

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 24, 2022 at 1:30 pm.

Present were Vice Chairman **Mr. Karl Zimmermann**, Realtor Appointee; **Mr. David Myers II**, Businessman Appointee; **Mr. Pete Clements**, General Contractor Appointee; and **Ms. Dana DiFrancesco**, Alternate Member Appointee.

Also, in attendance was Ms. Jennifer Peshke, Attorney for the Board; IRC staff: Mr. Andy Sobczak, Assistant Community Development Director; Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning; Ms. Susan Prado, Assistant County Attorney; IRC Code Enforcement Officers: Ms. Daphne Driskell, Ms. Kelly Buck; Recording Secretary, Ms. Lisa Plesnarski, Commissioner Assistant.

Call to Order

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

Approval of Minutes

ON MOTION BY David Myers, SECONDED BY Dana DiFrancesco, the Board voted unanimously (4-0) to approve the minutes of November 22, 2021 as presented.

Attorney's Overview of Board Purpose and Procedures

Jennifer Peshke read a brief overview of the Code Enforcement Board's procedures and purpose.

Nominations for Election of Chairperson and Vice Chairperson

Nominations of election of Chairperson and Vice Chairperson for 2022. Pete Clements nominated Dana DiFrancesco as Chairperson.

ON MOTION BY Pete Clements, SECONDED BY David Myers, the members voted unanimously (4-0) to nominate Dana DiFrancesco as Chairperson for 2022.

David Myers nominated Mr. Pete Clements as Vice Chairperson.

ON MOTION BY David Myers, SECONDED BY Dana DiFrancesco, the members voted (4-0) to nominate Mr. Pete Clements as Vice Chairperson for 2022.

Agenda Additions or Deletions, Consent Items

Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning, reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension on the Consent Agenda.

Case #2020100095 was given an extension of 90 days to April 22, 2022, Case #2021050044 was given a 30 day continuance to February 25, 2022, Case #2021010056 is in review and has been rescheduled, Case #2020040025 was given a 60 day extension to March 25, 2022, Case #2021080004 was given a 30 day extension to February 25, 2022, Case #2021090117 was given a 30 day extension to February 25, 2022, Case #2021090133 has been rescheduled.

ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, the Board voted unanimously (4-0) to accept the Consent Agenda as presented.

Swearing in of Those Whom Will Testify

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

LIEN RELEASE REQUEST

Case #2021100012 Sunburst/Encore, LP

Mr. Steven Hitt, IRC Environmental Planner, spoke about a case that originated October 2021 regarding property at 9455 108th Avenue. Land clearing and tree removal violations resulted in an imposed fine of \$117,750.00. The property developers are requesting a reduction of the fine amount. Mr. Hitt explained that they have submitted a revised site plan after the trees were removed showing the removed trees will be mitigated. Mr. Patrick Walther, Engineer for Carter & Associates, spoke to the Board and explained they had land clearing permits before the tree removal. Mr. Walther contended they were not notified of the previous hearing or they would have attended. Mr. Walther asked for elimination or reduction of the fine. Matthew West approached the Board and explained that the permit they acquired allowed the removal of trees, however, the removal of stumps was the cause of violation. Mr. West requested consideration of reducing the fine. Mr. Pete Clements asked Mr. Hitt for clarity about the tree/tree stump removal. Mr. Hitt showed the approved plan that was in place before the tree removal, and the new plan submitted after the fact. Mr. Zimmermann asked Mr. Hitt about the assertion they were not notified. Ms.

Susan Prado asked Mr. Hitt when the notice was sent via certified mail. Mr. Hitt showed his affidavit indicating it was sent dated October 7, 2021 and said he did receive a receipt of service. Ms. Prado explained that Florida statute deems a certified mailing plus posted notice is valid service. Ms. Prado went on to explain that Florida statute requires notice be sent to the address of the listed tax holder. Ms. DiFrancesco asked Mr. Walther why there was confusion with their contractor regarding the removal of trees. Mr. Walther explained that the contractor confused “land clearing” with “tree removal”. Ms. DiFrancesco asked Mr. Hitt to show the original site plan. Ms. DiFrancesco asked Mr. Walther if he was aware of which trees should not have been removed. Mr. Walther explained he was not aware that land clearing had begun. Mr. West went on to contend they had approval to remove trees, but not tree stumps. Mr. Myers asked and gained clarity that the trees were removed prior to approval. Mr. Myers asked for staff’s recommendation. Mr. Hitt responded that staff’s recommendation is to uphold the fine. Mr. Clements asked Mr. Hitt the difference between removing trees versus removing stumps. Mr. Hitt explained stump removal is considered land clearing because soil is disturbed. Mr. Myers moved to accept staff’s recommendation.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann. Pete Clements opposed. The motion passed (3-1) to accept staff’s recommendation to uphold the fine in the amount of \$117,750.00.

Note for the record that Respondents representatives, Patrick Walther and Matthew West, were present for this hearing.

COMPLIANCE HEARINGS

Case # 2021090105 Paige, James R. & Jeanne (Estate of)

Ms. Kelly Buck, IRC Code Enforcement Officer (standing in for Vanessa Carter Solomon), spoke about a property located at 955 37th Avenue. The violations were for overgrown weeds, junk, trash and debris, and swimming pool maintenance and enclosure violations. This case originally came before the Board on November 22, 2021. Respondent was given 7 days for the pool enclosure to be secured. Ms. Buck showed a photo taken this morning showing overgrown vegetation and dead palm fronds. Ms. Buck explained she did not approach the back pool area because she did not have permission. Ms. Buck stated that although she could not verify if the pool violation was resolved, the condition of the property appeared to be the same. Staff’s recommendation is for a fine in the amount of \$100.00 per day be imposed beginning December 1, 2021.

ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, the Board voted unanimously (4-0) to approve staff recommendation of a fine in the amount of \$100.00 per day beginning December 1, 2021.

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

Case #2021050046 Jaholkowski, Michael J.

Ms. Buck stated this case is in compliance.

Case #2021120010 Valihora, Michael & Valihora, Michael (Trust)

Ms. Kelly Buck, IRC Code Enforcement Officer (standing in for Vanessa Carter Solomon), spoke regarding a property located at 2380 6th Street. This case originally came before the Board June 28, 2021 for recreational vehicle storage and illegal vehicle parking of an RV violations. Ms. Buck explained the respondent previously had the RV parked in the right of way. It is now parked on the side of the house. The respondent previously stated he would bring the RV to a storage facility. Ms. Solomon has previously indicated the respondent would move the RV, but then eventually move it back to the property. Ms. Buck showed a photo taken today which shows the RV parked next to the house. Ms. Buck explained that being a repeat violation, staff's recommendation is a fine be imposed in the amount of \$250.00 per day beginning December 18, 2021. Mr. Valihora spoke and stated that he was unaware this was a problem for the county. Ms. DiFrancesco reminded him of his previous appearances at hearings regarding this case, and that there are ordinances in place which limit those actions. Mr. Valihora stated the RV has been moved to an auto repair shop. Ms. DiFrancesco asked him to clarify if it was to be stored there, being that it is an auto repair shop and not a storage facility. Mr. Valihora responded yes, it would be stored at the auto repair shop. Mr. Clements asked Ms. Buck if there was anywhere on the property the respondent could park the RV. Mr. Myers asked if a recreational vehicle can be parked in a designated parking area other than the driveway, or does it specifically have to be the driveway. Ms. Buck responded that the RV could be parked in a paved or gravel parking area but that it must be connected to the existing driveway. Mr. Clements further explained to Mr. Valihora that if parked in the driveway, the RV cannot be encroaching the right of way. Ms. DiFrancesco called for a motion.

ON MOTION BY Karl Zimmermann, SECONDED BY David Myers, the Board voted unanimously (4-0) to approve staff recommendation of a fine in the amount of \$250.00 per day beginning December 18, 2021.

Ms. DiFrancesco explained to Mr. Valihora that he should communicate to staff to confirm the RV has been removed so that any fines stop accruing because the imposed fine has a start date of December 18, 2021 and is calculated per day.

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

LIEN RELEASE REQUESTS

Case #20181200029 Malgeri, Dominick F. & Priscilla L.

Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning, spoke regarding a property located at 1755 46th Avenue. Violation was for no building permit; re-roof without permit. Ms. Guerra showed a photo showing the state of the roof taken in 2016, and a photo of the roof taken in 2018 showing the roof had been replaced. A fine was imposed in the amount of \$100.00 per day beginning May 18, 2019. The property was brought into compliance October 21, 2021. There were a total of 887 days out of compliance, thus equaling a fine in the amount of \$88,700.00. Administrative costs were \$1,700.00. The 2021 assessed value of the home was \$94,504.00. Staff's recommendation is for 10% of the total fine, an amount of \$8,870.00.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (4-0) to approve staff's recommendation that a fine be imposed in the amount of \$8,870.00.

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

Case #2016110011 Brandes, David J. & Katherine L.

Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning, spoke regarding a no building permit violation at 1195 38th Avenue. A culvert was installed without a permit. Ms. Guerra showed a photo taken in 2019 and a photo taken today showing the work done on the culvert. A fine in the amount of \$100.00 per day was imposed beginning April 22, 2017. The property was brought into compliance January 10, 2022. There were a total of 1,724 days out of compliance, thus equaling a fine in the amount of \$172,400.00. Administrative costs were \$1,700.00. The 2021 assessed value of the home is 76,395.00. Staff's recommendation is for 10% of the total fine, an amount of \$17,240.00.

Mr. Brandes explained that he was not aware of the lien until he recently tried to refinance with the bank. Mr. Clements asked when the homeowner was notified. Ms. Guerra responded by reviewing the former hearing dates. A discussion ensued regarding permits and inspection dates. Mr. Clements asked if the property is currently in compliance. Mr. Sobczak responded that it is now in compliance. Mr. Clements made a motion for a fine in the amount of \$1,700.00 for administrative costs.

ON MOTION BY Pete Clements, SECONDED BY Karl Zimmermann. David Myers opposed. The Board voted (3-1) to impose a fine for administrative costs in the amount of \$1,700.00.

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

EVIDENTIARY HEARING

Case #2021100031 Hucek, John R.

Ms. Daphne Driskell, IRC Code Enforcement Officer, spoke about a case pertaining to a junk vehicle violation at 8236 9th Avenue. Notice was sent via regular and certified mail with service received October 16, 2021. Notice was also posted January 10, 2022. Ms. Driskell showed photos of the property showing the status is unchanged. Staff's recommendation is a 30 day extension to be brought into compliance or a fine be imposed in an amount up to \$250.00 per day.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (4-0) to approve staff's recommendation of a 30-day extension to be brought into compliance or a fine be imposed in the amount of up to \$250.00 per day.

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

COMPLIANCE HEARINGS

Case #2021070002 Halcomb, Tammy Diane

Ms. Daphne Driskell, IRC Code Enforcement Officer spoke regarding the property at 8876 99th Court. This case is concerning vehicle parking/storage, recreational vehicle use, and zoning district use violations. At an evidentiary hearing on October 25, 2021 the owner was given an extension of 90 days to bring the property into compliance. Tammy Halcomb spoke and explained that she just received the property survey last week and, due to the time delay, she has not been able to complete her building design and apply for permits. Ms. Halcomb is requesting an extension of time. Mr. Clements asked Ms. Driskell if the other violations are in compliance. Ms. Driskell responded that the recreational vehicle has been moved off site. Mr. Clements asked for clarity as to what was required for compliance. Ms. Driskell reviewed the requirements of the previous Order, stipulating that Ms. Halcomb submit a building permit application for the shed in conjunction with a building permit application for a single family home, or remove the shed; and submit any required building permit applications for the solar panel. Ms. Driskell stated that at this point the permit applications need to be submitted. Ms. DiFrancesco reiterated what was needed for compliance, and that Ms. Halcomb's design professional needs to complete designs for the single family home, shed, and solar panel. Ms. Halcomb stated that the solar panel would eventually go on the house. Mr. Clements asked Ms. Driskell her opinion about what is needed for the property to come into compliance. Ms. Driskell responded that the property owner at least needs to be able to remove the solar panels at

this time. Ms. Driskell stated they are willing to give a 90 day extension. Mr. Clements clarified the conditions are that the existing solar panel structure be disassembled and stored offsite. Staff's recommendation is for a 90 day extension for the site to be brought into compliance conditional upon removal and offsite storage of the existing solar panel, or be subject to a fine in an amount of up to \$250.00 per day.

ON MOTION BY Pete Clements, SECONDED BY Karl Zimmermann, the Board voted unanimously (4-0) to approve staff recommendation of an extension of 90 days to April 22, 2022 to submit necessary permits.

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

Case #2021090093 Vollrath, Robert Charles

Ms. Daphne Driskell, IRC Code Enforcement Officer, spoke regarding an overgrown weeds violation at 7360 129th Place. An evidentiary hearing was held November 22, 2021. The status of the property is unchanged. Staff's recommendation is a fine in the amount of \$100.00 per day be imposed beginning January 22, 2022 until the property is brought into compliance.

ON MOTION BY Pete Clements, SECONDED BY David Myers, the Board voted unanimously (4-0) to impose a fine in the amount of \$100.00 per day beginning January 22, 2022 until the property is brought into compliance.

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

Case #2021080033 CF KL Assets 2019-2, LLC

Ms. Guerra placed a call to the Respondent's attorney, Mr. Greg Rosenthal. Mr. Rosenthal then conferenced into the Board meeting with the owner representatives, Erin Smith and Kevin Lutz. The secretary administered the testimonial oath to those on the phone call. Ms. Daphne Driskell, IRC Code Enforcement Officer, spoke regarding a property located at 8415 102nd Avenue. An evidentiary hearing was held September 27, 2021. The Building Department had posted a notice of violation for an unsafe structure on November 7, 2021. The notice was to either correct the violation by obtaining all required permits with work commencing within 30 days of receiving the notice and all violations corrected and the property brought into full compliance within 180 days, or alternatively, demolish the structure with required permits. Staff's recommendation was that a \$250.00 per day fine be imposed beginning December 8, 2021. Ms. Driskell reported the status is unchanged.

Mr. Rosenthal spoke and explained a permit was submitted for approval December 18, 2021. At that time they were informed the Health Department required the utilities to be capped. This was done and the Health Department inspected the property January 4, 2022. They then resubmitted their permit application January 10, 2022. Mr. Rosenthal requested their submission dated December 18, 2021 be considered as compliant due to the unforeseen delays and explained he had been in communication with the County attorney's office to inform them of their progress concerning the December 8, 2021 date. Mr. Rosenthal ensured they are doing everything they can to get applications submitted and asked for consideration that fines not be imposed as they work toward progress.

Ms. Prado confirmed she did have a conversation with Mr. Rosenthal in which they discussed an extension of time for them to submit permits. Ms. Prado reiterated the conditions of the previous Order which stated the permits should be obtained for the repair of fire damage or the structure be removed. Ms. Prado explained that it looks like the permit issued January 10, 2022 was a demolition permit to remove the structure from the property. The extension was given from December 8th to December 28, 2021. Mr. Lutz explained that they submitted a permit for demolition of the garage and roof structures for work that was needed to secure the home. Mr. Myers asked for clarity as to when they asked for an extension. Ms. Prado replied that she spoke to the respondent before the date of December 8th. Mr. Clements pointed out that the permit obtained was for demolition and not for rebuilding. Ms. Prado explained to the respondent a separate permit would be needed to proceed with construction and clarified that permits need to be obtained before construction begins. Ms. DiFrancesco asked for respondent's timeline for demolition and completion. Mr. Lutz explained they would apply for a building permit after demolition of the damaged portion was complete. Ms. Prado asked if the respondent understood the permit obtained was for demolition of the entire structure. Mr. Rosenthal explained that the permit should be for partial demolition not whole house demolition. Ms. DiFrancesco asked Mr. Lutz if he received a copy of the permit that was issued January 10, 2022. Mr. Lutz responded he had not. Ms. Driskell showed an image of the permit which showed it was for whole house demolition. Ms. DiFrancesco suggested Mr. Rosenthal communicate with the contractor to ensure the permits are correct. Mr. Rosenthal contended that in order to proceed with repair, part of the structure would need to be demolished. Mr. Clements pointed out that we don't have access to any supporting documents that were submitted with the permit application. Mr. Clements asked for an estimated timeline for submission of permits and construction commencement in order to bring the property into compliance. Mr. Lutz responded that an estimate of time is the end of April 2022. Ms. DiFrancesco asked for staff's recommendation. Ms. Driskell gave staff's recommendation that a fine in the amount of \$250.00 per day be imposed beginning December 28, 2021. Mr. Sobczak added some information from the parallel Building Code case which is where the compliance dates were derived. Two options were set forth: either obtain a demolition permit and complete demolition within a time certain; or obtain permits and rebuild the house within a time certain. The respondent chose the demolition option so the dates of the Building notice apply and those dates have passed. Building Code's next step is to put the building on the condemnation list as it has not achieved demolition. Mr. Sobczak went on to explain that they are bound by dates put forth by Building Code since they determined it is an unsafe structure. Mr. Rosenthal asked about

an end date for the fine accrual. Ms. Prado responded that it would continue to accrue until the property is brought into compliance. Mr. Rosenthal contended there was a misunderstanding about what occurred at the last hearing; it was his understanding that the deadline was not for work completion but to submit a permit application. At this time the call with respondent was lost. Mr. Myers expressed concern that communication would be an ongoing problem although we have attempted to accommodate. Mr. Clements stated they should attend the meeting in person. Jennifer Peshke explained that we can suspend today's hearing if we're having a hard time communicating and request they attend the next hearing in person. Mr. Rosenthal's connection was reestablished, and Ms. Prado explained to him the opinion of the Board is it would be best for him to appear in person. Mr. Rosenthal asked the date of the next hearing. Ms. Prado responded February 28, 2022. Mr. Myers made a motion to continue the case to the February 28th meeting. Ms. Prado communicated this to Mr. Rosenthal and explained he can find video and minutes of the hearings on our website.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (4-0) to continue the case to the next meeting, scheduled for February 28, 2022.

Note for the record that the Respondent's representative, Greg Rosenthal, and owner representatives, Erin Smith and Kevin Lutz, were present via phone conference for this hearing.

LIEN RELEASE REQUESTS

Case #2020050002 Pickett, Brandon A. & Ashley L.

Ms. Guerra spoke regarding a property at 3216 1st Place. Violations were for junk, trash, and debris; junk vehicles, and no building permit for fences erected without permit. Ms. Guerra showed photos taken in April 2020 which showed the junk vehicles and portions of the fence. Ms. Guerra showed a photo taken January 12, 2022 showing the property has come into compliance. The fine in the amount of \$100.00 per day was imposed beginning September 26, 2020. The property was brought into compliance on January 13, 2022 for a total of 447 days out of compliance. Administrative costs were in the amount of \$2,000.00 including one extension. Staff's recommendation is for 10% of the total fine, \$4,740.00.

Mr. Brandon Pickett spoke and explained he removed the junk vehicles and portions of the fencing within two weeks of being notified. Mr. Pickett asserted he misunderstood and did not realize the back portion of the fence, which was in place when he purchased the property, was part of the unpermitted fence that needed to be removed. Mr. Pickett requested leniency and asked for the fine to be determined in the amount of administrative costs. Mr. Clements asked if Mr. Pickett is trying to sell the property. Mr. Pickett explained that he is and is scheduled to close January 28, 2022. Mr. Clements made a motion for a fine in the amount of administrative costs. The motion failed for lack of a second. Ms. DiFrancesco

asked for another motion. Mr. Myers asked Ms. Guerra when they were notified the property was in compliance. Ms. Guerra explained they made multiple attempts to communicate and multiple site visits and that the fencing was removed piece by piece. Mr. Pickett asserted he wasn't initially aware that all of the fencing needed to come down and that he did not initially understand the side and back portions of the fence that he did not personally install were included with what had to be taken down. Mr. Myers made a motion for a fine in the amount of \$3,350.00 which is half the total of the fine plus administrative costs.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (4-0) to impose a fine in the amount of \$3,350.00.

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

Case #2020060054 Lee, Elsie I.

Ms. Guerra explained this is a lien release request for property located at 420 7th Rd. Southwest. Violations were for overgrown weeds and property maintenance, specifically broken windows needing to be repaired or replaced. Ms. Guerra showed a photo taken June 2020 showing overgrown weeds and broken windows. Ms. Guerra showed a photo taken January 12, 2022 showing the windows were boarded. A fine in the amount of \$100.00 per day was imposed November 21, 2020. The property was brought into compliance January 7, 2022 for a total of 412 days out of compliance bringing the total fine amount to \$41,200.00. The assessed value of the home is \$50,990.00. Due to the nature of the property maintenance violations, staff is recommending a fine in the amount of \$1,700.00 for administrative costs.

ON MOTION BY David Myers, SECONDED BY Pete Clements, the Board voted unanimously (4-0) to approve staff's recommendation that a fine be imposed in the amount of \$1,700.00.

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

Case #2014030006 TRN Investment, INC.

Ms. Prado spoke about this lien release request. There was a potential issue with required notification because it was unknown that the property had entered into foreclosure and the bank that concluded the foreclosure was not notified. Ms. Prado requested a release of the lien without consideration.

ON MOTION BY David Myers, SECONDED BY Pete Clements, the Board voted unanimously (4-0) to approve staff's recommendation that the lien be released.

Note for the record that the Respondent, Gary Thomas was present for this hearing.

The meeting was recessed for five minutes to 4:00pm.

COMPLIANCE HEARING

Case #2020050090 Vero Beach SMI, LLC; MHC Vero Beach, LLC; Grand Harbor Community Association

A call was placed to David Coviello of Shutts & Bowen, LLP. Representative Ms. Kendall Ryan was present. Both were sworn in by the secretary. Mr. Sobczak gave a brief history of the case. This case is regarding a site plan nonconformance violation and a docks, piers and/or boat slips violation at 1221 Marina Village Circle, the marina at Grand Harbor. The issue is persons living aboard vessels harbored within the marina. The marina does not have an approval in place for live aboard vessels. Initial contact was made in May 27, 2020 to open a dialogue with respondents. Approximately 50 complaints were received, mostly from residents. A formal notice of code violation was sent January 11, 2021, citing a site plan violation. The order stipulated that respondent's obtain site plan approval for the live aboards in order to have them in the marina. The respondents did submit a preliminary site plan for review and there was a pre application conference on April, 2021. Mr. Sobczak explained he recently received communication from respondents that they were going to start the process over and submit a new pre-application. Mr. Sobczak went on the state that we are about a year and a half into this case and have not seen progress. The main issue is there are live aboards in the marina without site plan approval. The violation continues and respondent is not getting closer to compliance. Mr. Sobczak explained they need to have the live aboards vacate the marina or obtain site plan approval.

Mr. Coviello spoke and explained that his client is trying to move forward with the site plan approval process. Ms. Ryan provided the Board members with copies of the Notices and emails. Mr. Coviello spoke about the timeline and explained that on April 15, 2021 they submitted a pre-approval plan. On April 26, 2021 they attended a pre-application meeting. Final staff comments were received June 24, 2021. Mr. Coviello contended this was an excessive amount of time. Mr. Coviello stated that staff's comments cited the neighbors' concerns, therefore, he requested the names and contact information for the neighbors in order to get the details of concern. They received the information from the county on October 11, 2021 and the documents were received November 30, 2021. Mr. Coviello explained there are multiple HOA's that have commented and they would like to have outreach meetings with the HOA's. Mr. Coviello requested a 90 day extension and ensured he would report on progress.

Ms. Prado, Assistant County Attorney, responded to Mr. Coviello's legal argument regarding the notice of violation. On May 8, 2021 the Board issued an Order which laid out the actions required and that a fine in the amount of \$100.00 per day be imposed until brought into compliance. The Board heard this case on May 8, 2021 and the Order issued supersedes the initial Notice of Violation. The Order states the formal application shall be submitted or they should cease live aboards. Mr. Coviello again asked for an extension of time and ensured they would make progress. Mr. Myers asked Mr. Coviello if he was granted 90 days would they just make progress, or would the issue conclude. Mr. Meyers expressed concern that after 90 days they will ask for another 90 day extension. Mr. Coviello explained they would not have site plan approval in that time frame and continued to contend the county caused a delay in time. Ms. Prado explained the county has a reasonable amount of time to respond to public records requests as per Florida statute. Ms. Prado asked Mr. Sobczak if the requests for community input Mr. Coviello referred to are required in order for them to submit their site plan. Mr. Sobczak responded it is not. Ms. Prado noted Mr. Coviello's argument falls short. Ms. DiFrancesco asked for staff's recommendation. Mr. Sobczak responded staff's recommendation is a fine in the amount of \$100.0 per day be imposed beginning on January 22, 2022. Ms. Prado reiterated that the Order stipulated they must submit their formal application for site plan approval or get rid of live aboards. Mr. Coviello said they plan to submit their site plan for approval within 90 days. Mr. Myers raised a motion: the respondent submit a complete application for after the fact site plan approval within 90 days, in addition that no live aboards be present in the marina within 90 days and that respondent cease the harboring of live aboards in the marina within 90 days or be subject to fine in the amount of \$100.00 per day. Ms. DiFrancesco clarified that any Order issued today supersedes any previous Order.

ON MOTION BY David Myers, SECONDED BY Karl Zimmermann, the Board voted unanimously (4-0) that the respondent submit a complete application for after the fact site plan approval within 90 days, in addition that no live aboards be present in the marina within 90 days, and that respondent cease the harboring of live aboards in the marina within 90 days or be subject to fine in the amount of 100.00 per day.

Note for the record that Respondents representative, David Coviello, **was** present for this hearing via phone conference.

Other Board Matters

There were no other matters discussed.

Adjournment

There being no further business, the meeting was adjourned at 4:35pm.