

**TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING**

**Minutes
September 26, 2018**

Paul Hughes, Chairman	Timothy B. Daughtry, Vice Chairman	Ken Phillips, Member
Ariel Hernandez, Member	Ben Hartman, Member	Trent Swift, Member
Natalie Schneider, Member		

I. MEETING CALLED TO ORDER

Vice Chairman, Timothy Daughtry, called the meeting to order at 6:30 PM

II. ROLL CALL

PRESENT: Timothy Daughtry, Vice Chair; Natalie Schneider, Board Member; Ariel Hernandez, Board Member; Ben Hartman, Board Member; Trent Swift, Board Member; Ken Phillips, Board Member. *Also in attendance:* Bill Doney, Town Attorney; Sgt. Dana Fisher, Code Enforcement Officer; and Eliza Hansen Recording Clerk. *Absent:* Paul Hughes, Chairman.

III. PLEDGE TO FLAG

IV. OATH OF OFFICE

V. APPROVAL OF AGENDA

Motion by Ms. Hernandez to approve the agenda, seconded by Mr. Hartman; Motion approved (6-0).

VI. CONSENT AGENDA

- a. Approval of Minutes of May 23, 2018 Code Enforcement Hearing
- b. Unfinished cases now in compliance

CASE #18-0401 BRADY LEE
1413 MEDITERRANEAN ROAD EAST
LAKE CLARKE SHORES, FL 33406

Sec.26-27, 26-26 (3) Mildew on residence

CASE #18-0402 BRADY LEE
1413 MEDITERRANEAN ROAD EAST
LAKE CLARKE SHORES, FL 33406

Sec.26-27, 26-26 (3) Canopies over windows in disrepair

CASE #18-0403 BRADY LEE
1413 MEDITERRANEAN ROAD EAST
LAKE CLARKE SHORES, FL 33406

Sec.26-27, 26-26 (9)(d) Fence in disrepair

c. New cases now in compliance

Motion by Mr. Hernandez to approve the consent agenda, seconded by Mr. Hartman;

Motion approved (6-0).

I. DISCLOSURE OF VISIT

All Disclosure of visits were made at the time of reviewing the Case on the property.

Ken Phillips has spoken with Mr. Paul Richards, Respondent of 7740 Beta Circle.
Ken Phillips, Timothy Daughtry, Ariel Hernandez, spoke with Melissa Nash, from ARI about 1915 Antigua.

Natalie Schneider stated she received a voicemail from Melissa Nash, from ARI about 1915 Antigua.

II. SWEARING IN OF WITNESSES BY ATTORNEY

III. UNFINISHED CASES/LIEN IMPOSITION HEARING

IV. UNFINISHED CASES/FINE IMPOSITION HEARING

I. CONTINUED CASES

CASE #18-0313 JOLLIETT BARRIOS
8421 WILTON DRIVE
LAKE CLARKE SHORES, FL 33406

Sec.26-27, 26-26 (9)(c) Roof in disrepair, has remnants of tarp on it, missing shingles

The Respondent, Yolima DelValle, was present. Based on the testimony and evidence presented for Sec.26-27, 26-26 (9)(c) the Board determined the Respondent is in violation and requested the Respondent appear before the Board on October 24, 2018 with an update or a fine of Fifty dollars (\$50.00) per day may be imposed.

Motion was made by Mr. Swift to accept Mrs. Barrios' proof of insurance claim, public adjuster correspondence on case, updated current estimates, seconded by Ms. Schneider; Motion approved (6-0).

Motion by Mr. Phillips, seconded by Mr. Hernandez; Motion approved (6-0).

II. NEW CASES

CASE #18-0439 FEDERAL HOME LOAN MORTGAGE
6900 WEST LAKE DR
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (3), 26-27 Deterioration of Any Property – Trim on residence in disrepair rotted wood.

The Respondent, Federal Home Loan Mortgage, was not present. Based on the testimony and evidence presented for Sec. 26-26 (3), 26-27 the Board determined the Respondent is in violation and requested the Respondent to come into compliance by October 24, 2018 or a fine of Two Hundred and Fifty dollars (\$250.00) per day may be imposed.

Motion by Mr. Hernandez, seconded by Mr. Hartman; Motion approved (6-0).

CASE 18-0440 FEDERAL HOME LOAN MORTGAGE
6900 WEST LAKE DR
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (4), 26-27 Overgrown vegetation/ uncontrolled growth in excess of 12 inches

The Respondent, Federal Home Loan Mortgage, was not present. Based on the testimony and evidence presented for Sec. 26-26 (3), 26-27 the Board determined the Respondent is in violation and requested the Respondent to come into compliance by October 24, 2018 or a fine of Two Hundred and Fifty dollars (\$250.00) per day may be imposed.

Motion by Mr. Hernandez, seconded by Mr. Hartman; Motion approved (6-0).

CASE #18-0441 FEDERAL HOME LOAN MORTGAGE
6900 WEST LAKE DR
LAKE CLARKE SHORES, FL 33406

Sec. 26-27, 26-56,
26-26(3)

Parcel, lot, tract of land or premises in any manner such that it is detrimental to the health, safety or welfare of the public, or that it is declared a nuisance. Private property, or occupied property, within the town shall be cleared and cleaned of all nuisances, brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris. The condition of ill repair or lack of maintenance of any real property. – Tree on residence uprooted

The Respondent, Federal Home Loan Mortgage, was not present. Based on the testimony and evidence presented for Sec. 26-27, 26-56, 26-26(3) the Board determined the Respondent is in violation and requested the Respondent to come into compliance by October 24, 2018 or a fine of Two Hundred and Fifty dollars (\$250.00) per day may be imposed.

Motion by Mr. Hernandez, seconded by Mr. Hartman; Motion approved (6-0).

CASE 18-0442 FEDERAL HOME LOAN MORTGAGE
6900 WEST LAKE DR
LAKE CLARKE SHORES, FL 33406

Sec. 82-64 (c)

Tree canopies. The canopy of trees that extends over roads and road right-of-ways shall be trimmed by the owner to a height of 13 feet six inches above the road and right-of-way.

The Respondent, Federal Home Loan Mortgage, was not present. Based on the testimony and evidence presented for Sec. 82-64 (c) the Board determined the Respondent is in violation and requested the Respondent to come into compliance by October 24, 2018 or a fine of Two Hundred and Fifty dollars (\$250.00) per day may be imposed.

Motion by Mr. Hernandez, seconded by Mr. Hartman; Motion approved (6-0).

CASE #18-0443 FEDERAL HOME LOAN MORTGAGE
6900 WEST LAKE DR
LAKE CLARKE SHORES, FL 33406

Sec. 26-27 Parcel, lot, tract of land or premises in any manner such that it is detrimental to the health, safety or welfare of the public, or that it is declared a nuisance. (Trash piling up on side of residence.)

The Respondent, Federal Home Loan Mortgage, was not present. Based on the testimony and evidence presented for Sec. 26-27 the Board determined the Respondent is in violation and requested the Respondent to come into compliance by October 24, 2018 or a fine of Two Hundred and Fifty dollars (\$250.00) per day may be imposed.

Motion by Mr. Hernandez, seconded by Mr. Hartman; Motion approved (6-0).

I. LIEN STATUS

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 was ordered to comply by September 27, 2017. During the December 6, 2017 Code Enforcement Board hearing, the Board found the Respondents remain in violation and the decision to file a lien was postponed for review at the April 25, 2018 Code Board Hearing, which was cancelled. During the May 23, 2018 Code Board Hearing, the Board voted to place a Lien on property. Upon receiving the Lien Order, Mr. Richards requested to come before the Code Board to discuss the motion to place the Lien, because the Lien was not yet recorded by the Town at the date of the request the Lien has been placed on hold and is not recorded at this time. During the July 25, 2018 Code Board Hearing, the Board decided to keep the Lien unrecorded at this time, requesting the Town Attorney look into the matter of the Respondent's permit and requested the Respondent appear before the Board on August 22, 2018. During the August 22, 2018 Code Board Hearing, the Board decided to keep the Lien unrecorded at this time, and requested the Respondent appear before the Board on September 26, 2018.

The Respondent, Paul Richards, was not present. Based on the testimony and evidence presented for Sec. 62-133(b) (5) the Board determined the Respondent is still in violation and did not remove the Lien on the property. At the Hearing on September 26, 2018 the Board voted to continue the case and requested the Respondent appear before the Board on October 24, 2018.

Motion by Mr. Phillips; seconded by Mr. Hernandez; Motion approved (6-0).

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| CASE #17-0029 | BANK OF AMERICA
1915 ANTIGUA ROAD
LAKE CLARKE SHORES, FL 33406 |
| Sec. 26-56 | Dead/Dying Trees or Stumps, Obnoxious Growth, Filth, Garbage, Trash and Debris – Dead Tree |
| CASE #17-0030 | BANK OF AMERICA
1915 ANTIGUA ROAD
LAKE CLARKE SHORES, FL 33406 |
| Sec. 26-26 (9)(a) | Swimming Pool Not Being Maintained: Water Clarity – Pool |
| CASE #17-0031 | BANK OF AMERICA
1915 ANTIGUA ROAD
LAKE CLARKE SHORES, FL 33406 |
| Sec. 26-26 (7) | Open storage, accumulation, storage or keeping of any abandoned discarded or unused chattel – Open storage throughout property |
| CASE #17-0032 | BANK OF AMERICA
1915 ANTIGUA ROAD
LAKE CLARKE SHORES, FL 33406 |
| Sec. 26-26 (4) | Overgrown Vegetation |
| CASE #17-0037 | BANK OF AMERICA
1915 ANTIGUA ROAD
LAKE CLARKE SHORES, FL 33406 |
| Sec. 26-26 (3) | Deterioration of Any Property – Rust on Residence |
| CASE #17-0038 | BANK OF AMERICA
1915 ANTIGUA ROAD |

LAKE CLARKE SHORES, FL 33406

Sec. 26-26(9)(b) Driveway/Walkway Not maintained: Not in Proper State of Repair–
Mildew on Driveway (Oil Stains)

The owners, Li Zhongwei and Wu Fengying, and their attorney Max Zaretsky, were present. Mr. Zaretsky spoke on his clients' behalf on the matters of the case and the current negotiations between himself and Ms. Melissa Nash, owner of ARI, on the Town's behalf.

The Owners, Li Zhongwei and Wu Fengying, spoke on their situation & the circumstances surrounding acquiring the property.

Dan Clark, Town Administrator, spoke of the Town Council's position of negotiations and their request for approval to foreclose on the property.

Melissa Nash, owner of ARI, (the debt collection company hired by Town Council) discussed the negotiations and events leading up to the request for approval to foreclose on the property.

James Ferrara, ARI's attorney, was present to discuss the legal actions and legality of those actions as they pertain to the above mentioned property and liens.

***** NOTED: AN ERROR WAS MADE ON AGENDA FOR 1915 ANTIGUA; CASE#17-0032 was NOT RECORDED FOR LIEN.*****

Motion to accept paperwork presented by Ms. Nash as evidence; Motion by Mr. Hernandez; seconded by Ms. Schneider; Motion approved (6-0).

Motion to postpone foreclosure of liens on 1915 Antigua Rd until December Hearing; Motion by Mr. Hernandez; seconded by Ms. Phillips; Motion failed (2-4).

Motion to foreclose on liens for 1915 Antigua Rd; Motion by Mr. Hernandez; seconded by Mr. Swift; Motion approved (4-2).

II. BOARD COMMENTS, SUGGESTIONS AND UPDATES

Prior to the discussion of cases on the Agenda Mr. Lester, respondent of 6610 Lake Clarke Drive confirmed his compliance with the Board and was excused from the meeting.

Mr. Phillips & Mr. Hernandez expressed their dislike of having their phone number given out to Ms. Nash, and requested notification from the Town in the event of needing to be reached by someone other than Town staff.

Ms. Nash and Mr. Clark discussed that the Town would be asking Town Council to request for approval to foreclose on the property at 6900 West Lake Drive at the next Code Board Hearing.

Ms. Nash, suggested the use of a registration service for company's who are charged with caring for Bank owned properties to promote communication between the company and Code Enforcement.

III. ADJOURNMENT

Motion by Mr. Swift to adjourn, seconded by Mr. Hartman; Motion approved (6-0).

Meeting adjourned at 8:08 PM

Paul Hughes
Chairman

Eliza O. Hansen
Recording Clerk