

**MINUTES
TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING
JUNE 26, 2019 6:30 P.M.**

1. CALL TO ORDER

Chairman Hughes called the meeting to order at 6:32 p.m.

2. ROLL CALL

Present: Paul Hughes, Chairman; Timothy Daughtry, Vice Chairman; Ben Hartman, Board Member; Trent Swift, Board Member; and Natalie Schneider, Board Member. Also in attendance: Frank S. Palen, Town Attorney; Sgt. Dana Fisher, Code Enforcement Officer; and Emilie Pearson, Recording Clerk.

Absent: Kenneth Phillips, Board Member; and Ariel Hernandez, Board Member.

3. PLEDGE OF ALLEGIANCE

4. OATH OF OFFICE

Benjamin Hartman

5. APPROVAL OF AGENDA

Motion by Board Member Hartman to approve the Agenda, seconded by Vice Chairman Daughtry; Motion approved (5-0).

6. CONSENT AGENDA

- A. Approval of Minutes of the May 22, 2019 Code Enforcement Board Hearing
- B. Unfinished Cases Now in Compliance
- C. New Cases Now in Compliance

CASE #19-0137

MARGARET STEWART
7915 EDGEWATER DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 34-19(b), 34-20

Unregistered/inoperable boat on property

CASE #19-0139 JOAN & MICHAEL PURDY
7831 EDGEWATER DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 34-19(7), 34-20 Open storage on side and rear of residence

CASE #19-0140 JOAN & MICHAEL PURDY
7831 EDGEWATER DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 125-767(a) Boat not concealed from adjacent property

Motion by Board Member Schneider to approve the Consent Agenda, seconded by Vice Chairman Daughtry; Motion approved (5-0).

7. DISCLOSURE OF VISIT
8. SWEARING IN OF WITNESSES BY ATTORNEY
9. UNFINISHED CASES/LIEN IMPOSITION HEARING

(Note: Item 9 was moved between Items 12 and 13 because Respondent Joseph Funk was present at the Hearing. Minutes reflect the order of the Agenda.)

CASE #19-0099 FEDERAL HOME LOAN MORTGAGE CORP.
6900 WEST LAKE DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 34-19(9)(c) Roof in disrepair; Tarp on roof

The Respondent, Federal Home Loan Mortgage Corp., was not present. Based on the testimony and evidence presented for Sec. 34-19(9)(c), the Board determined the Respondent was still in violation and moved to record a lien on the property.

Motion by Board Member Swift, seconded by Vice Chairman Daughtry; Motion approved (5-0).

CASE #19-0100 FEDERAL HOME LOAN MORTGAGE CORP.
6900 WEST LAKE DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 34-19(3) & (9) Deterioration of property; Glass in window has plywood

The Respondent, Federal Home Loan Mortgage Corp., was not present. Based on the testimony and evidence presented for Sec. 34-19(3) and (9), the Board determined the Respondent was still in violation and moved to record a lien on the property.

Motion by Board Member Swift, seconded by Vice Chairman Daughtry; Motion approved (5-0).

10. UNFINISHED CASES/FINE IMPOSITION HEARING

11. CONTINUED CASES

12. NEW CASES

Motion by Board Member Swift, seconded by Vice Chairman Daughtry to enter into evidence pictures of 7901 Edgewater Drive and 7915 Edgewater Drive taken by Joseph Funk; Motion approved (5-0).

CASE #19-0133

CONNIE & JOSEPH FUNK
7901 EDGEWATER DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 125-475(c)

Plastic fencing does not meet code

Motion by Vice Chairman Daughtry, seconded by Board Member Hartman to amend the cited section to Section 125-475(e) as indicated in the Notice of Hearing; Motion approved (5-0).

The Respondents, Connie Funk and Joseph Funk, were present. Based on the testimony and evidence presented for Sec. 125-475(e), the Board determined the Respondents are in violation, and the Respondents must come into compliance by the August 28, 2019 Code Enforcement Board Hearing.

Motion by Vice Chairman Daughtry, seconded by Board Member Schneider; Motion approved (5-0).

CASE #19-0134

MARGARET STEWART
7915 EDGEWATER DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 34-19(9)(c), 34-20

Mildew on roof

The Respondent, Margaret Stewart, was not present. Based on the testimony and evidence presented for Sec. 34-19(9)(c) and 34-20, the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on July 24, 2019, or a fine of Twenty-Five Dollars (\$25.00) per day may be imposed until compliance is achieved.

Motion by Board Member Hartman, seconded by Vice Chairman Daughtry; Motion approved (5-0).

CASE #19-0135

MARGARET STEWART
7915 EDGEWATER DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 34-19(9)(c), 34-20

Mildew on driveway

The Respondent, Margaret Stewart, was not present. Based on the testimony and evidence presented for Sec. 34-19(9)(c) and 34-20, the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on July 24, 2019, or a fine of Twenty-Five Dollars (\$25.00) per day may be imposed until compliance is achieved.

Motion by Board Member Hartman, seconded by Vice Chairman Daughtry; Motion approved (5-0).

Motion by Board Member Hartman, seconded by Vice Chairman Daughtry to amend the prior motion to remove cited Section 34-19(9)(c) and only cite pursuant to Section 34-20; Motion approved (5-0).

Restated Motion by Board Member Hartman, seconded by Vice Chairman Daughtry; Motion approved (5-0).

CASE #19-0136

MARGARET STEWART
7915 EDGEWATER DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 34-19(7), 34-20

Open storage of miscellaneous items on front porch and side of residence

The Respondent, Margaret Stewart, was not present. Based on the testimony and evidence presented for Sec. 34-19(7) and 34-20, the Board determined the Respondent is in violation, and the Respondent must come into compliance by the

next Code Enforcement Board Hearing on July 24, 2019, or a fine of Twenty-Five Dollars (\$25.00) per day may be imposed until compliance is achieved.

**Motion by Board Member Hartman, seconded by Board Member Swift;
Motion approved (5-0).**

CASE #19-0138

MARGARET STEWART
7915 EDGEWATER DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 34-19(9)(d), 34-20 Fence in disrepair

The Respondent, Margaret Stewart, was not present. Based on the testimony and evidence presented for Sec. 34-19(9)(d) and 34-20, the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on July 24, 2019, or a fine of Twenty-Five Dollars (\$25.00) per day may be imposed until compliance is achieved.

**Motion by Board Member Hartman, seconded by Board Member Swift;
Motion approved (5-0).**

CASE #19-0149

CELESTE CAPINO & JEREMY SPECKMAN
1511 PALM CIRCLE
LAKE CLARKE SHORES, FL 33406

Sec. 34-22(a), 34-20 Unregistered vehicles on property

The Respondents, Celeste Capino and Jeremy Speckman, were not present. Based on the testimony and evidence presented for Sec. 34-22(a) and 34-20, the Board determined the Respondents are in violation, and the Respondents must come into compliance by the next Code Enforcement Board Hearing on July 24, 2019, or a fine of Two Hundred Dollars (\$200.00) per day will be imposed until compliance is achieved.

**Motion by Vice Chairman Daughtry, seconded by Board Member Hartman;
Motion approved (5-0).**

13. LIEN STATUS

CASE #17-0046 MARLO & PAUL RICHARDS
7740 BETA CIRCLE E.
LAKE CLARKE SHORES, FL 33406

Sec. 62-133(b)(5) Seawall in disrepair

During the May 24, 2017 Code Enforcement Board Hearing, the Board found the Respondents in violation of Sec. 62-133(b)(5) and were ordered to comply by September 27, 2017. During the December 6, 2017 Code Enforcement Board Hearing, the Board found the Respondents remained in violation and assessed a fine of twenty-five dollars (\$25.00) per day until compliance is achieved. The decision to file a Lien was postponed for review at the April 25, 2018 Code Enforcement Board Hearing, which was cancelled. During the May 23, 2018 Code Enforcement Board Hearing, the Board voted to place a Lien on property.

Upon receiving the Lien Order, Mr. Richards requested to come before the Code Enforcement Board to discuss the motion to place the Lien. During the July 25, 2018 Code Enforcement Board Hearing, the Board voted to not record the Lien at this time. Mr. Richards was requested to appear before the Board at the next Hearing. During the August 22, 2018 Code Enforcement Board Hearing, the Board found the Respondents were waiting approval of LWDD and the Town Building official for permitting; the Respondents were requested to appear at the next hearing; and the Board voted to not record the Lien at this time. During the September 26, 2018 Code Enforcement Board Hearing, the Respondents were not present, and the case was moved to the next hearing.

During the October 24, 2018 Code Enforcement Board Hearing, the Board found the Respondents still in violation, voted to not record the Lien at this time and requested the Respondents to appear at the Code Enforcement Board Hearing on December 5, 2018. During the December 5, 2018 Code Enforcement Board Hearing, the Board found the Respondents still in violation, the Board voted to not record the Lien at this time and requested the Respondents appear at the Code Enforcement Board Hearing on January 23, 2019.

During the January 23, 2019 Code Enforcement Board Hearing, the Board found the Respondents still in violation, voted to not record the Lien at this time and requested the Respondent to appear at the Code Enforcement Board Hearing on February 27, 2019. The Respondents' seawall permit was set to expire on February 23, 2019. The Respondents produced a letter from the permit contractor sent to the Town to request a permit extension. The Board

also requested the Recording Clerk produce information on the administrative cost spent by the Town for the case.

At this time the permit was granted an extension by the Town and Building Official until July 30, 2019. Currently no inspections have been scheduled for the seawall permit. At this time, the property is accruing a daily fine of twenty-five (\$25.00) a day. The total accumulated fine as of February 27, 2019 (449 days) will be eleven thousand two-hundred twenty-five dollars (\$11,225.00).

The current Administration cost for the case is \$2,785.33, a breakdown of the costs has been emailed along with the minutes to the Code Enforcement Board. Presently, the case has been before the Board 12 times, 10 orders have been written, no recording fees or mailing fees have been incurred.

During the February 27, 2019 Code Enforcement Board Hearing, the Board found the Respondents remained in violation of Sec. 62-133(b)(5) and were ordered to report monthly to the Code Enforcement Officer and report to the Board on July 24, 2019.

The Code Enforcement Officer did not receive any updates from the Respondents before the April 24, 2019 Code Enforcement Board Hearing. The Board determined to revisit the case at the May 22, 2019 Code Enforcement Board Hearing.

During the May 22, 2019 Code Enforcement Board Hearing, the Code Enforcement Officer said the Respondents were waiting on their supplier to proceed with work. The Board determined to revisit the case at the June 26, 2019 Hearing.

During the June 26, 2019 Code Enforcement Board Hearing, the Code Enforcement Officer stated she received an update from the Respondents. The Respondents received the seawall supplies and construction work should start soon. The Board determined to revisit the case at the July 24, 2019 Hearing when the Respondents will come to report before the Board.

14. BOARD COMMENTS, SUGGESTION AND UPDATES

Chairman Hughes reminded the Board to take the ethics training. Recording Clerk Pearson explained the Board Members did not have to take the ethics training at this time because the Town was working on changing the policy for appointed officials. She said she would advise them of the new requirements when they become effective.

15. ADJOURNMENT

**Motion by Board Member Hartman, seconded by Vice Chairman Daughtry;
Motion approved (5-0).**

Meeting adjourned at 7:20 p.m.

Paul Hughes, Chairman

Emilie Pearson, Recording Clerk