

TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING
MINUTES
AUGUST 27, 2008
6:30 PM

I. MEETING CALLED TO ORDER

Chairman Joseph George called the meeting to order at 6:35 pm.

II. ROLL CALL

PRESENT: Joseph George, Chairman; Paul Hughes, Vice Chairman; Spencer Wilson; Board Member, Louise Bing, Board Member; Michelle Daniels, Board Member; Ted Berghaus, Board Member; Patrick Ward, Board Member; Chris Costanzo, Alternate Member; Timothy Daughtry, Alternate Member; James Watt, Board Attorney; Dana Schack, Code Enforcement Officer; Joseph Iagrossi, Building Official; Mary Pinkerman, Recording Clerk

ABSENT:

III. APPROVAL OF AGENDA

Motion made by Mr. Wilson, seconded by Mr. Hughes to approve the AGENDA as amended by moving Case #08-1705 to Consent Agenda item (c) New cases now in compliance. Motion approved (7-0)

IV. CONSENT AGENDA

- a. Approval of Minutes of the July 23, 2008 Code Enforcement Board Hearing
- b. Unfinished cases now in compliance:

CASE #08-1464

Ann M Sansone
7220 Clarke Road
Lake Clarke Shores FL 33406
Area of stucco needs paint
Painted stucco

CASE #08-1594

Fall Asset Management
7036 Pine Tree Lane
Lake Clarke Shores FL 33406
Fence in disrepair
Fence removed by new owner

c. New cases now in compliance:

CASE #08-1705

James Barby
7011 Haden Road
Lake Clarke Shores FL 33406
Tires stored in yard – health hazard
Tires removed

Motion made by Mr. Hughes, seconded by Mr. Wilson to approve the CONSENT AGENDA. Motion approved (7-0).

V. SWEARING IN OF WITNESSES BY ATTORNEY

VI. UNFINISHED CASES/FINE REDUCTION 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 continued to exist, with the fine being retroactive to April 30, 2008. The fence passed the final inspection on August 7, 2008. The fine totaled \$2450.00. Based on the testimony and evidence presented in Case #08-1295, the Code Enforcement Board found the Respondent in compliance of Section 86-348 (i) and reduced the fine to \$200.00. This amount must be paid by September 2, 2008. **Motion made by Mr. Wilson, seconded by Mr. Hughes. Motion approved (7-0).**

VII. UNFINISHED CASES/LIEN IMPOSITION HEARING

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 present. This case originally came before the Board on May 28, 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 May 28, 2008. At the July 23, 2008 Code Enforcement Board suspended the fine to allow the sod time to grow. As of July 23, 2008, the fine totaled \$1375.00. The violation was corrected prior to the hearing, but the fine of \$1375.00 still remained. Members of the Board and the Attorney asked Ms. Godbout if she would like to request a reduction of the fine. After further discussion, she declined. Based on the testimony and evidence presented in Case #08-1348, the Code Enforcement Board found the Respondent in compliance. The fine of \$1375.00 must be paid on

or before September 24, 2008 or a lien will be imposed against the property. **Motion made by Mr. Hughes, seconded by Ms. Daniels. Motion approved (6-1) with Mr. Wilson opposed.**

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 Respondent, William Fallacaro, was 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 and July Code Enforcement Board Hearings, the Board continued this case to check on the growth of the grass seed. Based on the testimony and evidence presented in Case #08-1348, the Code Enforcement Board gave the Respondent until September 24, 2008 to come into compliance 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 May 28, 2008. **Motion made by Mr. Hughes, seconded by Ms. Daniels. Motion approved (5-2) with Mr. Wilson and Mr. Ward opposed.**

IX. NEW CASES

CASE #08-1695

Karen Gorham
1830 Antigua Road
Lake Clarke Shores FL 33406

Sec. 26-26 (3) Pool in unsanitary condition

The Respondent, Karen Gorham, was not present. Based on the testimony and evidence presented in Case #08-1695, the Code Enforcement Board found the Respondent in violation and gave her until September 11, 2008 to come into compliance 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 August 27, 2008. **Motion made by Mr. Wilson, seconded by Mr. Hughes. Motion approved (7-0).**

CASE #08-1709

James Barby
7011 Haden Road
Lake Clarke Shores FL 33406

Sec. 26-56 Tree stump in yard

The Respondent, James Barby, was not present. Mr. Shane Weaver, Legal Aid Attorney for Mr. Barby was in attendance, but did not testify. Based on the testimony and evidence presented in Case #08-1709, the Code Enforcement Board found the Respondent in violation and gave him until September 24, 2008 to comply or a fine of \$50.00 per day will be imposed for each day the violation continues to exist, with the fine being retroactive to July 3, 2008. **Motion made by Mr. Hughes, seconded by Ms. Daniels. Motion approved (6-1) with Mr. Wilson opposed.**

CASE #08-1704

James Barby
7011 Haden Road
Lake Clarke Shores FL 33406

Sec. 26-26 (7) Outside storage

The Respondent, James Barby, was not present. Mr. Shane Weaver, Legal Aid Attorney for Mr. Barby was in attendance, but did not testify. Based on the testimony and evidence presented in Case #08-1704, the Code Enforcement Board found the Respondent in repeat violation and gave him until September 24, 2008 to comply or a fine of \$50.00 per day will be imposed for each day the violation continues to exist, with the fine being retroactive to August 27, 2008. **Motion made by Mr. Wilson, seconded by Ms. Hughes. Motion approved (7-0).**

CASE #08-1708

Scott Durrance
6600 Pine Tree Circle
Lake Clarke Shores FL 33406

Sec. 26-211, 26-216 & 26-245 Attractive nuisance

The Respondent, Scott Durrance was not present. Based on the testimony and evidence presented in Case #08-1708, the Code Enforcement Board found the Respondent in violation and gave him until September 24, 2008 to comply or a fine of \$100.00 per day will be imposed for each day the violation continues to exist, with the fine being retroactive to July 3, 2008. **Motion made by Mr. Hughes, seconded by Ms. Daniels. Motion approved (7-0).**

CASE #08-1706

Scott Durrance
6600 Pine Tree Circle
Lake Clarke Shores FL 33406

Sec. 26-26 (3) Inadequate ground cover, mounds of dirt, loose dirt, un-grassed areas

The Respondent, Scott Durrance was not present. Based on the testimony and evidence presented in Case #08-1708, the Code Enforcement Board found the Respondent in violation and gave him until September 24, 2008 to comply or a fine of \$50.00 per day may be imposed for each day the violation continues to exist, with the fine being retroactive to July 3, 2008. **Motion made by Ms. Bing, seconded by Mr. Hughes. Motion approved (7-0).**

CASE #08-1707

Scott Durrance
6600 Pine Tree Circle
Lake Clarke Shores FL 33406

Sec. 26-26 (4) Uncontrolled growth of vegetation and weeds

The Respondent, Scott Durrance was not present. Based on the testimony and evidence presented in Case #08-1708, the Code Enforcement Board found the Respondent in violation and gave him until September 24, 2008 to comply or a fine of \$50.00 per day will be imposed for each day the violation continues to exist, with the fine being retroactive to August 27, 2008. **Motion made by Mr. Wilson, seconded by Ms. Daniels. Motion approved (7-0).**

X. BOARD COMMENTS, SUGGESTIONS AND UPDATES

The next Code Enforcement Board Hearing will be held September 24, 2008.

XII. ADJOURNMENT

Prior to adjournment, Mr. Shane Weaver, Legal Aid Attorney, on behalf of Ms. Angela Godbout, asked that the Board reconsider their decision to impose the \$1375.00 fine. Mr. George asked the Board Members if anyone would like to make a motion to re-open Case #08-1341. None of the Board Members made the motion, therefore no further action was taken.

Motion made by Mr. Hughes to adjourn the meeting, seconded by Mr. Wilson. Motion passed (7-0)

Meeting adjourned at 7:35 p.m.

Joseph George, Chairman

Mary Pinkerman, Recording Clerk