

**MINUTES
TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING
FEBRUARY 22, 2023 6:30 P.M.**

1. Call to Order

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

2. Roll Call

Present: Paul Hughes, Chair; Ariel Hernandez, Board Member (arrived at 6:32 p.m.); Deb Moody, Board Member; Wesley Cook, Board Member; and Kristin A. Vara, Board Member.

Also in attendance: William P. Doney, Town Attorney; Lt. Dana Fisher, Code Enforcement Officer; Erik Richwagen, Code Enforcement Officer; Manny Palacios, Building Official Representative; and Emilie Pearson, Recording Clerk.

Absent: Gerard Sanchez, Vice Chair.

3. Pledge of Allegiance

4. Approval of Agenda

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

5. Consent Agenda

- A. Approval of the Minutes of the January 25, 2023 Code Enforcement Board Hearing
- B. Approval of the Minutes of the January 25, 2023 Code Enforcement Board Orientation Workshop
- C. Unfinished Cases Now in Compliance
 - None
- D. New Cases Now in Compliance

Case 23-0037 Tanya Witt and James Phillips
7500 West Lake Drive
Lake Clarke Shores, FL 33406

Sec. 125-767(b)(7) Unregistered white Dodge Ram.

Motion by Board Member Cook to approve the Consent Agenda, seconded by Board Member Moody; Motion approved (5-0).

6. Disclosure of Visit

None

7. Swearing in of Witnesses by Attorney

The Town Attorney swore in the witnesses.

8. Unfinished Cases/Lien Imposition Hearing

Case 22-0050 Joseph Scheerer and Cassandra Scheerer
8060 West Lake Drive
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Trellis built on side of residence without building permit.

Motion by Board Member Hernandez to enter into evidence a copy of the Owner's Affidavit, seconded by Board Member Cook; Motion approved (5-0).

Respondent Joseph Scheerer was present. Based on the testimony and evidence presented for Sec. 10-91(a), the Board determined the Respondents remain in violation, and continued the case until the March 20, 2022 Code Enforcement Board Hearing.

Motion by Board Member Vara, seconded by Board Member Cook; Motion approved (5-0).

9. New Cases

Case 23-0040 Charles C. Moore
7957 South Lake Drive
Lake Clarke Shores, FL 33406

Sec.10-91(a) Electrical work without permit.

Respondent Charles Moore was not present. Based on the testimony and evidence presented for Sec. 10-91(a), the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on March 20, 2023, or a fine of \$150.00 per day will be imposed until compliance is achieved.

Motion by Board Member Hernandez, seconded by Board Member Moody to find the Respondent in violation and come into compliance by March 20, 2023 or a fine of \$50 per day will be imposed.

Motion by Board Member Cook, seconded by Board Member Vara to amend the motion by revising the fine to \$150 per day; Motion approved (4-1). Board Member Hernandez opposed the motion.

Vote on the amended motion approved (5-0).

Case 23-0041 Christopher L. Barlow
1422 Keller Road
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Driveway/walkway removed and installed without permit.

Respondent Christopher Barlow was present. Based on the testimony and evidence presented for Sec. 10-91(a), the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on March 20, 2023, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Board Member Vara, seconded by Board Member Cook; Motion approved (5-0).

Case 23-0042 Christopher L. Barlow
1422 Keller Road
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Fence removed and installed new without permit.

Respondent Christopher Barlow was present. Based on the testimony and evidence presented for Sec. 10-91(a), the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on March 20, 2023, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Board Member Vara, seconded by Board Member Cook; Motion approved (5-0).

Case 23-0043 Christopher L. Barlow
1422 Keller Road
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Interior remodel without permit.

Respondent Christopher Barlow was present. Based on the testimony and evidence presented for Sec. 10-91(a), the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on March 20, 2023, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Board Member Vara, seconded by Board Member Cook; Motion approved (5-0).

Case 23-0044 Christopher L. Barlow
1422 Keller Road
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Plumbing work without permit.

Respondent Christopher Barlow was present. Based on the testimony and evidence presented for Sec. 10-91(a), the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on March 20, 2023, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Board Member Vara, seconded by Board Member Cook; Motion approved (5-0).

Case 23-0045 Christopher L. Barlow
1422 Keller Road
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Electrical work without permit.

Respondent Christopher Barlow was present. Based on the testimony and evidence presented for Sec. 10-91(a), the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on March 20, 2023, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Board Member Vara, seconded by Board Member Cook; Motion approved (5-0).

10. Board Comments, Suggestion and Updates

Code Enforcement Officer Lt. Fisher introduced the Town's new Code Enforcement Officer Erik Richwagen to the Board. Code Enforcement Officer Richwagen discussed his professional background.

A. Draft Code Enforcement Board Policy

The Town Attorney summarized the proposed Code Enforcement Board Policy. The Board Members, the Town Attorney and the Code Enforcement Recording Clerk discussed each paragraph of the policy.

Motion by Board Member Moody to approve the Code Enforcement Board Policy with an amendment to sub-paragraph 1.A. to change it to 90 days, seconded by Board Member Cook; Motion approved (5-0)

B. Attorney Follow-Up on Board Orientation Workshop Questions

Board Member Vara asked whether there was a definition of the terms alter or repair under Sec. 10-91(a) in the Code of Ordinances? The Town Attorney responded that the answer would be in the Florida Building Code.

As a follow-up to the workshop, the Town Attorney discussed liens on homestead property. He also explained that Code Enforcement Board Members do not have to recuse themselves if they refer a possible violation to the Code Enforcement Officer. He suggested that it be disclosed during the hearing.

11. Adjournment

Motion by Board Member Hernandez, seconded by Board Member Moody; Motion approved (5-0).

Meeting adjourned at 7:52 p.m.

Paul Hughes, Chair

Emilie Pearson, Recording Clerk