

**MEETING MINUTES
THE CITY OF LAKE MARY, FLORIDA
CODE ENFORCEMENT BOARD HEARING
100 N. COUNTRY CLUB ROAD, LAKE MARY, FL 32746
September 20, 2016**

1 **1. Call to Order**

2
3 The meeting was called to order at 7:00 p.m.
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6 **2. Pledge of Allegiance**

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8
9 **3. Attendance:** Henry Scarfo – excused absence; Alan Hall – unexcused absence
10

11
12 **4. Roll Call – Determination of a Quorum**

13
14 The following members were present:

15
16 Joel Ivey
17 Scott Vogt
18 Linda Binkley
19 Jordan Smith
20 Taylor Tremel

21
22 Bruce Fleming – Code Enforcement Officer
23 Bill Reischmann – Code Enforcement Board Attorney
24 Anne Nieto – Recording Secretary
25

26
27 **5. Approval of Minutes**

28
29 **MOTION:** To approve the minutes from the July 19, 2016 meeting.

30 **Motion:** Tremel; Second: L. Binkley; Unanimous
31

32
33 **6. Oath**

34
35
36 **7. Case Updates**

37
38 **Case 16-1111 City of Lake Mary vs Aggressive Tree Services (Matthew**
39 **Hendricks) & Gerald Martin, 216 Washington Ave, Lake Mary FL 32746, Title**
40 **XV Land Usage, Chapter 154 Zoning Code, §154.81 (Home Occupations)**
41 **Conditions Limitations and Restrictions.**
42

43 City Clerk withdrew Home Occupation license and Mr. Hendricks has moved from the
44 City of Lake Mary.
45

46
47 **8. Compliance Hearings – No Compliance Hearings.**
48
49

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50 9. OLD BUSINESS

51
52 Case 14-079 City of Lake Mary vs Bank of America C/O Clarfield Okon, 304
53 Sun Oaks Court, Lake Mary FL 32746 , Lake Mary FL 32746, Title IX General
54 Regulations, Chapter 91 Health & Public Safety, §91.75 Property
55 Maintenance Code (D) General Requirements (REPEAT VIOLATION)
56

57 Case was withdrawn.
58

59
60 10. NEW BUSINESS:

61
62 Case 15-2425 City of Lake Mary vs The Bank of New York C/O Specialized
63 Loan Servicing & Carl and Dorothy Gomes and Shirley Fraser, 444 Alinole
64 Loop, Lake Mary FL 32746, Title IX General Regulations, Chapter 91 Health
65 & Public Safety, §91.75 Property Maintenance Code (D) General
66 Requirements
67

68 Slides entered into evidence.
69

70 **MOTION:** To find the property non-compliant

71 **Motion:** Vogt; second, Binkley

72 Motion passed unanimously.
73

74 **MOTION:** To allow 14 calendar days to bring the property into compliance, or impose
75 fine of \$100 per day until compliant.

76 **Motion:** Vogt; second, Tremel

77 Motion passed unanimously.
78

79
80 Case 16-1068 City of Lake Mary vs Debra & Theresa Dube, 756 Keeneland
81 Pike, Lake Mary FL 32746, Title IX General Regulations, Chapter 91 Health &
82 Public Safety, §91.75 Property Maintenance Code (D) General
83 Requirements
84

85 Chairman Ivey believes his wife is on the HOA for the subdivision and requested
86 direction from Attorney Reischmann, who noted there is no conflict of interest. Slides
87 entered into evidence.
88

89 Mr. Fleming stated the pool is secure and the City's issue or concern is the stagnant
90 water and taking into consideration the Zika Virus.
91

92 Ron Mclaughlin of Paradise Waterfalls, who resides at 104 Shady Lane, Longwood- Mr.
93 Mclaughlin stated he is to redo the pool and has been putting off the work, unaware it
94 had become an issue. Advised he can get rid of stagnant water and put fresh water
95 back in. Job would take a week, due to a leak that needs to be located and fixed.
96

97 Ori Kantor who resides at 668 Shadowmoss Cir, Lake Mary- Mr. Kantor stated he is a
98 friend of Debra Dube and advised that the house was purchased 8 months ago, to

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99 renovate. Problem with an architect, who took off, caused delay. Plans have been
100 submitted to the Building Department and construction should start any day now. Also
101 stated that there is power to the house. Once pool is cleaned out, there will be a
102 circulating pump. The house would be 'live in ready' with an expected timeframe of 4
103 months. Mr. Kantor commented that Mr. McLaughlin would maintain the pool.
104

105 Judy Kosegi (HOA representative)- Ms. Kosegi states she is on the Architectural Review
106 Board (ARB) of the Homeowners Association and wanted to address some concerns:
107 rotten wood, the way the lawn is being mowed, complaints of snakes and rodents in the
108 backyard, odor, a leak in the water system by the sidewalk, etc. Ms. Kosegi mentioned
109 that there's a lot more than dealing with the backyard/pool and that it's the worst house
110 in the subdivision.
111

112
113 **MOTION:** To find the pool non-compliant

114 **Motion:** Smith; second, Binkley

115 Motion passed unanimously.
116

117 **MOTION:** Smith - To allow 7 days to bring the pool into compliance, or impose fine of
118 \$250 per day until compliant.

119 **Motion:** Smith; second, Binkley

120 Motion passed unanimously.
121
122

123 **Case 16-2181 City of Lake Mary vs James P Newman & HSBC Bank USA,**
124 **863 Bright Meadow Drive, Lake Mary FL 32746, Title IX General**
125 **Regulations, Chapter 91 Health & Public Safety, §91.75 Property**
126 **Maintenance Code (D) General Requirements**
127

128
129 Slides entered into evidence.
130

131 James Newman who resides at 863 Bright Meadow Dr., Lake Mary- Mr. Newman
132 advised he had been overseas, home in the UK, due to death in family, which is why
133 there had been no response from him. Met with Kelly Green, a realtor and will be getting
134 the house listed. Advised the backyard will be fixed in the next few days. The pool had
135 been drained prior to leaving and water is from rain accumulation. Electricity and water
136 will be turned on in order to get pool drained and serviceable.
137

138
139 **MOTION:** To find the property non-compliant

140 **Motion:** Binkley; second, Vogt

141 Motion passed unanimously.
142

143 **MOTION:** To allow 7 days to bring the backyard, pool, and debris in front yard into
144 compliance, or impose fine of \$250 per day until compliant.

145 **Motion:** Vogt; second, Smith

146 Motion passed unanimously.
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148

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149 **MOTION:** To find HSBC Bank non-compliant since they have not registered the
150 property as abandoned.

151 **Motion:** Binkley; second, Vogt
152 Motion passed unanimously.

153
154 **MOTION:** To allow the bank 7 days to have property registered as an abandoned
155 foreclosure, or impose fine of \$250 per day until compliant.

156 **Motion:** Binkley; second, Tremel
157 Motion passed unanimously.

158
159
160 **Case 16-2606 City of Lake Mary vs Cornerstone at Lake Mary LTD, 825**
161 **Rinehart Road, Lake Mary FL 32746 Title V Public Works, Chapter 56 Cross-**
162 **Connection Control Program, §§56.20 Testing & 56.24 Violations and**
163 **Liability**

164
165 Case was withdrawn.

166
167
168 **11. OPEN DISCUSSION:**

169
170 Attorney Reischmann stated that HOA has the right to enforce their covenants but they
171 have a specific methodology for that. We (Code Enforcement Board) can only deal with
172 code violations that have been properly noticed. We don't have jurisdiction and we don't
173 have the power to enforce their covenants and restrictions.

174
175 Jordan Smith asked Attorney Reischmann a question referencing the last case in which
176 the first fine went to the homeowner for the pool and yard and the second fine went to
177 the bank for not registering the property. Once the guy loses the property, does the pool
178 and yard become the responsibility of the bank, even though the fine went to the
179 homeowner? Attorney Reischmann explains that the fine will go against the title of the
180 property. So if the bank acquires the property subject to that order and doesn't bring it
181 into compliance then we can make an argument to go back into a hearing to bring it back
182 to the Board. What we're trying to achieve is compliance. So let's say at the end of the
183 month the bank forecloses, at that point, the bank is the owner. They will own the
184 property and if the property is in violation, we can initiate Code Enforcement against the
185 bank. The fine at this point, if it's not brought into compliance in one week, will run
186 against the current owner. The bank will have to register the property to avoid any fines.
187 If it should come back before the Board, it would not be a repeat violation against the
188 bank. If the bank does not get it into compliance, and we get a Lien, we can foreclose
189 that. We can't count that at the end of the month the title of the property will go to the
190 bank. The action of the Board was appropriate, in which it brought pressure to bear on
191 the homeowner to bring the property into compliance.

192
193 Ivey mentioned a good point brought up by Binkley was the increased danger to the
194 pools, regarding the consequence of the Zika Virus.

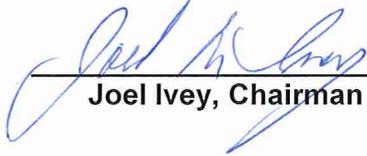
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199 **12. SETTING OF NEXT MEETING:** The next meeting will be held November 15, 2016.
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201
202 **13. ADJOURNMENT:** Tremel moved to adjourn the meeting at 8:00 P.M.
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Joel Ivey, Chairman



Anne Nieto, Secretary

211 **NOTE: PERSONS DESIRING TO APPEAL ANY DECISION MADE AT THESE**
212 **PROCEEDINGS, ARE REQUIRED TO ENSURE THAT A VERBATIM RECORD OF THE**
213 **PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY EVIDENCE UPON WHICH**
214 **THE APPEAL IS TO BE BASED; SECTION 285.0105, FLORIDA STATUTES.**