

CODE ENFORCEMENT BOARD MINUTES
Wednesday, January 10, 2018 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Kirk Noonan; Vice Chairman, Eric Price; Members: Chris Bryant, Stephen McDonald, Frank Pizzichillo and Linda Hillman **Also Present:** Assistant City Attorney, Kira Honse; Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Thomas Ramsey and Deputy City Clerk, Sherri Philo

Excused Absence: Jeffrey McGann

1. CALL TO ORDER

Today's meeting was called to order at 2:00 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 all witnesses present for today's meeting en masse.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – December 13, 2017

Mrs. Hillman made a motion to adopt the minutes of the December 13, 2017 Code Enforcement Board meeting. Mr. Bryant seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #17-CE-8058 – Vinz, LLC/Zandra Simm and William Flood from today's agenda. She reported that the property is in compliance and the civil penalty has been paid.

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

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

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

A) Citation Appeals

1. CASE #17-CE-8112 / 1212M

VIOLATOR: Meisha Kareen Smith

VIOLATION: Operating a concrete production and casting business in a residential zone

VIOLATION ADDRESS: 660 Royal Palm Place, Vero Beach, Florida 32960

Mr. Nick Zbrzezny, Attorney, reported that he is present today on behalf of the City in reference to the property located at 660 Royal Palm Place. He reported that the property is located in a R-1 Zoning District and a citation was issued for fabrication of commercial concrete material, which commercial uses are not permitted in the R1- Zoning District. The Board will hear today from Ms. Sanderson in reference to her observations. They will also see photographs of the property. They will see concrete material stored on the property, wooden molds that were used as casts to pour concrete for large potters or benches, they will see those casts loaded and transported off site, and they will also see other large concrete pots that were casts that were taken to a local eatery establishment, which has been confirmed subsequent to that.

Mr. Zbrzezny asked Ms. Sanderson to introduce herself. Ms. Sanderson introduced herself stating that she is a Code Enforcement Officer for the Vero Beach Police Department.

Mr. Zbrzezny said they are here today in reference to the property located at 660 Royal Palm Place. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked did you issue a citation at this property. Ms. Sanderson answered yes.

Mr. Zbrzezny asked what did you issue the citation for. Ms. Sanderson answered for the operation of the casting and the production of concrete products for sale and not for personal use.

Mr. Zbrzezny asked what zoning district is that property located in. Ms. Sanderson answered R-1.

Mr. Zbrzezny asked is that type of commercial use a permitted or conditional use in the R-1 Zoning District. Ms. Sanderson answered no.

Mr. Zbrzezny put on the doc cam a copy of Code Section 60.11 – *Noncompliance with regulations unlawful; penalties*. He asked did you rely on Subsection (a). Ms. Sanderson answered yes.

Mr. Zbrzezny asked what does this section state. Ms. Sanderson read Code Section 60.11 (a), *“It shall be unlawful for any building, structure, land, or water, or any portion thereof, to be used or occupied for any use not allowed in the zoning district in which it is located.”*

Mr. Zbrzezny put on the doc cam Code Section 61.02 – *Permitted uses*. He asked does Section 61.02 set forth the permitted uses in the R-1 Zoning District. Ms. Sanderson answered yes.

Mr. Zbrzezny asked is the use at issue here today a permitted use in that zoning district. Ms. Sanderson answered no.

Mr. Zbrzezny put on the doc cam Code Section 61.03 – *Conditional uses*. He asked does Section 61.03 set forth the conditions in the R-1 Zoning District. Ms. Sanderson answered yes.

Mr. Zbrzezny asked and that is the right hand column. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked is this use a conditional use. Ms. Sanderson answered no.

Mr. Zbrzezny asked does the Code expressly prohibit commercial uses in the residential zoning district. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam Code Section 61.01. He asked Ms. Sanderson to express to the Board what Section 61.01 (b) states. Ms. Sanderson read in part Code Section 61.01 (b), *“It is the express purpose of this section to exclude from this district all buildings or other structures and uses having commercial characteristics...”*

Mr. Zbrzezny said that is fine, you don’t have to continue. He asked who is the property owner of 660 Royal Palm Place. Ms. Sanderson answered Meisha Kareen Smith.

Mr. Zbrzezny asked can you walk the Board through how you determined this property was being used for the fabrication of commercial concrete material from the beginning. Ms. Sanderson said based on an anonymous telephone complaint of fabrication and concrete work being done at the house a case was started to check the property and document the activity on the property.

Mr. Zbrzezny asked when did you receive the initial complaint. Ms. Sanderson thought it was March, 2017.

Mr. Zbrzezny asked based on that complaint, is that what started your investigation of beginning to observe that property. Ms. Sanderson said that is correct.

Mr. Zbrzezny put on the doc cam photographs dated March 28, 2017. He asked did you take these photographs. Ms. Sanderson answered yes.

Mr. Zbrzezny asked what kind of vehicle is shown in the upper left hand corner. Ms. Sanderson said it is a red van.

Mr. Zbrzezny asked throughout the course of your investigation, did you become familiar with this red van. Ms. Sanderson said there has continued to be a red van on the property.

Mr. Zbrzezny asked what about the picture in the lower right hand corner. He asked what is going on in that photograph. Ms. Sanderson said it looks to her like the man was working on some type of concrete, like wet sanding or something.

Mr. Zbrzezny put on the doc cam more photographs that were taken on March 28, 2017. He asked is that the same material being worked on in the driveway of that property. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked did you take any pictures on March 29, 2017. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam photographs that were taken on March 29, 2017. He asked what does the top picture depict. Ms. Sanderson said it seems to be concrete that is inside the garage and some containers.

Mr. Zbrzezny asked what is in the background of the garage. Ms. Sanderson said it looks like five (5) gallon buckets or some type of containers.

Mr. Zbrzezny asked were there a significant number of those buckets. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam another photograph that was taken on March 29, 2017. He asked Ms. Sanderson to explain what the picture is. Ms. Sanderson said some type of concrete product that looks like it is leaning against a metal easel.

Mr. Zbrzezny said and that is at the same property. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked did you return to the house and take subsequent pictures. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam photographs that were taken on March 31, 2017. He asked Ms. Sanderson to explain to the Board what is going on in those pictures. Ms. Sanderson said the lower picture is the van that has been on the site with some containers set out. In the top picture there is a gentleman that appears to be wearing a mask, some type of apron, and it looks like rubber boots.

Mr. Zbrzezny asked was that gentleman working on concrete material on the property in the driveway. Ms. Sanderson answered yes.

Mr. Zbrzezny placed on the doc cam another photograph dated March 31, 2017. He asked is this a wide shot showing the material being worked on. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked during the time in which you were observing the residents, was there also a Honda vehicle that was frequently parked there. Ms. Sanderson answered yes.

Mr. Zbrzezny asked who owns that vehicle. Ms. Sanderson answered Mr. Richard Coulter.

Mr. Zbrzezny asked were you able to identify who Mr. Richard Coulter was. Ms. Sanderson answered yes.

Mr. Zbrzezny asked does he own any businesses in the area. Ms. Sanderson said Mr. Coulter owns a showroom on Ocean Drive.

Mr. Zbrzezny asked what is the type of business. Ms. Sanderson said he has concrete products for sale in his showroom.

Mr. Zbrzezny questioned and that is consistent with your observations of what you saw on this premises. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked were your observations up to that point, through March, consistent with the call you received of concrete production on the property. Ms. Sanderson answered yes.

Mr. Zbrzezny asked other than Mr. Coulter's vehicle being present on the site, was there an influx of other vehicles of non-residents on the property. Ms. Sanderson said there were other vehicles sometimes noted to be on the site.

Mr. Zbrzezny asked up until what they have talked about so far did she issue, based on what they have seen, a warning citation to the property. Ms. Sanderson answered yes.

Mr. Zbrzezny asked what was the warning citation for. Ms. Sanderson said for running a business in a residential zone.

Mr. Zbrzezny questioned "business" being a commercial use there. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked was the warning ultimately signed and returned by the property owner, Ms. Smith. Ms. Sanderson answered yes.

Mr. Zbrzezny asked did you speak with Ms. Smith after the issuance of the warning citation. Ms. Sanderson answered yes.

Mr. Zbrzezny asked what did she advise. Ms. Sanderson said that it was their personal home and the property was being remodeled.

Mr. Zbrzezny asked was this confirmed via email. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam an email dated April 6, 2017. He said the email states the same. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked after you spoke with Ms. Smith did you search to see if there were any building permits. Ms. Sanderson answered yes.

Mr. Zbrzezny asked were there. Ms. Sanderson answered no.

Mr. Zbrzezny asked do you need a building permit to do countertop work. Ms. Sanderson answered no.

Mr. Zbrzezny asked is that one of the things that Coulter Designs does. Ms. Sanderson answered yes.

Mr. Zbrzezny asked after the issuance of the warning citation, was your attention ever redirected back to the property. Ms. Sanderson said additional complaints came in.

Mr. Zbrzezny asked when were those additional complaints. Ms. Sanderson said the next complaint was in June, 2017.

Mr. Zbrzezny asked what was the nature of that additional complaint. Ms. Sanderson answered the manufacturing activities, incoming shipments of raw materials for stone home and garden products with finished products being shipped out of their home.

Mr. Zbrzezny questioned and that was consistent with the previous complaint that you had. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked did you begin to monitor the property subsequent to the warning citation based on this second complaint. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam a photograph taken on August 24, 2017. He asked Ms. Sanderson to explain the picture to the Board. Ms. Sanderson said it is a picture of the home located at 660 Royal Palm Place.

Mr. Zbrzezny said there are two (2) vehicles in the driveway. Ms. Sanderson said that is correct; the red van and the Honda.

Mr. Zbrzezny questioned who the Honda belongs to. Ms. Sanderson said Mr. Coulter.

Mr. Zbrzezny put on the doc cam photographs taken on August 25, 2017. He asked is this what was observed on the side of the premises. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked what does that picture depict. Ms. Sanderson said it seems to be some type of concrete.

Mr. Zbrzezny asked did you return to the property after this date. Ms. Sanderson answered yes.

Mr. Zbrzezny asked did you return to the property on August 28, 2017. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam photographs taken on August 28, 2017. He asked what do these pictures depict. Ms. Sanderson said some type of concrete form, concrete semicircles of some product, and containers of some type of something stored along the wall of the garage.

Mr. Zbrzezny questioned and this is the garage of the "at issue" property. Ms. Sanderson said that is correct.

Mr. Zbrzezny pointed to the photograph and asked is this the wooden mold. Ms. Sanderson said that is correct.

Mr. Zbrzezny pointed to the photograph and questioned and these are the cement halves that appear to have come from that mold. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked did you go back to the property on August 29, 2017. Ms. Sanderson answered yes.

Mr. Zbrzezny asked were there a lot of pictures taken on August 29, 2017. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam several photographs that were taken on August 29, 2017. He referred to the photographs that were taken at 8:37 a.m. He asked what is going on in the

picture in the upper right hand corner. Ms. Sanderson said one (1) of those half circle forms is being worked on by a gentleman.

Mr. Zbrzezny asked if that is being worked on in the driveway of the “at issue” property, 660 Royal Palm Place. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked are the pictures on the bottom the same. Ms. Sanderson answered yes.

Mr. Zbrzezny asked is that the red van in the picture on the upper left hand corner. Ms. Sanderson said the red van with the trailer attached, correct.

Mr. Zbrzezny said and that trailer is empty. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked are these the finished casts that you have already described to the Board being loaded on that empty trailer. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked is that the red van. Ms. Sanderson answered yes.

Mr. Zbrzezny asked in the picture in the lower right hand corner are there some dollies being loaded into the red van. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked were the finished cement casts that you observed and photographed taken off site. Ms. Sanderson answered yes.

Mr. Zbrzezny asked are these pictures of those cement casts on the trailer being taken off site. Ms. Sanderson said they were removed off site and the bottom left hand picture is the trailer with the casts in front of Mr. Coulter’s showroom on Ocean Drive.

Mr. Zbrzezny showed on the doc cam other photographs of the casts being taken off site. He asked did the vehicle return to the residence. Ms. Sanderson answered yes. She said the top picture is the vehicle returning to the residence.

Mr. Zbrzezny asked after that were those cement potters or whatever they were eventually taken off site. Ms. Sanderson answered yes.

Mr. Zbrzezny asked have you seen those on site since August 29, 2017. Ms. Sanderson answered no.

Mr. Zbrzezny said notwithstanding your observations, did you continue to monitor the property. Ms. Sanderson answered yes.

Mr. Zbrzezny asked is September 13, 2017 a date that you continued to take pictures. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam a photograph that was taken on September 13, 2017. He asked what does this picture depict. Ms. Sanderson said it appears to be the form.

Mr. Zbrzezny said then after the date where they have already seen the semicircle cement forms, the finished product being worked on and transported off site, the cast is still there. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked was there a date in which you observed additional, different finished cement casts that appeared to have come from that form on the property. Ms. Sanderson answered yes.

Mr. Zbrzezny asked were the dates between September 26, 2017 through September 28, 2017 one (1) of those dates. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam photographs that were taken on September 26, 2017. He asked is this one (1) of those casts. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam several photographs that were taken on September 27, 2017. He asked is that the same cast they just saw in the other picture. Ms. Sanderson answered yes.

Mr. Zbrzezny asked is someone working on them. Ms. Sanderson answered yes.

Mr. Zbrzezny asked is someone working on the finished cement product. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam photographs that were taken on September 28, 2017. He questioned the picture shown on the bottom. Ms. Sanderson said the casts have been covered with a tarp.

Mr. Zbrzezny asked were these casts then removed from the property. Ms. Sanderson answered yes.

Mr. Zbrzezny asked did you see those casts on the property after that date. Ms. Sanderson answered no.

Mr. Zbrzezny questioned anywhere on the property. Ms. Sanderson answered no.

Mr. Zbrzezny asked based on your observations, everything that you've just discussed, did you issue a citation for the property located at 660 Royal Palm Place. Ms. Sanderson answered yes.

Mr. Zbrzezny asked when. Ms. Sanderson answered in October, 2017.

Mr. Zbrzezny asked what was the basis for that citation. Ms. Sanderson answered the documentation of the product on site, leaving the site, and the activity being done at the house.

Mr. Zbrzezny asked after you issued the October 4, 2017 citation, did you speak with the property owner. Ms. Sanderson answered yes.

Mr. Zbrzezny asked what was the end result of that conversation. Ms. Sanderson said it was explained that they were merely renovating the property. It was their personal residence and they were remodeling it.

Mr. Zbrzezny asked did you look to see if there was a building permit issued at that point. Ms. Sanderson answered yes.

Mr. Zbrzezny asked was there. Ms. Sanderson answered no.

Mr. Zbrzezny asked with what they saw with the finished cement forms, were they consistent with the countertops that they discussed where they probably wouldn't need a building permit. Ms. Sanderson said it could be.

Mr. Zbrzezny questioned for their residence. Ms. Sanderson said she did not know.

Mr. Zbrzezny asked after the dialog and the citation was issued was the property cleaned up. Ms. Sanderson answered yes.

Mr. Zbrzezny asked did it appear to you that the matter had been resolved. Ms. Sanderson answered yes.

Mr. Zbrzezny asked was the citation issued on October 4, 2017 withdrawn. Ms. Sanderson answered yes.

Mr. Zbrzezny asked did you continue to monitor the property. Ms. Sanderson answered yes.

Mr. Zbrzezny asked was December 11, 2017 one of the days you were monitoring the property. Ms. Sanderson answered yes.

Mr. Zbrzezny asked did you take pictures on that date. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam several photographs that were taken on December 11, 2017. He asked Ms. Sanderson to tell the Board what is depicted in the pictures. Ms. Sanderson said there are rectangular type planters on the driveway and there is a gentleman working on them.

Mr. Zbrzezny questioned that these are significantly different than the semicircular planters that they previously saw. Ms. Sanderson said that is correct.

Mr. Zbrzezny said when he says different, obviously they said there was two distinct sets of semicircle planters, but similar. This is a totally different shape and a totally different form. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked are these the planters that you described. Ms. Sanderson answered yes,

Mr. Zbrzezny asked is that an individual working on the planters at the residence. Ms. Sanderson answered yes.

Mr. Zbrzezny asked Ms. Sanderson to describe to the Board what is depicted in the picture. Ms. Sanderson said the planters are on the driveway and there seems to be someone working in the garage.

Mr. Zbrzezny asked during this same timeframe did she ever see Mr. Coulter at the property working on the cement pieces. Ms. Sanderson answered yes.

Mr. Zbrzezny asked when. Ms. Sanderson said either that day or the following day.

Mr. Zbrzezny asked did you continue to monitor the property. Ms. Sanderson answered yes.

Mr. Zbrzezny asked was December 15, 2017 a date in which you took additional pictures. Ms. Sanderson answered yes.

Mr. Zbrzezny put on the doc cam several photographs that were taken on December 15, 2017. He asked can you explain to the Board what is going on. Ms. Sanderson said it looks like the rectangular planter is loaded on a dolly.

Mr. Zbrzezny questioned and the same thing in the picture below. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked is someone working on those in the top picture. Ms. Sanderson answered yes.

Mr. Zbrzezny said and there is that red van that you consistently stated that you observed at the property. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked was there anything you noticed on December 15, 2017 as you were driving around town. Ms. Sanderson said that she noticed there were very similar looking planters at a local establishment.

Mr. Zbrzezny asked are these pictures of the similar planters that you discussed. Ms. Sanderson answered yes.

Mr. Zbrzezny asked are you saying these are similar to the planters you observed. He asked is that the planters that were identified in the December 11, 2017 photographs. Ms. Sanderson said that is correct.

Mr. Zbrzezny questioned is this a local restaurant. Ms. Sanderson answered yes.

Mr. Zbrzezny asked when you noted these planters at the restaurant what did you do. Ms. Sanderson said around that same timeframe, a day or two later, a bunch of them from work went to lunch there. She said that she asked staff about the planters and where they got them from and she was told that they got them from Mr. Richard Coulter.

Mr. Zbrzezny asked is that something you subsequently confirmed with Mr. Coulter. Ms. Sanderson answered yes.

Mr. Zbrzezny asked can you explain to the Board the substance of that conversation. Ms. Sanderson said yesterday she was at Mr. Coulter's house because he called for an inspection. She said they walked around the property and in their conversation, Mr. Coulter said the planters were fabricated and produced at his warehouse and brought to the house for storage until they were delivered to Mr. McLaughlin, who is the property owner.

Mr. Zbrzezny said for clarification when you said property owner, it is the property owner of the restaurant that is depicted. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked based on the totality of her investigation, they have talked about since March, 2017 through December, 2017, did she issue a citation. Ms. Sanderson answered yes.

Mr. Zbrzezni asked what did you issue the citation for. Ms. Sanderson answered for the unpermitted use in an R-1 Zoned District, the operating of a concrete production and casting business in a residential zone.

Mr. Zbrzezni put on the doc cam a copy of the citation. He asked is this a copy of the citation. Ms. Sanderson answered yes.

Mr. Zbrzezni asked was this consistent with the warning citation and the previous citation you issued that was withdrawn. Ms. Sanderson said that is correct.

Mr. Zbrzezni asked how was this served. Ms. Sanderson answered by certified return receipt.

Mr. Zbrzezni had no further questions for Ms. Sanderson at this time.

Ms. Meisha Kareen Smith, property owner, said that she does have some questions for Ms. Sanderson.

Ms. Smith asked is she correct that you stated and it's pretty clear that the citation is for concrete production and casting. Ms. Sanderson said that is correct, for running the business.

Ms. Smith said no, is it correct that the citation is for concrete production and casting. She said those are the word written on the citation. Ms. Sanderson said on the citation.

Ms. Smith said then that is what the citation is for. She asked is she correct that none of the photographs that were shown show any concrete production and casting. Ms. Sanderson said that she believes it does.

Ms. Smith asked which photographs show any concrete production and casting. She asked, actually before that, have you done concrete work before. Ms. Sanderson answered no.

Ms. Smith asked do you know what concrete production and casting is. Ms. Sanderson said that she thinks that she has some general knowledge.

Ms. Smith asked can you show us which photographs demonstrate concrete production and casting at the house. Ms. Sanderson said perhaps they don't show that. They show the forms and they show the concrete product.

Ms. Smith said right. So the citation is for concrete production and casting so she is asking what evidence do you have that shows concrete production and casting at the establishment, at 660 Royal Palm Place. Ms. Sanderson said you could argue that it doesn't show that.

Ms. Smith said you also said that you saw chemicals. She asked where are the chemicals and what are the types of chemicals. Ms. Sanderson said there are multiple containers. I don't know what type of chemicals are in them.

Ms. Smith said so they're chemicals, but you don't know what kind of chemicals so therefore you are assuming that they're chemicals. She asked is that correct. Ms. Sanderson answered yes.

Ms. Smith asked is she correct that the citation is not for storing forms. Ms. Sanderson said that is correct.

Ms. Smith asked is she correct that you (Ms. Sanderson) issued a citation in October and you withdrew that citation. Ms. Sanderson answered yes.

Ms. Smith said there was talk of photographs showing items that were being worked on. She said those pictures do not show production and casting. They just established that and she has no concrete experience. She asked is she correct that you (Ms. Sanderson) don't need a permit to make a countertop. Ms. Sanderson said no, not a countertop for your own home.

Ms. Smith said right, not a countertop for your own home. She asked is she correct that you said when you were being questioned by your counsel that the forms that you saw could have been used for countertops. Ms. Sanderson said that she doesn't know what they are, they could be.

Ms. Smith said so you testified that they actually could have been used for countertops and that there are no permits needed for countertops. She asked is she correct that you also testified that you visited the property at 660 Royal Palm Place yesterday. Ms. Sanderson said it is correct that she was outside with Mr. Coulter. She asked is she correct that you saw planters in the back yard. Ms. Sanderson said that she did.

Ms. Smith asked is she correct that those planters are similar to the photographs that were shown. Ms. Sanderson answered yes.

Ms. Smith asked is she correct that there is no reason to doubt that those planters could have been the planters that you (Ms. Sanderson) saw being worked on. She asked do you have any information that those were not the planters being worked on. Ms. Sanderson answered no.

Ms. Smith said then those planters that you saw in the back yard could have been the planters that were actually being worked on. Ms. Sanderson said that is possible.

Ms. Smith had no further questions at this time.

Mr. Zbrzezny said Ms. Sanderson, you were asked questions about the nature or the reason for your citation. He asked is that correct. Ms. Sanderson answered yes.

Mr. Zbrzezny said when they initially started they put some Code provisions on the doc cam. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked were those Code provisions related to the permitted and conditional uses. Ms. Sanderson answered yes.

Mr. Zbrzezny questioned in the residential zoning district. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked in fact, did they not discuss the fact that commercial uses are prohibited. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked what was the purpose of the citation. He asked was it for the actual pouring of the material on the property or was it for the commercial fabrication of concrete. Ms. Sanderson answered the commercial fabrication.

Mr. Zbrzezny said that fabrication could be a multi-step process. He asked is that correct. Ms. Sanderson answered yes.

Mr. Zbrzezny questioned there is no one step that embodies fabrication. Ms. Sanderson said to her knowledge that is correct.

Mr. Zbrzezny said Ms. Sanderson saw work being performed. You (Ms. Sanderson) spoke about observing work being performed on those concrete objects that were later transported off site. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked was that work being done consistent with fabrication. Ms. Sanderson answered some type, yes.

Mr. Zbrzezny said it was taken off site, and admitted by Mr. Coulter, being taken to the pizza establishment. Ms. Sanderson said is correct.

Mr. Zbrzezny questioned and that would be a commercial use. Ms. Sanderson said that is correct.

Mr. Zbrzezny said Ms. Smith brought this up and he wasn't going to talk about it, but since she asked Ms. Sanderson about her underlying knowledge or experience with concrete, he asked did Code Enforcement ever have a previous dealing with Mr. Coulter. Ms. Sanderson reported that there was a prior case by Code Officer Ramsey.

Mr. Zbrzezny asked was that at his business establishment. Ms. Sanderson said that is correct. She said that he had a business establishment located downtown.

Mr. Zbrzezny asked without getting into any of the underlying issues, was there some concrete work being done similar to the issue of this case. Ms. Sanderson answered yes.

Mr. Zbrzezny asked did you observe photographs of that case. Ms. Sanderson answered yes.

Mr. Zbrzezny asked was that consistent with your observations of what you saw at the residence in this case. Ms. Sanderson answered yes.

Mr. Zbrzezny said they have already been through what compiles fabrication, but there were photographs of the wooden molds and the finished product together in the garage. Ms. Sanderson said that is correct.

Mr. Zbrzezny questioned subsequent to the finished product being taken off site there were photographs of the mold independently, mold being the wooden mold. Ms. Sanderson said that is correct.

Mr. Zbrzezny questioned subsequent to that date there were photographs of new semicircle finished concrete products that were consistent with that mold. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked Ms. Sanderson how many would she say in total were there concrete semicircle molds. He said that he didn't want to get distracted because they have already seen the rectangular finished products that they know were taken to a business. But, he asked how many semicircle molds did she see in total. Ms. Sanderson asked when.

Mr. Zbrzezny said between the two (2) times they talked about it. He said when she saw them being taken off the site and then there was a second set of photographs that showed new finished castings being worked on at the property. Ms. Sanderson said there were two (2) or three (3), maybe more.

Mr. Zbrzezny put on the doc cam photographs that were taken on August 28, 2017. He questioned would you agree that there are at least three (3) in the garage. Ms. Sanderson answered yes.

Mr. Zbrzezny said and those are what you described as what you saw being taken off site. Ms. Sanderson said that is correct.

Mr. Zbrzezny said and then the garage was empty. He asked is that correct. Ms. Sanderson said with the exception of the form, yes.

Mr. Zbrzezny showed on the doc cam photographs that were taken on September 17, 2017. He said these are similar molds. They are different, but they are similar and they are being worked on. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked would you agree that there are three (3) additional molds. Ms. Sanderson said it looks like it, yes.

Mr. Zbrzezny said so from what was depicted through that month's timeframe there were at least six (6). Ms. Sanderson said that is correct.

Mr. Zbrzezny said Ms. Smith asked Ms. Sanderson if she observed planters consistent in the back yard. He asked Ms. Sanderson if she saw six (6) semi-circled planters in the back yard. Ms. Sanderson answered no.

Mr. Zbrzezny had no further questions.

Ms. Smith said Ms. Sanderson mentioned that the material being brought to the restaurant were planters. She asked what she was referring to when she said planters because the citation is for production and casting. She asked Ms. Sanderson what are you classifying as planters and how are you classifying them as planters. Ms. Sanderson said she was classifying the rectangular ones as planters because they are planters at the residence and are used as planters at the restaurant.

Ms. Smith said the last photographs that were shown, your counsel referred to them as planters and you seemed to have agreed. She asked based on what. Ms. Sanderson said that she doesn't really know what they are.

Ms. Smith said okay, so you have no idea what they are. Therefore, you are not saying they are planters. She asked is that correct. Ms. Sanderson maybe they are not planters.

Ms. Smith said you have no idea what they are. But, the planters that you did see in the pictures shown that were apparently taken in December, looked very similar to the planters that you saw in the back of her home. She asked is that correct. Ms. Sanderson said that is correct.

Ms. Smith said there is no prohibition on making things for your own home. She asked is that correct. Ms. Sanderson asked how do you define making them. Ms. Smith said producing things for your own home. Ms. Sanderson said that can be done.

Ms. Smith questioned so you can make things for your home. Ms. Sanderson answered limited. She said that would be more a Building Department question as to the scope of the work.

Ms. Smith said that is fine. She said those are consistent with the planters that were in the photographs. Ms. Sanderson questioned the rectangular ones. Ms. Smith answered yes. Ms. Sanderson asked the planters that were at your home. Ms. Smith answered yes. Ms. Sanderson said yes, they were similar.

Ms. Smith thanked the Board members for their time and their service. She knows they are all volunteers and wanted to thank them for their service to the community. She also thanked Ms. Sanderson stating that she knows she (Ms. Sanderson) doesn't have an easy job. She said that she is picking on her a little bit because she has to. But, she does thank her for her service. She then read a prepared statement, *"Like you, I believe in service. I was a Captain in the United States Army where she honorably served the United States as an Army Lawyer. I am a Senior Director and Legal Counsel for a large international corporation and I have been in this job for almost 11 years since leaving active duty with the Army. As a lawyer and a veteran my good name means everything to me. I am an officer of the Court and a law abiding citizen without even a traffic ticket to my name. The first home that I ever purchased is the home at 660 Royal Palm Place. I purchased it in July of 2016. No business is being conducted there. I live and practice law in Miramar, Florida and I also take care of my 96 year old grandma in Miramar as well. I am only in Vero Beach on the holidays and on weekends. When I bought the house it was very run down and not well kept at all. I understand that it had been owned by an elderly person who had died. I normally would not have purchased such a run-down home, especially as my very first home, but my boyfriend is Richard Coulter and he has a concrete business and told me that he could make the place beautiful based on the nature of what he does. The house was in such a run-down condition that even though it was listed originally for well over \$300,000, I actually purchased it for \$220,000. Richard has been living at the house while he has been making the cosmetic improvements to it because as I said I'm primarily in Miramar where I live, work, and take care of my grandma. To my shock and horror I received a warning in April of 2017 for operating a business at that property. I contacted Officer Sanderson immediately and told her there was no business being conducted there. She did an inspection. I thought everything was fine. In October of 2017, I got a citation for operating a business and of course at that point I was extremely stressed, concerned, and upset and contacted Officer Sanderson again and told her there is no business being run out of that property. Thankfully, she inspected and the citation was withdrawn. I was hoping to have a New Year's Eve party at my house and so I told Richard to try to finish up the cosmetic improvements so that the place would be beautiful for me to invite my friends and my family to come and to see it. He told me that he would do that so in December there was a lot of work that was being done, in particular*

more than any other time on the house just to try to get it ready for New Year's Eve. The day after Christmas I received the present citation. Needless to say that was an extremely upsetting experience for me. The citation is for operating a concrete production and casting business in a residential zone." She said apparently this was prompted by continuous anonymous complaints from neighbors. She said that she knows Officer Sanderson is only doing her job and honestly she is sorry that she has had to deal with this and go through this and have all of these issues. She said that she doesn't know why they are happening. She doesn't know why there are all these untrue anonymous complaints where people aren't even willing to say who they are so she would have the opportunity to find out why they are doing these things. She continued with her prepared statement, "As an Officer of the Court and a veteran and someone who takes great pains to protect my good name, I don't even have a facebook account, I cannot express to you how distrusting it was to me to receive the present citation. There is no concrete production and casting business taking place at that home. Since I purchased this home the harassing treatment that I have received by some neighbors has been overwhelming. I feel unwelcome. I feel unsafe. I honestly don't like even going to the house anymore. People are constantly taking pictures and are making complaints basically anytime that anything happens that they don't like. A recent example is this past Monday when Richard was cleaning out the garage. Two (2) vehicles were parked just a few doors down taking pictures of him cleaning out the garage. I don't understand why that is happening. It is unconscionable and honestly it is actually pretty frightening. I don't know who these people are. I don't know why they are doing this. I don't know why constant anonymous untrue complaints are being made. I just don't understand why this harassment is happening. Right after I received the citation, Officer Sanderson was invited to inspect my home and to see that there is no concrete production and casting business going on there and there is nothing for commercial use in my home. She was invited again for a second inspection and she came yesterday to inspect her home and she did a walk around." She thanked Ms. Sanderson for doing that and noted that she didn't have to, but she did. She hoped that Ms. Sanderson was impressed with the significant improvements that have been made to that home and she hoped that Ms. Sanderson did see the planters in the back of her home. She then handed out to the Board photographs of the way the home looked when she first purchased it and the way it looks now. She said the first page shows what the home looked like. It was run-down, dirty, and old. The remaining pages show what the house currently looks like. She felt it was a big improvement and would add a lot of value to the neighborhood. She hoped the Board would agree. She said the last two (2) pages show the "famous" planters. She said those planters are in her back yard. At this time, she asked Richard to say a few words.

Mr. Richard Coulter said that he has been sworn in. He thanked the Board for their time. He thanked Ms. Sanderson stating that if anyone had to endure anything it was her with all the telephone calls. He reported that he owns Coulter Designs and has been a business owner in Vero Beach since 2004. He said that he has employed thousands of people with many being in Vero Beach. He reported that his old showroom was located on 14th Avenue and perhaps Mr. Ramsey had gone out if someone complained. He said that his showroom is now located on Ocean Drive between Corey's Pharmacy and Hutchison Flowers. He also has, for casting and production, a warehouse facility on Old Dixie. He noted that he gave that address to Ms. Sanderson yesterday. This area is zoned heavy commercial and industrial. It is the highest rating and it is out of the City limits. He reported that the warehouse is where they do their casting. Unfortunately, the warehouse is only 12 feet by 18 feet. He said it sounds like the whole issue where the neighbors were complaining was based on two (2) primary issues; the semicircle ones and the planters. He asked is that correct. Ms. Sanderson answered yes.

Mr. Coulter said those are the two (2) big things and he hoped that he could explain the misunderstanding. Because he only has a 12 foot by 18 foot casting facility and that is where he does his big heavy garbage work. If it is too big he has a buddy who lives west of town and he uses his facility. He said that he can't cast out of where he is. You can't do it out of a garage. It is not possible. He said anything that he did do was for his personal house because he didn't want to have to transport it. On the casting, primarily most of what he does is on site. So, 99% of the work that he does is at the job site.

Mr. Pizzichillo asked did you get a permit for that at that time. He asked when you do the casting on site, do you generally get a permit.

Mr. Coulter said on site it is usually for a contractor.

Mr. Pizzichillo questioned, but there is a permit issued. Mr. Coulter said usually the contractors handle it. Not him. He said that he specifically works as an artist. They do Italian plaster, flooring, concrete overlay, and painting. But, since the big housing bubble in 2008, they primarily do artistic stuff and their showroom is basically that. He said the two (2) items that they saw are actually a bench for a church in St. Augustine, the semicircles. They were simply stored at his house until someone could pick them up. That is why they saw the pictures of them on the trailer. He said that he had to put them somewhere. So, they were stored and then removed. He didn't think it was a problem storing them at his house. It would be like a doctor or a lawyer bringing work home. He said that he had to have some place to put it because his storage unit is so small. The same thing with the planters. The planters were simply made off site at the casting facility and when Mr. McLaughlin was ready they took them to the business, which the Board saw. They did not have to grind those, or produce those, or do anything at the house. They were ground right there at the facility for Mr. McLaughlin. The only ones that were worked on were the ones for his back yard, which they see in the photographs. He said they have no need, nor does he want to, nor is he allowed to, cast in the garage or at the house. He said the public access files of the photographs are non ending from their neighbors, from someone who might have an agenda. He said that he has done thousands and thousands of jobs and he was sure that he has a few enemies in this town. He felt that Ms. Smith was being penalized by someone who doesn't want him there. In the before and after pictures of the house, if they notice they did a lot of decorative work outside. All the complaints coincide with when he was doing work on the house. He said the house looks one-million times better than what it did. He asked Ms. Sanderson, do you agree. Ms. Sanderson answered yes.

Mr. Coulter said it really adds a lot of value. He felt it was the nicest house within five (5) houses from his house, as far as the look of it. He said the need to produce or case at the house is not what makes sense. He asked why would he when he has a facility to do the work at home. He reported that when he did move from the facility on 14th Avenue, he went from a showroom that was about 4,000 square feet, plus an outside garden area, to the studio on Ocean Drive. So, a lot of the stuff was placed at the house until he found a place for it. Therefore, some of the things that were identified in some of the photographs were not active jobs, but stuff that he was trying to do something with in their home or whatever the case would be. Most of the photographs were of them moving the stuff, getting ready to put on the trailer, putting it on the trailer and that is it. There has been no work going on at the house whatsoever on any production or casting of anything for any client, except for their own home use.

Mr. Noonan said so all the work they saw going on in the photographs was performed on objects that were to be installed in the house or on the property. Mr. Coulter said that is correct, or moving something to clean up the garage.

Mr. Noonan questioned other than that, you were just storing stuff. Mr. Coulter said he was storing the stuff. He said that he loaded several of the items on the trailer for St. Augustine. He said there is no casting.

Mr. Pizzichillo said you (Mr. Coulter) didn't get any permits for anything. He asked is that correct. Mr. Coulter said that he didn't need any permits for anything that he did.

Mr. Pizzichillo said okay so you had no permits. There was a photograph shown in which a gentleman had on rubber boots, it looked like a rubber apron, and was working on a circular cast mold. He asked if he was correct in seeing that photograph. Mr. Coulter said that he was not aware of that.

Mr. Pizzichillo said it was here and it was a photograph of a gentleman in boots with an apron working on a circular mold. Mr. Coulter said preparing it to be delivered. He asked a mold, a casting, or a piece of concrete, which because it makes a difference.

Mr. Pizzichillo said it was circular. He doesn't know if it was a mold or what it was. Mr. Coulter said preparing it for delivery, yes.

Mr. Pizzichillo said that he doesn't know that. Mr. Coulter said that he does.

Mr. Pizzichillo asked what was created with the circular mold. Mr. Coulter answered a bench for a Catholic Church in St. Augustine.

Mr. Pizzichillo said so it is not for the house. He said that it is not presently in the house at this time or outside the house. He asked is that correct. Mr. Coulter said that is correct.

Mr. Pizzichillo said therefore, the mold somehow got to the driveway and then to a church somewhere else. He asked is he correct. Mr. Coulter said storage in the garage and then delivered.

Mr. Pizzichillo said it was out on the lawn. Mr. Coulter said only for delivery. He said only until they loaded the u-haul or the trailer, or whichever the case may be.

Mr. Pizzichillo asked would you consider that then being part of a business. Mr. Coulter answered no. He would consider it simply moving and using it as storage only.

Mr. Pizzichillo questioned in your opinion, storage could be part of a business. Mr. Coulter answered no. He did not think there is any Code ... He asked Ms. Sanderson is there a Code violation ...

Mr. Pizzichillo said that is not the question. The question was, is storage part of a business. Mr. Coulter answered in some cases.

Mr. Pizzichillo asked, in your case.

Mr. Noonan asked are you paying yourself to store the things in your garage. Mr. Coulter answered no.

Mr. Pizzichillo said please answer my question. Mr. Coulter answered I don't believe so, no.

Mr. Pizzichillo asked what were in the buckets in the garage. Mr. Coulter answered paint buckets, things I used. Again, they used to have a painting business so a lot of the stuff is his personal stuff that he has had since he moved out of a larger facility into the smaller one and his house.

Mr. Pizzichillo said you did say that you did painting jobs at the time. He asked is that correct. Mr. Coulter said not since the 2008 bubble, no, very rarely.

Mr. Pizzichillo said but you do on occasion. Mr. Coulter said not for customers, no.

Mr. Pizzichillo said but you do store it there, in the garage. You do store the paint in the garage. Mr. Coulter said that is paint from 10 years ago. Not chemicals or anything else.

Mr. McDonald asked is this your primary residence. Mr. Coulter answered yes.

Mr. McDonald asked who owns the red van. Mr. Coulter said that he does.

Mr. McDonald asked who was the gentleman in the mask. Mr. Coulter answered me, I think.

Mr. Pizzichillo asked would you typically wear rubber boots and a rubber apron just to transport something. Mr. Coulter said the concrete is fiberglass so it is itchy and you don't want to get it on your skin, so yes.

Mr. Pizzichillo said but, you were working on it on your lawn. Mr. Coulter said he would say preparing it to put it on a trailer. I do not agree.

Mr. Pizzichillo said you do not agree that you were working on it. Mr. Coulter answered no.

Mr. Pizzichillo asked did you touch it. Mr. Coulter said I moved it, yes.

Mr. Pizzichillo said you moved it. You did touch it. Mr. Coulter said he loaded it on a trailer.

Mr. Pizzichillo said you loaded it and you carted it away to somewhere else. Mr. Coulter asked how else could you take something out of the garage and put it on the trailer.

Mr. Pizzichillo said that is exactly my point.

Mr. Price said that he has a concern regarding Ms. Smith. If she is this concerned about her reputation and these notices, why after all these months of getting the notices off and on have you not done anything to try to make it not so alleged that you are doing concrete work there. Mr. Coulter said that is a great question and we did.

Mr. Price said you are putting her through hell sort of. Mr. Coulter said that is the most unfortunate thing about this hearing right now. It is the last thing in the world he wanted to happen. He complied last time with Ms. Sanderson and again, he even followed up with phone calls to make sure everything looked good to make sure there were no issues. That's why since the initial citation, again, we've had a warehouse, we've had a casting operation ... the only thing that's been done at that house has simply been, you're right since that issue, has simply been storage of the square planters and that's it, for Mr. McLaughlin, which were worked on at the restaurant, not there.

Mr. Price asked so what's going to change in the future. Mr. Coulter said we're done.

Mr. Price asked are you still storing stuff there. Mr. Coulter answered no. Nothing is even there.

Mr. Price asked are you still going to use it for storage for other jobs. Mr. Coulter answered no. No jobs are being stored there. The only storage that's happened there for any jobs has been those two (2) cases, which again the clients were not ready or he could not deliver one at a time up to St. Augustine. He said it was temporary storage for those two (2) cases only, which is primarily what this whole thing is about.

Ms. Smith said if I can actually answer that, absolutely not. Like I said my reputation means everything to me as a former J.A.G. (judge advocate general), as a lawyer, and an officer of the court, that is something that I take very seriously. Some people think that a citation is no big deal. To me it is a very big deal, so absolutely not. There won't be any storage of anything because again it's my name. It's my good name. I don't even have facebook. That's how protective I am about my name.

Mr. Price said this has been going on since March so he was surprised that this hasn't been resolved.

Ms. Smith said they thought it was resolved. That's the thing. They thought it was resolved. It is honestly to the point now that she doesn't want to own the house anymore. I really ... it's become so stressful for me that honestly I really don't even want to own it anymore.

Mr. McDonald said in the earlier photographs in August there were counters. He was surprised that they didn't see photographs of the counters. He asked where are the counters. Ms. Smith said I should have taken a picture. You are right.

Mr. McDonald asked where did the planters go that they saw leaving the house. Mr. Coulter questioned if they were talking about planters, not the round semicircular ... Mr. McDonald said the trailer was loaded with planters. Mr. Coulter said there are two (2) issues here, the two (2) citations, were when they were doing work for the church in St. Augustine, the semicircle ones. So they had to be delivered. They were large.

Ms. Smith said with respect to the photographs, her understanding was the citation was for the planters and those were the photographs that actually Officer Sanderson sent to her when she initially asked for what this was about. So, had I known that this was about potential interior items I would have taken those. That is why you have the planters, because that's what I believed prior to being here today that this was about.

Mrs. Hillman said in several of the photographs there were a large amount of buckets and you say they contained old paint. Mr. Coulter said as a business owner for years and years I have stuff that I haven't gotten rid of and that goes back from the move from Michigan to wherever. It is nothing used. I just hate to throw it away. I can use it on the house or I can use it on something.

Mrs. Hillman asked during that time of storage when all these pictures were taken, were you not concerned with the hazardous material. Mr. Coulter said I have no hazardous material.

Mrs. Hillman said paint is hazardous. Mr. Coulter said not latex paint. Latex is a water based product.

Mrs. Hillman questioned there were no solvents in any of the white buckets that were there. Mr. Coulter answered no. He explained that solvents would be in metal cans.

Mr. Bryant said the house looks fantastic. He thanked them for providing their photographs. He referred to the second to the last photograph stating there are concrete forms for the patio. He referred to the previous picture and asked if he got a permit. Mr. Coulter said good question and that is another reason why he called Ms. Sanderson yesterday. He was told by a contractor buddy of his that he didn't need one for that. He said you don't need a permit for those, but you do need City approval for easement issues. He asked is that correct, Ms. Sanderson. Ms. Sanderson said that is correct.

Mr. Coulter said which he went in yesterday and they are signing off on it. Good eye.

Mr. Coulter said to sum up it all boils down to two (2) issues. Again, those two (2) issues was the St. Augustine and the Jay McLaughlin's Studio 49, which I just didn't have the storage area and I got to put them somewhere. And that's all they were used for. Any work it would make zero sense for me to do work out of the house on anything, especially with her (Ms. Smith's) reputation and whatever. Which is why we've been extremely ... I think I've called Ms. Sanderson 10 times in the last ... Ms. Sanderson said daily.

Mr. Coulter said we're very conscious about this. We aren't law breakers. I've been in business for 30 years. That's not how you run a business.

Mr. Zbrzezny said Ms. Smith, in response to a question regarding whether or not there was photos of other cement products being worked on you indicated that you only thought we were here today with respect to the planters. Ms. Smith said that is correct.

Mr. Zbrzezny asked did you request Ms. Sanderson's record prior to today. Ms. Smith asked can you repeat the question.

Mr. Zbrzezny asked in your response to questions from the Board you indicated ... the question was in reference to why there weren't certain photos included in your packet and you indicated that you thought that you were here today in reference to the planters. Ms. Smith said that is correct.

Mr. Zbrzezny asked did you receive Ms. Sanderson's file upon request. Ms. Smith said she did. When she first asked Officer Sanderson what this was about she received two (2) pictures and the two (2) pictures were of the planters. And then after that, I think it was a

week after that, I essentially did a request for all information that was ever made, ever at any point, about my house and that is when I got other pictures. But, when I asked what this was about and what I got were the two (2) pictures of the planters and I only got the rest of the information once I did essentially a formal request and asked for all information about any complaints ever, including names, which of course there were no names because they were all anonymous about my house.

Mr. Pizzichillo asked how long ago did you receive those pictures. Ms. Smith said I think it was, I don't know exactly when, about maybe a little over a week ago. But again, my understanding because when I had asked originally what this was about and I was told it was activity that was taking place in the house in December and I was provided with two (2) pictures. That's my understanding of what this essentially was about.

Ms. Sanderson said as a clarification, I said that I would copy the file and send it to her and she requested email and because the multitude of the pictures bogged down the email she sent two (2) just to try to sum it up in a nutshell. Ms. Smith said of course I didn't know that.

Mr. Pizzichillo asked at the time of the citation to you, did it mention the words unpermitted use in an R-1 zone. Ms. Smith said the present citation says for the production and casting of concrete. I don't have it in front of me, but that's what the present citation says.

Mr. Zbrzezny asked did the present citation cite the Code provisions that they saw here today. Ms. Smith said I'm sure it did. Like I said, I don't have it standing right here. But, I'm sure it did. Ms. Sanderson handed Ms. Smith a copy of the citation. Ms. Smith said yes it did, but it specifically says, *Unpermitted use in R-1 Zoned District. Operating a concrete production and casting business in a residential zone.*

Mr. Zbrzezny said and I want to follow up with my initial question with respect to the documents that you received. Every single photo or document that was put on the doc cam here today, you saw prior to today's hearing. Ms. Smith said when I requested from the City all things that were ever discussed or said or whatever about the house, yes that's when I got those.

Mr. Zbrzezny questioned there was nothing here that was a surprise or shock to you. Ms. Smith answered no.

Mr. Zbrzezny had no more questions for Ms. Smith.

Mr. Zbrzezny asked Mr. Coulter, you told the Board that you don't do your casting at the 660 property. Mr. Coulter said that is correct.

Mr. Zbrzezny asked do you have a warehouse you rent. Mr. Coulter said a casting production warehouse, yes.

Mr. Zbrzezny asked when did you rent that warehouse. Mr. Coulter said he has been in there since November 1st and prior to that he was doing jobs with a friend of his out west of town, as he said earlier.

Mr. Zbrzezny said so you were in there November 1, 2017. Mr. Coulter answered yes.

Mr. Zbrzezni said you received the warning citation in March. He asked is that correct. Mr. Coulter said the warning was in March, yes. I don't know when.

Mr. Zbrzezni said well you would agree that it was prior to you moving into that ... Mr. Coulter answered yes.

Mr. Zbrzezni said you received the first citation that was ultimately withdrawn in October of 2017. He asked is that correct. Mr. Coulter said that is correct.

Mr. Zbrzezni questioned and that was prior to moving into that warehouse. Mr. Coulter said that is correct, although we had been working in a barn out west of town as he said. There was no need again, with the barn or the warehouse and when I was borrowing somebody else's space to cast something we simply had to have somewhere to put it.

Mr. Zbrzezni said with the semicircles you testified or you stated that there was no work performed on those semicircles, those benches that were transported to St. Augustine. Mr. Coulter said simply, loaded, unloaded, prepared for loading, whatever we had to do to get it on the trailer.

Mr. Zbrzezni showed on the doc cam a photograph taken on September 27, 2017. He said and you would agree that was before you were in your warehouse. He asked is that correct. Mr. Coulter said that was when he was using my friend's warehouse, yes.

Mr. Zbrzezni asked are those the semicircles you were talking about. Mr. Coulter answered yes they are.

Mr. Zbrzezni questioned and there is no work being done. Mr. Coulter said getting it prepared to be loaded, yes.

Mr. Zbrzezni asked what is going on in the photograph in the corner. Mr. Coulter said again, we were getting things prepared. They're heavy, we had to hook something on to get them loaded onto the u-haul or onto the trailer.

Mr. Zbrzezni asked is he wearing gloves. Mr. Coulter answered yes.

Mr. Zbrzezni asked is he wearing a mask. Mr. Coulter said I'm sure of it.

Mr. Zbrzezni asked why would he be wearing gloves or a mask if ... Mr. Coulter said as I stated earlier, it's fiberglass concrete and it's itchy and you'll get a rash if you get it on you.

Mr. Zbrzezni asked is he sanding it. Mr. Coulter said I can't see what's going on there.

Mr. Zbrzezni asked you would agree that sanding would be doing work on it. He asked is that correct. Mr. Coulter said I don't believe we're sanding. I don't believe we are working on it. All the work had been done at the warehouse or when it was installed at the Catholic Church in St. Augustine. That's where the work had been done. We didn't need to do any work at the house whatsoever.

Mr. Zbrzeznj said I understand your testimony and I also understand you said you don't believe you were sanding, but that's not my question. I think we'll let the Board decide that. My only question is, would you agree that sanding would be doing work on it. Mr. Coulter said I would say sometimes you have to prep something to get it loaded and there was no real need to do any work on anything at the house because it was all done prior or it was done on site. So again, there would be no benefit to doing that.

Mr. Zbrzeznj asked would you agree that using property for storage is a commercial use. Mr. Coulter said he would think that because this is such a rare occasion, twice in one (1) year where he had to use the garage to store two (2) different items, I don't think that's a business use. I don't agree with that. That would be the same thing as a doctor bringing home doctor files or you bringing home law files.

Mr. Price said I would like to disagree with that.

Mr. Zbrzeznj asked how many planters do you have in your back yard. Mr. Coulter said I have probably 30 in my back yard.

Mr. Zbrzeznj questioned you have 30 planters. Mr. Coulter said yes.

Mr. Zbrzeznj said it was your testimony that some of those planters that were depicted ... Mr. Coulter responded are those in the pictures.

Mr. Zbrzeznj showed on the doc cam a photograph that was provided by Ms. Smith. He questioned this is the one (1) you provided. Mr. Coulter said yes, that's one (1) of our pictures.

Mr. Zbrzeznj asked how many of those planters do you have. Mr. Coulter said he has two (2) of those in the back yard. But, he has others similar to that.

Mr. Zbrzeznj said but there's two (2) of those in the back yard. Mr. Coulter said that is correct.

Mr. Zbrzeznj put on the doc cam a photograph (photograph was previously shown as evidence). He said let me ask you this, this is a photograph here with someone clearly sanding. He asked is that correct. Mr. Coulter said deburring.

Mr. Zbrzeznj said well they're using a tool, an instrument. Mr. Coulter said yes.

Mr. Zbrzeznj said and you would agree that there's more than two (2) there, that there is three (3). Mr. Coulter said we had all of them produced at my production facility and I loaded them into my garage and when Mr. Jay McLaughlin was ready for us to deliver all nine (9) of them we delivered all nine (9) of them, which were all stored in the garage until he was ready to have them at the restaurant.

Mr. Zbrzeznj questioned and you don't believe that is actually doing work on the concrete finished product. Mr. Coulter said that's probably the one right in the back yard. I wouldn't need to grind anything or sand anything because I could do that in the parking lot at Jay McLaughlin's Station 49.

Mr. Pizzichillo asked is that a grinder in that man's hand. Mr. Coulter said I believe it is, yes. Mr. Pizzichillo said thank you.

Mr. Zbrzezny had no further questions.

Mr. Coulter said I do have a question for Officer Sanderson. He asked is that alright.

Mr. Zbrzezny said I will call on Officer Sanderson.

Ms. Honse said actually, you're considered a witness. Mr. Coulter asked I can't ask a question. Ms. Honse answered no. She said it would need to be the property owner.

Mr. Coulter told Ms. Smith that he wanted to ask if everything looked great yesterday, if there are any future issues.

Ms. Smith said I'll ask your question. Ms. Sanderson said absolutely. She said based on the inspection yesterday with Mr. Coulter, we have said, like with the patio being installed, that we would bring to his attention stuff that is against the local Code that needs to be addressed.

Mr. McDonald asked Ms. Sanderson, did you see these additional planters that are not depicted in the pictures provided in the back yard. Ms. Sanderson asked can you say that again.

Mr. McDonald said Mr. Coulter said there were how many, 20, planters in the back yard. Mr. Coulter said he has several planters, yes, probably 20 or so, wouldn't you say Ms. Sanderson.

Mr. McDonald asked Ms. Sanderson, did you see 20 planters in the yard. Ms. Sanderson said yes, he has different planters of different concrete styles.

Mr. Coulter said again, those were all remaining from his showroom on 14th Avenue when he had the garden. Those are the planters for there and they ended up at his house and they are beautiful.

Mr. Zbrzezny said I have a brief follow up with Ms. Sanderson. He asked did you see the inside of the house. Ms. Sanderson answered no.

Mr. Zbrzezny asked do you need a permit to operate a storage facility. Ms. Sanderson answered not necessarily a permit, but single family residential property cannot be used for storage.

Mr. Zbrzezny had no further questions.

Ms. Smith said I have a question for Officer Sanderson. She said you actually were kind enough to provide me with the citation (given a copy during the hearing). She asked does the citation say that it's for storing items or is it for production and casting of concrete items. Ms. Sanderson said it does not say for storing.

Ms. Smith said right, so it says production and casting of concrete items. Ms. Sanderson said that is correct.

Ms. Smith said I just want to add one (1) more thing. Again, I just really would like to thank the Board. As I said, my name is everything to me, which is part of why I don't even honestly want to be in that house anymore. I feel very unhappy and just really sad about the whole sequence of events. This was supposed to be something that was a nice happy vacation home that I could come to that I could take my 96 year old grandmother to. I don't want to take her there now because I don't feel welcome. I don't feel comfortable. I'm just humbly asking this Board to recognize that there is no concrete production and casting business being done there and I just really ask this Board to dismiss this citation from my name because again, there is no business being done there. No concrete production and casting. I would just ask the Board to do that. Thank you.

Mr. Zbrzezny said he would like to make some closing remarks as well. I'm not going to take up anymore of the Board's time. The photographs and testimony I think speak for themselves. But, I want to reiterate one (1) thing and that is this is not as if this was a shock. This is something that was going on from March until December. There was a warning citation, there was representation that there was remodeling done, it happened again, a citation was issued, the citation was then withdrawn, the property owners clearly had notice, and in December another citation was issued. Again, it is undisputed that those were taken off the property and I believe the photographs speak for themselves.

Mr. Noonan said as anyone who has worked with concrete knows they were not casing at that house. At best, they were sanding. As someone who has remodeled their own house, I also know it takes a bit longer than when you hire someone like Chris (Mr. Bryant) to come in and do it. So, I think it could legitimately be a big misunderstanding.

Mr. Bryant said they would need a concrete truck or something. They would be out there with the big mixers and all that stuff. I don't think any production was being done there either. I knew some prep work being done, but I can't say it's prep work for her planters or for Station 49 or wherever it might be.

Mr. Price asked doesn't the citation also say "other permitted use."

Mr. Noonan answered yes.

Mr. Price said I know that if I was a 96 year old lady, her mother for example, living across the street looking at those scenes constantly I would be concerned that this is no longer a vacation home. I don't want to see that. From a neighbor's point of view, they are seeing all this stuff being done that is not a normal everyday thing and if you are a lawyer bringing home work, you are going inside with the work. It's not outside scattered across your front lawn. He asked is that still unpermitted.

Mr. Noonan said I think they just moved the stuff out of the garage.

Mr. Price said when you see still pictures like that it doesn't make it seem like it's an everyday thing. I guess the other thing is that I don't know whether this is an everyday scene for the neighbors or not.

Mr. Pizzichillo said I want to speak on it. I've drawn my own conclusions based upon the testimony here. I find that this is a R-1 Zone and that commercial use is not permitted in an

R-1 Zone. He saw a man with a sander in his hand. It was admitted by Mr. Coulter that on two (2) occasions he did have those circular molds and he did move them. I am also of the opinion that storage is part of any business and therefore despite the fact that with all good intentions they thought maybe they weren't running a business. If it looks like a business, it is a business. When you sand, when you transport, when you store, and use this for commercial not in your own home it is a business.

Mr. Noonan said but that hasn't been proven that it was not for their own home.

Mr. Pizzichillo said in his opinion, based upon the fact that he (Mr. Coulter) said it went to a Catholic Church. He said it was not being used in his own home. Therefore, that was a business in his mind.

Mr. Noonan said but, the piece they were sanding on wasn't the one that went to the Catholic Church.

Mr. Pizzichillo said it was worked on, which is part of a business. Working with a sander is part of a business.

Mr. Noonan said not if it's on your own house.

Mr. Pizzichillo said you may have your opinion.

Mr. Pizzichillo made a motion that despite the fact that these are probably two (2) wonderful people, he finds that a violation existed and there should be a civil penalty imposed.

Mr. Noonan said then I'll make a motion that the violation exists.

Ms. Honse said hold on. She asked is there a second for Mr. Pizzichillo's motion.

Mr. McDonald said it is a real sense issue. He said I think what we have here is a guy ...

Ms. Honse said we need a second or it dies for lack of a second and then they can have discussion.

Mr. Price said but it could be re-motined.

Ms. Honse said yes, you can have another motion.

Mr. Noonan said alright then I'll second on either motion or do I need to make my motion again.

Mr. Pizzichillo withdrew his motion.

Mr. Bryant said now we can make a new motion.

Mr. Noonan made a motion that there is no violation and that the case be dismissed. Mr. Bryant seconded the motion.

Ms. Honse said now you can have discussion.

Mr. McDonald thought what they have here is a guy that was stuck between a rock and a hard place. He took the stuff home, left it in the garage to be delivered, and if it were him he wouldn't leave his garage door open in that neighborhood. He said the complaints, this is just ridiculous. The real question is, does that constitute running a business from your home. That's the question. Frank (Mr. Pizzichillo) I understand your issue about the grinder, but ...

Mr. Pizzichillo said the storage.

Mr. McDonald said that's what we're discussing, does that constitute running a business.

Mr. Pizzichillo said it's an R-1 Zone.

Mr. Bryant said well he did have it stored in the garage. They had to bring it outside. It was out of plain site ...

Ms. Sanderson said well we wouldn't be here today if it had ever been expressed to us that he is just storing it there. That it is going to the Catholic Church. Today is the first time that we have had testimony that it's just items stored.

Mr. Noonan said he tended to agree though that this is kind of a three (3) phase deal where there was a warning. It was taken care of. There was a second citation. It was rescinded. It was taken care of and now there's a third one. He thinks that's kind of part of the issue why maybe nobody got all the information that they needed to make a real thorough picture of what's going on. No fault of Ms. Sanderson. It's just his opinion.

Mrs. Hillman said I think that some of the confusion also is the fact that the garage was open and there were approximately 12 pictures where he had been working on items so would they truly be items that he was working on for his own back yard. There was obvious evidence, pictures taken that there was another gentleman that was sanding, grinding materials and ...

Mr. Noonan said well he testified that was him.

Mrs. Hillman said I think he testified that was him in the gloves and the apron. He did not testify that it was him doing the grinding. The object in that picture looked like it was a flat countertop. It did not look like it was a planter.

Mr. Bryant said it looked like the end cap of the planter. There are four (4) sides. There are two (2) long sides and two (2) short sides.

Mrs. Hillman said in several pictures you do see a lot of dust flying around the area.

Mr. Bryant said all that stuff could have been for the house.

Mrs. Hillman said but, he really did not use his storage unit or his work unit until November 1, 2017 so there is so many ... things occurring from March until he did secure a rental place for himself in November. And then that was in November and they were cited again in December.

Mr. Noonan said sometime in March or earlier when they were casting those things they had to have been somewhere and they could not have done that in the driveway or garage.

Mrs. Hillman said that is correct.

Mr. Noonan said just for the amount of room you would need you can't cast it in ...

Mrs. Hillman said and the amount of people that he would have needed to move those items from that location.

Mr. Noonan said that kind of backs up his barn testimony.

Mrs. Hillman said I'm just regretful that we didn't see any pictures of the inside or any of the pictures secured by any of the neighbors so that we would have been able ... all the pictures that we have seen were taken by Ms. Sanderson. There weren't any pictures that we were given of, which were taken from neighbors and the fact that it was stated that they were working on countertops inside the house and yet we don't have any pictures of those countertops to revert to what was standing and leaning up in the driveway. We don't know where those are.

Mr. Pizzichillo asked am I correct Ms. Sanderson that we had an initial citation, it seemed to have been cleared up and so you withdrew the citation. Ms. Sanderson said that is correct.

Mr. Pizzichillo questioned and then for some reason you had to do it all over again for the same problem. Ms. Sanderson said there was a complaint that came in to the website.

Mr. Pizzichillo asked was it a justified complaint in your mind. Ms. Sanderson said it seemed to be.

Mr. Pizzichillo said thank you very much. My point is you can make one mistake, clear it up and this Board would say goodbye, good luck, good riddens, and have a happy life. But when someone does it twice he doesn't buy it.

Mr. McDonald said well, there are actually four (4). There was March, June, August, October, and December. He asked is that correct. Ms. Sanderson answered yes.

Mr. Noonan said there were two (2) citations and one (1) warning.

Mr. McDonald said he was looking at complaints.

Mr. Noonan said there probably were dozens of complaints if he had to guess.

Mr. McDonald said so I guess the question is, is it just one (1) neighbor who is particularly focused. He asked was it one (1) neighbor. Do we know who filed these complaints. Ms. Sanderson said we do not.

Mr. Pizzichillo questioned, really does it matter if it's a violation, whether it's one (1) or 10.

Mr. McDonald said I think if you've ever lived in a situation where you had someone like that, yes it matters. If it's the same person and every time this guy opens his door and moves

someone in or out she is on the phone and she doesn't show up to testify she or he can't be that upset.

Mr. Noonan said but what we're trying to decide is whether or not there was a violation.

Mr. Price had a question of Ms. Sanderson. He asked you got the complaint, and then how long does it take you to get the complaint until you go out there and look at the property. Ms. Sanderson said if it is in the morning they try to get there that same day. If they can't get there that day it's the next day.

Mr. Price asked was there ever a time that when you went there and there were no trucks in the driveway, the garage door was closed, and it looked perfect. Ms. Sanderson answered yes.

Mr. Price said so there were times that you went there where there was no ... Ms. Sanderson said activity, correct.

Mr. Noonan asked the Board if they are ready to vote.

Mr. Pizzichillo asked what's the motion.

Mr. Noonan said that there was no violation.

Ms. Sherri Philo, Deputy City Clerk, read back the motion, which was that there was no violation and that the case be dismissed. She noted that the motion was seconded.

On a roll call vote, the motion passed 4-2 with Mrs. Hillman voting no, Mr. Pizzichillo no, Mr. Bryant yes, Mr. McDonald yes, Mr. Price yes, and Mr. Noonan yes.

The Board took a break at 3:31 p.m., and reconvened the meeting at 3:39 p.m.

B) Non-Compliance / Compliance Reports

1. Request for Board Order

- a. CASE #17-CE-8071 / 1200M**
VIOLATOR: T Mobile / Magenta Wireless, LLC; JLG Corporative Services, Inc., Agent
VIOLATION: Sign violation
VIOLATION ADDRESS: 524 21st Street, Vero Beach, Florida 32960

Ms. Sanderson reported that this property is in compliance and the civil penalty remains unpaid. She requested that the Board issue a Board order to pay the initial civil penalty.

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

- b. CASE #17-CE-8058 / 1204M**

VIOLATOR: Vinz, LLC / Zandra Simm and William Flood
VIOLATION: Prohibited banner
VIOLATION ADDRESS: 4885 Highway A1A, Vero Beach,
Florida 32963

This item was pulled from today's agenda.

c. CASE #16-CE-6393 / 813M

VIOLATOR: Edward J. Fialkowski, Jr.
VIOLATION: Stagnant swimming pool
VIOLATION ADDRESS: 703 Holly Road, Vero Beach,
Florida 32963

(Property was found in compliance on December 8, 2017. \$100 initial civil penalty (Repeat Violation); Continuing Civil Penalties as of February 23, 2016 through December 7, 2017 (day prior to finding compliance) = 653 days x \$100 per day = \$65,300. Total amount owed not including recording costs or fees incurred by the City equals an estimated \$65,400.)

Ms. Sanderson reported that the property was found in compliance on December 8, 2017. She requested that the Board issue a Board order finding the property in compliance on December 8, 2017 and to cease the continuing daily penalties.

Mr. Noonan made a motion that the Board finds there was a violation and the property is now in compliance as of December 8, 2017 and that the continuing penalties cease as of that date. Mrs. Hillman seconded the motion and it passed unanimously.

d. CASE #14-CE-4885 / 0346T

VIOLATOR: Richard A. Gunkel
VIOLATION: Unsheltered storage of trailer with expired registration/tags
VIOLATION ADDRESS: 1946 5th Court, Vero Beach,
Florida 32960

(Property was found in compliance on June 2, 2017. \$50 initial civil penalty; \$34.65 cost of enforcement; Continuing Civil Penalties as of August 7, 2014 through June 1, 2017 (day prior to finding compliance) = 1,030 days x \$50 = \$ 51,500. Total amount owed not including recording costs or fees incurred by the City equals an estimated \$51,584.65.)

Mr. Thomas Ramsey, Code Enforcement Officer, reported that the property owner was cited for an unlicensed trailer parked in the front yard of the property. He reported that the property owner recently showed him that the trailer was plated. The second part of the citation was that the trailer had to be removed from the site. In reading the citation, it does come across a little ominous. He said that it could be interpreted both ways. However, actions taken by the property owner's family would show that they also believed that the trailer had to be removed. Those actions were that Mr. Gunkel's daughter, Ms. Townsend, asking him for a one (1) week extension in order for her to make arrangements to get the locked removed from the trailer, which he granted. He reported that they did show now that they did get the trailer licensed. As far as removal of the trailer, he did not show that it was

moved for two (2) or two (2) and a half years. He said that he did not go to the property every day, but he did document eight (8) visits over that time period where the trailer was still located on the property. He reported that he stopped checking the property at the end of 2015. On chance he had another complaint on the property located next door and he went to the property on June 2, 2017 and saw that the trailer was no longer on the property. He reported that he does have documentation of storage receipts from a storage unit, which he does believe the trailer is located. He said that he was willing to agree with them that anytime within that year and a half (January, 2016 to June, 2017) that they say the trailer was removed he would believe them because he does not have any documentation or proof that it wasn't.

Mrs. Hillman asked what was the last date of the eight (8) times the property was checked.

Mr. Ramsey answered December 31, 2015.

Mr. McDonald asked what is the storage compound list with the dates of 2014, 2015, and 2016.

Mr. Ramsey explained that information was provided by the Gunkel family that shows that the trailer was being stored there.

Mr. Noonan questioned so it turned out that the trailer was tagged the entire time.

Mr. Ramsey answered no. He explained that they tagged the trailer after receiving the citation, but he was not notified and they did not pay the citation.

Mr. Richard Gunkel, property owner, reported that the address in question is a rental unit and he resides in Howey in the Hills, Florida. He said that given the discussion for the last case heard (Case #17-CE-8112 – Appeal Hearing) he should state that he is a retired Corporal of the United States Air Force of 23 years and he would like to protect his name. He said it is terrible that they are here at this point in time because of a misunderstanding of what was going on. He reported that he only received one (1) notice of this, which was the initial notice that stated they had until July 7, 2014 to tag and license the trailer. That citation did not state “to remove” the trailer. He reported that he has owned the home since 2001 and it is currently on the market. He said that it was reported under the title search that there is a lien on the property. He said that he received from Ms. Sherri Philo, Deputy City Clerk, information that indicated the timing, etc. He said that they thought they took care of the problem noting that it was probably about two weeks after the time given to come into compliance by Mr. Ramsey. He gave the Board members information showing the date the trailer was licensed and tagged. He questioned why they didn't receive any further correspondence. He said that he spoke with people in the City and was told that his tax records showed that he lived at this location. He said part of the reason he didn't update his current address was because he and his wife lived in England for three (3) years and while there he had to do everything by the internet, including paying his taxes. Upon his return, he did fail to update the information. He said they are willing to pay the amount that was listed in the correspondence from Ms. Philo. He asked that this be taken care of as soon as possible so they can continue with the sale.

Mr. Pizzichillo asked is this for a \$50 civil penalty.

Mr. Noonan said it looks like there is a \$50 civil penalty, \$34.65 cost of enforcement, plus recording fees.

Ms. Honse explained that this case falls under the old procedures and there is a Board Order to Correct Violation, Imposing Continuing Penalties, and to Pay Penalties and Costs that had a specific dollar amount, which was \$3,150 (63 days x \$50 per day), plus the initial \$50 civil penalty for a total of \$3,200.

Mr. Gunkel said that is the amount that he was referring to.

Ms. Honse felt that what Mr. Gunkel is stating is that he is willing to pay that amount if the Board reduces or removes the additional penalties that have accumulated.

Mr. Pizzichillo felt that Mr. Gunkel is an honorable gentleman, he served this Country, and he believes everything that Mr. Gunkel said. He felt the Board should conclude this case as much as possible in Mr. Gunkel's favor.

The Board members agreed.

Mr. McDonald suggested the cost of \$84.65 (initial civil penalty of \$50 plus the cost of enforcement of \$34.65).

Ms. Honse added plus additional costs to the City, such as preparing the release of lien, recording fees, etc.

Ms. Honse asked for a motion in the form that the violation was deemed corrected, to waive the civil penalties that have accumulated and the continuing penalties and assess only the \$50 initial assessment, recordings costs as calculated by the Clerk, and the cost of enforcement.

Mr. Pizzichillo made that in the form of a motion. Mr. Noonan seconded the motion and it passed unanimously.

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

None

8. CLERK'S MATTERS

None

9. ATTORNEY'S MATTERS

A) Procedural and Legal Concepts Affecting Code Enforcement Board Hearings

Ms. Honse asked the Board members to take the time to review the information provided in their agenda package and if they have any questions to contact her (attached to the original minutes). She explained that this information was prepared by Mr. Wayne Coment, City Attorney, and it outlines legal concepts that are relevant to code enforcement, quasi-judicial proceedings, ex parte communications, etc. The key thing for them to look at is what amounts to competent substantial evidence. She said if the Board wants her to go into a more in depth review of the information she would be glad to, but she didn't know if they wanted to go into it today.

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

None

12. ADJOURNMENT

Today's meeting adjourned at 4:01 p.m.

/sp