

**TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING
MINUTES
May 25, 2016**

I. MEETING CALLED TO ORDER

Chairman, Paul Hughes called the meeting to order at 6:30 PM.

II. ROLL CALL

PRESENT: Paul Hughes, Chairman; Paul Shalhoub, Vice Chairman; Timothy Daughtry, Board Member; Ariel Hernandez; Board Member; Benjamin Hartman, Alternate Board Member; John Studdard, Board Member (Arrived at 6:32pm). Also in attendance: Charles Schoech, Town Attorney; Officer Dana Schack, Code Enforcement Officer; and Eliza Fletcher, Recording Clerk.

ABSENT Ken Phillips, Board Member; Joseph George, Board Member.

III. PLEDGE TO FLAG

IV. OATH OF OFFICE

Ariel Hernandez; Board Member; Benjamin Hartman, Alternate Member

V. APPROVAL OF AGENDA

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

VI. CONSENT AGENDA

a. Approval of Minutes of the April 27, 2016 Code Enforcement Board Hearing.

b. Unfinished cases now in compliance

CASE #16-0125 CDV PROJECTS INC
6904 VENETIAN WAY
LAKE CLARKE SHORES, FL 33406

Sec 62-133 (b) (5) Boat dock and roof structure in disrepair.

CASE #16-0129 CDV PROJECTS INC
6904 VENETIAN WAY
LAKE CLARKE SHORES, FL 33406

Sec 26-28 (b) Not maintaining 6 feet into the waterway, trees not 8 feet above the water - Tree canopy hanging too low in waterway

CASE #16-0255 KATHRINE MOLLINEAUX & ERIK WAGNER
7001 VENETIAN LANE
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (3) Peeling paint, possibly rotted wood on fascia where roof splits.

CASE #16-0256 KATHRINE MOLLINEAUX & ERIK WAGNER
7001 VENETIAN LANE
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (9)(c) Mildew on roof.

c. New cases now in compliance

CASE #16-0334 DRRAGO A. UWANAWICH
7701 PINE TREE LANE
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (9) (c) Mildew on roof.

Motion made by Mr. Daughtry to approve the consent agenda after moving Case #16-0125, #16-0129, #16-0255, and #16-0256 to Item VI. b. –Unfinished cases now in compliance and Case #16-0334 to Item VI. c. – New cases now in compliance; seconded by Mr. Shalhoub; Motion approved (6-0)

VII. DISCLOSURE OF VISIT

VIII. SWEARING IN OF WITNESSES BY ATTORNEY

IX. UNFINISHED CASES/LIEN IMPOSITION HEARING

CASE #15-0265 MONICA ESPINOSA
1431 INDIAN RD E
LAKE CLARKE SHORES, FL 33406

Section 62-133 (b) (5) Seawall in disrepair

The Respondent, Monica Espinosa, was not present. During the April 22, 2015 Code Enforcement Board Hearing, the Board found the Respondent in violation of Section 62-133 (b) (5) and gave her until July 22, 2015 to correct the violation or a fine of \$100.00 per day will be assessed for each day the violation continues to exist with the fine retroactive to April 22, 2015. During the July 22, 2015 Hearing, the Board found the Respondent remains in violation and gave her until August 26, 2015 to commence the repairs or a fine of \$100.00 per day will be assessed for each day the violation continues to exist with the fine retroactive to April 22, 2015. The Board revisited the case during the August 26, 2015 and the September

30, 2015 Hearings. During the December 2, 2015 Hearing, the Board found the Respondent remains in violation and continued the \$100.00 per day fine retroactive to April 22, 2015. During the January 27, 2016 Hearing, the Board found the Respondent remains in violation and increased the fine from \$100.00 per day to \$250.00 starting on January 27, 2016 until the Respondent is in compliance. During the February 24, 2016 Hearing, the Board found the Respondent remains in violation but stopped the accruing fine to allow Respondent time to make repairs. The Respondent is still responsible for the fines previously imposed up until February 24, 2016. During the March 23, 2016 Hearing, the Board found the Respondent remains in violation, and gave her until April 27, 2016 to comply, or restart the fine of \$250.00 per day until compliance. During the April 27, 2016 Hearing, Officer Shack submitted new photos of the Respondent's sea wall establishing noncompliance, the Board found the Respondent remains in violation of Section 62-133 (b) (5) and moved to file a lien against the property for the amount of \$35,000.00 in accrued fines. The Board also moved to restart the fine of \$250.00 per day until compliance if not found in compliance at the May 25, 2016 Hearing. Based on the testimony and evidence presented for Case #15-0265, the Board found the Respondent is in compliance. The Board moved to reduce the fine of \$35,000.00 to a fine of \$1,000.00 which is to be sent to be recorded and issued as a Lien on the property.

Motion made by Mr. Studdard, seconded by Mr. Daughtry; Motion approved (6-0).

X. UNFINISHED CASES/FINE IMPOSITION HEARING

XI. CONTINUED CASES

CASE #16-0127 CDV PROJECTS INC
6904 VENETIAN WAY
LAKE CLARKE SHORES, FL 33406

Sec 26-26 (3) Deterioration of any property - Bare grass areas throughout yard

The Respondent, CDV Projects Inc., were present and provided testimony about the violation. During the March 23, 2016 the Board found the Respondent in violation of Sec. 26-26 (3) and gave the Respondent until May 25, 2016 to come into compliance or a fine of \$250.00 per day would be imposed. Based on the testimony and evidence presented for Case #16-0234, the Board determined the Respondent is still in violation and gave the Respondent until July 27, 2016 to comply or a fine of \$250.00 per day will be imposed.

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

CASE #16-0234 ISEL LOPEZ
1801 LAUREL LANE
LAKE CLARKE SHORES, FL 33406

Sec. 10-62 Removed driveway and replaced with new paver driveway without permit.

The Respondent, Isel Lopez, was not present. During the April 27, 2016 Hearing, the Board found the Respondents in violation of Sec. 10-62 and gave them until May 25, 2016 to comply or a fine of 4 times the amount of the permit fee would be imposed. Based on the testimony and evidence presented for Case #16-

0234, the Board determined the Respondent is still in violation and gave the Respondent until June 22, 2016 to correct the violation or a fine of 4 times the amount of the permit fee will be imposed.

Motion made by Mr. Shalhoub, seconded by Mr. Daughtry; Motion approved (6-0).

CASE #16-0235 HARTLEY & SHANNON LOGSDON
7600 PINE TREE LANE
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (9) (b) Driveway in disrepair

The Respondents, Mr. & Mrs. Logsdon, were not present. During the April 27, 2016 Hearing, the Board found the Respondents were in violation of Sec. 26-26 (9) (b) and gave them until May 25, 2016 to comply or a fine of \$100.00 per day would be imposed. Based on the testimony and evidence presented for Case # 16-0235, the Board determined the Respondents are still in violation and gave them until July 27, 2016 to comply or a fine of \$50.00 per day will be imposed.

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

CASE #16-0237 OMAR GUZMAN & LISA STEPHANI
1824 LAUREL LANE
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (9) (b) Mildew on driveway and end section of driveway in disrepair.

The Respondent, Mr. Omar Guzman, was present and provided testimony about the violation. During the April 27, 2016 Hearing, the Board found the Respondent in violation of Sec. 26-26 (9) (b) and gave the Respondents until May 25, 2016 to come into compliance or a fine of \$50.00 per day would be imposed. Based on the testimony and evidence presented for Case # 16-0237, the Board determined the Respondents are still in violation and gave them until June 22, 2016 to comply or a fine of \$50.00 per day will be imposed.

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

XI. NEW CASES

CASE #16-0331 ARI & SIRPA AHO
8133 PINE TREE LANE
LAKE CLARKE SHORES, FL 33406

Sec. 30-5 Holiday lights still displayed on dock.

The Respondent, Mr. Ari Aho was present and provided testimony about the violation. Respondent provide photos of both the dock lit and unlit, and his holiday light display; **Motion made by Mr. Shalhoub to place photos into evidence, seconded by Mr. Hernandez; Motion approved (6-0).** Based on the testimony

and evidence presented for Case # 16-0331, the Board determined the Respondents are in violation and gave them until June 22, 2016 to comply or a fine of \$50.00 per day will be imposed until in compliance.

Motion made by Mr. Shalhoub, seconded by Mr. Studdard; Motion approved (4-2) with Mr. Daughtry and Mr. Hernandez opposed.

CASE #16-0332 2015 IH2 BORROWER LP
1901 CARISSA ROAD
LAKE CLARKE SHORES, FL 33406

Sec. 62-133 (b) (5) Seawall in disrepair, sinking, deteriorating

The Respondents, were not present. Based on the testimony and evidence presented for Case # 16-0332, the Board determined the Respondents are in violation and gave them until June 22, 2016 to comply or a fine of \$150.00 per day will be imposed.

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

CASE #16-0333 DONNA F. HUMPHRIES
7825 WEST LAKE DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (9) (b) Driveway in disrepair.

The Respondent, was not present. Based on the testimony and evidence presented for Case # 16-0333, the Board determined the Respondents are in violation and gave them until June 22, 2016 to comply or a fine of \$125.00 per day will be imposed.

Motion made by Mr. Shalhoub, seconded by Mr. Hartman; Motion approved (5-1) with Mr. Daughtry opposed.

XI. BOARD COMMENTS, SUGGESTIONS AND UPDATES

The Board and Mr. Schoech discussed the need for changes to Section 30-5 to clarify what constitutes Holiday lighting and decorations.

Ms. Fletcher noted that the June 23rd educational meeting where the functions of the various Town Boards and Committees will be discussed, is open to all Board Members and the public.

XII. ADJOURNMENT

Motion made by Mr. Hughes to adjourn, seconded by Mr. Shalhoub; Motion approved (6-0).

Meeting adjourned at 7:42 PM


Paul Hughes, Chairman


Eliza Fletcher, Recording Clerk