

ENVIRONMENTAL CONTROL HEARING BOARD

The Indian River County (IRC) Environmental Control Hearing Board (The Board) held a meeting at the County Administration Building, Commission Chambers, 1801 27th Street, Vero Beach, Florida on Thursday, February 4, 2021 at 12:30 p.m.

Present were members: **Chairperson Mr. Kevin Rollin**, Attorney Appointee; **Dr. Philip Glade**, Medical Doctor Appointee (**via conference call**); **Mr. Patrick Walther**, Engineer Appointee; and **Mr. Christopher Murphy**, Member-at-Large.

Also, present was Ms. Jennifer Peshke, Attorney for the Board; **Ms. Susan Prado**, IRC Assistant County Attorney; IRC Environmental Health (The Department) Staff: **Ms. Cheryl Dunn**, Environmental Health Manager; **Ms. Julianne Price**, Environmental Specialist; and Ms. **Vanessa Desnoyers**, Recording Secretary.

Call to Order

Vice Chairperson Mr. Christopher Walther called the meeting to order at 12:33 p.m. and stated for the record, the meeting will reconvene when there is a quorum.

The meeting reconvened at 12:48pm after a physical quorum was present.

Roll Call by Secretary

The secretary called the roll and advised the Board a quorum was present.

Consideration of December 3, 2020 Minutes

ON MOTION BY Mr. Patrick Walther, SECONDED BY Mr. Rollin, the members voted unanimously (4-0) to approve the minutes of December 3, 2020 as amended. The motion passes.

Additions-Deletions to Agenda

There were none.

Swearing In of Those Who Intend to Testify

The secretary administered the testimonial oath to those that were present who wished to testify at the meeting.

HEARINGS

Case #565-18 – Dallas Yates and Jane Yates (OR) Their Estates

IRC Assistant County Attorney Susan Prado described the case and stated that this case is being brought back in front of the Board for failure to comply with a previous order to bring the property into compliance. This case was heard on February 7, 2019 and had several violations relating to a septic tank violation, a sanitary nuisance, overgrown vegetation, and creating conditions for rodent and roach harborage.

Julianne Price of the Department of Health described her inspection of the subject property, and noted the state of the home appeared to be vandalized and unmaintained, and the community has implied that there are unpermitted tenants in the home. Ms. Price stated that she visited on January 15, 2021 and the conditions were the same.

Ms. Prado questioned if Ms. Price attempted to serve the person who filed the Petition in Probate as the Personal Representative of the Estate of the subject property. Ms. Price clarified that she was unable to get personal service on Dallesteen Yates via hand delivery, but did send the motion and notice of hearing to Ms. Yates via certified mail return receipt requested and that the return receipt was received. Ms. Price also posted the property according to code section §162.12. Ms. Price has received no response.

Chairman Rollins questioned if Ms. Yates had been appointed to be the Personal Representative of the Estate. Ms. Prado stated that she was unable to access the order to confirm because the County is not the counsel of record. Ms. Prado stated that she reached out to the counsel of record and hasn't received a response. Dr. Glade stated that the County previously had this issue, being unable to identify the owner of the property, and County Staff had to bring it into compliance.

Ms. Prado stated that she is currently working on filing a claim in the Estate for the Code Enforcement Board to pursue regarding the lien placed on the property. Ms. Dunn stated concerns about allegations of tenants living at the subject property with an abandoned septic system.

Mr. Rollin, Ms. Dunn, Ms. Peshke and Ms. Prado discussed the draft order and remedies to bring the property into compliance. Mr. Walther questioned if the property was connected to the city utilities, or if they had their own well for water.

Ms. Price responded stating that they have well water and the community's concern is that the properties are illegally inhabited, and there is theft and other criminal activity taking place. Mr. Murphy and Chairman Rollin discussed the roles of the other County agencies and the overlapping liens and violations and fining the estate. Attorney Peshke suggested that the Board revisit the case at the next upcoming hearing to monitor any changes and receive an update on the property. The Board discussed the case in depth, potential hazards and other possible remedies.

ON MOTION BY Mr. Kevin Rollin, SECONDED BY Mr. Patrick Walther, the members voted (4-0) to adopt the proposed Order as written by the Health Department with the addition to bring back the respondent for the next hearing. The motion passed.

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

Board Matters/Discussion

There were none.

Adjournment

There being no further business, the meeting was adjourned at 1:50 p.m.