

TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING
MINUTES
January 25, 2017

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 Chair; John Studdard, Board Member, Ariel Hernandez, Board Member, Benjamin Hartman, Board Member, Trent Swift, Alternate Board Member. *Also in attendance:* Charles Schoech, Town Attorney; Officer Dana Schack, Code Enforcement Officer; and Zoie Burgess, Recording Clerk

ABSENT

Ken Phillips, Board Member

III. PLEDGE TO FLAG

IV. OATH OF OFFICE

Oath of Office postponed until the arrival of Trent Swift

V. APPROVAL OF AGENDA

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

VI. CONSENT AGENDA

a. Approval of Minutes of December 7, 2016 Code Enforcement Hearing

Motion by Mr. Shalhoub to approve the minutes of December 7, 2016 with noted revisions, seconded by Mr. Studdard; Motion approved (6-0)

b. Unfinished cases now in compliance

CASE #16-0639	CINDY VELAZQUEZ 8128 SEDGEWICK COURT, 28C LAKE CLARKE SHORES, FL 33406
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Sec. 22-34 (b)	Failure to pay daily alarm assessment fee
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c. New cases now in compliance

NONE

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

VII. OATH OF OFFICE

Trent Swift sworn in by Town Attorney Schoech.

VIII. DISCLOSURE OF VISIT

IX. SWEARING IN OF WITNESSES BY ATTORNEY

X. UNFINISHED CASES/FINE IMPOSITION HEARING

XI. CONTINUED CASES

CASE #16-0585 KATHLEEN BOOTH
7519 CLARKE ROAD
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (9) (b) Driveway/Walkway not maintained: not in proper state of repair –
Driveway in disrepair

During the October 26, 2016 Board Meeting, the Board determined the Respondent was in violation of Sec 26-26 (9) (b) and gave them until January 25, 2017 to comply or a fine in the amount of \$100.00 may be imposed.

At the January 25, 2017 Board Meeting, the Respondent was not present. Based on testimony and evidence presented, the Board determined the Respondent remains in violation and imposed a fine of \$100.00 a day.

Motion by Mr. Hartmann, seconded by Mr. Shalhoub; Motion approved (7-0)

Additional discussion by Mr. Shalhoub, noting motion should have added how many days until it comes into compliance.

Mr. Hartmann stated the fine starts today, until Respondent comes into compliance.

Motion by Mr. Shalhoub to amend previous Motion, seconded by Mr. Studdard; Motion approved (7-0)

Motion by Mr. Hartmann, seconded by Mr. Shalhoub; Motion approved (7-0)

CASE #16-0594 JAMES R. BARBY
7011 HADEN ROAD
LAKE CLARKE SHORES, FL 33406

Sec. 26-56 Dead/Dying trees or stumps, obnoxious growth, filth, garbage, trash and
debris - Dead tree in front yard

At the September 28, 2016 meeting, the Respondent, James Barby was not present, but William Kennedy, roommate was present, on behalf of respondent. The Board determined the Respondent is in violation and gave him until October 26, 2016 to comply. At the October 26, 2016 meeting, the Respondent, was not present. The Board determined the Respondent remained in violation and is ordered to meet with the Town Attorney and Code Enforcement Officer as outlined in a previous Court Order dated January 23, 2014. At the January 25, 2017 the Town Attorney and Code Enforcement Officer provided an update informing the Code Enforcement Board that respondent remains in violation and a letter dated January 26, 2017 will be mailed regular mail, requesting a meeting with respondent. Based on testimony and evidence presented, the Board determined the Respondent remains in violation and Board will await for the results of the meeting between Code Enforcement Officer, Town Attorney and Respondent.

Motion by Mr. Hernandez, seconded by Mr. Shalhoub; Motion approved (7-0)

Item will remain on agenda for updates.

CASE #16-0595	JAMES R. BARBY 7011 HADEN ROAD LAKE CLARKE SHORES, FL 33406
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Sec. 26-26 (7)	Open storage, accumulation, storage or keeping of any abandoned discarded or unused chattel – Open storage throughout property
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At the September 28, 2016 meeting, the Respondent, James Barby was not present. Based on the testimony and evidence presented for Case #16-0595, the Board determined the Respondent is in violation and gave him until October 26, 2016 to comply. At the October 26, 2016 meeting, the Respondent, James Barby was not present. Based on the testimony and evidence presented for Case # 16-0595, the Board determined the Respondent remains in violation of Sec 26-26 (7) and is ordered to meet with the Town Attorney and Code Enforcement Officer as outlined in previous Court Order dated January 23, 2014. At the January 25, 2017 the Town Attorney and Code Enforcement Officer provided an update informing the Code Enforcement Board that respondent remains in violation and a letter dated January 26, 2017 will be mailed regular mail, requesting a meeting with respondent. Based on testimony and evidence presented, the Board determined the Respondent remains in violation and Board will await for the results of the meeting between Code Enforcement Officer, Town Attorney and Respondent.

Motion by Mr. Hernandez, seconded by Mr. Shalhoub; Motion approved (7-0)

Item will remain on agenda for updates.

XII. NEW CASES

NONE

XII. BOARD COMMENTS, SUGGESTIONS AND UPDATES

Welcome to new member, Trent Swift, Code Enforcement Board

XIII. Code Review

- a. Items left over, Postponed or Tabled
 - i. Section 26-168(2) – Spillover Light

Code should be clarified, and revised to read in Section 26-29 (b) and reference Section 26-168:

It shall be unlawful for the owner or occupant of a residential or commercial building or structure to place, direct or maintain outdoor lighting in violation of Section 26-168. ~~where such lighting intrudes, disrupts or interferes with the peaceful enjoyment of neighboring property.~~

- b. Items to be reviewed
 - i. Section 34-1(a) – Use of Town Recreational area

This section of the code should be updated to include Boat Ramp Park.

- ii. Section 86-481 – Construction and use requirements

Violations related to this section have not come before the Board, however it should be noted that this section is vague and ambiguous. The second sentence should be stricken or specifically stated for gazebos.

- iii. Section 26-29(b) – Prohibited Acts. Disruptive Outdoor Lighting

See Section 26-168(2) above

Board agreed on Recording Clerk's memo to the Town Administrator regarding suggested Code revisions, with the addition of items discussed at the present meeting.

Mr. Shalhoub has requested that the sections previously reviewed that were found to not be an issue for the Board, be specifically noted and identified in the presentation to Council. Recording Clerk will include the additional sections in Memo to Administrator.

Mr. Shalhoub notified the Board that he plans to attend the next meeting and advise Council as to the progress and completion of review.

Code Enforcement Officer Schack provided the council with the annual packet of 2016 violations that have been logged.

XIV. ADJOURNMENT

Motion made by Mr. Shalhoub to adjourn, seconded by Mr. Hernandez; Motion approved (7-0).

Meeting adjourned at 7:15 PM

Paul Hughes
Board Chairman

Zoie Burgess
Recording Clerk