

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, January 27, 2014 at 1:30 p.m.

Present were Chairman **Tony Gervasio**, Member-at-Large Appointee; **Joe Petrulak**, Subcontractor Appointee; **Karl Zimmermann**, Realtor Appointee; **Pete Clements**, General Contractor Appointee; and Vice-Chairman **Aaron Bowles**, Engineer Appointee.

Let the record show **Keith Hedin**, Businessman Appointee, submitted his resignation from the Board effective January 27, 2014. There is also a vacancy for an Architect Appointee.

Also in attendance was IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Betty Davis, Vanessa Carter Solomon, Rose Jefferson and Kelly Buck, Code Enforcement Officers; Attorney David Hancock, Attorney for the Board; and Reta Smith, Recording Secretary.

11:10:28 Call to Order

Chairman Gervasio called the meeting to order and led all in the Pledge of Allegiance. The secretary called the roll, establishing that a quorum was present.

11:11:27 Election of Officers

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Zimmermann, to nominate Pete Clements as Code Enforcement Board Chairman for 2014.

ON MOTION BY Mr. Clements to nominate Aaron Bowles as Code Enforcement Board Chairman for 2014. There was no second to the motion.

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the members voted unanimously (5-0) to close the nominations for Chairman.

ON MOTION BY Mr. Bowles, SECONDED BY Mr. Zimmermann, the members voted unanimously (5-0) to elect Pete Clements as Code Enforcement Board Chairman for 2014.

ON MOTION BY Chairman Clements, SECONDED BY Mr. Zimmermann, the members voted unanimously (5-0) to elect Aaron Bowles as Code Enforcement Board Vice-Chairman for 2014.

11:13:32 **Approval of Minutes of November 25, 2013**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to approve the minutes of November 25, 2013 as presented.

11:13:52 **Attorney's Overview of Board Purpose and Procedures**

Attorney David Hancock, Attorney for the Board, gave a brief overview of the procedures and purpose of the Code Enforcement Board.

Agenda Additions or Deletions, Consent Items

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief, reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda. Cases #2013040135 and #2013080077 - 30 day extension until February 21, 2014. Cases #2013060019, #2013080131, #2013040057, #2013050084, #2013070079, #2013040032, #2013020065, #2013050016, #2013090134 and #2012110095 - 60 day extension until March 21, 2014. Cases #2013070092, #2013110024, #2013100134, #2013100157 and #2013110048 were rescheduled.

In compliance were Cases #2013090168, #2013100057, #2013110027, #2013110022, #013110026, #2013120064, #2013060018, #2013080130, #2013050125, #2013090047, #2013100080, #2013090208, #2013080014, #2013080018, #2013100007, #2013090125, #2013100084, #2013110014 and #2013070174, #2013070162, #2008050190, #2013040077 and #2012110118.

Mr. DeBlois recommended the Lien Release Request cases be heard at a time certain starting at 3:00 p.m. He noted there was an Addendum to the Agenda

and one of the cases was for an Administrative Hearing, which he recommended be heard at a time certain of 2:30 p.m.

11:30:52

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to accept the Consent Agenda with the revisions.

11:31:34 **Swearing in of Those Who Will Testify**

The secretary proceeded to administer the testimonial oath to everyone who would be testifying at today's hearings.

EVIDENTIARY HEARINGS

11:32:10 **Case #2013100114 – Carl French**

Ms. Rose Jefferson, IRC Code Enforcement Officer, stated she had posted the property on January 16, 2014 and submitted four photographs taken on January 16, 2014 into evidence. She reported she had received complaints from a neighbor about miscellaneous junk, trash and debris consisting of discarded wood, concrete and bricks, adding when she visited the site on January 27, 2014 nothing had been done.

Mr. DeBlois recommended an extension of 30 days, until February 21, 2014, for compliance.

Respondent Mr. Carl French promised to clean up the property and appropriately store a piece of granite on the site in the allotted time.

11:37:50

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 21, for compliance or a \$100 per day fine.

It is noted for the record the Respondent was present for this hearing.

11:38:17 **Case #2013120012 – Carl French**

Mr. DeBlois explained this case related to the same property as the previous

case and related to a shed built without permits and overgrown weeds.

Inspector Jefferson submitted four photographs taken on January 16, 2014 into evidence and recommended an extension of 30 days, until February 21, 2014, for compliance.

Respondent French explained he had allowed vegetation on a section in his rear yard to grow to form a natural fence between the trees to gain privacy from his neighbors as well as to combat erosion. He related he had replaced the siding on an existing shed that was erected when the house was originally built.

Mr. DeBlois stated staff would work with the Respondent if he wanted to have vegetation as defined landscape on his property as long as it was maintained. He recommended the Respondent meet with the IRC Building Department to see if the level of repair done to the shed required a building permit.

11: 45:55

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violations and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondent was present for this hearing.

11:47:06 **Case #2013100135 – Cole Mt. Vero Beach FL. LLC (Weight Watchers)**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Office, confirmed service on the property owner, Cole Mt. Vero Beach, on January 14, 2014, and submitted into evidence a copy of a Notice of Violation issued by the IRC Building Department for an interior wall built without permits.

Mr. DeBlois recommended an extension of 60 days, until March 21, 2014, to obtain the permit and get final inspection.

11:50:36

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until March 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record Ms. Barbara Murray, representing the tenant Weight Watchers, was present for this hearing.

11:51:14 **Case #2013110029 – Vero Beach Shop Cntr. Assoc. Ltd. (Joey’s Bistro YNot)**

Mr. DeBlois indicated this case had to do with noise related to music emanating from a business located on the subject property.

Inspector Jefferson confirmed service on Joey’s South on January 17, 2014, and submitted five photographs into evidence. She testified she had received complaints regarding loud music coming from the business five evenings a week when there was a disco club operating inside the building.

Mr. DeBlois submitted into evidence the sections of the County’s noise ordinance related to the issue and read from sections 974.03 and 974.04(13) of the code. He related the Forest Park subdivision was located in the vicinity of the subject property and various residents had complained about the noise.

Ms. Marlene Spear, 21 Forest Park Drive, Vero Beach, testified the noise problem had existed for two years and although the Sheriff had been called numerous times, nothing had been done to reduce the noise from the club and cars in the parking lot. She specified the music started at 9:30 p.m. and lasted until 1:00 a.m., and the noise was a constant pounding boom that she could hear from inside her home with her windows closed.

Mr. Charles Guyette, 35 Forest Park Drive, Vero Beach, said there were woods between the business and his residence and he heard the music/noise inside his home when the windows were closed up until 1:00 a.m.

Mr. Edward Zettle, owner-manager of Joey’s South Inc. d/b/a YNot, said he originally had eight speakers on the patio and now he only had four, and suggested having decibel monitors in the subdivision. He stressed he wanted to comply with any recommendations from the Board.

Mr. DeBlois noted decibel level did not really define bass vibration that would cause discomfort or annoyance to any reasonable person of normal sensitivity. Inspector Jefferson recalled in 2012 she had taken decibel readings from both the subdivision and the parking lot of the business and based on readings at that time the Respondent was not in violation.

Mr. DeBlois felt the sworn testimony was sufficient to conclude there was a noise violation, and noted the decibel threshold at night at the subdivision would be 55 decibels for 50% of the time of a measurement taken for 15 minutes. He recommended the Board find a violation had occurred but the Respondent was currently in compliance, and enter a Continuing Order so if the violation occurred in the future there would be an automatic fine in the amount of \$250 per day for each day of recurrence. Mr. DeBlois added the fine would be subject to a compliance hearing by the Board after hearing testimony of affected residents as well as decibel readings.

Mr. Zimmermann noted the Respondent had removed or turned down the volume on a number of speakers and he felt it would be difficult to substantiate what took place without decibel readings. Mr. DeBlois said a staff person would be sent to the location with a decibel meter after-hours if it was a recurring problem.

Discussion followed.

12:22:54

ON MOTION BY Mr. Gervasio, SECOND BY Mr. Petrulak, the members voted (3-2) to find the violation had occurred but was currently in compliance and enter a Continuing Order so if the violation occurred in the future there would be a fine imposed of \$250 per day for each day of recurrence, subject to a compliance hearing by the Board. Mr. Petrulak and Chairman Clements opposed.

It is noted for the record the Respondent was present for this hearing.

ADMINISTRATIVE HEARING

12:24:20 **Case #2013120040 – Larry Burdick**

Mr. DeBlois recalled this case related to Citation #0193 in the amount of \$500 issued on December 11, 2013 to the Respondent for a repeat violation for signs posted in County road right-of-way without permits.

Ms. Betty Davis, IRC Code Enforcement Officer, testified there were five snipe signs advertising a nautical flea market at the intersection of U.S. Highway #1 and Roseland Road, and she had seen them throughout the County on Wabasso Road and near the Fairgrounds. She added she had telephoned the Respondent and asked him to remove the signs before issuing the citation.

Mr. DeBlois recommended the Board uphold Citation #0193 for the illegal posting of five signs at \$100 per sign per day.

Respondent Burdgick stated he had previously held 10 events at the IRC Fairgrounds and had obtained permits from either the County or the City of Vero Beach. He denied putting signs at Roseland Road and U.S. Highway #1 and thought it possible one of the exhibitors or boat dealers had placed them there, adding after receiving the phone call from Inspector Davis he had been to the site and there were no signs. Respondent Burdgick admitted he had placed signs in Brevard and St. Lucie Counties but none in IRC.

Discussion ensued.

12:31:45

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Gervasio, the members voted unanimously (5-0) to uphold Citation #0193 and reaffirm the fine in the amount of \$500, and establish a Continuing Order in the event the violation recurred.

It is noted for the record the Respondent was present for this hearing.

EVIDENTIARY HEARING

12:33:19 **Case #2013110002 – Arkbar Silih Wilkerson**

Mr. DeBlois related this case initially involved a safety hazard for tree branches posing a safety hazard to a neighboring structure, which was now in compliance; however there was still junk, trash and debris and tree trimmings remaining on the subject property.

Ms. Kelly Buck, IRC Code Enforcement Officer, submitted two photographs taken on December 31, 2013 and January 22, 2014 into evidence. Mr. DeBlois recommended an extension of 30 days, until February 21, 2014, for compliance.

Respondent Wilkerson stated neighbors had been dumping trash on the land over the years.

12:37:12

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation for junk, trash and debris and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondent was present for this hearing.

LIEN RELEASE REQUESTS

12:39:28 **Case #2012040116 – Bank of New York Mellon**

Mr. DeBlois recapped the Respondents cited on the original Order and on the Order Imposing Fine were Michael Thomas and the Bank of New York Mellon as the foreclosing bank when this case had first come to the Board on May 21, 2012 for overgrown weeds on a vacant lot. He continued the Board granted an extension until July 20, 2012, and when it came back for a compliance hearing upon learning nothing had been done the \$100 per day fine had been imposed with a start date of July 21, 2012. Mr. DeBlois confirmed compliance had been verified as of December 2, 2013, which was a passage of 499 days of non-compliance for a flat fine amount of \$49,900.

Ms. Angela Wilborn, representing the bank, stated the title had transferred to the bank in April, 2013 and the bank had brought the property into compliance and was maintaining the site.

Mr. DeBlois noted there had been no Orders Granting Extension; however the property was in non-compliance for an extended period of time and recommended the fine be reduced to \$2,500 for administrative costs.

12:45:18

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the members voted unanimously (5-0) to find the property in compliance and set the fine at \$2,500 for administrative costs.

It is noted for the record the bank's representative was present for this hearing.

12:45:52 **Case #2010050122 – Emily Fagnant (Aurora Loan Services LLC)**

Mr. DeBlois related this case originally came to the Board on September 27, 2010 for a swimming pool maintenance violation, at which time the Board granted until November 19, 2010 for compliance. He continued when the case came back to the Board on November 22, 2010 and staff verified nothing had been done the Board entered an Order Imposing Fine in the amount of \$100 per day with a start date of November 20, 2010. Mr. DeBlois confirmed a compliance date of January 23, 2014, which was 1,160 days of non-compliance for a flat fine of \$116,000.

Ms. Georgann Schreiber, representing the lender, stated Fannie Mae had nothing to do with the property when the violation originally took place and it had taken her months to get the water turned on in order to take care of the pool. She advised the pool enclosure screen had been repaired when Fannie Mae took over in September, 2013 and the pool was cleaned two days after the water was turned on.

Inspector Carter Solomon interjected Aurora Loan Services LLC took possession of the property on June 28, 2013, and except for the pool the property was otherwise being maintained.

Mr. DeBlois noted there had been no Orders Granting Extension; however he felt there should be some fine amount beyond minimum administrative costs because of the duration of the violation, and recommended the fine be set at \$3,000.

12:53:15

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the members voted unanimously (5-0) to find compliance and set the fine at \$3,000 to cover administrative costs.

It is noted for the record the lender's representative was present for this hearing.

12:53:47 **Case #2012090043 – Patrick Sheldon**

Mr. DeBlois recapped this case first came to the Board in October, 2012, at which time the Board find a violation for overgrown weeds and granted the Respondent until November 23, 2012 to comply. He continued the case came back for a compliance hearing on January 28, 2013, at which time upon learning of non-compliance the Board entered the fine of \$100 per day with a start date of December

22, 2012. He confirmed compliance had been verified on September 12, 2013, which was 264 days for a \$26,400 flat fine.

Attorney Clifford Repperger, 1795 West NASA Boulevard, Melbourne, FL 32901, representing the successor personal representative Sean T. Sheldon, explained Respondent Patrick Sheldon had passed away on February 23, 2012 and Scott Sheldon, the original successor personal representative, had been removed due to psychiatric illness. He continued his client, Sean T. Sheldon, was named as successor personal representative on May 5, 2013, had received no notices, and was unaware of the lien on the property until September, 2013, at which time he had immediately complied. Attorney Repperger mentioned the property was assessed at \$27,580, and asked for a reasonable reduction of the fine amount.

Mr. DeBlois noted there was one Order Granting Extension and due to the circumstances related to the case he recommended the fine be set at \$2,000 to cover administrative costs.

13:01:20

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the members voted unanimously (5-0) to find compliance and set the fine amount at \$2,000 to cover administrative costs.

It is noted for the record the attorney for the Respondent's estate was present for this hearing.

13:02:12 **Case #2009060241 – June Covert (Citigroup Global Markets Realty Corp.)**

Mr. DeBlois reported this case first came to the Board on August 24, 2009 for overgrown weeds at a vacant property, at which time the Board granted the Respondent until October 23, 2009 to comply. He continued when the case came back for a compliance hearing on October 26, 2009, upon hearing nothing had been done the Board imposed the fine of \$100 per day with a start date of October 24, 2009. Mr. DeBlois confirmed compliance had been verified on September 25, 2013, which was a passage of 1,432 days for a flat fine of \$143,200.

Ms. Karen Mathers, representing Dale Sorenson Realty, advised the bank had taken possession of the property on September 27, 2013 and she had listed the home for a sale amount of \$34,000. She asked for the fine to be reduced.

Mr. DeBlois recommended the fine be reduced to \$3,000 to cover administrative costs in the amount of \$1,700 and the long duration of the period of non-compliance.

13:07:50

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Gervasio, the members voted unanimously (5-0) to find compliance and set the fine amount at \$3,000 to cover administrative costs.

It is noted for the record the realtor's representative was present for this hearing.

13:08:37 **Case #2013080032 – Joel Kist (J.P. Morgan Chase Bank)**

Mr. DeBlois recapped this case had originally come to the Board on September 23, 2013 for overgrown weeds, at which time a bank representative was present. He stated the Board granted the Respondents until October 25, 2013 to comply; however when the case came back for a compliance hearing on November 25, 2013, upon hearing nothing had been done the Board imposed the fine of \$100 per day with a start date of November 23, 2013. Mr. DeBlois pointed out in the backup there was a certificate of sale from J.P. Morgan Chase Bank to the Federal National Mortgage Association dated November 5, 2013, and verified compliance as of January 24, 2014, which was 62 days of non-compliance for a flat fine in the amount of \$6,200.

Ms. Georgann Schreiber, representing Fannie Mae, stated Fannie Mae received the property the second week of November, 2013 and there had been an issue of ownership and nobody had been allowed on the property. She stressed as soon as the situation was resolved and the lender's representatives could go on to the property the violation had been corrected.

Mr. DeBlois noted there had been one extension and recommended the fine be set at \$2,000 for administrative costs.

13:17:18

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find compliance and set the fine at \$2,000 to cover administrative costs.

It is noted for the record the lender's representative was present for this hearing.

Chairman Clements called a recess at 3:40 p.m. and reconvened the meeting at 3:45 p.m.

COMPLIANCE HEARING

13:20:23 **Case #2013060111 – Brandy Gallegos**

Mr. DeBlois related the Board initially heard this case on September 23, 2013 regarding an unpermitted fence, at which time the Respondent was granted until November 22, 2013 to obtain a permit for the fence, modify the fence as necessary in accordance with the permit and obtain final inspection approvals or remove the fence; with one extension being granted until January 24, 2014 to comply.

Inspector Davis submitted one photograph into evidence and reported she had been in discussion many times with the Respondent; however the violation still existed.

Christina Ripple, representing Fannie Mae, stated the property had been foreclosed on February 4, 2013 and was tenant-occupied so there was no access to the property. She advised an eviction had taken place on December 9, 2013, adding she was not aware of the current violation and would take steps to comply.

Mr. DeBlois recommended an extension of 60 days, until March 21, 2014, for compliance.

13:27:55

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to grant an extension of 60 days, until March 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the bank's representative was present for this hearing.

LIEN RELEASE REQUEST

13:29:01 **Case #2011080048 – Daniel Glover (Interstate Advisors, LLC)**

Mr. DeBlois advised this case originally came to the Board on November 28, 2011 for overgrown weeds at a vacant house, at which time the Board granted until December 23, 2011 for compliance. He continued when the case came back for a compliance hearing on January 23, 2012, the Board entered an Order Imposing Fine in the amount of \$100 per day with a start date of December 24, 2011. Mr. DeBlois confirmed a compliance date of February 10, 2012, which was a passage of 48 days of non-compliance, noting the case had been brought before Board on March 26, 2012; however there was not a Respondent present at that time and the Board found the property in compliance and set the flat fine at \$4,800.

Respondent Mr. Fred Wensch testified he had purchased the property in November, 2013 and had not had a title search done so was unaware of the lien; however he was asking for relief in the fine amount.

Mr. DeBlois noted there were no extensions granted in this case and typically the fine would be set at \$1,700 to cover administrative costs.

Mr. Zimmermann observed properties were sometimes purchased without people checking them out for a lien and then the new owner came to the Board asking for relief, and he did not feel comfortable in reducing the fine because it could set a precedent for others to do the same. Chairman Clements agreed; however he pointed out in previous cases the Board had granted reductions in fines to realtors who were trying to move along with sales of foreclosed properties, and he felt the Respondent was trying to do the same.

13:35:45

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the members voted (4-1) to set the fine at \$1,700 to cover administrative costs. Mr. Zimmermann opposed.

It is noted for the record the new owner was present for this hearing.

EVIDENTIARY HEARINGS

13:37:05 **Case #2013100110 – Roberta Creason**

Mr. DeBlois clarified the zoning district use and illegal business in County right-of-way violations had been resolved and the only remaining violation was for boat/ trailer storage. He recommended an extension of 30 days, until February 21, 2014, for compliance.

Respondent Ms. Roberta Creason promised to remove the boat this afternoon.

13:41:32

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the members voted unanimously (5-0) to find the violation for boat/trailer storage and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondent was present for this hearing.

13:42:15 **Case #2013120006 – Ralph & Katherine Hamilton**

Inspector Jefferson verified service on December 9, 2013 and submitted two photographs into evidence. She testified this case originated from the IRC Building Department for a house constructed without permits and no Certificate of Occupancy (CO) being issued, and recommended an extension of 30 days, until February 21, 2014, to obtain a permit and 60 days, until March 21, 2014, to obtain all inspections and approvals.

Mr. Randy Mosby, representing the owners, clarified the structure was a barn with two dwelling units on the top floor and he was working with IRC Building Department staff to comply.

13:47:13

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 21, 2014, to obtain a permit and 60 days, until March 21, 2014, to obtain all inspections and approvals or a \$100 per day fine.

It is noted for the record the Respondent's representative was present for this hearing.

COMPLIANCE HEARINGS

13:47:51 **Case #2011090199 – John & Marlene Cairns**

Let the record show Mr. Bowles abstained from the case and submitted a Conflict of Interest form, which is on file in the Commission Office.

Mr. DeBlois recalled this case dated back to a hearing held on November 28, 2011 for a land clearing violation that had been resolved with a \$500 fine being paid, and site plan non-conformance violation where drainage was not constructed in accordance with the approved site plan. He continued the Board initially gave the Respondent until March 26, 2012 to complete drainage improvements per the approved site plan or modify the site plan and construct the improvements in accordance with an approved modified site plan.

Mr. DeBlois observed many extensions had been granted because of drainage design issues and the involvement of the St. Johns River Water Management District; however a modified revised site plan had eventually been approved and the case had last been before the Board on October 28, 2013, at which time an extension of two months was granted and the Respondent was given until December 20, 2013 to construct the drainage improvements, with a compliance hearing of today's date, January 27, 2014.

Inspector Buck submitted nine photographs taken January 23, 2014 into evidence and confirmed ground work for drainage improvements had commenced but there were still some issues with erosion control on the site.

Mr. David Hays, IRC Land Development Manager, testified the project had obtained site plan and stormwater permit approval in 2012 with an expiration date of the first week in December, 2013, and on January 1, 2013 he notified the Respondent the permit had expired and no inspections had been called for.

Mr. Randy Mosby, representing the owner, stated delays with the project had been caused by changes in engineers and other issues; however he intended to file for an extension and have a pre-construction meeting with IRC Engineering staff to complete the project.

Mr. DeBlois observed this project had been ongoing for a long time and a lot

of extensions had been granted and recommended two weeks, until February 14, 2014, to resolve the pre-construction and permit extension issues; and 90 days, until April 25, 2014, for the project to be totally completed.

Discussion followed about whether this would be enough time.

Mr. DeBlois stated he would stay with his original recommendation and revisit the issue if necessary at the end of the recommended time.

Mr. Petrulak asked if there was any reason why the project was not completed when the permit was originally issued. Mr. Hays related the Respondent had delayed the project for one reason or another so it had dragged out without any sense of urgency towards completion. Mr. Petrulak did not understand why the fine was not imposed because the case had been going on so long.

Mr. Hays confirmed a revised permit could be obtained within 48 hours if Mr. Mosby submitted a letter to County staff.

Mr. Clements mentioned a number of contractors had walked away from the project because of bedrock at the site.

Discussion ensued.

14:13:45

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted (3-1) to find non-compliance and impose the fine in the amount of \$100 per day with a start date of December 21, 2013. Mr. Zimmermann opposed.

It is noted for the record the Respondent's representative was present for this hearing.

14:14:34 **Case #2013040024 – RIG Williams LLC**

Mr. DeBlois recapped this case first came to the Board on June 24, 2013 for no building permit and property maintenance violations, at which time the Board granted the Respondent until September 20, 2013 to obtain building permits to repair the structure and obtain final inspections for the repairs or to obtain a demolition permit and remove the structure and associated debris. He continued an Order Granting Extension was issued on November 25, 2013 with a compliance date of

January 24, 2014.

Inspector Buck testified the Respondent had obtained a roof permit and received final inspection and approval on November 19, 2013; however he needed to get a permit for water lines for the laundry and the northern exterior of the building, plus a permit to replace a rotten post for the carport.

Mr. Randy Mosby advised the Respondent was moving ahead to obtain the remaining permits for the repairs to be done.

Mr. DeBlois recommended an extension of 90 days, until April 25, 2014, for compliance.

14:17:54

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to grant an extension of 90 days, until April 25, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondent's representative was present for this hearing.

LIEN RELEASE REQUEST

14:18:19 **Case #2013030095 – Kipp Ahrens**

Mr. DeBlois recapped this case originally came to the Board on June 24, 2013 for no building permit for a pre-existing legal non-conforming shed on the property that the Respondent had added onto. He related the Board's initial Order gave the Respondent until September 20, 2013 to obtain after-the-fact permits and final approvals or remove the addition, and when it came back on September 23, 2013 the Board had entered an Order Imposing Fine in the amount of \$100 per day with a start date of September 21, 2013 for non-compliance.

Inspector Jefferson confirmed a permit had been issued on January 16, 2014, but no inspections had been called for.

Mr. DeBlois acknowledged the property was not fully in compliance; however he recommended the Board enter a Conditional Setting of the Fine whereby the fine could be set at a certain amount provided compliance was attained by a date to be set by the Board. He noted using the start date of the fine of September 21, 2013 to

illegal vehicle parking in the right-of-way and junk, trash and debris were complied and the only violation remaining was for one junk vehicle, and recommended an extension of 30 days, until February 21, 2014, for compliance.

14:29:31

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation for junk vehicle and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

14:29:44 **Case #2013090118 – Robert & Cheryl Councilor (U.S. Bank NA)**

Inspector Jefferson submitted an Affidavit of Service indicating the property had been posted on January 16, 2014 and four photographs into evidence showing overgrown weeds and junk, trash and debris. She confirmed service on the bank on January 14, 2014 and reported work was being done towards compliance and recommended an extension of 30 days, until February 21, 2014.

Mr. DeBlois said he would withdraw Respondents Robert & Cheryl Councilor from the Order since U.S. Bank NA now had title to the property.

14:31:10

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

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

14:32:11 **Case #2013100130 – Tracey Scarborough**

Inspector Carter Solomon reported there was no service on this case.

14:32:26 **Case #2013100095 – William & Loretta Graves**

Inspector Carter Solomon submitted into evidence an Affidavit of Service

indicating the property had been posted on January 16, 2014 and a report from the IRC Animal Control Department regarding over 30 cats on the subject property. She stated the Respondents were applying for approval for a non-commercial kennel and planned to reduce the number of cats, and recommended an extension of 60 days, until March 21, 2014, for compliance of the zoning district use violation.

14:34:24

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until March 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

14:34:38 **Case #2013080097 – Scott Hodges (Mark Treling)**

Inspector Jefferson confirmed service on both parties on January 13, 2014 and submitted five photographs taken on October 28, 2013 and January 27, 2014 into evidence. She reported the junk, trash and debris and zoning district use violations were now in compliance and all that remained was a boat/trailer storage violation for three boats being stored on the site, and recommended an extension of 30 days, until February 21, 2014, for compliance.

14:36:23

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation for boat/trailer storage and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

14:38:07 **Case #2013100146 – Valentin Flores & Collado Niurka (One West Bank F.S.B.)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on January 16, 2014 and four photographs into evidence and related the vacant property had been cited for overgrown weeds. She advised she had not had contact with any of the Respondents and recommended an extension of 30 days, until February 21, 2014, for compliance.

14:39:23

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

14:39:48 **Case #2013120007 – Albert Snobelen**

Inspector Buck advised she had no service on this case.

14:39:58 **Case #2013120032 – Daniel & Tessa Kothman**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on January 17, 2014 and three photographs into evidence, and described overgrown weeds and junk, trash and debris at a vacant residence. She related a foreclosure procedure had been pending against the property but it had been dismissed last year and she had not had any contact with the Respondents. Inspector Carter Solomon recommended an extension of 30 days, until February 21, 2014, for compliance.

14:41:16

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

14:41:39 **Case #2013120046 – Mae Reed (J.P. Morgan Chase Bank, NA)**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on January 16, 2014 and one photograph into evidence and related the cited violations were for overgrown weeds, junk, trash and debris and junk vehicles; however the junk, trash and debris violation was resolved over the weekend and one vehicle had been removed. She indicated Respondent Mae Reed was deceased and the foreclosure procedure had been dismissed and recommended removing J.P. Morgan Chase Bank, NA as a respondent.

Inspector Carter Solomon stated there was one vehicle remaining on the site and she had received a telephone call from a relative of the deceased Respondent promising to remove the car and take care of the lawn. She recommended an extension of 60 days, until March 21, 2014, for compliance of the overgrown weeds and junk vehicle violations.

14:43:44

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until March 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondent's representative was not present for this hearing.

14:43:53 **Case #2013120061 – Gregory & Brandi Colton**

Inspector Carter Solomon submitted an Affidavit of Service indicating the property had been posted on January 16, 2014 and three photographs into evidence, and reported this case had to do with junk, trash and debris at a vacant residence. She recommended an extension of 30 days, until February 21, 2014, for compliance.

14:45:15

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

14:45:24 **Case #2013110012 – Kathleen Bishop**

Inspector Davis confirmed service on January 2, 2014 and submitted three photographs into evidence. She advised the case involved an exterior maintenance violation for a dilapidated fence and recommended an extension of 30 days, until February 21, 2014, for compliance.

14:46:29

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

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

14:47:21 **Case #2013090162 – Celia & Paul Bowen (Aurora Loan Services LLC)**

Inspector Davis submitted into evidence an Affidavit of Service indicating the property had been posted on January 15, 2014 and confirmed service on the bank on December 31, 2013. She submitted two photographs into evidence showing overgrown weeds on the subject property and recommended an extension of 30 days, until February 21, 2014, for compliance.

14:48:13

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

14:48:26 **Case #2013100085 – Arch Bay Holdings LLC, Series 2010A**

Mr. DeBlois advised this case would be rescheduled.

14:48:55 **Case #2013120055 – Alyse Snell**

Inspector Buck announced she did not have service on this case.

COMPLIANCE HEARINGS

14:49:09 **Case #2011070009 – Richard Harper**

Inspector Carter Solomon recapped this case initially came to the Board on May 21, 2012 for a property maintenance violation involving a burnt structure that

was going through the court system to negotiate settlement with an insurance company. She advised she had received a phone call from the Respondent in December, 2013 stating he had settled the case and would be applying for a demolition permit; however as of January 27, 2014 no such permit had been applied for.

Mr. DeBlois confirmed the IRC Clerk's office indicated the case was dismissed on January 10, 2014, and recommended an extension of 60 days, until March 21, 2014, to allow time for the final action and compliance of this case.

14:50:38

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find the violation and grant an extension of 60 days, until March 21, 2014, for compliance or a \$100 per day fine.

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

14:50:49 **Case #2013070138 – Mary Brown**

Inspector Buck submitted two photographs dated January 22, 2014 into evidence and recapped this case had first been to the Board on October 28, 2013 for overgrown weeds and an unsecured vacant structure. She confirmed the yard had been mowed; however the structure still had some broken and missing windows and the rear door was open. Inspector Buck related the Respondent telephoned and told her she had fallen and was out of town in a rehab center and could not find anyone to board up the structure for her, and recommended the \$100 per day fine be imposed with a start date of December 21, 2013.

14:52:18

ON MOTION BY Mr. Bowles, SECONDED FOR DISCUSSION BY Mr. Gervasio, to find non-compliance and impose the \$100 per day fine with a start date of December 21, 2013.

UNDER DISCUSSION, Mr. Gervasio wondered if another 30 or 60 days could be granted under the circumstances.

Mr. DeBlois did not feel it would take a lot to secure the structure and it was a hazard, adding the violation had existed for some time.

Chairman Clements mentioned Habitat for Humanity did repairs and perhaps they could help in this instance.

Mr. Gervasio withdrew his second to the previous motion.

Mr. DeBlois amended his recommendation to recommend the Board grant an extension of 30 days, until February 21, 2014, for compliance.

14:55:05

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find non-compliance and grant an extension of 30 days, until February 21, 2014, for compliance or a \$100 per day fine.

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

14:55:34 **Case #2013070063 – Sebastian Riverwalk Investors LLC (Charles-Hansen Tree Trimming/Corporation Service Company RA)**

Inspector Davis submitted one photograph into evidence and recapped this case originally came to the Board on August 26, 2013 for site plan non-conformance and landscape maintenance violations and over-trimming of landscape trees around the perimeter of the Riverwalk Shopping Plaza in Roseland, Florida. She related the Board had imposed a \$2,000 fine for the damaged trees and given the Respondents until October 25, 2013 to comply with the remaining violations, with an additional 90 day extension later being granted, until January 24, 2014. Inspector Davis confirmed compliance had not been attained and recommended a \$100 per day fine be imposed with a start date of January 25, 2014.

Mr. DeBlois mentioned Charles-Hansen Tree Trimming was subject to the initial fine for over-trimming the trees but was not responsible for the plaza landscape construction, and recommended removing him from the Order.

14:56:41

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find non-compliance of the site plan non-conformance and landscape maintenance violations and impose the fine in the amount of \$100 per day with a start date of January 25, 2014.

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

14:57:34 **Case #2013040017 – John Latt & Nichole Rockwood**

Inspector Davis recalled this case originally came to the Board on June 24, 2013, at which time a 60 day extension, until August 23, 2013, was granted for the Respondents to resolve the violations for junk, trash and debris, property maintenance and health and safety hazard/public nuisance at a vacant house. Inspector Davis noted an extension had been granted until December 20, 2013; however the Respondents had moved and she recommended a \$100 per day fine be imposed with a start date of December 21, 2013.

14:59:29

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Bowles, the Board voted (4-1) to find non-compliance and impose the \$100 per day fine with a start date of December 21, 2013. Mr. Zimmermann opposed.

It is noted for the record the Respondents were not present for this hearing.

14:59:46 **Case #2013080024 – Robert Green**

Inspector Buck recapped this case first came to the Board on September 23, 2013 for zoning district use violation for a lawn mower business on the subject property, home occupation violation, junk, trash and debris and no building permit. She related the junk, trash and debris violation was complied and the Respondent had gotten rid of the mowers on his property; however he still needed to get a home occupation permit and permits for unpermitted structures on the property. Inspector Buck submitted one photographs into evidence and recommended the \$100 per day fine be imposed with a start date of January 25, 2014.

15:01:08

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of January 25, 2014.

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

15:01:25 **Case # 2013090049 - Eagle Trace Estate Homes LLC (5560 62nd Lane, Vero Beach)**

Mr. DeBlois recalled a question came up at the CEB meeting of November 25, 2013 regarding ownership of the property based on a newspaper article about a lawsuit between Mortgage Loan LLC and Eagle Trace Estate Homes LLC, and after researching the issue staff had found a Corrective Special Warranty Deed was recorded and even though there was a law suit involved the appropriate party had been cited on these cases. He advised even though the properties were not fully in compliance, staff had attained some success by getting the dumpster company to remove all of the dumpsters and the debris inside them from the sites.

Inspector Buck submitted one photograph taken on January 22, 2014 into evidence and reported as of January 27, 2014 the dumpster had been removed and the overgrown weed violation was complied; however she wanted to leave the violation on the Order in the event it recurred in the future. Mr. DeBlois indicated the loose roof tiles were still on the roof and had not been removed and recommended the \$100 per day be imposed with a start date of December 21, 2013.

Let the record show Mr. Bowles recused himself from voting and completed and submitted form 8B Memorandum of Voting Conflict, which is on file in the Commission Office.

15:04:00

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (4-0) to find non-compliance for the junk, trash and debris violation for the loose roof tiles, and impose the \$100 per day fine with a start date of January 25, 2014. Mr. Bowles abstained.

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

15:04:23 **Case #2013090050 – Eagle Trace Estate Homes LLC (6210 55th Avenue, Vero Beach)**

Inspector Buck submitted two photographs taken on January 22, 2014 into evidence and confirmed the dumpster had been removed from the site and the overgrown weeds taken care of, so the only remaining violation was a junk, trash and debris violation for a couple of piles of roof tiles that were not allowed because there were no active building permits existing on the site. Mr. DeBlois recommended

the \$100 per day fine be imposed with a start date of January 25, 2014.

15:05:13

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (4-0) to find non-compliance for the junk, trash and debris violation and impose the \$100 per day fine with a start date of January 25, 2014. Mr. Bowles abstained.

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

Discussion followed about whether or not the incomplete homes on the site should be required to be boarded up. Mr. DeBlois said staff would look into the situation.

15:06:34 **Case #2013090106 – Kelly Construction**

Inspector Buck submitted one photograph taken on January 22, 2014 into evidence and advised this case had first come to the Board on October 28, 2013 for overgrown weeds on a vacant lot, and the Board had granted one extension until December 20, 2013. She indicated nothing had been done and recommended the \$100 per day fine be imposed with a start date of December 21, 2013.

15:07:32

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to find non-compliance for the overgrown weeds violation and impose the \$100 per day fine with a start date of December 21, 2013.

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

15:07:44 **Case #2013090043 – Eagle Trace Estate Homes LLC (6170 55th Avenue, Vero Beach)**

Inspector Buck submitted one photograph taken on January 22, 2014 into evidence and testified the dumpster had been removed but the overgrown weeds were still not in compliance, and recommended the \$100 per day fine be imposed with a start date of January 25, 2014.

15:08:08

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (4-0) to find non-compliance for the overgrown weeds violation and impose the \$100 per day fine with a start date of January 25, 2014. Mr. Bowles abstained.

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

15:10:43 **Case #2013090044 – Eagle Trace Estate Homes LLC (6190 55th Avenue, Vero Beach)**

Inspector Buck submitted one photograph taken on January 22, 2014 into evidence and testified the dumpster had been removed but the overgrown weeds were still not in compliance, and recommended the \$100 per day fine be imposed with a start date of January 25, 2014.

15:11:06

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (4-0) to find non-compliance for the overgrown weeds violation and impose the \$100 per day fine with a start date of January 25, 2014. Mr. Bowles abstained.

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

15:11:19 **Case #2013090051 – Eagle Trace Estate Homes LLC (6200 55th Avenue, Vero Beach)**

Inspector Buck submitted one photograph taken on January 22, 2014 into evidence and testified a stack of roof tiles remained on the property and there were no current building permits and the lot was still overgrown. She recommended the \$100 per day fine be imposed with a start date of January 25, 2014.

15:11:49

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (4-0) to find non-compliance for the junk, trash and debris and overgrown weeds violations and impose the \$100 per day fine with a start date of January 25, 2014. Mr. Bowles abstained.

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

15:11:59 **Case #2013090054 – Eagle Trace Estate Homes LLC (5500 62nd Place, Vero Beach)**

Inspector Buck submitted one photograph taken on January 22, 2014 into evidence and testified there was still a pile of bricks on the property and the overgrown weeds still not in compliance, and recommended the \$100 per day fine be imposed with a start date of January 25, 2014.

15:12:25

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (4-0) to find non-compliance for junk, trash and debris and overgrown weeds violations and impose the \$100 per day fine with a start date of January 25, 2014. Mr. Bowles abstained.

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

15:12:37 **Case #2013090055 – Eagle Trace Estate Homes LLC (5580 62nd Place, Vero Beach)**

Inspector Buck submitted one photograph taken on January 22, 2014 into evidence and testified the overgrown weeds and junk, trash and debris violations were still not in compliance, and recommended the \$100 per day fine be imposed with a start date of January 25, 2014.

15:13:09

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (4-0) to find non-compliance for overgrown weeds and junk, trash and debris violations and impose the \$100 per day fine with a start date of January 25, 2014. Mr. Bowles abstained.

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

15:13:21 **Case #2013090056 – Eagle Trace Estate Homes LLC (5600 62nd Place, Vero Beach)**

Inspector Buck submitted one photograph taken on January 22, 2014 into evidence and testified the junk, trash and debris and overgrown weeds violations were still not in compliance, and recommended the \$100 per day fine be imposed with a start date of January 25, 2014.

15:13:48

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (4-0) to find non-compliance for the overgrown weeds and junk, trash and debris violations and impose the \$100 per day fine with a start date of January 25, 2014. Mr. Bowles abstained.

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

15:14:00 **Case #2013100029 – Michael & Christine McPhee (Wells Fargo Bank, NA)**

Inspector Carter Solomon related this case had originally come to the Board on November 25, 2013 for overgrown weeds and swimming pool maintenance violations, at which time the Board granted until December 20, 2013 for compliance. She confirmed she had checked the property last week and nothing had been done and recommended the \$100 per fine be imposed with a start date of December 21, 2013.

15:14:56

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of December 21, 2013.

It is noted for the record the Respondents were not present for this hearing.

15:15:09 **Case #2013080074 – HMC Holiday Village LLC**

Inspector Sullivan submitted two photographs taken on January 16, 2014 into evidence and testified this case initially came to the Board on October 28, 2013 for overgrown weeds. She reported as of January 27, 2014 the site was in the same

condition and recommended the \$100 per day fine be imposed with a start date of January 25, 2014.

15:15:46

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of January 25, 2014.

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

15:16:05 **Case #2013090095 – Yanna Group Inc.**

Inspector Davis submitted one photograph taken January 23, 2014 into evidence and recapped this case had first been to the Board on October 28, 2013 for no building permit, zoning district use, location of structures and property maintenance violations. She confirmed the property maintenance violation had been resolved; however the illegal mobile home was still on the property and the remaining violations were unresolved. Inspector Davis recommended the \$100 per day fine be imposed with a start date of January 25, 2014.

15:17:08

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Bowles, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of January 25, 2014.

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

15:17:21 **Case #2013040055 – Odyssey (II) DP V, LLC**

Inspector Davis related this case had to do with landscape and site plan non-conformance violations and the property was still in the same condition as when it had originally been cited. She recommended a \$100 per day fine with a start date of January 25, 2014.

15:18:04

ON MOTION BY Mr. Gervasio, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to find non-compliance and impose the \$100 per day fine with a start date of January 25, 2014.

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

15:18:22 **Case #2012100236 – Selective Properties LLC (Steven Shaw)**

Mr. DeBlois recapped this case originally came to the Board on February 25, 2013 for tree removal, land clearing debris stockpile and land clearing violations. He related there were two sets of fines imposed with the Board entering a \$40,000 fine for the initial clearing and tree removal on the site, and in addition to that fine the Respondent was required to meet with staff to survey the property, identify conservation set-asides and replant those properties and record conservation easements over a portion of the property.

Mr. DeBlois reported all that remained was the recording of the conservation easements and the Respondent had submitted a draft survey and legal description for the easements, and had volunteered to dedicate a portion of an unofficial roadway on the south side of the property to the County for right-of-way. He recommended an extension of 60 days, until March 21, 2014, for compliance.

15:21:33

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to grant an extension of 60 days, until March 21, 2014, for compliance or a \$100 per day fine.

It is noted for the record the Respondents were not present for this hearing.

Mr. DeBlois advised since there were no representatives present for the remaining Lien Release Requests on the agenda he would reschedule those cases.

Authorization for Notices to Appear

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Gervasio, the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the February 24, 2014 meeting.

Other Matters

Mr. Gervasio wondered if his position as an At-Large Representative on the Board could be changed so he would become the Business Representative, thereby creating a vacancy for an At-Large member to open it up for more people to apply

and making it easier to fill that vacancy.

Mr. DeBlois said he would discuss this with the IRC Attorney's office.

Adjournment

There being no further business, the meeting was adjourned at 5:50 p.m.