

**MINUTES
TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING
SEPTEMBER 25, 2019 6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL

Present: Paul Hughes, Chairman; Ken Phillips, Board Member; Ariel Hernandez, Board Member; and Trent Swift, Board Member.

Also in attendance: William P. Doney, Town Attorney; Sgt. Dana Fisher, Code Enforcement Officer; and Emilie Pearson, Recording Clerk.

Absent: Timothy Daughtry, Vice Chairman; Ben Hartman, Board Member; and Natalie Schneider, Board Member.

3. PLEDGE OF ALLEGIANCE

4. OATH OF OFFICE

5. APPROVAL OF AGENDA

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

6. CONSENT AGENDA

- A. Approval of Minutes of the August 28, 2019 Code Enforcement Board Hearing
- B. Unfinished Cases Now in Compliance

CASE #19-0199

GARY LESTER
6610 LAKE CLARKE DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 34-20, 34-19(10)

Concrete debris on property

C. New Cases Now in Compliance

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

7. DISCLOSURE OF VISIT

(Note: Visits were disclosed when the Board discussed Case No. 17-0046. The Minutes reflect the order of the Agenda)

Board Member Hernandez disclosed he saw the work at 7740 Beta Circle E. while boating.

Board Member Phillips disclosed he talked to Paul Richards of 7740 Beta Circle E. while walking his dog. He also saw Poseidon's truck parked outside of Paul Richards' house.

8. SWEARING IN OF WITNESSES BY ATTORNEY

9. UNFINISHED CASES/LIEN IMPOSITION HEARING

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

The Respondents were not present. The recording clerk testified as to the total fine amount due and administrative cost. She stated that a Notice to Appear was sent by certified mail to the Respondents, delivery was attempted, but it was not claimed. Based on the testimony and evidence presented for Sec. 34-22(a) and 34-20, the Board ordered the fine to be reduced to One Thousand dollars (\$1000.00). The Board requested the Respondents attend the October 23, 2019 Code Enforcement Board Hearing.

Motion by Board Member Swift, seconded by Board Member Phillips; 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 waived the total fine of Fifty dollars (\$50.00) and the administrative cost of One Thousand One Hundred Twenty-One dollars and Fifty-Eight cents (\$1,121.58).

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

10. UNFINISHED CASES/FINE IMPOSITION HEARING

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 Respondents were not present. Based on the testimony and evidence presented for Sec. 125-767(b)(7) and 34-20, the Board determined the Respondents remain in violation, and imposed a fine of Twenty-Five dollars (\$25.00) per day until compliance is achieved.

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

11. CONTINUED CASES

12. NEW CASES

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.

Respondent, Paul Richards, was present during the September 25, 2019 Code Enforcement Board Hearing. He testified that work had started and an inspection was scheduled. The Board recommended that Mr. Richards requests the Code Enforcement Officer to inspect the seawall to assess whether it complies. The Board ordered the matter to be continued to the next meeting.

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

14. BOARD COMMENTS, SUGGESTION AND UPDATES

Chairman Hughes asked about the status of Case No. 19-0202. The Code Enforcement Officer testified the commercial truck was not moved to the side of the house as ordered by the Board at the last meeting. There was discussion regarding the Order Dismissing the Case, because it appeared the Respondent may still be in violation of Section 125-767(b) of the Code if he moves his truck to the side of his house. The Town Attorney suggested that a motion to reconsider the Order Dismissing Case No. 19-0202 be made by a Board Member who voted in favor of the Order Dismissing the Case.

Motion by Board Member Swift to reconsider the Order Dismissing Case No. 19-0202 without prejudice and request that Respondent attend the October 23, 2019 Code Enforcement Board Hearing, seconded by Board Member Hernandez; Motion approved (4-0).

15. ADJOURNMENT

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

Meeting adjourned at 7:19 p.m.

Paul Hughes, Chairman

Emilie Pearson, Recording Clerk