

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, July 12, 2023 – 1:30 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

**PRESENT:** Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: Christopher Bryant, Linda Hillman, and Ken Daige **Also Present:** Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Jamila McGee; Planning Director, Jason Jeffries; Indian River County Contractor Licensing Investigator, David Checchi; Indian River County Contractor Licensing Investigator, Rick Dunkerley; Scott McAdam, Indian River County Building Official; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

**Excused Absence:** Frank Pizzichillo

**Unexcused Absence:** Eva Lauer

**1. CALL TO ORDER**

Today's meeting was called to order at 1:32 p.m.

**2. PLEDGE OF ALLEGIENCE**

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

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

**3. PRELIMINARY MATTERS**

**A) Adoption of Minutes**

**1. June 14, 2023**

**Mr. Price made a motion to adopt the minutes of the June 14, 2023 Code Enforcement Board meeting. Mr. McDonald seconded the motion and it passed unanimously.**

**B) Agenda Additions, Deletions and Adoption**

Ms. Jamila McGee, Code Enforcement Officer, who has been sworn in, pulled Case #23-CE-13237 – Kevin S. Hawkins from today's agenda. She reported that the property is in compliance and the civil penalty has been paid after receiving the Notice of Hearing. She then pulled Case #23-CE-13238 – Tamara L. Zaharczuk from today's agenda. She reported that she did not get service of the citation. She then pulled Case #23-CE-13255 – Christos Ellinas / Re-Max of Stuart, Inc., Nicole Nastasia and Andrea Turke, / Jennifer Atkisson-Lovett / M.A.A., Inc., from today's agenda. She reported that the civil penalty was paid after receiving the Notice of Hearing.

Ms. Melody Sanderson, Code Enforcement Officer, who has been sworn in, pulled from today's agenda Case #23-CE-13129 – Andrew B. Hartline and Heidi S. Hartline and Case #23-CE-13150 – Travis H. Scent and Michael Zorc and Jodi L. Zorc. She reported that they came into compliance after receiving the Notice of Hearing. She then pulled Case #23-CE-13181 – MYL Properties LLC / Mathias Leibik and Jordan Power Equipment Corp from today's agenda. She reported that the property owner is working with the Planning Department to come into compliance. She then

pulled Case #23-CE-13210 – Jason and Jenna Radecke from today’s agenda. She reported that they came into compliance after receiving the Notice of Hearing.

Ms. Sanderson asked that the Board hear item 5B) 1h / Case #23-CE-13225 – Dianne M. Rennick first on today’s agenda because they have a request to postpone the hearing.

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

\*Please note that all exhibits entered into the record are on file in the City Clerk’s office.

#### **4. UNLICENSED CONTRACTORS/CITATIONS**

**A) CASE #23-CE-13220 / 0941**

**VIOLATOR:** William J. Kingston

**VIOLATION:** Unlicensed contracting; Acts/Omissions – Code Sections 400.01(1)/ 22-86(a); 400.07/22-89

**VIOLATION ADDRESS:** 2545 Indian River Boulevard, Unit #1, Vero Beach, Florida 32960

**(\$500.00 Fine for each violation = \$1,000.00)**

\*Please note that this item was heard after item 5B)-1h on today’s agenda.

Mr. David Checchi, Indian River County Licensing Investigator, who has been sworn in, reported that this case is before the Board for a request for a final order of an unpaid citation. The violation is for operating a company by the name of W. King Demolition Corporation, which filed for dissolution per State records on September 23, 2022. The contractor on the project, Dunlap Construction, was also cited for hiring an unlicensed contractor to perform the work and their citation was paid. Service of the citation was provided by certified mail. As of July 11, 2023, the \$1,000 fine has not been paid. The Building Department is requesting the violation be upheld, and a final order of non-payment be issued.

**Mr. Price moved that the Board finds that there was a violation, the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$1,000.00. Mr. McDonald seconded the motion and it passed unanimously.**

#### **5. EVIDENTIARY HEARINGS**

**A) Citation Appeals**

**1. CASE #23-CE-13167 / 0896J**

**VIOLATOR:** Dorothy M. Lucey (Le) and Maureen J. Lucey

**VIOLATION:** Expired roof underlayment – Florida Building Code 105.5; R905.1

**VIOLATION ADDRESS:** 1215 Spanish Lace Lane, Vero Beach, Florida 32963

Ms. McGee reported that the violation was for an expired roof underlayment. The civil penalty has not been paid and the property is not in compliance. The original compliance date was May 19, 2023.

Mr. John Turner, City Attorney, asked if there was anyone present representing the violator, Ms. Lucey. There was no one present.

Mr. Turner said that he was going to have Ms. McGee give some background information and some testimony regarding this property in addition to the citation or violation that they were here for because he would be advising the Board on some alternative actions.

Ms. McGee reported that there was an initial violation issued in April, 2017, for the roof, soffit and fascia damage. That citation was closed as complied in June, 2017. In December, 2018, an email complaint was received regarding the blue tarps on the roof so a citation was issued as a repeat violation. In January, 2019, a request from Ms. Maureen Lucey to former Code Officer Ramsey requesting an extension for compliance. In February, 2019, the condition of the roof was documented. An email was sent again requesting additional time to Officer Ramsey. It was scheduled for a Code Enforcement Board hearing in April, 2019, and it was pulled due to a request for an extension. In May, 2019, the owner advised that the roof contractor signed for a permit and Officer Ramsey requested the roofing company's contact information. In June, 2019, an email was sent from the owner saying that a permit was pulled and it was approved by the Home Owner's Association (HOA). In June, 2019 the case was closed as complied.

Ms. Sanderson reported that in March, 2019, a case was opened for the roof and a courtesy letter was sent by Officer Ramsey. On March 27, 2020, a follow up letter was emailed to Ms. Lucey and she stated that due to travel restrictions from Covid-19 that she could not return to Florida to fix the home. On December 4, 2020, an email complaint from a neighbor regarding the home falling apart was received. That the roof had a hole in it and the last two (2) years had been open to the elements. The homeowner had started a roof repair project and that has stopped. The complaint further stated that the home was an eyesore and needed to be condemned. The email was sent by Code Enforcement to the Building Department to look at the condition of the house. In December, 2020, there were 16 individual complaints were received by the neighbors regarding the condition of the property. On December 13, 2020, an email was received from Attorney Jacob Ensor regarding complaints against the property and status of pending code matters and Mr. Ensor was advised that a request was made to the Building Department for an inspection to be conducted. On December 19, 2020, an email was sent to the Building Department to check on the status. On February 18, 2021, an email was received from Mr. Ensor regarding the status and he was advised that when inspection was completed the Notice of Violation would be sent by the Building Department to the property owner and then the Building Department would advise Code Enforcement if any action needed to be taken by them. On April 22, 2021, the Building Department issued a Notice of Violation. On May 24, 2021, they received a copy from the Building Department on an email from Ms. Dorothy Lucey requesting an appeal of the Notice of Violation and the response from Mr. Scott McAdam, Indian River County Building Official, providing her with the information required to request an appeal. On June 14, 2021, an email was sent from Code Enforcement to the Building Department to check on the status of the appeal and they received an email from Mr. Scott McAdam that he was playing phone tag with the owner and was trying to arrange a timeframe for repairs or a game plan, which no appeal was made at this time. In June, 2021, an email complaint was received regarding the condition of the property and a petition from the neighbors requesting action. In October, 2022, the case was reopened. She

explained that the case was closed as complied and it was not complied. This case was heard at a Code Enforcement Board hearing on November 28, 2022, with a Board order to comply within 24-days of the Board order and it has not come into compliance.

Mr. Daige asked if there were photographs of the current condition of the property.

Ms. McGee submitted into evidence a composite of photographs of the property (marked as Exhibit A).

Mr. McDonald asked is the house still open to the weather.

Mr. Rick Dunkerley, Indian River County Contractor Licensing Investigator, reported that the peel and stick was installed on April 14, 2022, which has expired its lifespan, which was for one (1) year.

Ms. Sanderson reported that the contractor was present for today's hearing.

Mr. Price asked is anyone living in the house.

Ms. McGee did not think so.

Mr. Turner asked the Board if they had any questions on the photographs that were submitted.

Mr. Price asked where does the hole in the roof open into the house.

Mr. Dunkerley said the roof was dried in so there shouldn't be any penetration.

Mr. McDonald said this came up last year at a hearing and they had people from the HOA present and the contractor was present. He said there was an issue where they couldn't get the property owner on the telephone and that she wouldn't sign something. He asked if that was correct.

Mr. Dunkerley said that was correct.

Mr. McDonald said so this has just been sitting there for another year.

Mr. Turner suggested that the Board hear testimony from the neighbors.

Mr. Gary Perkins, President of the HOA, who has been sworn in, said work has not been completed in over six (6) years. He said the last time this was before the Board he requested that she receive a \$500.00 fine instead of a \$100.00 fine because nothing has moved her to get the roof completed. He said that he does not know what else could be said. Year after year this goes on and she refuses to complete the roof. He said there has been no strong action to get this corrected. He felt that it was time for the City to put down some force. He did not think that the City should let this continue.

Mr. Daige asked when you are standing on the street and look at the home, what conditions do you see.

Mr. Perkins said it looks like an abandoned house. He said the soffit all around the house is coming down and neighbors are complaining that rats are going in and out of the house.

Mr. Daige asked if it was fair to say that the property was in disrepair.

Mr. Perkins answered yes. He said the people who live behind her offered to purchase the property twice and she was not interested in selling. He said there was a main frame put up for a screened enclosure in the back of the home and the next morning the frame pulled out of the wall. He said the entire house is rotten. He said that his neighbor had a picture from a night camera that showed rats coming from the house.

Mr. Daige asked if utilities were on at the house.

Ms. McGee said that she did not have that information.

Mr. Scott McAdam, Indian River County Building Official, who has been sworn in, stated that there is power in the home because the pool pump was functional.

Mr. Turner read into the record Code Section 2-304 (a), *“Violation constituting public nuisance; correction by the City. Whenever the Board enters an order finding a continuing violation exists that constitutes a public nuisance representing a threat to the public health, safety, or welfare, the Board Clerk shall send a copy of such order to the violator, all mortgagees and other lienors having an interest in the real property as shown in the public records of the County, and to the Code Enforcement Officer. If such violation remains unabated after the time for appeal has run and an appeal is not filed or the order is finally affirmed after appeal, the City Manager may, subject to the purchasing provisions of this Code, cause all reasonable repairs and work to be done to correct the violation and abate the public nuisance, and the order shall so state. The City Manager may employ such City or contracted labor and materials as the City Manager finds reasonably necessary to correct the violation and abate the public nuisance. Entry on the real property ad making such repairs or corrections to abate the public nuisance shall not create a continuing obligation on the part of the City to make further repair or corrections or to maintain the property and shall not create any liability against the City or any official, employee or contractor of the City for any damages to the property if entry on the property and the repairs and work are made in good faith to abate the public nuisance.”*

Mr. Daige said what he was hearing and in looking at the photographs, is that this house was messed up. He heard from the President of the HOA that there were issues with things falling off the house and the wood may be rotted. He said before any repairs were made they would have to go in to see if it could even be repaired. He said this was not a safe structure. The electric is on and if something happens, such as an electrical short they could have a fire, which would cause problems for the residents in the neighborhood. He said the structure needs to come down as soon as possible. He felt that the Board has heard enough and they need to do something quickly to keep the neighborhood safe.

Mr. Turner said right now they were looking at a covering on the roof that doesn't have any support on top of it. He said this is hurricane season and that in itself was a serious concern. He felt that the City Manager would probably have to retain a structural engineer to review this before proceeding with any repairs on the roof to make sure that the structure would support it.

Mr. Turner said that he was bringing to the Board's attention what the parameters are if the Board wanted to enter such an order.

Mr. Dunkerley said building permits were pulled for the inside structure, which were still in progress and were current. The roof permit is the only permit that has expired. He said there are structural repairs being done to the home at this time and those inspections have proceeded. He explained that every time an inspection is completed and passed it gives them another six (6) months on that permit. That current permit expires in August if it does not pass its next inspection.

Mr. Price asked what kind of structural repairs were being done.

Mr. Dunkerley said they replaced a wall and the trusses in the roof have been replaced.

Mr. McDonald said they are in a situation where the property owner should be accumulating fines.

Mr. Dunkerley said fines are accumulating.

Mr. Daige asked how other permits could be pulled when there was an expired permit.

Mr. Dunkerley explained that the roof permit and the structural permits were pulled at the same time.

Mr. Price said that he did not know if the Board could declare this a public nuisance.

Mr. Turner explained that the Board could declare it a public nuisance under Code Section 304 (a) if the Board finds from the evidence presented that it is a public nuisance representing a threat to the public's health, safety, or welfare.

The City Clerk swore in Ms. Patricia Bumgarner.

Mrs. Patricia Bumgarner, who has been sworn in, said that she lives in view of this house and there was not much construction going on. In March there were a couple days where there was banging going on inside and there was a plumbing truck there for one (1) day in June. She said nothing is going on at this house.

Mr. Perkins said this has been going on for seven (7) years. He said it was not getting better. It was getting worse.

The City Clerk swore in Mr. Jason Jeffries.

Mr. Jason Jeffries, Planning Director, who has been sworn in, said they have this current citation and the respondent appealed it, but did not show up for today's hearing. He said staff is asking the Board to declare this property a public nuisance by the evidence and testimony that was presented. As part of today's testimony, he would like Mr. Doug Leman, who is the contractor of record for the roof, to testify on the current condition of the roof and how long the peel and stick could protect the property.

Mr. Doug Leman, owner of Orchid Island Roofing, who has been sworn in, said the peel and stick that they put down was good for 365 days. After that it does not do its job and anything could be getting through the roof.

Mr. Price asked in order to finish the roof, would they have to replace the peel and stick and the plywood.

Mr. Leman said they would have to replace the peel and stick and they would need to examine the plywood to see if it was bad.

Mr. Bryant asked if they have been paid up to date.

Mr. Leman answered no.

Mr. Bryant asked how much she owes them.

Mr. Leman thought it was about \$80,000.00.

Mr. Bryant asked if they have a lien on the property.

Mr. Leman answered yes.

Mr. Price asked Mr. Leman if he has been on the property.

Mr. Leman said not in the last three (3) months.

Mr. Price asked when he was there, was there evidence of rodents.

Mr. Leman said the property has never looked like it wasn't abandoned.

Mr. Jeffries reiterated that staff is asking the Board to declare the property a public nuisance. They feel that there was sufficient evidence entered into the record to declare that it is a nuisance to the neighborhood.

**Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the citation appeal be denied and that the property be declared a public nuisance based on the excellent testimony they had today. Mr. McDonald seconded the motion and it passed unanimously.**

**B) Non-Compliance / Compliance Reports**

**1. Request for Board Order**

**a. CASE #23-CE-13129 / 3325M**

**VIOLATOR:** Andrew B. Hartline and Heidi S. Hartline

**VIOLATION:** Change of use required for the property (commercial property being used as residential) – Code Section 60.21 (b)(2)

**VIOLATION ADDRESS:** 2223 10<sup>th</sup> Avenue, Vero Beach, Florida 32960

**(Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

**b. CASE #23-CE-13150 / 3331M**

**VIOLATOR:** Travis H. Scent (tenant) and Michael J. Zorc and Jodi L. Zorc (owners)

**VIOLATION:** Shed requires zoning approval from the City of Vero Beach and a building permit from the Indian River County Building Department – Code Section 60.21 (b)(1)

**VIOLATION ADDRESS:** 1655 27<sup>th</sup> Avenue, Vero Beach, Florida 32960

**(Failure to comply; Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

**c. CASE #23-CE-13181 / 3341M**

**VIOLATOR:** MYL Properties LLC (owner) / Matthias Leibik (registered agent) and Jordan Power Equipment Corp. / Matthias Leibik (registered agent)

**VIOLATION:** New tractor display area installed without obtaining City of Vero Beach zoning approval; Right-of-way needs new sod installed and vehicles cannot continue to park on the right-of-way and the sidewalk – Code Sections 60.21 (b)(1); 59-12 (5)

**VIOLATION ADDRESS:** 1526 Old Dixie Highway, Vero Beach, Florida 32960

**(Failure to comply)**

This item was pulled from today's agenda.

**d. CASE #23-CE-13210 / 3376M**

**VIOLATOR:** Jason Radecke and Jenna Radecke

**VIOLATION:** Vehicle restrictions – Code Section 74-82 (c)(3)(4)(d)

**VIOLATION ADDRESS:** 241 Live Oak Road, Vero Beach, Florida 32963

**(Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

**e. CASE #23-CE-13237 / 0933J**

**VIOLATOR:** Kevin S. Hawkins

**VIOLATION:** Weeds, grass, or undergrowth at a height of more than 12-inches – Code Section 38-31 (a)(b)(1)

**VIOLATION ADDRESS:** 939 19<sup>th</sup> Street, Vero Beach, Florida 32960

**(Failure to comply; Failure to pay \$50.00 civil penalty)**



This item was pulled from today's agenda.

- f. CASE #23-CE-13238 / 0934J**  
**VIOLATOR:** Tamara L. Zaharczuk  
**VIOLATION:** Solid waste collection service – Code Section 66-12 (1)(c)  
**VIOLATION ADDRESS:** 2203 17<sup>th</sup> Street, Vero Beach, Florida 32960  
**(Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

- g. CASE #23-CE-13255 / 0942J**  
**VIOLATOR:** Christos Ellinas (owner) / Re-Max of Stuart, Inc., Nicole Nastasia and Andrea Turke (realtors) / Jennifer Atkisson-Lovett (registered agent) / M.A.A. Inc.  
**VIOLATION:** Sign violation – Code Section 38.09 (1)(1)  
**VIOLATION ADDRESS:** 1656 28<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

- h. CASE #23-CE-13225 / 3350M**  
**VIOLATOR:** Dianne M. Rennick  
**VIOLATION:** Noise violation – dog barking  
**VIOLATION ADDRESS:** 4404 Sunset Drive, Vero Beach, Florida 32963  
**(Failure to comply)**

\*Please note that this item was heard first on today's agenda.

Mr. Bryant asked Ms. Sanderson if she wanted the Board to postpone this case for another month.

Ms. Sanderson said that she thought the complainant would like to address the Board and the property owner's son was also present and might want to address the Board.

Mr. Stanley Sak, who has been sworn in, said that he was the complainant. He said this has gone on for months before they contacted the Code Enforcement Department. He said that they spoke with the Police Department and with the Animal Control Officer, who came to the property several times. He understands that they are trying to postpone this case, however he has surgery coming up so he was not sure when he could come back if this case is postponed. He said this dog woke them up yesterday at 3:15 a.m. and at 5:55 a.m. and kept them awake. He has a log of the dog barking that goes back a few months. He would like to have some resolution to this. The dog barks almost every night or every few nights. Sometimes they go a few nights without the dog barking, but then it starts again. He said they have tried to contact the owner before they contacted Code Enforcement, but nothing worked. He said that he was in his 80's and his wife is in her 70's and they cannot keep living this way.

Mr. Steve Rennick, who has been sworn in, said that he is the property owner's son.

Mr. John Turner, City Attorney, asked is the property owner present.

Mr. Rennick answered no. He explained that they requested a postponement because she could not attend today's hearing as she has been hospitalized twice in the last five (5) days from a fall. He said that they have been making an effort to mitigate this. He reported that they were going to try to rearrange some fencing on the property to try to help with this.

Mr. Turner asked did she file a written request for a continuance five (5) days before today's hearing.

Mr. Rennick answered no. He explained that she fell within that five (5) day period.

Mr. Turner asked if they were requesting that the Board continue this case.

Mr. Rennick said that he could appreciate the complainant's request to proceed with this case so if the Board wanted to proceed he was okay with doing that. He said they were taking measures to help and would like more time.

Mr. Turner said the Board may proceed with this case.

Mr. McDonald asked why the dog is outside at 3:00 a.m.

Mr. Rennick said that his mother disputes that. He said that she insists that she does not leave the dog out at night, but then again he is not there.

Ms. Sanderson asked if they were going forward with hearing this case.

Mr. Price answered yes.

Mr. Rennick said the dog is a hassle for them to deal with as well, but they are trying to help. He said they have hired a contractor to install a fence further away from the complainant's property line.

Ms. Sanderson said if they are moving forward with this case she would like to put the case information into the record. She then gave the Board members a copy of a journal noting the dates and times that the dog was barking (marked as Exhibit A). She read from Code Section 38-61, "*It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unreasonably loud noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity*" and Code Section 38-62 (6) – "*Animal noises – It shall be unlawful to keep or maintain any animal or bird within residential ones of the City without providing and maintaining adequate sound control techniques to eliminate any excessive, offensive, and unnecessary noise.*" She reported that several complaints were made to the Police Department and to Animal Control. The Animal Control Officer met with the property owner and talked to her about different ways to control the dog, such as keeping the dog inside, a bark box, etc. When the complaints continued a warning citation was issued. After the compliance date the dog continued to bark and a citation was issued. The complainant continued to record in a log when the dog was barking. Service on

the citation was by certified mail, which was unclaimed so the property was posted. The original compliance date was June 20, 2023, with a civil penalty of \$50.00 that has been paid. She understands that the property owner is working with a contractor to install a dog run that would be made of six (6) foot wood panels, which they feel should help curb the noise of the dog barking. She thought that there was also going to be a bark box that would be installed.

Mr. Rennick reported that they purchased two (2) bark boxes. He said that they were making a very ugly arrangement with the fencing to appease the complainant. He explained that rather than fencing the boundary line they would be cutting the yard in half and putting the fence in the center to try to extend the distance.

Mr. Price asked why can't the dog stay in the house at night.

Mr. Rennick said that his mother claims that the dog does not go out at night. He said that he was not provided with a copy of the log that was provided to the Board, which he was then provided a copy (Exhibit A). He said that they are installing the fence against their mother's wishes. She does not want the fence and she swears up and down that the problem has been solved.

Mr. McDonald asked how far would the fence be from the complainant's home.

Mr. Rennick said it would probably be about 60-feet from the boundary line.

Mr. Rennick said that they wanted to get a bark collar, but the dog has a heavy coat of fur so he didn't think that it would work. He said they were doing their best to try to help with the noise and they were not ignoring it. He said that they were also trying to get a caretaker to help with his mother.

Mr. Daige said that he understands that they were working on this and want to get it resolved. He asked when they think the fence would be completed.

Mr. Rennick said that they just received the approved permit from the City today and the contractor was taking it to the County to get the County permit.

Mr. Daige asked if he hoped to begin the work within 30-days.

Mr. Rennick said that he hoped to start within days.

Mr. Daige asked how long would it take to complete once it is started.

Mr. Rennick said it would not even take a day. He said they also purchased two (2) bark boxes that would be attached to the fence.

Mrs. Hillman said that she has a citronella collar for her dog and as soon as her dog barks it puts out a spray.

Mr. Rennick said that he would look into that.

Mr. McDonald asked Mr. Turner if the Board was supposed to provide a remedy for this.

Mr. Turner asked Ms. Sanderson for her suggestion.

Ms. Sanderson said that she appreciated the efforts that they were making and she would like to see if they work, but she also wanted a timeframe to see if it works and if it was not working that they would need to take more measures.

Mr. McDonald said that he didn't understand how a fence was going to do anything.

Ms. Sanderson noted that Mr. Rennick did state that they were in the process of getting a caretaker for his mother, which means that there would be someone there at night that could keep the dog inside.

Mr. Rennick said they currently have a chain link fence that is very close to the neighbor so putting up a solid fence and moving it 60-feet he hoped that would help.

Mr. Daige said that they were working on this and he was okay to give them time to try to get things squared away.

Mr. Sak said the Animal Control Officer told him that he tried three (3) different frequencies on the dog and it did not stop the dog from barking so the bark box was not going to work.

**Mr. Price moved that the Board finds that there is a violation, the violation continues and that the Board issues a Board order to correct the violation within 10-days from the date of the Board order or continued civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of June 20, 2023, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed 4-1 with Mr. Bryant voting no.**

At this time, the Board want to item 5A)-1 on today's agenda.

**6. OLD BUSINESS**

None

**7. NEW BUSINESS**

None

**8. ADMINISTRATIVE MATTERS**

None

**9. CLERK'S MATTERS**

None

**10. ATTORNEY'S MATTERS**

None

**11. CHAIRMAN'S MATTERS**

None

**12. MEMBER'S MATTERS**

None

**13. ADJOURNMENT**

Today's meeting adjourned at 2:38 p.m.

/sp