

## **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, August 22, 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. Karl Zimmermann**, Realtor Appointee.

Chairwoman **Ms. Dana DiFrancesco**, Alternate Member Appointee; Vice Chairman **Mr. Pete Clements**, General Contractor Appointee; and **Mr. James Kordiak**, Member-at-Large were absent.

Also in attendance were Ms. Jennifer Peshke, 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. Steven Hitt, Environmental Planning; IRC Code Enforcement Officers: Ms. Daphne Driskell, Ms. Tricia Johnson, Ms. Kelly Buck, and Mr. Timothy Wrzesinski; 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 July 25, 2022 as presented.**

### **Attorney's Overview of Board Purpose and Procedures**

Ms. Jennifer Peshke 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 September 23, 2022: Case #2022040080, Case #2022050047, Case #2022050058, Case #2021110054, Case

#2021120008, Case #2022040015, Case #2022030038, Case #2022040014, Case #2021110002, Case #2022050006, Case #2022040031.

The following cases have been given a 60-day extension until October 21, 2022: Case #2022030009, Case #2021010056, Case #2022010049. The following cases were rescheduled: Case #2022040051, Case #2022050110, Case #2022050005. The following cases have been brought into compliance: Case #2022050059, Case #2022040007, Case #2022060054.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, 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.

### **Other Board Matters**

Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning, extended an invitation to the Planning Officials Training Workshop being held in Fellsmere on September 21<sup>st</sup> 8:00am–4:30pm in affiliation with the Atlantic chapter of the American Planning Association. There will be a \$20.00 per person admittance fee which includes breakfast and lunch.

## **EVIDENTIARY HEARING**

### **Case #2022050097 LSH Development, LLC / VB 40 Development Group, LLC**

IRC Environmental Planner Steven Hitt spoke regarding a property located at 320 27<sup>th</sup> Avenue that was cited for land clearing, tree removal, and upland conservation area violations. Service was obtained via certified mail. Mr. Hitt explained that the site received land development and wetland resource permits and land clearing approval. Mr. Hitt said that during the initial phase of development, land clearing, tree removal, and upland conservation violations were observed. Mr. Hitt showed photos, an aerial map, and diagram of the site plan for reference and showed where protected trees were removed without site plan approval.

Mr. Hitt gave a breakdown of how fines are calculated for the removal of protected and specimen trees and an explanation of how the fines for land clearing violations were calculated per area. Mr. Hitt gave staff's recommendation to impose a fine total in the amount of \$70,354.38. Mr. Hitt gave staff's recommendation that the Respondent rectify the upland conservation and land clearing violations by having a revegetation plan submitted and approved by the environmental planning staff within 30 days, or by September 23, 2022;

and within 60 days, or by October 24, 2022, complete the installation of plant material within upland conservation areas in accordance with the approved revegetation plan and have finally inspected, or be subject to a fine imposed in an amount up to \$250.00 per day. In response to a Board member question, Mr. Hitt gave further information about the tree mitigation requirement.

Representative Mr. Blaine Bergstresser with KMA Engineering was present and explained that he was the engineer on record for the project. Mr. Bergstresser showed the site plan and discussed mitigation credits and fees. Mr. Bergstresser explained that a land development permit was obtained with the landscape plans shown, but in the meantime, it was determined that more fill dirt was needed in an area where the trees would not be sustainable. Mr. Bergstresser said they wanted to discuss some ideas and present a mitigation plan while keeping concerns of neighboring property owners in mind. In response to a Board member question, Mr. Bergstresser said that an updated drainage plan was submitted after the need for additional fill was determined, but an updated landscape plan was not submitted. Mr. Andrew Sobczak, Assistant Community Development Director, was present and gave some further information about the site plan process.

Mr. Bergstresser requested a reduction of fines so that the money could be spent on re-planting and mitigation. Ms. Guerra gave further information regarding how the fines were calculated for land clearing and tree removal violations and the scope of the Board in making their determination.

Mr. Hitt gave staff's recommendation that a total fine in the amount of \$70,354.38 be imposed for the unauthorized removal of 2 specimen trees, 25 protected trees, 1 cabbage palm, upland area illegally cleared, and upland conservation area violations. In addition, Mr. Hitt gave staff's recommendation that the Respondent bring the property into compliance within 30 days, or by September 23, 2022, by submitting a revegetation plan for approval to Environmental Planning; and within 60 days, or by October 24, 2022, by completing the installation of plant material within the upland conservation area as per the approved revegetation plan.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (5-0) to accept staff's recommendation that a fine in the amount of \$70, 354.38 be imposed which included fines for the removal of protected and specimen trees and upland conservation violations. In addition, staff gave an extension of 30 days, or until September 23, 2022, for the Respondent to bring the property into compliance by submitting a revegetation plan for approval to Environmental Planning; and within 60 days, or until October 24, 2022, to complete the installation of plant material within the upland conservation area as per the approved revegetation plan.**

Note for the record that the Respondent's representative Blaine Bergstresser was present for this hearing.

### **COMPLIANCE HEARING**

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

Ms. Rebeca Guerra, presenting for IRC Code Enforcement Officer Vanessa Solomon, spoke regarding a property located at 5290 21<sup>st</sup> Street. Ms. Guerra reviewed the violations and explained the junk vehicle and vehicle parking/storage violations have come into compliance. Ms. Guerra showed photos demonstrating the violations of overgrown weeds and junk, trash, and debris remained unchanged. Ms. Guerra gave staff's recommendation that a fine in the amount of \$100.00 be imposed, beginning August 20, 2022, until the property is brought into compliance by removing overgrown weeds and the remaining junk, trash, and debris.

**ON MOTION BY David Myers, SECONDED BY Terence Schlitt, 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 August 20, 2022, until the property is brought into compliance by removing overgrown weeds and remaining junk, trash, and debris.**

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

### **EVIDENTIARY HEARINGS**

#### **Case #2021100050 Dinger, Findlay**

IRC Code Enforcement Officer Daphne Driskell spoke regarding a property at 5480 87<sup>th</sup> Street and reviewed the site plan nonconformance and no building permit violations. Service was obtained August 6, 2022. Ms. Driskell showed an aerial photo and photos demonstrating the violations and explained that the status remained unchanged. Ms. Driskell gave staff's recommendation for an extension of 30 days, or until September 23, 2022, for the Respondent to obtain a permit and final inspection for the driveway paving, or obtain a demolition permit and have it removed and returned to its original condition; and an extension of 30 days to remove commercial storage use or obtain administrative approval for such use, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until September 23, 2022, for the**

**Respondent to bring the property into compliance by obtaining an after-the-fact building permit and final inspection for the driveway and paving, or obtain a demolition permit and have removed and restored to its original condition; and 30 days, or until September 23, 2022, to obtain administrative approval for the commercial storage, or cease the commercial storage use on 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 #2022050101 Moran, Jesus & Maria**

IRC Code Enforcement Officer Daphne Driskell spoke regarding a property at 9156 104<sup>th</sup> Avenue and reviewed the cited violations. Service was obtained August 21, 2022. Ms. Driskell explained that the alteration of right-of-way without a permit violation had been brought into compliance. Ms. Driskell said that the no building permit violation remained and further specified it relates to an expired permit.

Respondent's representative Juan Moran was present and explained he experienced a delay in getting the needed concrete delivered. Mr. Moran said he thought the permit from 2006 had been finalized. Mr. Moran said he was unsure how to proceed in order to re-open the expired permit as he did not have the original documents with the engineer's information. Ms. Driskell reviewed the status of the open permits for the Board. Ms. Driskell gave staff's recommendation for an extension of 30 days, until September 23, 2022, for the Respondent to renew the expired building permit and have final inspection, 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.

**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 September 23, 2022, for the property to be brought into compliance by renewing the expired building permit (#200601172) for the shed and have 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's representative Juan Moran was present for this hearing.

**Case #2022050001 Faught, Christopher J. & Isbeth P.**

IRC Code Enforcement Officer Daphne Driskell spoke regarding a property at 8475 101<sup>st</sup> Avenue. Service was obtained August 10, 2022. Ms. Driskell showed an aerial photo and photos demonstrating the violations. Ms. Driskell explained the junk vehicle violation had come into compliance. Ms. Driskell said the no building permit violation remains for an expired permit, and that the owner had renewed the expired permit and is awaiting final inspection. Ms. Driskell gave staff's recommendation for an extension of 30 days, until September 23, 2022, for the Respondent to obtain final inspection, or obtain a demolition permit to remove the shed, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until September 23, 2022, for the property to be brought into compliance by obtaining final inspection for the permit, or obtain a demolition permit, 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 #2021080033 CF KL Assets 2019-2, LLC**

Ms. Daphne Driskell, IRC Code Enforcement Officer, spoke regarding a property located at 8415 102nd Avenue and reviewed the cited violations. Ms. Driskell explained that the junk vehicle violation had come into compliance. Ms. Driskell gave some history of the case and said that an evidentiary hearing was held on September 27, 2021 pertaining to a property maintenance violation. The Building Department had posted a Notice of Violation for an unsafe structure on November 7, 2021. The Notice was for the Respondent to either correct the violation by obtaining all required permits with work commencing within 30 days of receiving the Notice and all violations corrected and the property brought into full compliance within 180 days, or alternatively, demolish the structure with required permits. Ms. Driskell reported the status remained unchanged.

Ms. Prado explained that the original expectation was for the Respondents to either remove the structure or repair the structure with permits, and they decided they wanted to move forward with repairs and reconstruction. Ms. Prado reviewed the options that were presented to the Respondent at the last hearing and noted what was still outstanding. Ms. Prado said there had been no communication from the Respondent. Ms. Prado also noted that the permit would not be renewed once expired because the violation was a health and safety issue.

Respondent's representative Bill Hammant was present and explained that trusses have been ordered and are scheduled to be delivered September 2, 2022. Mr. Hammant said

the demolition for the old trusses had already been scheduled. There was discussion about the status of the building permits and Ms. Guerra explained that one of them expired August 24, 2022. It was noted there had already been five extensions of time granted.

Ms. Driskell gave staff's recommendation that a fine in the amount of \$250.00 per day be imposed, beginning August 20, 2022, due to the health and safety issue until the property is brought into compliance. Mr. Myers made a motion to amend staff's recommendation, that a fine in the amount of \$250.00 per day be imposed, beginning August 24, 2022, until the property is brought into compliance. In regard to the status of the building permits, Ms. Prado recommended Mr. Hamant speak to the Building Department for clarification.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (5-0) to impose a fine in the amount of \$250.00 per day, beginning August 24, 2022, until the property is brought into compliance.**

Note for the record that the Respondent's representative Bill Hammant **was** present for this hearing.

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

IRC Code Enforcement Officer Daphne Driskell reviewed the cited violations regarding property at 7815 97<sup>th</sup> Avenue. Ms. Driskell explained that the junk vehicle and junk, trash, and debris violations had 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 an extension at the last hearing on June 27, 2022 in order to give him time to start a contract for probate as he was otherwise not able to renew or obtain any permits. Ms. Driskell said she had not had any communication from the Respondent and that a building permit application has not been submitted. Ms. Driskell said she did not know whether or not a contract for probate has been filed.

Ms. Driskell gave staff's recommendation that a fine in the amount of \$100.00 per day be imposed, beginning August 20, 2022, until the property is brought into compliance.

**ON MOTION BY David Myers, SECONDED BY Terence Schlitt, 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 August 20, 2022, until the property is brought into compliance by obtaining necessary permits.**

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

## EVIDENTIARY HEARINGS

### Case #2022060066 Embler, Gregory Charles

IRC Code Enforcement Officer Tricia Johnson spoke regarding a property at 131 South 19<sup>th</sup> Circle Southwest. Ms. Johnson reminded the Board this case was heard in February of last year for overgrown weeds and junk, trash, and debris violations as well as a fence violation for a fence in disrepair. Ms. Johnson said that the violations had been brought into compliance and remained in compliance, but that she is requesting a Continuing Order due to the history of reoccurrence.

Respondent Gregory Embler was present and said his intention is to comply with what is required to keep the property in compliance. The stipulations of the Continuing Order were explained to Mr. Embler. Ms. Johnson reiterated staff's request for a Continuing Order.

**ON MOTION BY Karl Zimmermann, SECONDED  
BY David Myers, the Board voted unanimously (5-0)  
to accept staff's request to impose a Continuing Order  
for this property.**

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

### Case #2022040089 1532, LLC / c/o Allen M. Bressier (Dollar General)

IRC Code Enforcement Officer Tricia Johnson spoke regarding a property at 950 Old Dixie Highway Southwest and reviewed the cited violations. Ms. Johnson explained that this is the site of a Dollar General store. Ms. Johnson gave some history of the property and explained it is in compliance, but that she is requesting a Continuing Order due to the history of reoccurrence.

**ON MOTION BY David Myers, SECONDED BY  
Karl Zimmermann, the Board voted unanimously (5-0)  
to accept staff's request to impose a Continuing  
Order for this property.**

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

## COMPLIANCE HEARING

### Case #2022040090 Wilson, Erica L.

IRC Code Enforcement Officer Tricia Johnson spoke regarding a property located at 2453 3<sup>rd</sup> Street Southwest. Ms. Johnson reminded the Board that this case was heard last month on July 25, 2022. Ms. Johnson reviewed the cited violations for property maintenance, boat/trailer storage, junk vehicle, no building permit, and junk, trash, and debris. Ms.

Johnson noted that the property maintenance violation related to the utilities not being operable for the residence. Ms. Johnson showed photos taken which demonstrated the violations and explained there have been no changes since the last hearing. In response to a Board member question, Ms. Johnson said it was unknown whether or not someone is residing in the house. Ms. Johnson reminded the Board that at the last hearing the Respondent was given 14 days to have the utilities turned on to the house and 30 days to bring the rest of the violations into compliance. Ms. Johnson said that she checked with the Utilities Department and that as of last week the water had not been turned on.

Ms. Johnson gave staff's recommendation that a fine in the amount of \$250.00 per day be imposed, beginning August 9, 2022, until the property is brought into compliance.

**ON MOTION BY David Myers, SECONDED BY Terence Schlitt, the Board voted unanimously (5-0) to accept staff's recommendation that a fine in the amount of \$250.00 per day be imposed, beginning August 9, 2022, until the property is brought into compliance.**

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

### **EVIDENTIARY HEARINGS**

#### **Case #2022050033 Ferguson Rentals, LLC / Myra Ferguson**

IRC Code Enforcement Officer Timothy Wrzesinski spoke regarding a property located at 33<sup>rd</sup> Avenue. Mr. Wrzesinski reviewed the cited violations for junk vehicle(s) and junk, trash, and debris and showed photos demonstrating the violations. Service was obtained. Mr. Wrzesinski showed an aerial view of the property and location and explained that it is a vacant piece of land with no structure. Mr. Wrzesinski explained that the junk vehicle violation had come into compliance. Mr. Wrzesinski gave staff's recommendation for an extension of 30 days, until September 23, 2022 for the Respondent to bring the property into compliance by removing the remaining junk, trash, and debris, or be subject to a fine imposed in an amount up to \$250.00 per day.

Respondent Myra Ferguson was present and explained there are issues with the tenant living on the neighboring property which is owned by her brother. Ms. Ferguson said she has been threatened by the occupant at the property and that she has spoken to the Sheriff's Department about the issue. Ms. Ferguson explained the house the tenant lives in belongs to her brother. It was suggested that Ms. Ferguson obtain legal advice on how best to proceed.

Mr. Myers made a motion to amend the recommendation to an extension of 60 days for the Respondent to remove 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 Karl Zimmermann, the Board voted unanimously (5-0) to accept staff's amended recommendation for an extension of 60 days, or until October 21, 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 Myra Ferguson was present for this hearing.

*A ten minute break was taken at this time 2:55 pm.*

**Case #2022050081 Clark, Odessa (Estate of) / Cecial Clark**

IRC Code Enforcement Officer Kelly Buck spoke regarding a property located at 4776 34<sup>th</sup> Avenue and reviewed the cited violations. Notice was posted August 8, 2022. Ms. Buck said the junk vehicle(s) violation had come into compliance. Ms. Buck showed a photo demonstrating the violations and pointed out 3 boat/trailer(s) stored on the property, stacks of wood, and overgrown weeds. Ms. Buck noted that some progress had been made with cleanup. Ms. Buck gave staff's recommendation for an extension of 30 days, or until September 23, 2022, for the Respondent to remove all junk, trash, and debris from the property, mow the grass and overgrown weeds, and cease the storage of more than one boat in an unenclosed area, or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, the Board voted unanimously (5-0) to accept staff's recommendation for an extension of 30 days, until September 23, 2022, for the Respondent to remove all junk, trash, and debris, mow the grass and overgrown weeds, and cease the storage of more than 1 boat in an unenclosed area, 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 #2022060050 Valcius, Antoine & Luciana**

IRC Code Enforcement Officer Kelly Buck spoke regarding a property located at 3986 46<sup>th</sup> Place and explained the cited violations were for unsecured vacant structure and recreational vehicle illegal use. Ms. Buck gave some history of the case and showed photos demonstrating the violations. The condition of the structure on the property was discussed.

Respondent Antoine Valcius was present and explained he has owned the property since January, 2022. Mr. Valcius said his intention was to repair the structure but he is unable

to obtain the documentation necessary to apply for permits. Mr. Valcius said he was not living in the recreational vehicle on the property. It was explained to Mr. Valcius that the RV is not permitted to be at the property. Mr. Valcius said he is trying to sell the RV.

Ms. Buck gave staff's recommendation for an extension of 30 days, or until September 23, 2022, for the Respondent to secure all openings of the structure and cease living in the RV and remove it 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 September 23, 2022, for the Respondent to bring the property into compliance by securing all openings to the structure, and cease living in the RV and have it removed from the property, or be subject to a fine imposed in an amount up to \$250.00 per day.**

Ms. Buck explained there is a fence on the property that was not there when she initially cited the violations. Ms. Buck explained to Mr. Valcius that the fence needs to be removed.

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

**Case #2022050019 Dillon, John Kris**

IRC Code Enforcement Officer Kelly Buck spoke regarding a property located at 735 Timber Ridge Trail Southwest Unit A where a no building permit violation was cited due to an expired A/C changeout permit. Notice was posted August 8, 2022. Ms. Buck explained that the case came from the Contractor Licensing Division and showed the Notice of Violation that was sent to the owner by the Building Department. Ms. Buck said the permit had not yet been renewed.

Ms. Buck gave staff's recommendation for an extension of 30 days, or until September 23, 2022, for the Respondent to renew the permit and have it finally inspected, 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 that Respondent be given a 30 day extension, until September 23, 2022, to renew the permit and have finally inspected, 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 spoke regarding a property located at 4616 33<sup>rd</sup> Avenue and reviewed the cited violations are for junk vehicle(s), and junk, trash, and debris. Notice was posted August 8, 2022. Ms. Buck showed photos taken this morning demonstrating the violations. Ms. Buck said she has not been contacted by the property owner or tenants.

Ms. Buck gave staff's recommendation for an extension of 30 days, or until September 23, 2022, for the Respondent to bring the property into compliance by removing all junk, trash, and debris, and removing the junk vehicle(s), or be subject to a fine imposed in an amount up to \$250.00 per day.

**ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, the Board voted unanimously (5-0) to accept staff's recommendation that Respondent be given an extension of 30 days, or until September 23, 2022, to bring the property into compliance by removing all junk, trash, and debris, and removing the junk vehicle(s), 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 #2022050015 Jividen, Dawn**

IRC Code Enforcement Officer Kelly Buck spoke regarding a property located at 746 4<sup>th</sup> place Southwest where a no building permit violation was cited due to an expired A/C changeout permit. Ms. Buck explained that the permit has not yet been renewed.

Mr. Steven Denney was present and explained he purchased the property in July, 2022 and said the former owner is still residing there as a tenant, but was expected to move soon. Mr. Denney said he was previously unaware of the violation but that he intends to bring the property into compliance and requested an extension of time. Ms. Prado noted the seller was required to disclose to violation.

Ms. Buck gave staff's recommendation for an extension of 60 days, or until October 21, 2022, for the Respondent to renew the expired permit and have final inspection, or be subject to a fine imposed in an amount up to \$100.00 per day.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (5-0) to accept staff's recommendation that Respondent be given a 30 day extension, until October 21, 2022, to**

**renew the expired permit and have finally inspected, or be subject to a fine imposed in an amount up to \$100.00 per day.**

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

**Case #2022040010 Norris, Tracy L.**

IRC Code Enforcement Officer Kelly Buck spoke regarding residential property at 4355 23<sup>rd</sup> Court and reviewed the cited violations were for recreational vehicle illegal use and storage, junk vehicle(s), and illegal parking in the right-of-way. Ms. Buck displayed a photo of the property demonstrating the violations remain unchanged. Ms. Buck explained there has been some progress with removal of the junk vehicle(s).

Mr. Norris was present and explained he has removed two of the vehicles and the remaining vehicle is to be sold or he will have it removed. There was discussion about moving the recreational vehicle. It was explained to Mr. Norris that the RV needs to be parked in a designated parking spot. Ms. Buck explained that it could not be parked on a vacant lot, but in a designated parking spot of a primary residence.

Ms. Buck gave staff's recommendation for an extension of 30 days, until September 23, 2022, for the Respondent to park the RV in a designated parking spot, or remove it from the property, or be subject to a fine imposed in an amount up to \$100.00 per day.

**ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (5-0) to accept staff's recommendation that Respondent be given an extension of 30 days, or until September 23, 2022, for the Respondent to bring the property into compliance by parking the RV in a designated parking spot, or removing from the property, or be subject to a fine imposed in an amount up to \$100.00 per day.**

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

**Case #2022040023 Norris, Tracy Lerone**

IRC Code Enforcement Officer Kelly Buck spoke regarding residential property at 4365 23<sup>rd</sup> Court where the cited violations were for junk vehicle (s) and illegal parking in a right-of-way. Ms. Buck showed a photo demonstrating there had been some progress but that an untagged vehicle remains. Respondent Tracy Norris was present and said the vehicle had been moved.

Ms. Buck gave staff's recommendation for an extension of 30 days, until September 23, 2022, for the Respondent to remove the remaining untagged vehicle, or be subject to a fine imposed in an amount up to \$100.00 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 September 23, 2022, for the Respondent to bring the property into compliance by removing the remaining untagged vehicle, or be subject to a fine imposed in an amount up to \$100.00 per day.**

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

### **LIEN RELEASE REQUESTS**

#### **Case #2016020084 Summit Tax Partners, LLC**

Chief of Code Enforcement and Environmental Planning Ms. Rebeca Guerra spoke regarding a property located at 2205 43<sup>rd</sup> Street and explained it was once a convenience store but is now unoccupied. 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 the building has been boarded and secured. Ms. Guerra explained there are interested buyers who intend to revitalize the property.

The prospective buyer's representative, Jeremy Dzurick was present and explained the property is under contract for purchase. Ms. Peshke explained that any fines or liens would be attached to the present owner and would be paid as agreed upon closing.

Ms. Guerra explained that a fine in the amount of \$100.00 per day was imposed beginning May 21, 2016 and the property came into compliance July 22, 2020. The property remained 2,253 days out of compliance resulting in a total fine of \$225,300.00. The administrative costs were calculated at \$1,700.00. For reference, the 2021 assessed value is \$14,613.00. Ms. Guerra gave staff's recommendation to impose a fine in the amount of \$1,700.00 which represented administrative costs.

**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 \$1,700.00 which represented administrative costs.**

Note for the record that the prospective buyer's representative, Jeremy Dzurick, was present for this hearing.

### **ADMINISTRATIVE HEARINGS**

#### **Case #2021030022 Palms at Vero Beach LTD PTNR / c/o Fellrs, Schewe, Scott, Inc.**

Assistant County Attorney Susan Prado spoke regarding a property located at 1210 4<sup>th</sup> Terrace and showed photos taken recently which demonstrated the violations. Ms. Prado reviewed the history of the case and explained this is a repeat violation. Service was received via certified mail by the Respondents representative on March 12, 2021. At a hearing held March 22, 2021 the Respondent was given time to correct the violation although, Ms. Prado noted, such time was not warranted or guaranteed under Florida statute for a repeat violation. An Order Finding Violation was entered June 1, 2021 for the repeat violation of excess trash overflowing a dumpster that was placed on the property without site plan approval. Ms. Prado explained the original violation was cited May 20, 2019 when the Board issued an Order Finding Violation for this same violation along with two others.

Ms. Prado explained that this request is for the Board to grant approval to move forward with issuing a foreclosure action for the property's Code Enforcement lien. Ms. Prado said she spoke with the Respondent's representative and was told they are pursuing site plan approval for improvements. Ms. Prado stated that the accumulated trash creates a health/safety violation and this is why the request is being made to move forward with the foreclosure action, and that if the site is brought into compliance, the foreclosure action will not proceed.

Respondent's representative, property manager Victoria Ramsey was present and explained there are non-residents as well as residents disposing of trash in the dumpster which was compounding the problem. Ms. Ramsey stated there was a weeklong temporary stop of trash service, and contended that is when the photos were taken and the complaints received. Ms. Ramsey stated they have been trying to keep that area and the grounds clean and spoke about the plans to improve the trash enclosure. Respondent's representative Ms. Jeanette Robles elaborated on the change to the site plan and explained they are making some changes including adding a trash compactor and needed an engineer's input for submission. Ms. Robles explained they were delayed due to difficulties in obtaining contractor bids. In response to a Board member question, Ms., Ramsey explained they have increased their trash pickup to 3 times a week instead of 2 pickups as was done previously. Ms. Ramsey also explained the addition of an onsite maintenance person who will help monitor the area. Ms. Ramsey clarified that there is currently a trash compactor onsite and said it is being used, but that it is not big enough to keep up with the volume of trash.

Mr. Sobczak clarified that the site plan submitted was approved in April of 2022. Mr. Sobczak said that this property has had an ongoing trash problem over the years and the Department is looking to see what steps are being taken to resolve the problem. Acting Chairman Petrulak clarified that this hearing's purpose is not to rehear the entire case but to hear staff's request to initiate a foreclosure action. Ms. Prado clarified the request to move forward is being made in order to not waste time being it is a health/safety issue, but that if the property comes into compliance, the County would not proceed with foreclosure action. Ms. Guerra informed the Board the case had been Noticed and will be heard by the Board of County Commissioners on September 20, 2022.

Mr. Zimmermann brought up the long history of the trash problem at this property and the issue of the neighboring communities using the dumpster for trash disposal. There was discussion about how to secure the dumpster area from non-residents. Mr. Schlitt made

a motion to approve staff's request to move forward with issuing a foreclosure action for the property.

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

Ms. Guerra reiterated to the Respondents that the case will be heard by the Board of County Commissioners on September 20, 2022.

Note for the record that the Respondent's representative's Victoria Ramsey and Jeanette Robles were present for this hearing.

**Case #2019070113 Watts, Gloria J. Watts, Gloria J. (Estate of)**

Assistant County Attorney Susan Prado reviewed the history of violations regarding property located at 2434 2<sup>nd</sup> Avenue Southeast. Ms. Prado gave some history of the case, explaining that the owner is deceased and probate has not been filed. Ms. Prado showed photos taken prior and photos taken more recently demonstrating the violations and noted there have been two extensions of time granted. Ms. Prado explained the property is still out of compliance with junk, trash, and debris and that a water connection permit has not been finalized. Ms. Prado said there is also a building permit for a shed that is still in question. Ms. Prado also noted there is a separate tax lien on the property in the amount of \$6,000.00.

Ms. Prado explained that when reviewing the original Order Finding Violation and the minutes from the compliance hearing, it was discovered that the Florida Building Code violation was not listed on the Order. Ms. Prado said that the first request is for the Board to enter an Amended Order Imposing Fine Nunc Pro Tunc solely to correct the scrivener's error. Ms. Prado explained that a time period of at least 3 months needed to pass after recording the Amended Order Imposing Fine before moving forward with a foreclosure action.

Ms. Prado explained that the second request is for the Board to grant approval to move forward with initiating a foreclosure action for the property in 3 months from the date the Amended Order Imposing Fine Nunc Pro Tunc is recorded, if still out of compliance once the time period has passed.

**ON MOTION BY Terence Schlitt, SECONDED BY David Myers, the Board voted unanimously (5-0) to approve staff's request to enter an Amended Order Imposing Fine Nunc Pro Tunc which would revert the fine imposed to the previous date if the shed, fence and water connection permits are not obtained and finally inspected.**

**ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, 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 Karl Zimmermann, SECONDED BY David Myers, 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 4:15pm.