

**MINUTES  
TOWN OF LAKE CLARKE SHORES  
CODE ENFORCEMENT BOARD HEARING  
OCTOBER 23, 2019 6:30 P.M.**

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**1. Call to Order**

Vice Chairman Daughtry called the meeting to order at 6:43 p.m.

**2. Roll Call**

Present: Timothy Daughtry, Vice Chairman; Ariel Hernandez, Board Member; Benjamin 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; Kenneth Phillips, Board Member; and Natalie Schneider, Board Member.

**3. Pledge of Allegiance**

**4. Approval of Agenda**

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

**5. Consent Agenda**

- A. Approval of the Minutes of the September 25, 2019 Code Enforcement Board Hearing
- B. Unfinished Cases Now in Compliance

Case 19-0200      Estate of Mary Webb  
1819 Antigua Road  
Lake Clarke Shores, FL 33406

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

C. New Cases Now in Compliance

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

**6. Disclosure of Visit**

*(Note: Visits were disclosed when the Board discussed Case 17-0046. The Minutes reflect the order of the Agenda)*

Board Member Hernandez disclosed that he saw the property at 7740 Beta Circle E. within the last week.

**7. Swearing in of Witnesses by Attorney**

**8. 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 Respondent, Jeremy Speckman, was present. Based on the testimony and evidence presented for Sec. 34-22(a) and 34-20, the Board reduced the total amount of the fine to Two Hundred Fifty (\$250.00) dollars. If Respondents fail to pay Two Hundred Fifty Dollars (\$250.00) to the Town within 30 days of this Order, a lien will be imposed and recorded.

**Motion by Board Member Swift, seconded by Board Member Hernandez; 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 continued the case until the next Code Enforcement Board Hearing on December 4, 2019.

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

## **9. Unfinished Cases/Fine Imposition Hearing**

## **10. Continued Cases**

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 determined the Respondent is in violation. The Respondent will be found in compliance by either removing his large box truck from his property, or parking or storing it pursuant to Sec. 125-767(a) and (d) by the next Code Enforcement Board Hearing on December 4, 2019, or a fine of Twenty-Five Dollars (\$25.00) per day may be imposed until compliance is achieved.

**Motion by Board Member Hernandez, seconded by Board Member Hartman; Motion approved (3-1). Vice Chairman Daughtry opposed the motion.**

## **11. New Cases**

Case 19-0277      Jeff Harrington as Trustee of the Dansof Trust  
                              6620 Mango Circle  
                              Lake Clarke Shores, FL 33406

Sec. 10-91 Structure built without permit

Diego Villamil was present. Based on the testimony and evidence presented for Sec. 10-91, the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on December 4, 2019, or a fine of Twenty-Five Dollars (\$25.00) per day may be imposed until compliance is achieved.

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

## **12. 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.

Respondent, Paul Richards, was present during the October 23, 2019 Code Enforcement Board Hearing. Based on the testimony and evidence presented for Sec. 62-133(b)(5), the Board determined the Respondents are in compliance, dismissed the total fine amount and quashed the unrecorded May 23, 2018 Lien Imposition Order.

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

### **13. Board Comments, Suggestions and Updates**

*(The Town Attorney discussed administrative costs when the Board heard Case 19-0149. The Minutes reflect the order of the Agenda.)*

The Town Attorney informed the Board that administrative costs should not include staff time and attorney's fees.

The Board requested the contact information of all Code Enforcement Board Members from the Recording Clerk.

The Board discussed Sec. 125-767, Code of Ordinances of the Town of Lake Clarke Shores and how it should be re-written. The Recording Clerk advised them that a proposed revision of Sec. 125-767 may come before the Town Council at the November Meeting. The Board, the Town Attorney and the Code Enforcement Officer requested a copy of the draft revision from the Recording Clerk.

**A motion was made by Board Member Swift and seconded by Board Member Hartman regarding the Board's concerns about Sec. 125-767 as ambiguously written. Motion approved (4-0).**

The Recording Clerk informed the Board that the Town reached settlements with the owners of 1915 Antigua Road and 6900 West Lake Drive.

#### **14. Adjournment**

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

Meeting adjourned at 8:06 p.m.

Signature of Paul Hughes, Chairman

Signature of Emilie Pearson, Recording Clerk