

TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING
MINUTES
AUGUST 23, 2006

I. MEETING CALLED TO ORDER

Chairman Joseph George called the meeting to order.

II. ROLL CALL

PRESENT: Joseph George, Chairman; Spencer Wilson, Board Member; Ted Berghaus, Board Member (arrived at 6:37 pm); Michelle Daniels, Board Member (left meeting at 8:00 pm); Louise Bing, Board Member; Patrick Ward, Alternate Member; James Watt, Board Attorney; Tom Sorenson, Code Enforcement Officer; Chief Wes Smith; Joseph Iagrossi, Building Official; Mary Pinkerman, Code Enforcement Clerk

ABSENT: Paul Hughes, Vice Chairman

III. APPROVAL OF AGENDA

Motion made by Mr. Wilson, seconded by Ms. Daniels to approve the AGENDA as amended by adding the additional cases in compliance. Motion approved (5-0)

IV. CONSENT AGENDA

- a. Approval of Minutes of the June 28, 2006 Code Enforcement Board Hearing
- b. Unfinished cases now in compliance:

CASE #2006-311

Kevin and Doris Cler
7410 West Lake Drive
Lake Clarke Shores FL 33406
Construction debris in driveway (pile of bricks)
Bricks removed

CASE #2006-310

Michael and Dianna Carmalt
7329 West Lake Drive
Lake Clarke Shores FL 33406
Dead tree stump in yard
Removed stump

IV. CONSENT AGENDA (CONT.)

b. Unfinished cases now in compliance:

CASE #2006-231

1800 Forest Hill Inc.
1800 Forest Hill Blvd.
Lake Clarke Shores FL 33406
Electrical room doors in disrepair causing
life safety hazard to public
Doors replaced

CASE #2006-209

Hartley and Shannon Logsdon
7600 Pine Tree Lane
Lake Clarke Shores FL 33406
Installed dock without obtaining building
permit
Dock removed

CASE #2005-0341

Dr. Kris Reddy
Center for Plastic Surgery, Inc
1501 Forest Hill Blvd
Lake Clarke Shores FL 33406
Erected sign without building permit
Permit obtained

CASE #2006-234

Donna Humphries
7825 West Lake Drive
Lake Clarke Shores FL 33406
Pile of dirt in driveway
Dirt removed

c. New cases now in compliance:

CASE #2006-470

Mary Webb
1819 Antigua Road
Lake Clarke Shores FL 33406
Dead foliage; overgrowth of vegetation
Foliage removed, vegetation cut

CASE #2006-533

Ivan Naranja
7119 Pine Tree Lane
Lake Clarke Shores FL 33406
Tree stump in yard
Tree stump removed

**Motion made by Mr. Wilson, seconded by Ms. Daniels to approve the CONSENT AGENDA as amended.
Motion approved (5-0).**

V. SWEARING IN OF WITNESSES BY ATTORNEY

Mr. Watt swore in all persons who would be testifying at the hearing.

VI. UNFINISHED CASES / FINE ASSESSMENT HEARING

CASE #2006-0058

Show Case Flooring
Joseph Hurst & Elizabeth Woodbury
7003 Pine Tree Lane
Lake Clarke Shores FL 33406

Sec. 50-26 Operating business without current Town of Lake Clarke Shores occupational license

The Respondents, Joseph Hurst and Elizabeth Woodbury, were not present. A copy of a letter from Ms. Rosalie Erneston, property owner, to her tenants, Mr. Hurst & Ms. Woodbury, giving them 30 days to evict the premises was read to the Board. Based on the testimony and evidence presented in Case #2006-0058, the Code Enforcement Board requested that the Code Enforcement Officer verify that the tenants have vacated the property. **Motion made by Mr. Wilson, seconded by Ms. Daniels. Motion approved (5-0).**

Code Board Member Ted Berghaus arrived at 6:37 p.m.

CASE #2006-187

Real Estate Depot
7671 Palm Road
Lake Clarke Shores FL 33406

Sec. 26-26 Property in disrepair; Debris; Unsecured swimming pool causing safety hazard

Joseph Saavedra, Representative for Real Estate Depot, was not present for the meeting but met with Tom Sorensen and Joe Iagrossi at the property earlier in the day to discuss the violations and to obtain information on what was needed to comply. Based on the testimony and evidence presented in Case #2006-187, the Code Enforcement Board imposed a fine of \$25.00 per day for each day the violation continues to exist with the fine being retroactive to July 26, 2006. **Motion made by Ms. Bing, seconded by Mr. Berghaus. Motion approved (6-0).**

CASE #2006-253

Miriam Hidalgo
8000 Pine Tree Lane
Lake Clarke Shores FL 33406

Sec. 10-62 Installed windows without obtaining building permit

The Respondent, Miriam Hidalgo, was not present. Based on the testimony and evidence presented in Case #2006-253, the Code Enforcement Board imposed a fine of \$100.00 per day for each day the violation continues to exist. **Motion made by Ms. Daniels, seconded by Ms. Bing. Motion approved (6-0).**

VI. UNFINISHED CASES / FINE ASSESSMENT HEARING (CONT.)

CASE #2006-0074

Leonard Perez
7730 Beta Circle
Lake Clarke Shores FL 33406

Sec. 10-62 Interior work performed without building permit

The Respondent, Leonard Perez was not present. Based on the testimony and evidence presented in Case #2006-0074, the Code Enforcement Board imposed a fine of \$25.00 per day for each day the violation continues to exist with the fine being retroactive to May 24, 2006. Motion made by Mr. Berghaus, seconded by Mr. Wilson. Motion approved (6-0).

VII. UNFINISHED CASES / LIEN IMPOSITION HEARING

CASE #2006-203

Maribette Salazar
1861 Lin Mar Drive
Lake Clarke Shores FL 33406

Sec. 26-26 Property in disrepair; Unsecured swimming pool causing safety hazard

The Respondent, Maribette Salazar, was present. Tom Sorensen inspected the property on 8/23/06 and found the property was in compliance. At the June 28, 2006 Code Enforcement Board Hearing, the Board imposed a fine of \$100.00 per day, retroactive to May 24, 2006. As of August 23, 2006 the accumulated fines totaled \$9200.00. The Respondent requested a reduction of the fine. Based on the testimony and evidence presented in Case#2006-203, the Board reduced the fine to \$150.00 and gave the Respondent 90 days to pay. Motion made by Mr. Wilson, seconded by Mr. Berghaus. Motion approved (5-1) Ms. Daniels opposed.

CASE # 2006-162 &
2005-0364

Margaret Whalen
1735 Antigua Road
Lake Clarke Shores FL 33406

Sec. 26-26 & 26-180 Property in disrepair; Unsecured swimming pool causing safety hazard

The Respondent, Margaret Whalen, was not present, but her daughter, Trish Whalen was present and spoke on her mother's behalf. At the June 28, 2006 Code Enforcement Board Hearing, the Board assessed a fine of \$100.00 per day for each day the violation continues to exist retroactive to May 24, 2006. As of August 23, 2006, the property continues to be in violation and the fine is still accumulating. Based on the testimony and evidence presented in Case #2006-162 (continuation of Case #2005-0364), the Code Enforcement Board approved the request for a lien to be imposed against the property. Motion made by Ms. Daniels, seconded by Mr. Wilson. Motion approved (6-0).

VII. UNFINISHED CASES / LIEN IMPOSITION HEARING (CONT.)

CASE #2006-199

Russell Carbone & Elizabeth Hamill
1802 Antigua Road
Lake Clarke Shores FL 33406

Sec. 26-26 Property in disrepair; Unsecured swimming pool causing safety hazard

The Respondents, Russell Carbone and Elizabeth Hamill, were not present. Tom Sorensen inspected the property on 8/23/06 and found the property was in compliance. At the June 28, 2006 Code Enforcement Board Hearing, the Board imposed a fine of \$100.00 per day for each day the violation continues to exist, retroactive to May 24, 2006. As of August 23, 2006 the accumulated fine totaled \$9200.00. Based on the testimony and evidence presented in Case #2006-199, the Code Enforcement Board approved the request for a lien to be placed against the property. **Motion made by Ms. Daniels, seconded by Mr. Wilson. Motion approved (6-0).**

VIII. UNFINISHED CASES/STATUS HEARING

CASE #2006-314

Mohammed and Etee Haq
8245 Waterway Drive
Lake Clarke Shores FL 33406

Sec. 26-26 Dead tree stumps in yard

The Respondents, Mohammed and Etee Haq, were not present. Based on the testimony and evidence presented in Case #2006-314, the Code Enforcement Board gave the Respondents until September 26, 2006 to comply or a fine of \$25.00 per day may be imposed for each day the violation continues to exist. **Motion made by Mr. Berghaus, seconded by Mr. Wilson. Motion approved (5-0). (This case was heard out of the order noted on the agenda. Ms. Daniels left the meeting prior to this case being heard.)**

CASE #2005-0282

E B Sykes
6510 Carambola Circle
Lake Clarke Shores FL 33406

Sec. 26-26 Overgrowth of vegetation along canal bank

The Respondent, E B Sykes, had passed away and the property was for sale. Mr. Phil Dickson, prospective new owner, was present. He stated that he will remove the overgrowth along the canal bank once he closes on the property. The tentative closing date is scheduled for August 25, 2006. Based on the testimony and evidence presented in Case #2005-0282, the Code Enforcement Board continued this case until the September 27, 2006 Code Enforcement Board Hearing. **Motion made by Mr. Berghaus, seconded by Ms. Daniels. Motion approved (6-0).**

IX. NEW CASES

CASE #2006-467

Heirs of E B Sykes
6510 Carambola Circle
Lake Clarke Shores FL 33406

Sec. 26-26 (3) Fascia and structure in disrepair – needs paint

The Respondent, E B Sykes, had passed away and the property was for sale. Mr. Phil Dickson, prospective new owner, was present. He stated that he will make the needed repairs once he closes on the property. The tentative closing date is scheduled for August 25, 2006. Based on the testimony and evidence presented in Case #2005-0282, the Code Enforcement Board continued this case until the September 27, 2006 Code Enforcement Board Hearing. **Motion made by Mr. Berghaus, seconded by Ms. Daniels. Motion approved (6-0).**

CASE #2006-468

Heirs of E B Sykes
6510 Carambola Circle
Lake Clarke Shores FL 33406

Sec. 26-26 (3) Dead trees & foliage

The Respondent, E B Sykes, had passed away and the property was for sale. Mr. Phil Dickson, prospective new owner, was present. He stated that he will maintain the landscaping once he closes on the property. The tentative closing date is scheduled for August 25, 2006. Based on the testimony and evidence presented in Case #2005-0282, the Code Enforcement Board continued this case until the September 27, 2006 Code Enforcement Board Hearing. **Motion made by Mr. Berghaus, seconded by Ms. Daniels. Motion approved (6-0).**

CASE #2006-336

Maria Nagid
1415 Indian Road E
Lake Clarke Shores FL 33406

Sec. 26-26 (3) Dirty roof

The Respondent, Maria Nagid, was not present. Based on the testimony and evidence presented in Case #2006-336, the Code Enforcement Board tabled this case until the October 25, 2006 Code Enforcement Board Hearing. **Motion made by Mr. Wilson, seconded by Ms. Daniels. Motion approved (6-0).**

CASE #2006-495

James & Leslie Knowles
7142 Venetian Way
Lake Clarke Shores FL 33406

Sec. 10-62 Gazebo structure built without permit

The Respondents, James & Leslie Knowles, were present. Based on the testimony and evidence presented in Case #2006-495, the Board found the Respondents in violation of Sec. 10-62 and gave them until October 24, 2006 to comply. **Motion made by Mr. Wilson, seconded by Mr. Berghaus. Motion approved (6-0).**

IX. NEW CASES (CONT.)

CASE #2006-496

James & Leslie Knowles
7142 Venetian Way
Lake Clarke Shores FL 33406

Sec. 86-216 (2) & 86-350 (a) Structure built within side and rear setbacks

The Respondents, James & Leslie Knowles, were present. Based on the testimony and evidence presented in Case #2006-495, the Board found the Respondents in violation of Sec. 86-216 (2) & 86-350 (a) and gave them until October 24, 2006 to comply. Motion made by Mr. Wilson, seconded by Mr. Berghaus. Motion approved (6-0).

CASE #2006-244

Peter & Debra Piescik
7209 Clarke Road
Lake Clarke Shores FL 33406

Sec. 26-56 Tree stump in yard

The Respondents, Peter & Debra Piescik, were not present. Based on the testimony and evidence presented in Case #2006-244, the Board found the Respondents in violation of Sec. 26-56 and gave them until September 26, 2006 to comply or a fine of \$25.00 per day may be imposed for each day the violation continues to exist. Motion made by Ms. Bing, seconded by Mr. Wilson. Motion approved (4-1) with Mr. Ward opposed.

CASE #2006-328

Cy Caine
7301 Venetian Way
Lake Clarke Shores FL 33406

Sec. 26-26 (3) Dirty roof

The Respondent, Cy Caine, was present. Based on the testimony and evidence presented in Case #2006-328, the Board found the Respondent in violation of Sec. 26-26 (3) and gave him 30 days to comply or a fine of \$25.00 per day may be imposed for each day the violation continues to exist. Motion made by Mr. Berghaus, seconded by Mr. Wilson. Motion approved (5-0).

CASE #2006-353

Carl Christoff
1466 Mediterranean Road E
Lake Clarke Shores FL 334406

Sec. 26-56 Tree stump in yard

The Respondent, Carl Christoff, was not present. Based on the testimony and evidence presented in case #2006-353, the Board found the Respondent not to be in violation of Sec. 26-56 and dismissed the case. Motion made by Mr. Wilson, seconded by Mr. Ward. Motion approved (4-1) with Mr. Berghaus opposed.

X. BOARD COMMENTS, SUGGESTIONS AND UPDATES

- a. Discussion concerning outside storage of various items on properties.

The next Code Enforcement Board Hearing will be held September 27, 2006.

XII. ADJOURNMENT

Motion made by Mr. Berghaus, seconded by Mr. Ward to adjourn the meeting. Motion passed (5-0).

Joseph George, Chairman

Mary Pinkerman, Code Enforcement Clerk

If an individual decides to appeal any decision made by the Code Enforcement Board with respect to this meeting, a verbatim transcript may be required. If so, the individual should make provisions for a transcript to be made at the meeting (Ref. F.S.S. 286.0105). Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise the Town at least two (2) calendar days before the hearing by contacting Jo H. Plyler at (561) 964-1515 ext. 10.