

**MINUTES
TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING
JULY 24, 2019 6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL

Present: Timothy Daughtry, Vice Chairman; Ariel Hernandez, Board Member; Ben Hartman, Board Member; and Natalie Schneider, Board Member. Also in attendance: Charles F. Schoech, Town Attorney; Sgt. Dana Fisher, Code Enforcement Officer (*via telephone*); and Emilie Pearson, Recording Clerk.

Absent: Paul Hughes, Chairman; Ken Phillips, Board Member; and Trent Swift, Board Member.

3. PLEDGE OF ALLEGIANCE

4. OATH OF OFFICE

5. APPROVAL OF AGENDA

Motion by Board Member Hartman to approve the Agenda, seconded by Board Member Schneider; Motion approved (4-0).

6. CONSENT AGENDA

A. Approval of Minutes of the June 26, 2019 Code Enforcement Board Hearing

B. Unfinished Cases Now in Compliance

CASE #19-0135

MARGARET STEWART
7915 EDGEWATER DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 34-20

Mildew on driveway

C. New Cases Now in Compliance

Motion by Board Member Hernandez to approve the Consent Agenda as amended by moving Case #19-0135 to Section 6B. Unfinished Cases Now in Compliance, seconded by Board Member Hartman; Motion approved (4-0).

7. DISCLOSURE OF VISIT

Board Member Hernandez disclosed that he walked passed 1511 Palm Circle and only saw one unregistered vehicle parked on the side of the property.

8. SWEARING IN OF WITNESSES BY ATTORNEY

9. UNFINISHED CASES/LIEN IMPOSITION HEARING

10. UNFINISHED CASES/FINE IMPOSITION HEARING

Motion by Board Member Hernandez, seconded by Board Member Hartman to enter into evidence pictures of 7915 Edgewater Drive taken by Joseph Funk; Motion approved (4-0).

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 present. Based on the testimony and evidence presented for Sec. 34-19(9)(c) and 34-20, the Board determined the Respondent remains in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on August 28, 2019, or a fine of Twenty-Five Dollars (\$25.00) per day will be imposed until compliance is achieved.

Motion by Board Member Hernandez, seconded by Board Member Hartman; Motion approved (4-0).

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 present. Based on the testimony and evidence presented for Sec. 34-19(7) and 34-20, the Board determined the Respondent remains in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on August 28, 2019, or a fine of Twenty-Five Dollars (\$25.00) per day will be imposed until compliance is achieved.

Motion by Board Member Hernandez, seconded by Board Member Hartman; Motion approved (4-0).

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 present. Based on the testimony and evidence presented for Sec. 34-19(9)(d) and 34-20, the Board determined the Respondent remains in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on August 28, 2019, or a fine of Twenty-Five Dollars (\$25.00) per day will be imposed until compliance is achieved.

Motion by Board Member Hartman, seconded by Board Member Hernandez; Motion approved (4-0).

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 remain in violation, and assessed a fine of Two Hundred Dollars (\$200.00) per day until compliance is achieved.

Motion by Board Member Hartman, seconded by Board Member Hernandez; Motion approved (4-0).

11. CONTINUED CASES

12. NEW CASES

13. LIEN STATUS

(Note: Case #17-0046 was heard between Case #19-0138 and Case #19-0149 of Section 10 because Respondent Paul Richards was present at the Hearing. Minutes reflect the order of the Agenda.)

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.

Respondent, Paul Richard, was present at the July 24, 2019 Code Enforcement Board Hearing. He testified that pilings would be on the property and an inspection would be scheduled this week. He expects the work to be completed within two to three weeks. Based on the testimony and evidence presented for Sec. 62-133(b)(5), the Board found the Respondents remained in violation, and determined to revisit the case at the August 28, 2019 Code Enforcement Board Hearing.

Motion by Board Member Hernandez, seconded by Board Member Hartman; Motion approved (4-0).

14. BOARD COMMENTS, SUGGESTION AND UPDATES

15. ADJOURNMENT

Motion by Board Member Hartman, seconded by Board Member Hernandez; Motion approved (4-0).

Meeting adjourned at 6:49 p.m.

Paul Hughes, Chairman

Emilie Pearson, Recording Clerk