

**CIVIL CITATION APPEAL HEARINGS
CITY OF CLEARWATER
MARCH 17, 2021**

Present:	Nancy Mag	Special Magistrate
	Matthew Smith	Senior Assistant City Attorney
	Ryan McMullen	Police Officer
	Nathan Burnside	Police Lieutenant
	Stephanie Beruvides	Paralegal
	Nicole Sprague	Deputy City Clerk

The meeting was called to order at 1:00 p.m. in Council Chambers at the Main Library

To provide continuity for research, items are in agenda order although not necessarily discussed in that order.

2. Accept the meeting minutes of the February 17, 2021 Civil Citation Appeal Hearings as submitted in written summation.

The Magistrate accepted the minutes of the February 17, 2021 meeting.

3. Citizens to be Heard Regarding Items Not on the Agenda: None.

4. New Business

4.1 Case CW21-2077 – Violation of Code for Prohibited Mooring: Respondent Leon J. Laferriere.

CW21-2077 – Officer Ryan McMullen. He said in the last week of 2020, CPD was notified by PCSO of a sunken vessel in the jurisdiction of Clearwater. On Jan 5, the vessel was discovered west of the land intersection of Sunset Point Rd and Edgewater Dr., west of the ICW. It was confirmed that the vessel was indeed in the city of Clearwater jurisdiction. On the same date, dive team members retrieved the registration numbers from the vessel which are FL5679NW; it is a 17-foot sailboat last registered to Leon Laferriere. The vessel is laying on its submerged bottom on its port side, the starboard side is either a few inches below or above the surface of the water, depending on the tide, which makes it an extremely dangerous navigational hazard. On Jan 6, 2021, a five-day removal sticker was placed on the buoy, marking the vessel. Due to its sunken state, the vessel will require mechanical assistance to be removed from its location. Officer McMullen said that through his investigation, he has determined the vessel to be derelict as it has been left in the City of Clearwater waterways in a wrecked and sunken state, which is in violation of the City code. He said on January 7, 2021, he submitted a civil citation which was mailed via certified mail to Mr. Laferriere on February 1, 2021. Officer McMullen stated that the buoy attached to the vessel was placed there by the Clearwater Police Department as a marker for other boats navigating the waterway. He

presented pictures of the submerged vessel that were taken by the dive team showing the vessel's registration number.

In response to questions, Officer McMullen said the five-day sticker was placed on the buoy on January 6, 2021. The Deputy City Clerk said the certified and first-class mail was returned undeliverable.

Assistant City Attorney Matthew Smith said that although the certified and first-class mail was returned, Article VII of Clearwater Community Development Code states that any vehicles, vessels, or equipment which have a visible state license or registration, notice may be provided to the registered owner of the vehicle, vessel, or equipment by certified mail to the owner's record address for the license or registration. He said the owner did have notice by the posting on the buoy and that by statute, boat owners are required to keep their registration up to date.

In response to a question, Lieutenant Burnside said the cost to remove the vessel is \$1,955.00 and approximately 5 hours of time was spent on the investigation at \$27.15 per hour totaling \$135.75.

Attorney Smith said that by failing to appear at the hearing today, the owner of the vessel waives their defense per Article VII.

Based on the evidence and testimony given, the Magistrate declared the vessel is derelict under City of Clearwater code Article VII Sec 33.055 and award the City fees and costs of \$1,955.00 for the vessel removal, \$135.75 for investigative costs, \$105.00 for civil penalty and \$50.00 for administrative fees totaling \$2,245.75.

5. Adjourn

The meeting was adjourned at 1:13 p.m.

Attest:

Special Magistrate

Deputy City Clerk