

TOWN OF LAKE CLARKE SHORES  
CODE ENFORCEMENT BOARD HEARING  
MINUTES  
JULY 23, 2008  
6:30 PM

I. MEETING CALLED TO ORDER

Vice-Chairman Paul Hughes called the meeting to order at 6:39 pm.

II. ROLL CALL

**PRESENT:** Paul Hughes, Vice Chairman; Spencer Wilson; Board Member, Louise Bing, Board Member; Ted Berghaus, Board Member; Patrick Ward, Board Member; Timothy Daughtry, Alternate Member; James Watt, Board Attorney; Dana Schack, Code Enforcement Officer; Mary Pinkerman, Recording Clerk

**ABSENT:** Joseph George, Chairman; Michelle Daniels, Board Member; Chris Costanzo, Alternate Member

III. OATH OF OFFICE

Timothy Daughtry, Code Enforcement Board Member appointed by the Town Council to serve as an alternate on the Code Enforcement Board took an Oath of Office.

IV. APPROVAL OF AGENDA

**Motion made by Mr. Wilson, seconded by Mr. Berghaus to approve the AGENDA as amended by moving Case #08-1595 to Consent Agenda item (c) New cases now in compliance. Motion approved (6-0)**

V. CONSENT AGENDA

- a. Approval of Minutes of the June 25, 2008 Code Enforcement Board Hearing
- b. Unfinished cases now in compliance:
- c. New cases now in compliance:

**CASE #08-1595**

Fall Asset Management  
7036 Pine Tree Lane  
Lake Clarke Shores FL 33406  
Overgrown lawn and vegetation  
Cut grass and vegetation

**Motion made by Mr. Wilson, seconded by Mr. Berghaus to approve the CONSENT AGENDA. Motion approved (6-0).**

VI. SWEARING IN OF WITNESSES BY ATTORNEY

VII. UNFINISHED CASES/LIEN IMPOSITION HEARING

CASE # 08-1295

Marcos Gonzalez  
8215 Pine Tree Lane  
Lake Clarke Shores FL 33406

Sec. 86-348 (i) No barrier/fence/enclosure protecting pool from public – Safety hazard

The Respondent, Marcos Gonzalez, was not present, but was represented by Mr. Ethan Wayne. This case originally came before the Board on April 30, 2008. During the various hearings, the Code Enforcement Board found the Respondent to be in violation and imposed a fine of \$25.00 per day for each day the violation continues to exist, with the fine being retroactive to April 30, 2008. Based on the testimony and evidence presented in Case #08-1295, the Code Enforcement Board found the Respondent still in violation. The Board continued the case until the August 27, 2008 Code Enforcement Board Hearing to allow the Respondent time to make corrections to the fence post and call for a final fence inspection. The fence must pass final inspection to be in compliance. The Respondent may ask for a fine reduction during the August Code Enforcement Board Hearing, if the final fence inspection passed. **Motion made by Mr. Wilson, seconded by Mr. Berghaus. Motion approved (6-0).**

CASE #08-1355

Stephen McDermott  
7437 Pine Tree Lane  
Lake Clarke Shores FL 33406

Sec. 26-26 (3) Inadequate ground cover

The Respondent, Stephen McDermott, was not present. At the May 28, 2008 Code Enforcement Board Hearing, the Board gave the Respondent until June 25, 2008 to come into compliance or a fine of \$25.00 per day may be imposed for each day the violation continues to exist. At the June 25, 2008 Code Enforcement Board Hearing, the Board found the Respondent in violation and imposed a fine of \$25.00 per day for each day the violation continues to exist, with the fine being retroactive to May 28, 2008. Based on the testimony and evidence presented in Case #08-1355, the Code Enforcement Board approved the request for a lien to be imposed against the property. **Motion made by Mr. Wilson, seconded by Mr. Berghaus. Motion approved (5-1), with Mr. Ward opposed.**

CASE #08-1341

Angela Godbout  
7831 Pine Tree Lane  
Lake Clarke Shores FL 33406

Sec. 26-26 (3) Inadequate ground cover

The Respondent, Angela Godbout, was not present, but Edward Godbout spoke on her behalf. At the May 28, 2008 Code Enforcement Board Hearing, the Board gave the Respondent until June 25, 2008 to come into compliance or a fine of \$25.00 per day may be imposed for each day the violation continues to exist. At the June 25, 2008 Code Enforcement Board Hearing, the Board found the Respondent in violation and imposed a fine of \$25.00 per day for each day the violation continues to exist, with the fine being retroactive to May 28, 2008. Based

on the testimony and evidence presented in Case #08-1348, the Code Enforcement Board continued the case until the August 27, 2008 Code Enforcement Board Hearing to allow time for the sod, that was recently planted, to grow. **Motion made by Mr. Wilson, seconded by Mr. Hughes. Motion approved (6-0).**

VIII. UNFINISHED CASES/STATUS HEARING

CASE #08-1348

Esmorelda & William Fallacaro  
7131 Pine Tree Lane  
Lake Clarke Shores FL 33406

Sec. 26-26 (3) Inadequate ground cover

The Respondents, Esmorelda and William Fallacaro, were not present. At the May 28, 2008 Code Enforcement Board Hearing, the Board gave the Respondent until June 25, 2008 to come into compliance or a fine of \$25.00 per day may be imposed for each day the violation continues to exist. At the June 25, 2008 Hearing, the Board continued this case until July 23, 2008 to check on the growth of the grass seed. Based on the testimony and evidence presented in Case #08-1348, the Code Enforcement Board continued the case until the August 27, 2008 Code Enforcement Board Hearing. **Motion made by Mr. Wilson, seconded by Mr. Ward. Motion approved (6-0).**

IX. UNFINISHED CASES/FINE ASSESSMENT HEARING

CASE #08-1464

Ann Sansone  
7220 Clarke Road  
Lake Clarke Shores FL 33406

Sec. 26-26 (3) Area of stucco needs paint

The Respondent, Ann Sansone, was not present. At the June 25, 2008 Code Enforcement Board Hearing, the Board found the Respondent in violation and gave her until July 23, 2008 to come into compliance or a fine of \$25.00 per day will be imposed for each day the violation continues to exist. Based on the testimony and evidence presented in Case #08-1464, the Code Enforcement Board found the Respondent in violation and gave her seven (7) days to paint the area of stucco or a fine of \$25.00 per day will be imposed for each day the violation continues to exist, with the fine being retroactive to June 25, 2008. **Motion made by Ms. Bing, seconded by Mr. Ward. Motion approved (6-0).**

X. NEW CASES

CASE #08-1594

Fall Asset Management  
7036 Pine Tree Lane  
Lake Clarke Shores FL 33406

Sec. 26-26 (3) Fence in disrepair

The Respondent, Fall Asset Management, was not present. Mr. Gary Wood, spoke on his own behalf as the potential new property owner. Based on the testimony and evidence presented in Case #08-1594, the Code Enforcement Board found the Respondent in violation and continued the case until the August 27, 2008 Code Enforcement Board Hearing to allow time for the property to change hands and the new property owner to remove the fence. **Motion made by Mr. Wilson, seconded by Mr. Ward. Motion approved (6-0).**

XI. BOARD COMMENTS, SUGGESTIONS AND UPDATES

The Board Members discussed the current economy and the property owner's ability to maintain their property during these times. They also discussed the ongoing problem with vacant lots.

The next Code Enforcement Board Hearing will be held August 27, 2008.

XII. ADJOURNMENT

**Motion made by Mr. Wilson to adjourn the meeting, seconded by Mr. Ward. Motion passed (6-0)**

Meeting adjourned at 7:25 p.m.

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Joseph George, Chairman

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Mary Pinkerman, Recording Clerk