recommendation to proceed with Florida Statute 162.09(3) foreclosure proceedings on the property.

Note for the record that Respondent's representative, Kate Cooper, was present for this hearing.

Authorization for Notices to Appear

ON MOTION BY Joseph Petrulak, SECONDED BY Karl Zimmermann, the Board voted unanimously (6-0) to authorize Notices to Appear.

Other Board Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 4:45pm.