

CODE ENFORCEMENT BOARD MINUTES
Wednesday, February 10, 2021 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: Linda Hillman, Christopher Bryant, Richard Kennedy, Frank Pizzichillo (via GoToMeeting) and Ken Daige **Also Present:** Code Enforcement Officer, Melody Sanderson; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

*Please note that Mr. Frank Pizzichillo was present for today's meeting via GoToMeeting and took part in discussions. However, because he was not physically present, he did not vote on any matters during this meeting.

1. CALL TO ORDER

Today's meeting was called to order at 1:30 p.m.

2. PLEDGE OF ALLEGIENCE

The Chairman led the Board members and the audience in the Pledge of Allegiance to the flag.

The Deputy City Clerk swore in staff and the audience present for today's meeting en masse.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – January 13, 2021

Mr. Price referred to page 20 of the January 13, 2021 Code Enforcement Board minutes. He noted that "reigned" should be "resigned."

Mr. Price made a motion to adopt the minutes of the January 13, 2021 Code Enforcement Board meeting as amended. Mr. McDonald seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #20-CE-11344 – Lion Equity Partners, LLC / Michael Buza, Case #20-CE-11355 Lion Equity Partners, LLC / Michael Buza, and Case #20-CE-11357 – Kuchar, LLC and Matilde Sorenson from today's agenda. She reported that they all came into compliance after receiving the Notice of Hearing.

Mr. Price made a motion to adopt the agenda as amended. Mr. McDonald seconded the motion and it passed unanimously.

Mr. Price made a motion to approve Mr. Pizzichillo's participation by zoom. Mr. McDonald seconded the motion and it passed unanimously.

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

A) Citation Appeals

*Please note that the items on today's agenda were not heard in the order listed. All evidence produced during today's hearings are on file in the City Clerk's office.

1. CASE #20-CE-11372 / 3087M

VIOLATOR: Rome Granite and Marble, LLC / Tony Figueredo (tenant) and Maxwell Properties, Inc. / James R. Maxwell, Agent (owner)

VIOLATION: Sign violation - Code Section 38.17 (s)

VIOLATION ADDRESS: 1146 21st Street, Suite A, Vero Beach, Florida 32960

Ms. Sanderson reported that this case is before the Board under appeal. The violator is Rome Granite and Marble, LLC, Mr. Tony Figueredo, who is the tenant of the property. Mr. James R. Maxwell, is the Property Owner, and is present for today's hearing. She reported that the violation is for feather signs on the property. She showed on the doc cam a photograph of the signs. She reported that a warning citation was issued by posting of the property on December 31, 2020, and there was a sign on the door stating that they were closed until January 4, 2021. On January 4, 2021, Mr. Figueredo spoke with Ms. Gayle Lafferty, of the Planning and Development Department and was advised that feather signs are prohibited by Vero Beach Code. Ms. Sanderson reported that the signs remained out for the rest of the week incurring a daily violation. She reported that the property was brought into compliance on January 11, 2021. She reported that Mr. Maxwell was copied on the citations as the property owner and he is appealing this case.

Mr. Richard Maxwell, Property Owner, who was sworn in, said that he was not informed about this until he received the citation on January 11, 2021, which is when he took the signs down.

Ms. Sanderson explained that the fine didn't start until Mr. Figueredo was told by the Planning and Development Department that the signs were to come down and he opted to keep them up.

Mr. Daige said so the tenant was told that he needed to take the signs down and he chose not to. He said it is unfortunate that the property owner was not informed.

Ms. Sanderson explained that when she begins the code enforcement process with a warning citation she does not notify the property owner because she first tries to work with the tenant to have them come into compliance.

Mr. Maxwell said that he wasn't aware of this or he would have taken the signs down himself, which he did once he received the citation. He said that the tenant is new to the area and does not know the rules.

Ms. Sanderson said the tenant received a warning citation and spoke with the Planning and Development Department and with her.

Mr. Price asked was the civil penalty paid.

Ms. Sanderson answered no.

Mr. Price asked what is the penalty.

Ms. Sanderson answered \$50.

Mr. Maxwell said that he is getting stuck with a fine and he didn't know anything about this.

Ms. Sanderson said it is either Mr. Maxwell or the tenant. She said the tenant incurred the fine and the tenant should pay it.

Mr. Maxwell said that he is listed on the citation. He asked is he on the hook to pay the fine or is the tenant.

Mr. Price said you want to get the tenant to pay it, but technically you are responsible as the property owner.

Ms. Sanderson said the citation was posted on the door, as well as mailed to Mr. Maxwell and to Mr. Figueredo at his home address.

Mr. Maxwell said that he didn't receive the first mailing.

Mr. Price said that Mr. Maxwell's argument is that he didn't receive the warning citation and did receive the citation with the fine, which is when he removed the signs.

Mr. Daige said what he is hearing is that Code Enforcement did inform the tenant and the tenant left the signs up anyway. He said it is unfortunate that the property owner is stuck with any fines on the property, but that goes with leasing of property. He said that he is not in favor of removing the civil penalty because the tenant was given time to comply and was asked to remove the signs.

Mr. Pizzichillo felt that Mr. Maxwell should work this out with his tenant. He said there was a violation.

Mr. Price said this is a \$50 lesson for the owner to work with the tenant. He said that Mr. Maxwell needs to let his tenant know that when something like this occurs that he needs to let him know.

Mr. Maxwell said that he is stuck with a fine for his tenant's doings, which he didn't know anything about.

Ms. Sanderson asked did your tenant bring this to your attention.

Mr. Maxwell said his tenant was on vacation.

Ms. Sanderson asked once the tenant came back from vacation and received the warning and the citation, and spoke with the Planning and Development Department, did he tell you.

Mr. Maxwell answered yes, but he thought the signs were taken down.

Mr. Daige said it is unfortunate, but there was a violation and the tenant chose to ignore it. He is still for upholding the \$50 civil penalty.

Mr. McDonald asked is there a \$50 penalty on all of these cases (referring to the other cases against this property that are listed on today's agenda).

Ms. Sanderson answered yes. She said there was a citation issued every day that the signs remained on the property.

Mr. Maxwell said then basically he has to pay the fine and deal with the tenant.

Mr. Price answered yes.

Mr. Daige moved that the Board finds that there was a violation, the violation has been corrected and that the Board issue a Board order to pay the initial civil penalty of \$50. Mr. McDonald seconded the motion and it passed unanimously.

2. CASE #20-CE-11381 / 3097M

VIOLATOR: Rome Granite and Marble, LLC / Tony Figueredo (tenant) and Maxwell Properties, Inc. / James R. Maxwell, Agent

VIOLATION: Sign violation – Code Section 38.17 (s)

VIOLATION ADDRESS: 1146 21st Street, Suite A, Vero Beach, Florida 32960

Ms. Sanderson reported that this is an appeal of the secondary citation that was issued on the day that the signs remained on the property.

Mr. Price moved that the Board finds that there was a violation, the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50. Mr. Daige seconded the motion and it passed unanimously.

B) Non-Compliance / Compliance Reports

1. Request for Board Order

a. CASE #20-CE-11386 / 3100M

VIOLATOR: Rome Granite and Marble, LLC / Tony Figueredo (tenant) and Maxwell Properties, Inc. / James R. Maxwell, Agent

VIOLATION: Sign violation – Code Section 38.17 (s)

VIOLATION ADDRESS: 1146 21st Street, Suite A, Vero Beach, Florida 32960

(Failure to pay \$50 civil penalty)

Mr. Price moved that the Board finds that there was a violation, the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50. Mr. Daige seconded the motion and it passed unanimously.

- b. CASE #21-CE-11387 / 3101M**
VIOLATOR: Rome Granite and Marble, LLC / Tony Figueredo (tenant) and Maxwell Properties, Inc. / James R. Maxwell, (owner)
VIOLATION: Sign violation – Code Section 38.17 (s)
VIOLATION ADDRESS: 1146 21st Street, Suite A, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty)

Mr. Price moved that the Board finds that there was a violation, the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50. McDonald seconded the motion and it passed unanimously.

- c. CASE #20-CE-11352 / 3068M**
VIOLATOR: Rome Granite and Marble, LLC / Tony Figueredo
VIOLATION: Sign violation – Code Section 38.17 (s)
VIOLATION ADDRESS: 1146 21st Street, Suite A, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty)

Mr. Price moved that the Board finds that there was a violation, the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50. Mr. McDonald seconded the motion and it passed unanimously.

Mr. Kennedy noted that Mr. Maxwell was not listed as a violator in this case.

Ms. Sanderson said this is the first case initiated and she tried to work with the tenant before getting the property owner involved.

Mr. John Turner, City Attorney, asked Mr. Maxwell if he understands today's proceedings.

Mr. Maxwell answered yes. He asked how much money is due.

Mr. Kennedy answered a total of \$250.

Mr. Maxwell said that he thought it was \$50.

Mr. Kennedy explained that there is a \$50 civil penalty for each case.

- d. CASE #20-CE-11104 / 2950M**
VIOLATOR: Edelmoro Ledezma Lopez
VIOLATION: Failure to obtain Code Compliance Certification or building permits – Code Section 64.05 (9)(b)
VIOLATION ADDRESS: 11 Lamplighter Lane, Vero Beach, Florida 32960

(This case was heard by the Board on October 14, 2020, and the Board allowed 90-days (January 11, 2020) to comply – Failure to comply; Failure to pay \$50 civil penalty)

Ms. Sanderson reported that this case was heard by the Board in October and the Board allowed 90-days to correct the violation with fines held in abeyance until a permit was issued. She reported that the Property Owner / tenant opted to remove the carport rather than get an after the fact permit. The fine has been paid and they are in compliance by the removal of the carport.

Mr. McDonald made a motion that the property is in compliance and the fine has been paid (that the Board issue a Board order finding that there was a violation, the violation has been corrected, and the civil penalty has been paid). Mr. Daige seconded the motion and it passed unanimously.

- e. **CASE #20-CE-11107 / 2952M**
VIOLATOR: Yahaira Hernandez-Arriaga
VIOLATION: Addition installed without Code Compliance Certification or building permits – Code Sections 64.05; 22.181; 22.106
VIOLATION ADDRESS: 30 Aero Lane, Vero Beach, Florida 32960
(This case was heard by the Board on October 14, 2020, and the Board continued the case to the February 10, 2021, Code Enforcement Board meeting. The \$50 civil penalty has been paid. – Failure to comply)

Ms. Sanderson reported that this case was brought before the Board in October and the Board granted a continuance with no accruing penalties. She reported that the property owner has elected to demolish the additional dwelling units that were added to the side of the mobile home. A permit was issued last Friday. She spoke with Ms. Hernandez and was told that she (Ms. Hernandez) thought her contractor could have it done in one (1) or two (2) weeks. Ms. Sanderson asked that the Board finds that there is a violation, the violation continues, that they issue a Board order to correct the violation within 30-days from the date of the Board Order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of September 17, 2020, until corrected and that the initial civil penalty has been paid.

Mr. McDonald moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of September 17, 2020, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

- f. **CASE #20-CE-11304 / 3023M**
VIOLATOR: Gerald and Joanne Duhaime
VIOLATION: Carport and screen room constructed without Code Compliance Certification from the City of Vero Beach

Planning and Development Department or building permits from the Indian River County Building Department – Code Sections 64.05 (a)(b)(9)(b); 22-181; 22-106 (a)(b)

VIOLATION ADDRESS: 1470 33rd Avenue, Vero Beach, Florida 32960

(This case was heard by the Board on January 13, 2021, and the Board continued the case to the February 10, 2021, Code Enforcement Board meeting. The \$50 civil penalty has been paid. – Failure to comply

Ms. Sanderson reported that the carport has been removed as of December 29, 2020, and the civil penalty has been paid. This case is before the Board today regarding the screen room that was constructed at the rear of the property.

Ms. Julia Graves, Attorney, who has been sworn in, reported that she is present representing Mr. Gerald Duhaime, Property Owner, who is also present for today's hearing. She said that they would like to address the carport issue, even though it has been allegedly taken care of because her client had a permit for it from 2017. She said they are not sure why he had to take the carport down and he would like to put it back up. She said that she was not sure why he was in violation in the first place.

Ms. Sanderson put on the doc cam a copy of the Code Compliance Certification Application that was voided. She said her understanding from the City Planning and Development Department was that the carport was approved. She explained that it was in the required front yard and the right-of-way in the required front yard extends 25-feet and the lot depth was not deep enough for the carport so the application was voided. She said there also was not a building permit issued for the carport to be installed that she is aware of.

Mr. Price said it is possible that this was voided after Mr. Duhaime received his copies.

Ms. Sanderson said that she could not speak for the Planning and Development Department. She then excused herself from the hearing in order to call the Planning and Development Director to request that he attend today's hearing.

Ms. Graves said that she could have her client testify about it, but he told her that he was never notified that the application was voided. She showed on the doc cam a copy of the Code Compliance Certification Application and a copy of the receipt for payment of \$55.00 for the permit.

Ms. Sanderson reentered the meeting and reported that the Planning and Development Director would attend the meeting shortly.

Ms. Graves said they also have a copy of the drawings that were submitted with a time stamp from the City of Vero Beach. She said that Mr. Duhaime was not notified that it was not an appropriate permit.

Mr. McDonald said the permit states under conditions, “maintain 25-foot minimum front yard setback for carport.”

Mr. Bryant said it has to be a setback of 25-feet from the property line.

Mr. McDonald asked was it added after the fact.

Ms. Graves said the drawing states 20-feet and it was timestamped by the City of Vero Beach.

Mr. Price asked Ms. Graves what are they requesting.

Mrs. Graves said they are asking to put the carport back up.

Ms. Sanderson said it would still be in the required front yard so it can't be reinstalled.

Mr. Daige asked is it completely gone.

Ms. Graves explained that Mr. Duhaime took it down, but he took it apart so it could be put back up. It was not destroyed. She said it was a Contractor, Carolina Carports, Inc., who drew it and put it up.

Mr. McDonald asked can you maintain the 25-feet.

Ms. Sanderson answered no.

Mr. Gerald Duhaime, Property Owner, who has been sworn in, said as he understands it, the 25-feet starts from the middle of the road inward towards the building.

Ms. Sanderson said no, the 25-feet is from the right-of-way. She explained that the water meter ends the right-of-way so from the water heater 25-feet is the required front yard and the carport would have to be beyond that.

Mr. Daige asked when referring to the 25-feet, does she mean from the front property line.

Ms. Sanderson said 25-feet from the right-of-way.

Ms. Graves said the drawing that was submitted shows that it was done from the middle of the road, which could be where the misunderstanding is. It states on the drawing, "proposed carport" and it states "approved" on top so it was approved with the measurement going from the middle of the road.

The Deputy City Clerk swore in Mr. Jason Jeffries.

Mr. Price explained to Mr. Jeffries that the issue before them is that Mr. Duhaime received what he thought was a permit and it didn't say void so it was his understanding that he was allowed to put up the carport. He said that Mr. Duhaime took the carport down so that has been corrected. However, the question is can Mr. Duhaime put it back up.

Mr. Jason Jeffries, Planning and Development Director, who has been sworn in, answered no. He explained that the Code does not allow for structures within the front yard setback, which is 25-feet.

Mr. Price asked is it 25-feet from the water meter.

Mr. Jeffries explained that it is 25-feet from the property line.

Ms. Graves said the question is when did this get voided. She said that he paid for the permit and put it up thinking that he had a permit. The drawing shows 25-feet from the middle of the road. She said that he did not know this was voided. She asked is that sent by certified mail or was he called. She said that they did not know it was voided until today.

Ms. Sanderson clarified that it wasn't a permit, it was Code Compliance Certification. She said a building permit was not applied for or issued.

Mr. Price said this is basically between Mr. Duhaime and the Planning and Development Department because the Code Enforcement Board dealt with the violation in the past.

Ms. Graves said that he had no idea that he was in violation because he submitted the plans.

Mr. Price explained that because he paid the civil penalty, he accepted responsibility for it.

Ms. Graves said that he took the carport down, but was requesting to be able to put it back up because he thought he had a valid permit. This is the first that they have seen that it was voided.

Ms. Sanderson said that she had a conversation with Mr. Duhaime about it being voided and asked him to follow up with the Planning and Development Department when this case was first initiated.

Ms. Graves said this is the first they have seen a copy of the voided permit. She does not think he understood what the situation was. She questioned so he would have to apply for a permit to see if he could get a shorter carport that is within 25-feet of the water meter.

Mr. Jeffries thought that there was a property survey presented on this and there was only three 3-feet. The house is at 28-feet, there is a setback of 25-feet, so there would only be 3-feet. He said the City cannot approve any permits for a carport within the front yard setback.

Mr. Price asked what about the question of the document being voided.

Mr. Jeffries thought that it was just stated that Mr. Duhaime was told it was voided. He said even if the City issues a permit in error, they would have to retract it.

Mr. Price asked how does the City normally notify the owner.

Mr. Jeffries said they would send a letter.

Ms. Sanderson handed Mr. Jeffries a copy of the Code Compliance Certification Application. He reported that there is a note on the permit stating that they were notified on April 7, 2017.

Mr. Price felt at this point this was really between Mr. Duhaime and the Planning and Development Department.

Ms. Sanderson reported that the case they are hearing today is for the enclosed back screen room because that part of the citation was complied when the carport was removed. She reported that the screen room was not permitted so they need Code Compliance Certification and a building permit. She thought it was said that Schlitt Brothers was obtaining the permit, but nothing has been filed as of today.

Ms. Graves said they have the Schlitt Engineering drawings. It is her understanding that the permit is waiting for him at the Planning and Development Department.

Ms. Sanderson said that she checked with the Planning and Development Department today and nothing has been submitted to the City of Vero Beach.

Mr. Duhaime said that he was at the County this morning and they told him that they sent the information to the City on February 3, 2021.

Ms. Sanderson said they don't show that the City has received anything.

Mr. McDonald asked is there a permit now for the screen room.

Ms. Sanderson answered no.

Mr. Pizzichillo asked when was the screen room built.

Ms. Sanderson said it was her understanding from a neighbor that it was built over the summer.

Mr. Duhaime said that he purchased a kit from Home Depot and installed it in December for his wife's Christmas present.

Ms. Graves clarified that it was December of 2019.

Mr. Pizzichillo asked if he is correct that the screen room was built prior to requesting a permit.

Ms. Graves said that is correct and now they have the engineering work and are working on a retroactive permit. She asked for more time to be able to comply with the permitting.

Mr. McDonald asked how much time do they think they need.

Ms. Sanderson asked Mr. Jeffries if he felt this could be done in 60-days.

Mr. Jeffries answered yes. He said usually what happens is the application from the Building Department usually gets to the City within a few days and he can check to see where that is. But in the meantime, the Code Compliance Certification Applications are located in the lobby and that he could help expedite this by having them fill one (1) out today. He said they will need a survey and an after the fact building permit, but hopefully it all could be resolved within 60-days.

Mr. Daige said that he does not have a problem with allowing 60-days to comply.

Mr. McDonald asked has the civil penalty been paid.

Ms. Sanderson answered yes.

Mr. McDonald asked what date would the continuing penalties commence.

Ms. Sanderson reported that continuing penalties would commence on December 2, 2020, at \$50 a day.

Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 60-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of December 2, 2020 until corrected and that the initial civil penalty has been paid. Mr. McDonald seconded the motion and it passed unanimously.

- g. CASE #20-CE-11323 / 3041M**
VIOLATOR: Carson E. Zerpa
VIOLATION: Four (4) specimen Oak Trees removed without a Tree Removal permit from the City of Vero Beach Planning and Development Department – Code Sections 72.31 72.41 (a); 72.43
VIOLATION ADDRESS: 435 Greytwig Road, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$2,050 civil penalty)

Ms. Sanderson reported that four (4) specimen Oak Trees were removed without a permit. The penalty for removal of a specimen Oak Tree without a permit is \$500 per tree and double mitigation is required. An application was made for a Tree Removal Permit on October 26, 2020, and the owner was advised that the permit was on hold until house plans were submitted. A complaint was made to Code Enforcement on Sunday, December 13, 2020, that the trees were removed. The property was inspected and it was noted that the trees were removed. She reported that she spoke with the Mr. Jeffries and he said that he would work with Mr. Zerpa and reduce the double mitigation to single mitigation.

Mr. Price asked how was the civil penalty of \$2,050 calculated.

Ms. Sanderson said if a specimen Oak Tree is removed without a permit the civil penalty is \$500.

Mr. Carson Zerpa, Property Owner, who was sworn in, reported that he submitted the original permit and tried to communicate with the City over the course of a month with very little response. He submitted the permit on October 26, 2020, and based on Florida Municipal Code, the City has 14-days to respond. He said that he actually called the City every day leading up to this. He said this is an extenuating circumstance primarily because based on an inspection he was told that do to the damage from the roots going into the foundation, water was coming into the house and there was dangerous mold inside. Therefore, his wife and his children had to move out. He said a General Contractor came to give them an estimate to repair it and what it came down to is that they had to build a new home, which the cost was the same. He said the builder did not want to deal with the City

with the trees and wanted him to take responsibility for the demolition and the tree work. He reported that he pulled the permit for the demolition with the County in October, just as he did for the tree permits, which was well in advance of the work that actually took place. He said that he called the City every day leading up to December 3rd or 4th, at which time he got in touch with Mr. Jeffries. He said that Mr. Jeffries helped get things moving along. He reported that the issue he had with the demolition was that once the contractor put his heavy equipment there he was told that he would be charged to take the equipment away if they were not going to do the project and he was not going to demo the house because the trees were within two-feet of the house and the roots were underneath the house and he was worried that if he did the demolition, the trees would fall and be a safety hazard. Mr. Zerpa said that he was put in the position to tell the contractor to do what he thinks is safe. He said that he already had the permit in place to get this done and was doing the best he could to comply. He said the biggest frustration he has is that when he submitted the permits he told City staff that he was not the builder; that he needs to remove the trees so that the builder can construct the house. He said that he had this discussion with a dozen people in the City. He said that he frankly just did not know what to do.

Mr. Price asked if mitigation is required even if he had a permit.

Mr. Zerpa said that he does not have a problem with planting trees.

Ms. Sanderson said it is her understanding that Mr. Zerpa still doesn't have a permit because GHO Homes, as the contractor, submitted plans but there was an issue with the drainage and they have been notified, but they haven't addressed it yet.

Mr. Zerpa said that is a great point. He reported that between the City and Indian River County, they can't figure out the drainage situation because they both have different perspectives. He said they have wasted about two (2) months with the two (2) engineering teams trying to figure this out.

Ms. Sanderson said the County should not be involved with a City project. She questioned why the County was involved.

Mr. Zerpa said the County decided to put the retention in for the water and the City was stating that they wanted a modification of it.

Mr. Jeffries said the City's engineering staff could probably answer to the specific drainage issue, but he can give the Board as much information as he has on this property. He said that Mr. Zerpa submitted for a permit to remove four (4) trees for the construction of his new house, but the City cannot issue tree permits until there is a site plan. That is the way the City's Tree Preservation Ordinance is written. He said what staff did was set the information aside awaiting those plans. He said that he couldn't find any record in his office that the communication happened with Mr. Zerpa. That is the reason why, under his authority, he is willing to work with Mr. Zerpa and not charge the double fee. He said usually when staff receives tree permits the building permits are matched up and he thinks that there was a little bit of a snafu in his Department on this. He said staff hasn't issued the tree removal permit yet because they haven't issued the site plan. But, it ends up that the four (4) trees that were removed would be permitted to be removed anyway because it would comply with the tree removal criteria.

Mr. Price said it sounds like what the Board needs to do is allow Mr. Zerpa more time to get the permit.

Ms. Sanderson said that is what they are requesting.

At this time, Mr. Jeffries consulted with Mrs. Danessa Chambers, Assistant City Engineer.

Mr. Price said whether Mr. Zerpa gets the permit or not he would still have to pay the civil penalty and mitigation.

Ms. Sanderson said that is correct.

Mr. Price said then the \$2,050 penalty is the \$50 civil penalty plus \$2,000 for mitigation.

Ms. Sanderson explained that it is \$500 per tree, which is \$2,000.

Mr. Kennedy said it was stated that Mr. Zerpa could have removed the trees anyway.

Mr. Price questioned so there is mitigation, plus the \$2,050 penalty.

Ms. Sanderson said that is correct.

Mr. Jeffries reported that the County would not be involved with a stormwater drainage plan for an individual single-family home on this site. The only County involvement is that the homebuilder, GHO Homes, who submits most of their projects in the County, are not totally aware of the criteria of the City. He reported that the City is more stringent than the County with the Tree Protection Ordinance and that even for single-family homes the City requires stormwater drainage. He felt what was occurring was that GHO Homes was not aware of the City's requirement for stormwater drainage for single-family homes. He said the County would not be involved with any type of review for this.

Mr. Daige said the civil penalty stands at \$2,050 and Mr. Jeffries stated that he was going to work with Mr. Zerpa. He asked how he is going to work with Mr. Zerpa. He asked is that about reducing the \$2,050.

Ms. Sanderson explained that a double mitigation fee is required when trees are removed without a permit and what Mr. Jeffries is stating is that he would charge the single mitigation fee and not the double mitigation fee.

Mr. Price said the mitigation fee is not part of the \$2,050 penalty.

Mr. McDonald said that is a separate amount.

Ms. Sanderson said that is correct.

Mr. McDonald said the only problem that he is having with this is that Mr. Zerpa would have been allowed to remove the trees, he just put the cart in front of the horse.

Ms. Sanderson said that she doesn't know if there was ever an inspection of the trees because she did not see an Arborist's report in the file on the condition of the trees.

Mr. Jeffries said that is not required because the trees are in the footprint of the proposed house, so he would be allowed to remove them.

Mr. McDonald asked why wasn't a permit issued.

Mr. Jeffries explained that the City cannot issue a tree removal permit without an approved site plan and Mr. Zerpa does not have an approved site plan.

Mr. Daige questioned what is being asked of the Board.

Mr. Price thought they were being asked to give Mr. Zerpa time to get the tree removal permit and also if the Board wants to discuss the civil penalty.

Mr. Pizzichillo questioned if everything was done in a timely manner is he correct that removing those trees would still require mitigation.

Mr. Jeffries answered yes. He explained that Mr. Zerpa would have to pay mitigation fees and/or plant trees based on the mitigation calculation.

Mr. Zerpa said they showed the tree mitigation plan on the site plan.

Mr. Pizzichillo said then when all is said and done, mitigation is necessary.

Mr. McDonald said that is correct.

Mr. Zerpa said mitigation is either to pay a fine for the trees or to plant trees. He said that he has no problem with planting the trees.

Mr. Daige asked if the trees were still there, which would have to come down because of the demolition of the house, what would it cost for the trees to be taken down.

Mr. Jeffries questioned for mitigation.

Mr. Daige answered yes.

Mr. Jeffries said they might not have calculated that yet, but Mr. Zerpa would have to mitigate regardless. He noted that he did state that he would not charge Mr. Zerpa the double mitigation fee.

Mr. Daige said if he understands it correctly, the Board is being asked to waive the civil penalty. He asked is that correct.

Mr. Price answered no, they are discussing it.

Mr. McDonald said this is a grey area for him in that Mr. Zerpa would have been allowed to remove the trees and Mr. Zerpa got ahead of the process, which he was not sure that he understood why.

Mr. Kennedy said that Mr. Zerpa was trying to, but was having difficulty getting in touch with the right people.

Mr. Price said the trees would have been taken down anyway.

Mrs. Hillman asked if the Board is allowed to reduce the civil penalty.

Ms. Sanderson nodded yes.

Mr. McDonald felt that there should be some leeway.

Mr. Daige did not have a problem with that.

Mr. Kennedy felt that the Board should give Mr. Zerpa time to get his permit and that the Board should waive the fine in view of the testimony heard today.

Mr. Price asked Mr. Kennedy if he wanted to zero out the fine.

Mr. Kennedy answered yes.

Mr. McDonald questioned the civil penalty.

Mr. Kennedy suggested that Mr. Zerpa pay the \$50 civil penalty.

Mr. Daige asked is there a cost of enforcement.

Ms. Sanderson answered no.

Mr. Price moved that the Board finds that there is a violation, the violation continues, that the Board issues a Board order to correct the violation within 60-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of December 13, 2020, until corrected and that there is no civil penalty due.

Mr. McDonald said no, there is a \$50 civil penalty.

Mr. Price agreed there is a \$50 civil penalty. Mr. Kennedy seconded the motion and it passed 4-2 with Mrs. Hillman and Mr. Bryant voting no.

Mr. John Turner, City Attorney, said they need to restate the motion.

The Deputy City Clerk said the motion was basically that the Board finds there was a violation, the violation continues, to allow 60-days to correct from the date of the Board Order and if not continuing penalties begin on December 13, 2020 and that they are waiving the \$2,000 fine and they are to pay the \$50 civil penalty.

Ms. Sanderson asked what would the continuing penalty be.

Mr. McDonald said it would be \$50 per day.

Mr. Jeffries said that he would be more comfortable with allowing 90-days.

Ms. Sanderson noted that it was stated in the motion that the penalties would commence on December 13, 2020, and it should be December 30, 2020.

Mr. Price moved that the Board finds that there is a violation, the violation continues, that the Board issues a Board order to correct the violation within 90-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of December 30, 2020, until corrected and that of the \$2,050 civil penalty, that they waive \$2,000 and pay \$50 (that the Board waive the \$2,000 fine and to pay the \$50 civil penalty). Mr. McDonald seconded the motion and it passed 4-2 with Mr. Daige voting yes, Mrs. Hillman no, Mr. Bryant no, Mr. Kennedy yes, Mr. McDonald yes, and Mr. Price yes.

- h. CASE #20-CE-11340 / 3059M**
VIOLATOR: Lindsey MacWilliam
VIOLATION: Public nuisance / non-operable vehicle – Code Sections 38-31 (a)(b); 38-32 (a)
VIOLATION ADDRESS: 715 20th Street, #206, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty - There are costs of enforcement being requested of \$65.50)

Ms. Sanderson reported that service of the citation was provided by property posting and by certified mail. The violation has been corrected and the civil penalty has not been paid. She asked that the Board finds that there was a violation, that the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$50, along with the enforcement cost of \$65.50.

Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50, along with the cost of enforcement of \$65.50. Mr. Daige seconded the motion and it passed unanimously.

- i. CASE #20-CE-11344 / 3062M - Repeat Violation**
VIOLATOR: Lion Equity Partners, LLC / Michael Buza, Agent
VIOLATION: Fence installed without Code Compliance Certification or a building permit – Code Sections 64.05 (a)(b)(7); 22-181; 22-106
VIOLATION ADDRESS: 1440 Highway A1A, Vero Beach, Florida 32963
(Failure to pay \$100 civil penalty)

This item was pulled from today's agenda.

- j. CASE #20-CE-11355 / 11355**
VIOLATOR: Lion Equity Partners, LLC / Michael Buza Agent
VIOLATION: Solid waste violation – Code Section 66-12 (c)

VIOLATION ADDRESS: 1440 Highway A1A, Vero Beach,
Florida 32963
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- k. CASE #20-CE-11350 / 3066M**
VIOLATOR: Do Kim Sa Thi
VIOLATION: Shed installed without Code Compliance Certification or a building permit; Solid waste required for the landscape debris – Code Sections 64.05 (a)(b)(9)(b)
VIOLATION ADDRESS: 725 Royal Palm Boulevard, Vero Beach, Florida 32960
(Failure to comply - There are costs of enforcement being requested of \$50.32)

Ms. Sanderson reported that that the homeowner is in the process of completing the paperwork needed for compliance. She asked that the Board finds that there was a violation, that the violation continues, and that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties of \$50 per day shall commence on the original compliance date of January 14, 2021, until corrected and that the initial civil penalty has been paid.

Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of January 14, 2021, until corrected, that the initial civil penalty has been paid, and enforcement costs of \$50.32 are due. Mr. Daige seconded the motion and it passed unanimously.

- l. CASE #20-CE-11357 / 3102M**
VIOLATOR: Kuchar, LLC (owner), Matilde Sorenson (broker)
VIOLATION: Sign violation – Code Section 38.09 (l)(1)
VIOLATION ADDRESS: 3640 Ocean Drive, Vero Beach, Florida 32963
(Failure to comply - There are costs of enforcement being requested of \$61.58)

This item was pulled from today's agenda.

- m. CASE #21-CE-11400 / 3114M – Repeat violation**
VIOLATOR: Kaleigh Rhea Ann Romine
VIOLATION: Sanitary facilities violation / Property occupied without water service – Code Sections 22-181; 302.1
VIOLATION ADDRESS: 1413 25th Avenue, Vero Beach, Florida 32960
(Failure to correct violation; Failure to pay \$100 civil penalty – There are costs of enforcement being requested of \$37.93)

Ms. Sanderson reported that Ms. Kaleigh Romine was cited for occupying the house without sanitary facilities. She reported that the house does not have water or sewer. She said this is a repeat violation from last month when she appeared before the Board. Service of the citation was provided by property posting and by first class mail. She reported that the violation has not been corrected and the civil penalty has not been paid. There are enforcement cost of \$37.93. She asked that the Board finds that there is a violation, that the violation continues, and that the Board issues a Board Order to correct the violation within 5 (five) days of the Board Order or continuing civil penalties in the amount of \$100 per day shall commence on the original compliance date of January 22, 2021 until corrected, along with enforcement costs of \$37.93 and the initial civil penalty of \$100.

Mr. McDonald said when she (Ms. Romine) was before the Board last month, he cannot remember what was said.

Ms. Sanderson said that Ms. Romine told the Board that she was not occupying the residence.

Mr. McDonald questioned so she is occupying the residence.

Ms. Sanderson said that is correct and she is renting rooms.

Mr. Pizzichillo said so in other words she perjured herself.

Mr. Bryant asked did she file for no trespassing.

Ms. Sanderson answered no.

Mr. Daige thought the home was not going to be occupied.

Mr. Price said that she stated that she was going to sell the house.

Mr. McDonald questioned why they were giving her five (5) days to correct. He said they have given her a month. He said that she stood before the Board and said that she wasn't living there and that the doors were locked. He did not see any reason to allow her five (5) days. He thinks they should start the penalties today. He asked can the Board do that.

Mr. Turner answered yes.

Mr. McDonald said she is renting rooms in the home.

Ms. Sanderson said that is correct. She reported that it came to her attention when two (2) of the roommates got into a fight over someone stealing a wallet and they came to the Police Department to make a report.

Mr. Daige said if he is hearing this correctly, the house is still in operation and there is no water so there is no way to flush the toilets.

Ms. Sanderson said that is correct.

Mr. Daige said what he is concerned about is if the water is off they have unsanitary conditions there. They explained to Ms. Romine when she was before the Board last month that they cannot allow a home in operation with occupants when they can't flush the toilets. He said the home needs to be shut down.

Mrs. Hillman said the Board has already given Ms. Romine time. She said that Ms. Romine stood before the Board and literally lied to them. She is still in violation.

Mr. McDonald moved that the Board finds that there is a violation, the violation continues, and that Board the issues an order to commence civil penalties of \$100 a day effective today. Mrs. Hillman seconded the motion.

Mr. Turner asked for a brief recess.

The Board took a break at 3:06 p.m., and reconvened at 3:17 p.m.

Mr. Price said the Board had a question whether or not the Board can start the fines immediately.

Mr. Turner answered yes.

Mr. Price asked are they starting the fines as of today or are they going back to the compliance date of January 22, 2021.

Mr. McDonald answered starting today.

The motion passed unanimously.

Mr. Turner said since they are discussing this particular case he has asked the Assistant City Attorney to brief the Board on her research on public nuisances. He said this might shed some light on actions that can be taken regarding this piece of property in that it has been a problem.

Ms. Jenny Flanigan, Assistant City Attorney, reported that she was asked to look into some options when there is a continuing violation and what the Code Enforcement Board can do. She reported that under Section 2-304 of the City Code, the Code Enforcement Board can declare a continuing violation that represents a threat to the public health, safety, or welfare. The Board's role at that point would be to declare that property a public nuisance. If that was done, it gives the property owner another chance to abate or come into compliance. But, if that doesn't happen, the City gets some power to make the abatement. The City Manager could call for all reasonable repairs and work to be done to correct the violation and abate the public nuisance. The cost of correction can be levied against the property and then the same mechanism for recovery of those costs where there could be a lien against the property. That can also be done through the City Manager under his own determination. However, since this originated before this Board it would be her recommendation that if anyone is to make that determination, it would be the Code Enforcement Board.

Mr. Price asked so does the Board need to declare this a public nuisance.

Ms. Flanagan thought what Mr. Turner and herself discussed was at the next Board meeting the Board might relook at this evidence, have another presentation, and if the property continues to be a continuing violation then that would be when the Board makes that determination.

Mr. Kennedy asked can they condemn it. He asked can they declare it uninhabitable.

Mr. Turner said essentially what they wanted to do was control the property, but to take one (1) step at a time. He said they would put this on their next Code Enforcement Board meeting agenda for a hearing on determining if this is a public nuisance and a public health, safety, and welfare issue, and to seek the remedies that would be appropriate and give the property owner notice to appear and testify.

Mr. Kennedy questioned so the notice that is originally given is to bring them to a meeting and the City would have to re-notice them if they were going to condemn it.

Mr. Turner said that is correct.

Mr. Kennedy said then it would be a two (2) step process at the minimum.

Ms. Flanagan said that is correct. She explained that the nuisance determination would be that it is a threat to the public health, safety, or welfare. So that would be the Board inquiry at their next meeting.

Mr. Kennedy asked would it be a good idea for Ms. Sanderson to use that language when she issues a notice.

Mr. Turner answered yes. He said they would need to post that property with a notice to that affect.

Mr. Turner said the evidence before the Board so far is that the property owner is not interested in correcting this serious problem.

Mr. Price questioned since they have the grandmother's name and telephone number ...

Ms. Sanderson said that she spoke with Ms. Romine's grandmother and she has washed her hands of the individual. She said that her grandmother reached out to the bank because she wants them to foreclose on the property, but the bank has not taken any action.

Ms. Flannigan noted that the Code requires that the notice is to be sent to all parties who have an interest in the property, so the grandmother, the mortgagee, etc., needs to be notice.

Mr. Pizzichillo asked couldn't the Board of Health intervene rather than dragging this out for another month. He felt that if the Board of Health went over there, they could do something immediately.

Ms. Sanderson said that she spoke with the Department of Health and was told if the house is occupied they would not go in.

Mr. Turner thought that after the Board's next meeting, the time for action on the property owner's part was just about over. He did not think they would have to wait another month. He said the City Manager has a lot of power with this Board in protecting the public health, safety, and welfare.

Ms. Sanderson said that she would prepare the standard notice that goes to the City Manager to be signed off on and then it will be posted.

- n. **CASE #20-CE-11359 / 3074M** – Repeat violation
VIOLATOR: Rory O'Dare, Realtor / One Sotheby's International Realty
VIOLATION: Sign violation – Code Section 38.17 (a)(d)
VIOLATION ADDRESS: Right-of-way of 21st Street and 6th Avenue, Vero Beach, Florida 32960
(Failure to pay \$100 civil penalty)

Ms. Sanderson reported that this is a repeat violation. Service of the citation was by first class mail to the business. The violation has been corrected and the civil penalty has not been paid. She asked that the Board finds that there was a violation, the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$100.

Mr. Daige moved that the Board finds that there was a violation, the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$100. Mr. McDonald seconded the motion and it passed unanimously.

- o. **CASE #20-CE-11360 / 3075M** – Repeat violation
VIOLATOR: Rory O'Dare, Realtor / One Sotheby's International Realty
VIOLATION: Sign violation – Code Section 38.17 (a) (d)
VIOLATION ADDRESS: Right-of-way of Ocean Drive and Beachland Boulevard, Vero Beach, Florida 32963
(Failure to pay \$100 civil penalty)

Ms. Sanderson reported that service of the citation was provided by first class mail. The violation has been corrected and the civil penalty has not been paid. She asked that the Board finds that there was a violation, the violation has been corrected and that the Board issues a Board Order to pay the initial civil penalty of \$100.

Mr. McDonald moved that the Board finds that there was a violation, the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$100. Mr. Daige seconded the motion and it passed unanimously.

- p. **CASE #20-CE-11377 / 3093M** – Repeat violation
VIOLATOR: Mai Thanh and Thuyen T. Le
VIOLATION: Public nuisance – Weeds, grass, or undergrowth at a height of more than 12 inches
VIOLATION ADDRESS: 1346 16th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$150 civil penalty)

Ms. Sanderson reported that this is a repeat violation. Service of the citation was provided by property posting and first class mail to the property owner's home address. The violation has not been corrected and the civil penalty has not been paid. She asked that the Board finds that there is a violation, the violation continues, that the Board issues a Board Order to correct the violation within 15-days from the date of the Board Order or continuing civil penalties in the amount of \$150 per day shall commence on the original compliance date of January 21, 2021, until corrected and to pay the initial civil penalty of \$150.

Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 15-days from the date of the Board order or continuing civil penalties in the amount of \$150 per day shall commence on the original compliance date of January 21, 2021, until corrected and to pay the initial civil penalty of \$150. Mr. Daige seconded the motion and it passed unanimously.

- q. **CASE #21-CE-11395 / 3109M**
VIOLATOR: Patrick Esposito and Gina Moyer
VIOLATION: Construction without permits or Vero Beach Planning and Development Department approval / new roof, dwelling unit and patio added to the property
VIOLATION ADDRESS: 1645 30th Avenue, Vero Beach, Florida 32960
(Failure to comply - There are costs of enforcement being requested of \$50.32)

Ms. Sanderson reported that according to the information on the Property Appraiser's website, Mr. Patrick Esposito is the property owner of record and is listed on the citation along with Ms. Gina Moyer. She reported that Ms. Moyer told her that she is doing a "rent to own" on the property.

Ms. Owen reported that Ms. Moyer has been sworn in, but she was not.

The Deputy City Clerk swore in Ms. Katherine Owen.

Mr. Price asked who will be speaking on this matter.

Ms. Kathryn Owen, who has been sworn in, asked that the Board directs their questions to Ms. Moyer and if Ms. Moyer has trouble, she will jump in and speak.

Mr. Price said then you are the translator.

Ms. Owen said yes, to the best of her ability.

Ms. Sanderson showed on the doc cam photographs of the work that was done on the property.

Ms. Gina Moyer, who has been sworn in, said that she didn't know that she had to get a permit.

Ms. Sanderson reported that she was on the site with Lieutenant John Pederson and Officer Darryl Rivers on a follow-up call for service and that is when they spoke to a tenant who brought them inside the home and explained the living situation and what was added to the home. Ms. Moyer then arrived on site and at that time she was told this work was done without permits and that she probably would not be allowed to have the secondary dwelling unit in a single family residential zone.

Mr. Pizzichillo asked who did the roofing work.

Ms. Owen said that she doesn't know who constructed the roof. She said the paver stones and the roof has been removed. As far as that being deemed as a secondary dwelling, Ms. Moyer's bedroom connects to it. She said it is not closed in, that it is open and is separated by a curtain.

Ms. Sanderson said that she is correct that the roof has been removed. She asked who constructed the unit.

Ms. Owen said that it was there when Ms. Moyer arrived years ago.

Ms. Sanderson showed on the doc cam a photograph that shows there was not an entryway. She asked is there now an entryway.

Ms. Owen said it was always there, it was just behind the curtain.

Mr. Turner asked Ms. Owen if she is an occupant or tenant on the property.

Ms. Owen answered no.

Mr. Turner asked how do you have knowledge of this.

Ms. Owen said they are friends and she is here to help Ms. Moyer communicate at the request of Officer Sanderson.

Mr. Turner explained that the Board needs to have competent evidence and that would be from the property owner or the occupant. He said if Ms. Owen wants to be able to testify as to what she knows about the condition of the property that is fine. But, as far as trying to help Ms. Moyer understand or to assist in translating, she can, but she cannot add her own opinions or understanding. It is fine if she has factual testimony.

Ms. Owen said what she has stated is factual.

Mr. Turner said if it is something that she has seen and has personal knowledge about, that is fine.

Ms. Owen said absolutely.

Ms. Sanderson asked if she is correct that Ms. Moyer does not live on the property.

Ms. Moyer said that she does live on the property.

Ms. Sanderson asked what about the property located on 35th Avenue that is in her name and she has homestead exemption on.

Ms. Moyer said that is her grandmother's home.

Mr. Price said the issue is that the work was done without permits.

Ms. Sanderson said that is correct. She said that Mr. Jeffries is present to explain what can be done.

Mr. Jason Jeffries, Planning and Development Director, who has been sworn in, reported that they would need to remove the structure that was done without permits or they could do an after the fact building permit, as well as a Code Compliance Permit.

Mr. Price said the fact that this was there when she purchased the home does not resolve her from having to have that done.

Mr. Jeffries said that is correct.

Mr. Price said even if she had a permit for that, are they allowed to have this use.

Mr. Jeffries said that is the second aspect in that this zoning district does not allow a second dwelling unit on the property.

Mr. Price said she could get an after the fact permit for this, but only one (1) family is permitted to live there.

Mr. Jeffries said that is correct.

Ms. Sanderson said there are multiple occupants renting rooms on the property.

Mr. Jeffries said this is where someone added on to an existing structure so what he is assuming is there is a way to keep the structure and integrate it into the one (1) dwelling unit, which means to remove the full kitchen.

Mr. Daige said the roof has been taken down and there was an addition added without permits. If he heard correctly, there are people living there. It is a second dwelling unit and according to the City Code, that is not permitted. Therefore, they will have to go to the Planning and Development Director to get all the paperwork needed to redo the dwelling unit to meet the current Code.

Mr. Pizzichillo said from what he has heard, this is an open and shut case. There is a violation and the Board should vote on it.

Mr. Price asked how can she come into compliance if she can't get an after the fact permit.

Ms. Sanderson said that she can do an after the fact permit.

Mr. McDonald suggested that they allow 90-days and that they report back to the Board on what has been done.

Ms. Sanderson asked that they not continue the case. That they allow 90-days to correct the violation.

Mr. Daige said that he is in agreement with that.

Mr. McDonald asked Mr. Jeffries if that is enough time.

Mr. Jeffries answered yes. He said if they are going to attempt to keep the structure, they would need an engineering report.

Mr. McDonald felt that would take more than 90-days.

Mr. Bryant suggested that they allow 120-days to correct the violation.

Mr. McDonald moved that the Board finds that there is a violation, the violation continues, that the civil penalty has been paid, that they have 120-days from the date of the Board order to correct the violation, that they are to pay \$50.32 in enforcement costs and if not in compliance within 120-days continuing penalties of \$50 per day will begin to accumulate effective January 29, 2021 (that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 120-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of January 29, 2021 until corrected, that the initial \$50 civil penalty has been paid, and to pay the cost of enforcement of \$50.32). Mr. Daige seconded the motion and it passed unanimously

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

None

8. CLERK'S MATTERS

None

9. ATTORNEY'S MATTERS

None

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

None

12. ADJOURNMENT

Today's meeting adjourned at 3:32 p.m.

/sp