

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, July 25, 2022 at 1:30 pm.

Present were **Mr. David Myers II**, Businessman Appointee; **Mr. Joseph Petrulak**, Subcontractor Appointee; **Mr. Carlos L. Flores Blancaneaux**, Architect Appointee; **Mr. Terence Schlitt**, Engineer Appointee; and **Mr. James Kordiak**, Member-at-Large.

Chairwoman **Ms. Dana DiFrancesco**, Alternate Member Appointee; Vice Chairman **Mr. Pete Clements**, General Contractor Appointee; and **Mr. Karl Zimmermann**, Realtor Appointee were absent.

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

Call to Order

Acting Chairman Joseph Petrulak called the meeting to order. The secretary called role establishing a quorum was present. Mr. Petrulak led all in the Pledge of Allegiance.

Approval of Minutes

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to approve the meeting minutes of June 27, 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.

The following cases have been given a 30-day extension until August 19, 2022: Case #2022050058, Case #2022070003, Case #2022040015, Case #2022030038, Case #2022040014, Case #2022040010, Case #2022040023, Case #2022040031.

Case #2022050078 has been given a 60-day extension until September 23, 2022. The following cases have been given a 90-day extension until October 21, 2022: Case #2020050090, Case #2022020011. The following cases have been brought into compliance: Case #2022050088, Case #2022040093, Case #2022010049.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (5-0) to accept the Agenda Additions, Deletions 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 #2022040080 Ford, John J.

IRC Environmental Planner Steven Hitt spoke regarding a property located at 8799 20th Street cited for land clearing and tree removal violations. Mr. Hitt explained that service was not obtained but contact was made with the Respondent's representative and they are present today. Mr. Hitt gave a PowerPoint presentation and explained that a permit was issued on February 22, 2022 for the removal of only nuisance exotic and invasive trees and that the removal of protected and specimen trees was expressly prohibited. Mr. Hitt said today's hearing is regarding violations cited for the removal of unauthorized and specimen trees. Mr. Hitt showed a recent aerial photo and photos taken during his site visit demonstrating the violations.

Mr. Hitt said that the Respondent has received an after-the-fact land clearing permit and has removed debris. Mr. Hitt explained that protective barriers still need to be installed around the remaining trees, debris removed, and the tree removal fines determined. In response to a Board member question, Mr. Hitt said that a site or tree mitigation plan have not been submitted.

Mr. Hitt gave staff's recommendation for an extension of 30 days, until August 19, 2022, to bring the site into compliance by installing protective barriers around protected and specimen trees on site. Mr. Hitt gave staff's recommendation to impose fines for the removal of specimen and protected trees as follows: 11 specimen trees @ \$15,000.00 each + 50 protected trees @ \$1,000.00 each + 18 cabbage palms @ \$250.00 each for a total fine in the amount of \$219,500.00.

Respondent's representative Nick Infante was present and explained there was some confusion with their contractor regarding the clearing permit. In response to Board members

questions as to why the contractor was not present at today's hearing, Mr. Infante replied he was unsure. Mr. Infante said their contractor was from West Palm and was licensed and that they thought the permitting was appropriate until they were contacted by the Department.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to bring the site into compliance by installing protective barriers around remaining protected and specimen trees, and to accept staff's recommendation that a fine be imposed in the amount of \$219,500.00 for the removal of protected and specimen trees.

Note for the record that the Respondent's representatives Nick Infante and Samantha Welims were present for this hearing.

Case #2022050047 Joseph, Christopher R.

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a property located at 2225 86th Court, a residence in the Paradise Park subdivision. Notice was posted on July 15, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Solomon reviewed the cited violations are for trailer storage and junk, trash, and debris. Ms. Solomon explained the overgrown weeds violation has come into compliance. Ms. Solomon said she visited the property today and observed the grass has been cut and one trailer has been removed. Ms. Solomon showed photos demonstrating the violations and noted she observed there are still two trailers on site.

Ms. Solomon gave staff's recommendation for an extension of 30 days, until August 19, 2022, for the property to be brought into compliance by removing the remaining junk, trash, and debris and reducing the number of stored unenclosed trailers to one, or be subject to a fine imposed in an amount up to \$250.00 per day.

ON MOTION BY Terence Schlitt, SECONDED BY David Myers, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until August 19, 2022, for the property to be brought into compliance by removing the remaining junk, trash, and debris and reducing the number of stored unenclosed trailers to one, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022060005 Wilder, Mary C. (Estate of)

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a single family residence located at 5290 21st Street. Notice was posted on July 15, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Solomon reviewed the violations and explained the junk vehicle and vehicle parking/storage violations have come into compliance. Ms. Solomon showed photos taken this morning demonstrating the remaining violations of overgrown weeds and junk, trash, and debris. Ms. Solomon said she met with the Respondent's son on site this morning and he explained he is continuing progress with clean up of remaining debris.

Ms. Solomon gave staff's recommendation for an extension of 30 days, until August 19, 2022, for the property to be brought into compliance by removing overgrown weeds and the remaining junk, trash, and debris, or be subject to a fine imposed in an amount up to \$250.00 per day.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until August 19, 2022, for the property to be brought into compliance by removing overgrown weeds and junk, trash, and debris, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

COMPLIANCE HEARINGS

Case #2022040148 TWLS 2025, LLC c/o Tracey Scarborough

IRC Code Enforcement Officer Vanessa Solomon spoke regarding a property located at 2025 79th Avenue, a single family residence in the Westgate Colony subdivision. Ms. Solomon noted the original hearing was held on June 27, 2022 and reviewed the cited violations are for zoning district use, vehicle parking/storage, commercial vehicle at residence, and home occupation. Ms. Solomon explained that the commercial vehicle violation was brought into compliance because the vehicle was moved to another of the Respondent's properties. Ms. Solomon said the other violations remain unchanged and that there is an additional junk vehicle. Ms. Solomon explained she met with the Respondent on site the day after the last hearing and reviewed with him all that was needed to bring the property into compliance.

Ms. Solomon gave staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning July 23, 2022, until the property is brought into compliance. Mr. Petrulak asked why the recommended fine amount was only \$100.00 per day, noting this property has previously been seen by the Board. Ms. Susan Prado, Assistant County Attorney, explained that the Board can take those facts into consideration and move to impose a fine in an amount up to \$250.00 per day at their discretion. There was discussion

among the Board about how this property has come up multiple times before and was in violation for an extended time. The Board also noted that as members of the community, they have noticed this property as an eyesore for a long time.

Mr. Myers made a motion to impose a fine in the amount of \$250.00 per day, beginning July 23, 2022, until the property is brought into compliance.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (5-0) to impose a fine in the amount of \$250.00 per day, beginning July 23, 2022, until the property is brought into compliance.

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

EVIDENTIARY HEARINGS

Case #2021120008 Dehmer, Barbara

IRC Code Enforcement Officer Daphne Driskell spoke regarding a single family residence located at 13328 83rd Avenue where a no building permit violation was cited for a roof reshingle without permit. Notice was posted on July 15, 2022 after attempts at regular and certified mail were unsuccessful. Ms. Solomon showed aerial photos taken before and after the roof repair demonstrating the violation and explained that Mr. Rick Dunkerley, IRC Contracting and Licensing Investigator, reported the violation after discovering an incomplete expired permit. Mr. Dunkerley was present and said he issued a Notice of Violation after visiting the property and discovering the work had been completed without a permit or inspections. Mr. Dunkerley clarified the Respondent needs to renew the owner/builder permit. Mr. Dunkerley said the Respondent needs to have the work certified by an engineer in order to obtain the permit because inspections did not occur. Mr. Dunkerley said he spoke with the Respondent and was told she has received a letter certifying the roof work and will submit it to his office.

Ms. Driskell gave staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to obtain or renew the building permit and have the roof finally inspected, or obtain a demolition permit to remove the shingle re-roof, or be subject to a fine imposed in an amount up to \$250.00 per day.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to obtain or renew permit #2020061136 for the unpermitted re-roof and have the roof finally inspected, or obtain a demolition permit and remove

the structure, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022030001 Kanter, Susan

IRC Code Enforcement Officer Daphne Driskell spoke regarding a single family residence located at 4580 77th Street. Service was obtained July 15, 2022. Ms. Driskell reviewed the cited violations for no building permit, vehicle parking/storage, and junk, trash, and debris. Ms. Driskell explained that the vehicle parking/storage and junk, trash, and debris violations have come into compliance. Ms. Driskell explained that the no building permit violation remains and it pertains to a structure built at the back of the property. Ms. Driskell showed photos taken before and after the structure was built demonstrating the violation.

Respondent Susan Kanter was present and explained this is a rental property with a difficult tenant. Ms. Kanter said she does not communicate with the tenant and that his lease is up in September. Mr. Petrulak explained she will need a to obtain a demolition permit and have the structure removed, or go through the process of having the structure certified by an engineer and permitted if she wants it to remain. Mr. Schlitt pointed out the potential difficulties with permitting if trying to have the existing structure certified and permitted. Ms. Kanter asked why the tenant was not responsible for taking down the structure. The specificity of permitting was discussed and it was explained to Ms. Kanter that it must be done by the property owner.

Ms. Driskell gave staff's recommendation for an extension of 60 days, until September 23, 2022, for the Respondent to apply for and obtain a permit and final inspection for the structure, or obtain a demolition permit and remove the structure, or be subject to a fine imposed in an amount up to \$250.00 per day. The Board impressed upon Ms. Kanter the seriousness of the issue and that a fine will accrue daily if imposed.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 60 days, until September 23, 2022, for the Respondent to apply for and obtain a permit and final inspection for the structure, or obtain a demolition permit and remove the structure, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022060013 Keator, Geraldine L.

IRC Code Enforcement Officer Daphne Driskell spoke regarding a property located at 8666 97th Avenue where a health and safety hazard/public nuisance violation was cited

for a downed tree. Service was obtained on July 15, 2022. Ms. Driskell gave staff's recommendation for an extension of 14 days, until August 5, 2022, for the dead tree to be removed from the property and have weeds and vegetation trimmed, or be subject to a fine imposed in an amount up to \$250.00 per day. Ms. Prado explained that the property owner is deceased, the structure is vacant and the property is currently in foreclosure. Ms. Prado said she has been in contact with the bank's counsel and that they are in the foreclosure process and trying to resolve the issue.

Mr. Alexander Gonano was present as representative counsel for the lender, Washington Trust National Association as Trustee and said that Kass Shuler, PA of Tampa, FL has filed the foreclosure action. Mr. Gonano explained where they are in the chronology of the foreclosure process and estimated the process could be complete in three to four months. Mr. Gonano said they have already spoken to contractors to receive quotes and investigate how to remedy the issue. Mr. Gonano requested some additional time and said that they can only secure the property to preserve it in the interim until they have possession of the property. Ms. Prado explained that due to the fact this is cited as a health and safety hazard/public nuisance a higher fine amount could be imposed due to the nature of the violation.

Staff amended their recommendation to allow for additional time due to the circumstances to request an extension of 60 days, until September 23, 2022, for the property to be brought into compliance by removing the dead tree from the property and trimming back weeds and vegetation, or be subject to a fine imposed in an amount up to \$250.00 per day.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 60 days, until September 23, 2022, for the property to be brought into compliance by removing the dead tree from the property and trimming back weeds and vegetation, or be subject to a fine imposed in an amount up to \$250.00 per day.

Note for the record that the Respondent's representative Alexander Gonano was present for this hearing.

Case #2022050070 Jones, Arthur Lee

IRC Code Enforcement Officer Daphne Driskell spoke regarding a property located at 6325 85th Street where junk vehicle and junk, trash, and debris violations were cited. Service was obtained July 15, 2022. Ms. Driskell said she spoke with the property owner on site and he is working on cleaning up debris. Ms. Driskell gave staff's recommendation for an extension of 30 days, or until August 19, 2022, for the Respondent to remove junk, trash, and debris, and remove untagged vehicles from the property, or be subject to a fine imposed in an amount up to \$250.00 per day.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to remove junk, trash, and debris and remove untagged vehicles from the property, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022050071 Jones, Arthur Lee

IRC Code Enforcement Officer Daphne Driskell spoke regarding a property located at 6335 85th Street where boat/trailer storage and junk, trash, and debris violations were cited. Service was obtained July 15, 2022. Ms. Driskell said the boat/trailer and some of the debris have been removed but some debris remains. Ms. Driskell gave staff's recommendation for an extension of 30 days, or until August 19, 2022, for the Respondent to remove all junk, trash, and debris from the property, or be subject to a fine imposed in an amount up to \$250.00 per day.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to remove all junk, trash, and debris from the property, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

COMPLIANCE HEARINGS

Case #2022010017 Osborne, Valerie A. & Arley J.

IRC Code Enforcement Officer Daphne Driskell reviewed the cited violations regarding a property at 7815 97th Avenue. Ms. Driskell explained that the junk vehicle and junk, trash, and debris violations have come into compliance and that the no building permit violation remains pertaining to an unpermitted structure. Ms. Driskell reminded the Board that the property owners are deceased and that their son Adam Osborne was given a 30 day extension at the last hearing on June 27, 2022 in order to give him time to start a contract for probate because he was otherwise not able to renew or obtain any permits.

Mr. Adam Osborne was present and said that he has contacted an attorney to advise him about filing for probate, but that he is waiting to pass the two year time frame to do so

which should be next month. There was discussion among the Board about what amount of time it could take for the Respondent to file for probate. Mr. Osborne said he anticipates it will be filed after August 14, 2022. Ms. Prado suggested giving an extension of time which would allow for probate to be filed before the next hearing.

Ms. Driskell gave staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to file for probate in order to move forward with acquiring necessary permits for the unpermitted structures.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to accept staff's recommendation that Respondent be given a 30 day extension, until August 19, 2022, for the Respondent to file a contract for probate.

Note for the record that the Respondent Adam Osborne was present for this hearing.

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

IRC Code Enforcement Officer Daphne Driskell spoke regarding a property located at 7885 129th Street where a no building permit violation was cited for a mobile home. Ms. Driskell explained that the homeowners were to renew the permit and obtain final inspection but she has had no contact from them since the hearing on February 28, 2022 and nothing has been received by the Building Department. Ms. Driskell gave staff's recommendation that a fine in the amount of \$100.00 be imposed, beginning July 22, 2022, until the property is brought into compliance.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (5-0) to accept staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning July 22, 2022, until the property is brought into compliance.

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

EVIDENTIARY HEARINGS

Case #2022040090 Wilson, Erica L.

IRC Code Enforcement Officer Tricia Johnson spoke regarding a property located at 2453 3rd Street Southwest. Ms. Johnson reviewed the cited violations are for property maintenance, boat/trailer storage, junk vehicle, no building permit, and junk, trash, and debris. Ms. Johnson showed photos taken which demonstrated the violations and explained

that none of the violations have come into compliance. Ms. Johnson noted that the property maintenance violation pertains to the utilities not being turned on to the residence.

Ms. Johnson gave staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to bring the property into compliance by having the utilities turned on, mowing the grass, moving the trailer to the designated driveway, removing junk, trash, and debris and obtaining an after-the fact permit for the unpermitted fence and have it finally inspected, or have the fence removed, or be subject to a fine imposed in an amount up to \$250.00 per day.

The Board asked about there being no water to the residence and asked if it was inhabited. Ms. Johnson noted the Respondent has been in and out of jail. Mr. Myers made a motion for an extension of 14 days for the property maintenance violation to come into compliance by having the water and electric turned on, or cease living in the residence; and an extension of 30 days for the remaining violations to be brought into compliance, or be subject to a fine imposed in an amount of \$250.00 per day.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (5-0) to accept staff's amended recommendation for an extension of 14 days, until August 8, 2022, for the property maintenance violation to be brought into compliance by having the water and electric turned on, or cease living in the residence; and an extension of 30 days, until August 19, 2022, for the remaining violations to be brought into compliance, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022050039 Decker, Carol

IRC Code Enforcement Officer Tricia Johnson spoke regarding a property located at 3109 1st Street where the cited violation is for junk, trash, and debris. Ms. Johnson showed photos demonstrating the violation and explained that junk, trash, and debris are strewn from the end of the driveway all the way up to the front door.

Respondent Carol Decker was present and explained her daughter brings junk items that she thinks are valuable to the yard. Ms. Decker contended the problem is better than what was shown and said they have been working on hauling off some of the debris since being notified. Ms. Johnson explained that she visited the property this morning and showed photos taken today demonstrating the property is still out of compliance.

Ms. Johnson gave staff's recommendation for an extension of 30 days, until August 19, 2022, for the property to be brought into compliance by removing all junk, trash, and debris, or be subject to a fine imposed in an amount up to \$250.00 per day.

ON MOTION BY Terence Schlitt, SECONDED BY David Myers, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to remove all junk, trash, and debris, or be subject to a fine imposed in an amount up to \$250.00 per day.

Note for the record that the Respondent was present for this hearing.

COMPLIANCE HEARING

Case #2021080004 Trask, David

IRC Code Enforcement Officer Tricia Johnson spoke regarding a property located at 1155 16th Avenue Southwest where a no building permit violation was cited for a shed on the property. Respondent David Trask was present and noted multiple extension have been granted. Mr. Trask explained the shed was supposed to be moved already but the scheduling was delayed. Mr. Trask explained that he needs to have the shed moved by this company specifically because it is financed and requested an extension of 7 days.

Mr. Petrulak noted there have been 7 extensions granted due to the circumstances. Ms. Johnson gave staff's recommendation for a fine to be imposed in an amount of \$100.00 per day beginning July 23, 2022. Mr. Myers made a motion for an extension of 7 days, until August 1, 2022, for the property to be brought into compliance by removing the shed, or be subject to a fine imposed in an amount of \$250.00 per day beginning July 23, 2022.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to grant an extension of 7 days, until August 1, 2022, for the Respondent to bring the property into compliance by removing the shed, or be subject to a fine imposed in an amount of \$250.00 per day beginning July 23, 2022.

Note for the record that the Respondent was present for this hearing.

EVIDENTIARY HEARINGS

Case #2022040007 School Street Apartments, LLC

IRC Code Enforcement Officer Kelly Buck explained that this case pertaining to a property at 4630 54th Drive needs to be rescheduled due to no service.

Case #2022050006 Ferguson Rentals, LLC / Myra Ferguson

IRC Code Enforcement Officer Kelly Buck spoke regarding a property located at 4367 33rd Avenue. Service was obtained July 13, 2022. Ms. Buck reviewed the cited violations are for a junk vehicle, and junk, trash, and debris. Ms. Buck showed a photo taken this morning which demonstrated the violations and explained it showed an RV that has not moved as well as a pile of debris. Ms. Buck said she make contact with the registered agent for Ferguson Rentals, LLC and that there seems to be some confusion among family members as to who is responsible. Ms. Buck said that was approximately two months ago and she has not had any contact from the Respondent since that time.

Ms. Buck gave staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to remove the untagged/inoperable recreational vehicle from the vacant lot, and remove junk, trash, tree limbs, and yard debris, or be subject to a fine imposed in an amount up to \$250.00 per day.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to bring the property into compliance by removing the untagged/inoperable recreational vehicle and junk, trash, tree limbs, and yard debris, or be subject to a fine imposed in an amount up to \$250.00 per day.

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

Case #2022050094 Hodges, James

IRC Code Enforcement Officer Kelly Buck explained that this case pertaining to a property at 4616 33rd Avenue needs to be rescheduled due to no service.

Case #2022060054 Brown, Cyneatha A.

IRC Code Enforcement Officer Kelly Buck spoke regarding a property located at 4225 45th Lane and reviewed the cited violations are for junk vehicles and junk, trash, and debris. Ms. Buck showed photos taken July 7, 2022 which demonstrated the violations. Ms. Buck showed photos taken today and explained that some of the junk has been removed but a junk vehicle and some debris remains. Ms. Buck noted the Department has received complaints from neighbors regarding this property.

Representative D'Angelo Hoover was present and explained he is working on the issues and that he needs a tire for one of the vehicles. Mr. Hoover was reminded that vehicles need to be tagged and can stay if roadworthy, registered, and parked in the driveway.

Ms. Buck gave staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to bring the property into compliance by removing or repairing

and registering the junk vehicle(s) and removing junk, trash, and debris, or be subject to a fine imposed in an amount up to \$250.00 per day. Mr. Myers suggested the Respondent call and request reinspection to ensure compliance.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until August 19, 2022, for the Respondent to bring the property into compliance by removing or repairing and registering the junk vehicle(s) and removing junk, trash, and debris, or be subject to a fine imposed in an amount up to \$250.00 per day.

Note for the record that Respondent's representative D'Angelo Hoover **was** present for this hearing.

LIEN RELEASE REQUESTS

Case #2017120118 Almanza, Pablo

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property located at 305 South Lime Street. Ms. Guerra reviewed the history of violations and showed photos taken which demonstrated the property out of compliance, as well as photos taken more recently showing the property in compliance.

Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning May 19, 2018 and the property came into compliance July 16, 2020. The property remained 789 days out of compliance resulting in a total fine of \$78,900.00. The administrative costs were calculated at \$2,000.00. For reference, the 2021 assessed value of the home is \$90,658.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$7,890.00 which represents 10% of the total fine.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to acknowledge compliance and approve staff's recommendation that a fine be imposed in the amount of \$7,890.00 which represents 10% of the total fine.

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

Case #2016080073 Almanza, Elias & Angel

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property located at 13498 99th Street. Ms. Guerra reviewed the history of

violations and showed photos taken which demonstrated the property out of compliance, as well as photos taken more recently showing the property in compliance.

Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning February 25, 2017 and the property came into compliance June 8, 2022. The property remained a total of 1,929 days out of compliance resulting in a total fine of \$192,900.00. The administrative costs were calculated at \$2,300.00. For reference, the 2021 assessed value of the home is \$85,419.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$19,290.00 which represents 10% of the total fine.

ON MOTION BY James Kordiak, SECONDED BY David Myers, the Board voted unanimously (5-0) to acknowledge compliance and approve staff's recommendation that a fine be imposed in the amount of \$19,290.00 which represents 10% of the total fine.

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

Case #2015080113 Almanza, Pablo

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property located at 13490 99th Street. Ms. Guerra reviewed the history of violations and showed photos taken which demonstrated the property out of compliance, as well as photos taken more recently showing the property in compliance.

Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning November 21, 2015 and the property came into compliance June 24, 2022. The property remained a total of 2,407 days out of compliance resulting in a total fine of \$240,700.00. The administrative costs were calculated at \$2,000.00. For reference, the 2021 assessed value of the home is \$52,106.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$24,070.00 which represents 10% of the total fine.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (5-0) to acknowledge compliance and approve staff's recommendation that a fine be imposed in the amount of \$24,070.00 which represents 10% of the total fine.

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

A five minute break was taken at this time 3:05pm.

ADMINISTRATIVE HEARINGS

Case #2020030013 Palmer, Michael S. and Kelly L.

Assistant County Attorney Susan Prado reviewed the history of violations regarding a property located at 1262 15th Avenue. Ms. Prado said that an Order Imposing Fine was imposed December 10, 2020 creating a lien on the property, and that on June 1, 2021 the property was declared a public nuisance. The property was taken to the County Circuit Court September 28, 2021 at which time the judge ordered the County to clean up the public nuisance and placed a permanent injunction on the property to prevent the nuisance from reoccurring. The public nuisance was remedied in November 2021 when a contractor was hired to clean the property. Ms. Prado explained that after November 2021 the nuisance began to reoccur, and showed an aerial photo taken in January 2022 which demonstrated the violations. Ms. Prado explained that the cost of remedying the public nuisance was calculated at approximately \$19,000.00 and that this is a lien subsequent to the judgement on the property. Ms. Prado explained that the Respondents were later held in contempt of court after bringing junk vehicles and junk, trash, and debris back to the property. Ms. Prado noted that the Respondents have been involved with numerous prior Code Enforcement cases.

Ms. Prado explained that today's request is for the Board to grant approval to move forward with issuing a foreclosure action for this property. Ms. Prado said that a foreclosure action has already begun on the Respondent's other property at 14th Avenue and that this action will also help to recoup the costs of the abatement. Acting Chairman Petrulak clarified that today's issue is not to rehear the entire case but to hear staff's request to initiate a foreclosure action.

Mr. Palmer was present and said that he feels they have been treated like criminals and contended that there were multiple residences in the neighborhood with untagged vehicles. Mr. Palmer said that items were moved from his property at 14th Avenue to the 15th Avenue property because he intended to have a yard sale. Mr. Palmer said they have not seen a bill with the amount owed for the abatement of the 14th Avenue property. Ms. Prado explained that the Order Imposing Fine is a lien recorded as public record and that the total amount can be calculated by multiplying the amount of the fine imposed by the amount of days out of compliance. Mr. Palmer was reminded that the fine continues to accrue daily.

Mr. Kordiak reminded Mr. Palmer that we are here today regarding the issue of foreclosure in order for the County to recoup their cost for cleanup. In response to a Board member question, Mr. Palmer said that today there are no untagged vehicles or junk, trash, or debris in the yard. Ms. Prado reminded the Respondent that he was under oath, and that photos were taken this morning by IRC Code Enforcement Officer Vanessa Carter which demonstrated the violations are unchanged. Mr. Palmer agreed Ms. Solomon was at the property this morning and said that he intended to clean up but didn't have time to make progress. There was further discussion about the junk, trash, and debris shown in the photo taken this morning and the chronology of events regarding the amount of debris, neighbor complaints, and the progression of the case.

Mr. Myers made a motion to approve staff's request to move forward with issuing a foreclosure action for this property.

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (5-0) to approve staff's request to initiate foreclosure proceedings pursuant to Florida Statute 162.09.

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

Case #2018010025 TWR As CST For EBURY FUND 2FL, LLC / Cavalier Diackamann

Assistant County attorney Susan Prado explained that TWR is the former owner of this property and explained that Notice was posted and the new owner, Cavalier Diackamann, was notified. Ms. Prado reviewed the history of the property located at 4230 20th Avenue, explaining that the Notice of Hearing when this first came to the Board under TWR was sent out February 9, 2018 and was signed for as received by TWR on February 12, 2018. Ms. Prado said there was subsequently an Order of Violation issued March 15, 2018 for unsecured vacant structure and overgrown weeds violations. An Order Imposing Fine was issued on April 16, 2018. Ms. Prado said that the structure is now secure and the unsecured vacant structure violation has come into compliance. Ms. Prado explained that the overgrown weeds violation remains and showed aerial photos taken in January 2018 and January 2022 for reference.

Ms. Prado said the property was purchased by Mr. Diackamann in December 2019, and noted a subsequent Code Enforcement case was brought before the Board for this property in 2022 for a storage of commercial vehicles violation. Ms. Prado said that issue was resolved. Ms. Prado clarified that today's request pertains to the 2018 case. Ms. Prado said that today's request is for the Board to grant approval to move forward with issuing a foreclosure action for this property for the Code Enforcement lien in consideration of the amount of time out of compliance. Ms. Prado noted that the property was purchased by Mr. Diackamann in 2019 and that he has not maintained the property and continues to leave it unattended. Ms. Prado said that Mr. Diackamann made contact with IRC Code Enforcement Officer Kelly Buck after receiving notice of this hearing and said that he would have the grass cut. Ms. Prado requested that the Board continue to move forward because the Respondent has a history of not maintaining the property.

ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to approve staff's request to initiate foreclosure proceedings pursuant to Florida Statute 162.09.

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

Authorization for Notices to Appear

ON MOTION BY David Myers, SECONDED BY James Kordiak, the Board voted unanimously (5-0) to authorize Notices to Appear.

Other Board Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 3:37pm.