

**MINUTES  
TOWN OF LAKE CLARKE SHORES  
CODE ENFORCEMENT BOARD HEARING  
AUGUST 28, 2019 6:30 P.M.**

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1. CALL TO ORDER

Vice Chairman Daughtry called the meeting to order at 6:30 p.m.

2. ROLL CALL

**Present:** Timothy Daughtry, Vice Chairman; Ken Phillips, Board Member; Ben Hartman, Board Member; and Trent Swift, Board Member.

Also in attendance: Charles F. Schoech, Town Attorney; Sgt. Dana Fisher, Code Enforcement Officer; and Emilie Pearson, Recording Clerk.

Absent: Paul Hughes, Chairman; Ariel Hernandez, Board Member; and Natalie Schneider, Board Member.

3. PLEDGE OF ALLEGIANCE

4. OATH OF OFFICE

Kenneth Phillips

5. APPROVAL OF AGENDA

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

6. CONSENT AGENDA

- A. Approval of the Minutes of the July 24, 2019 Code Enforcement Board Hearing
- B. Unfinished Cases Now in Compliance

**CASE #19-0149**

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

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

**CASE #19-0133** CONNIE AND JOSEPH FUNK  
7901 EDGEWATER DRIVE  
LAKE CLARKE SHORES, FL 33406

Sec. 125-475(e) Plastic fencing does not meet code

**CASE #19-0134** MARGARET STEWART  
7915 EDGEWATER DRIVE  
LAKE CLARKE SHORES, FL 33406

Sec. 34-19(9)(c), 34-20 Mildew on roof

C. New Cases Now in Compliance

**CASE #19-0189** FLOORS & MORE II, INC.  
7142 VENETIAN WAY  
LAKE CLARKE SHORES, FL 33406

Sec. 54-20 Operating a business without a current Town of  
Lake Clarke Shores local business tax receipt

**CASE #19-0190** LEO LIFE SAVINGS SKILLS LLC  
1870 FOREST HILL BLVD, #209  
LAKE CLARKE SHORES, FL 33406

Sec. 54-20 Operating a business without a current Town of  
Lake Clarke Shores local business tax receipt

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

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

**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, but Rusty Butler testified on her behalf. Based on the testimony and evidence presented for Sec. 34-19(7) and 34-20, the Board determined the Respondent remains in violation, and assessed a fine of Twenty-Five Dollars (\$25.00) per day until compliance is achieved.

**Motion by Board Member Swift, seconded by Board Member Phillips;**  
**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 not present, but Rusty Butler testified on her behalf. Based on the testimony and evidence presented for Sec. 34-19(9)(d) and 34-20, the Board found the Respondent in compliance, but recommended that Respondent paint the wood white on the metal fence.

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

11. CONTINUED CASES

12. NEW CASES

**CASE #19-0178**                      IN-NAE TAEKWONDO, INC.  
1800 FOREST HILL BOULEVARD, B4, 5, 6  
LAKE CLARKE SHORES, FL 33406

Sec. 54-20                              Operating a business without a current Town of Lake Clarke Shores local business tax receipt

The Respondent, In-Nae Taekwondo, Inc., was not present. Based on the testimony and evidence presented for Sec. 54-20, the Board determined the Respondent is in violation and assessed a penalty of Two Hundred Fifty Dollars (\$250.00).

**Motion by Board Member Swift, seconded by Board Member Phillips;**  
**Motion approved (4-0).**

**CASE #19-0181**                      VESTIGE SECURITY INC.  
1870 FOREST HILL BOULEVARD, #212  
LAKE CLARKE SHORES, FL 33406

Sec. 54-20                              Operating a business without a current Town of  
Lake Clarke Shores local business tax receipt

The Respondent, Vestige Security Inc., was not present. Based on the testimony and evidence presented for Sec. 54-20, the Board determined the Respondent is in violation and assessed a penalty of Two Hundred Fifty Dollars (\$250.00).

**Motion by Board Member Swift, seconded by Board Member Phillips;**  
**Motion approved (4-0).**

**CASE #19-0187**                      LUCIANO TILE & MARBLE, INC.  
6505 APPLE WAY  
LAKE CLARKE SHORES, FL 33406

Sec. 54-20                              Operating a business without a current Town of  
Lake Clarke Shores local business tax receipt

The Respondent, Luciano Tile & Marble, Inc., was not present. Based on the testimony and evidence presented for Sec. 54-20, the Board determined the Respondent is in violation and assessed a penalty of Two Hundred Fifty Dollars (\$250.00).

**Motion by Board Member Swift, seconded by Board Member Phillips;**  
**Motion approved (4-0).**

**CASE #19-0188**                      GO CHIRO ACCIDENT AND WELLNESS  
CENTER  
1840 FOREST HILL BOULEVARD, #201  
LAKE CLARKE SHORES, FL 33406

Sec. 54-20                              Operating a business without a current Town of  
Lake Clarke Shores local business tax receipt

The Respondent, Go Chiro Accident and Wellness Center, was not present. Based on the testimony and evidence presented for Sec. 54-20, the Board determined the Respondent is in violation and assessed a penalty of Two Hundred Fifty Dollars (\$250.00).

**Motion by Board Member Swift, seconded by Board Member Phillips;  
Motion approved (4-0).**

**CASE #19-0199**                      GARY LESTER  
6610 LAKE CLARKE DRIVE  
LAKE CLARKE SHORES, FL 33406

Sec. 34-20, 34-19(10)      Concrete debris on property

The Respondent, Gary Lester, was present. Based on the testimony and evidence presented for Sec. 34-20 and 34-19(10), the Board ordered the case to be continued until the next Code Enforcement Hearing on September 25, 2019. The Code Enforcement Board directed the Town Attorney to find out whether the debris were located in the Town's right-of-way.

**Motion by Board Member Swift, seconded by Board Member Phillips;  
Motion approved (4-0).**

**CASE #19-0200**                      ESTATE OF MARY WEBB  
1819 ANTIGUA ROAD  
LAKE CLARKE SHORES, FL 33406

Sec. 34-19(4), 34-20      Overgrown vegetation

The decedent's daughter, Elaine Webb Alvarez, was present. Based on the testimony and evidence presented for Sec. 34-19(4) and 34-20, the Board determined the Respondent is in violation, and the Respondent must come into compliance by the Code Enforcement Hearing on October 23, 2019, or a fine of Twenty-Five Dollars (\$25.00) per day may be imposed until compliance is achieved.

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

**CASE #19-0201**                      BRIAN HAYES AND LINDA PEARL  
7001 CARISSA CIRCLE  
LAKE CLARKE SHORES, FL 33406

Sec. 125-767(b)(7), 34-20      Inoperable motor home

The Respondent, Brian Hayes, was present. Based on the testimony and evidence presented for Sec. 125-767(b)(7) and 34-20, the Board determined the Respondent is in violation, and the Respondent must come into compliance by

the next Code Enforcement Hearing on September 25, 2019, or a fine of Twenty-Five Dollars (\$25.00) per day may be imposed until compliance is achieved.

**Motion by Board Member Swift, seconded by Board Member Phillips;  
Motion approved (4-0).**

**CASE #19-0202**

HARRY S. LINELL III  
7117 VENETIAN WAY  
LAKE CLARKE SHORES, FL 33406

Sec. 125-767(b), 34-20

Large box truck parked in driveway overnight  
and on a regular basis

The Respondent, Harry S. Linell III, was present. Based on the testimony and evidence presented for Sec. 125-767(b) and 34-20, the Board found the Respondent in compliance, but ordered the Respondent to move his truck on the side of his residence and screen it from abutting properties in accordance with Town Code.

**Motion by Board Member Swift, seconded by Board Member Phillips;  
Motion approved (3-1). Vice Chairman Daughtry was opposed.**

### 13. LIEN STATUS

**CASE #17-0046**

MARLO AND 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.

During the August 28, 2019 Code Enforcement Board Hearing, the Code Enforcement Officer testified the Respondent was still waiting on the contractor to do the work, but he was next on the list. The Recording Clerk testified the permit was extended until September 30, 2019. The Code Enforcement Board determined to revisit the case at the September 25, 2019 Hearing.

14. BOARD COMMENTS, SUGGESTION AND UPDATES

15. ADJOURNMENT

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

Meeting adjourned at 8:09 p.m.

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Paul Hughes, Chairman

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Emilie Pearson, Recording Clerk