

**TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING**

**Minutes
January 24, 2018**

Paul Hughes, Chairman	Timothy B. Daughtry, Vice Chairman	Ken Phillips, Member
Ariel Hernandez, Member	Ben Hartman, Member	Trent Swift, Member
Timothy McCarthy, Member	William Steele, Alternate Member	

I. MEETING CALLED TO ORDER

Chairman, Paul Hughes called the meeting to order at 6:34 PM

II. ROLL CALL

PRESENT: Paul Hughes, Chairman; Timothy Daughtry, Vice Chairman; Ariel Hernandez, Board Member; Ben Hartman, Timothy McCarthy, Board Member; Trent Swift, Board Member. *Also in attendance:* Charles Schoech, Town Attorney; Officer Dana Schack, Code Enforcement Officer; and Eliza Fletcher, Recording Clerk.

III. PLEDGE TO FLAG

IV. OATH OF OFFICE

William Steele not present, no Oath of Office

V. APPROVAL OF AGENDA

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

VI. CONSENT AGENDA

- a. Approval of Minutes of December 6, 2017 Code Enforcement Hearing
- b. Unfinished cases now in compliance

CASE 17-0398 CASSANDRA & KEITH WARMAN
8280 WEST LAKE DRIVE
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (3), 26-27 Deterioration of Any Property – Peeling paint/Unpainted areas on residence. Open Storage, Accumulation, Storage or Keeping of Any Abandoned, Discarded or Unused Chattel – Rear of property

CASE #17-0567 CY CAINE
7301 VENETIAN WAY
LAKE CLARKE SHORES, FL 33406

Sec. 26-26(a)(b), 26-27 Mildew on driveway

CASE #17-0568 CY CAINE
7301 VENETIAN WAY
LAKE CLARKE SHORES, FL 33406

Sec. 26-27 Hot tub has standing water harboring mosquitos causing nuisance to neighbors

CASE #17-0576 JAMES E. HAYDEN
6610 PINE TREE LN.
LAKE CLARKE SHORES, FL 33406

Sec. 26-27 Parcel, lot, tract of land or premises in any manner such that it is detrimental to the health, safety or welfare of the public, or that it is declared a nuisance. (Bee Hives in shed, and bees around shed)

- c. New cases now in compliance

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

I. DISCLOSURE OF VISIT

Mr. Hughes lives next door to the 1915 Antigua home referred to in the Board comments, and updates. He has also spoke to the real estate agent in regards to the property.

II. SWEARING IN OF WITNESSES BY ATTORNEY

III. UNFINISHED CASES/LIEN IMPOSITION HEARING

CASE #17-0045 MARLO & PAUL RICHARDS
7740 BETA CIRCLE E.
LAKE CLARKE SHORES, FL 33406

Sec. 62-133(b) (5) Dock in Disrepair

The Respondents, Marlo & Paul Richards, were not present. Mr. Richards sent in an envelope containing 5 documents with drawings, specifications, and EPA letter, however no contract with Poseidon Dock & Marine was enclosed.

Motion to accept documents into evidence by Mr. Swift; seconded by Mr. Hernandez; Motion approved (6-0).

Based on the testimony and evidence presented for Sec. 62-133(b) (5), the Board determined the Respondents remain in violation. A fine of twenty-five dollars (\$25.00) per day was previously assessed and will continue to accrue in the amount of twenty-five dollars (\$25.00) per day until compliance is achieved, the decision to file a lien was postponed for review at the February 28, 2018 Code Board Hearing.

Motion by Mr. McCarthy; seconded by Mr. Daughtry; Motion approved (6-0).

CASE #17-0046 MARLO & PAUL RICHARDS
7740 BETA CIRCLE E.
LAKE CLARKE SHORES, FL 33406

Sec. 62-133(b) (5) Seawall in Disrepair

The Respondents, Marlo & Paul Richards, were not present. Mr. Richards sent in an envelope containing 5 documents with drawings, specifications, and EPA letter, however no contract with Poseidon Dock & Marine was enclosed.

Motion to accept documents into evidence by Mr. Swift; seconded by Mr. Hernandez; Motion approved (6-0).

Based on the testimony and evidence presented for Sec. 62-133(b) (5), the Board determined the Respondents remain in violation. A fine of twenty-five dollars (\$25.00) per day was previously assessed and will continue to accrue in the amount of twenty-five dollars (\$25.00) per day until compliance is achieved, the decision to file a lien was postponed for review at the February 28, 2018 Code Board Hearing.

Motion by Mr. McCarthy; seconded by Mr. Daughtry; Motion approved (6-0).

CASE 17-0467 OMAR FRANCISCO & ANTONIO RAMOS
6900 WEST LAKE DR
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (4), 26-27 Overgrown vegetation/ uncontrolled growth in excess of 12 inches

The Respondents, Omar Francisco & Antonio Ramos, were not present. Based on the testimony and evidence presented for Sec. 26-26 (4), 26-27 the Board determined the Respondents remain in violation. A fine of twenty-five dollars (\$25.00) per day was previously assessed and will continue to accrue in the amount of twenty-five dollars (\$25.00) per day until compliance is achieved a motion to file a lien on the property was made.

Motion by Mr. Daughtry; seconded by Mr. Hartman; Motion approved (6-0).

CASE 17-0468 OMAR FRANCISCO & ANTONIO RAMOS
6900 WEST LAKE DR
LAKE CLARKE SHORES, FL 33406

Sec. 82-64 (c) Tree canopies. The canopy of trees that extends over roads and road right-of-ways shall be trimmed by the owner to a height of 13 feet six inches above the road and right-of-way.

The Respondents, Omar Francisco & Antonio Ramos, were not present. Based on the testimony and evidence presented for Sec. 82-64 (c) the Board determined the Respondents remain in violation. A fine of twenty-five dollars (\$25.00) per day was previously assessed and will continue to accrue in the amount of twenty-five dollars (\$25.00) per day until compliance is achieved a motion to file a lien on the property was made.

Motion by Mr. Daughtry; seconded by Mr. Hartman; Motion approved (6-0).

IV. UNFINISHED CASES/FINE IMPOSITION HEARING

CASE #17-0565 CY CAINE
7301 VENETIAN WAY
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (3), 26-27 Canopy missing from structure, repeat offender

The Respondent, Cy Caine, was present. Based on the testimony and evidence presented for Sec. 26-26 (3), 26-27 the Board determined the Respondent remains in violation and gave Respondent until February 28, 2018 to comply.

Motion by Mr. Daughtry; seconded by Mr. Hartman; Motion approved (6-0).

CASE #17-0570 CY CAINE
7301 VENETIAN WAY
LAKE CLARKE SHORES, FL 33406

Sec. 62-133(b)(5) Boat/jet ski lift on disrepair/ collapsed in waterway

The Respondent, Cy Caine, was present. Based on the testimony and evidence presented for Sec. 62-133(b)(5) the Board determined the Respondent remains in violation and gave Respondent until February 28, 2018.

Motion by Mr. Daughtry; seconded by Mr. Hartman; Motion approved (6-0).

CASE #17-0571 CY CAINE
7301 VENETIAN WAY
LAKE CLARKE SHORES, FL 33406

Sec. 62-133(b)(5) Dock in disrepair leaning

The Respondent, Cy Caine, was present. Based on the testimony and evidence presented for 62-133(b)(5) the Board determined the Respondent remains in violation and assessed a fine of twenty-five dollars (\$25.00) per day until compliance is achieved.

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

CASE #17-0572 REGAN QUINN & JAMES, MARGARET AND MATTHEW
MCCORD
7115 CLARKE RD
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (4), 26-27 Overgrown / uncontrolled growth of vegetation

The Respondents, Regan Quinn, and James, Margret, & Matthew McCord were not present. Based on the testimony and evidence presented for Sec. 26-26 (4), 26-27 the Board determined the Respondents remains in violation and gave Respondent until February 28, 2018.

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

I. CONTINUED CASES

II. NEW CASES

CASE #18-0020 OMAR FRANCISCO & ANTONIO RAMOS
6900 WEST LAKE DR
LAKE CLARKE SHORES, FL 33406

Sec. 26-27, 26-56,
26-26(3)

Parcel, lot, tract of land or premises in any manner such that it is detrimental to the health, safety or welfare of the public, or that it is declared a nuisance. Private property, or occupied property, within the town shall be cleared and cleaned of all nuisances, brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris. The condition of ill repair or lack of maintenance of any real property. – Tree on residence uprooted

The Respondents, Omar Francisco & Antonio Ramos, were not present. Based on the testimony and evidence presented for Sec. 26-27, 26-56, 26-26(3) the Board determined the Respondents remain in violation and assessed a fine of twenty-five dollars (\$25.00) per day until compliance is achieved.

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

CASE #18-0021 OMAR FRANCISCO & ANTONIO RAMOS
6900 WEST LAKE DR
LAKE CLARKE SHORES, FL 33406

Sec. 26-26 (3), 26-27 Deterioration of Any Property – Trim on residence in disrepair rotted wood.

The Respondents, Omar Francisco & Antonio Ramos, were not present. Based on the testimony and evidence presented for Sec. 26-27, 26-56, 26-26(3) the Board determined the Respondents remain in violation and assessed a fine of twenty-five dollars (\$25.00) per day until compliance is achieved.

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

CASE #18-0025 OMAR FRANCISCO & ANTONIO RAMOS
6900 WEST LAKE DR
LAKE CLARKE SHORES, FL 33406

Sec. 26-27 Parcel, lot, tract of land or premises in any manner such that it is detrimental to the health, safety or welfare of the public, or that it is declared a nuisance. (Trash piling up on side of residence.)

The Respondents, Omar Francisco & Antonio Ramos, were not present. Based on the testimony and evidence presented for Sec. 26-27, 26-56, 26-26(3) the Board determined the Respondents remain in violation and assessed a fine of twenty-five dollars (\$25.00) per day until compliance is achieved.

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

CASE #18-0605 MARTHA, JOSEPH, AMD ZULINDA MOLINA
7137 CLARKE RD
LAKE CLARKE SHORES, FL 33406

Sec. 26-27, 26-26(3)(c) Parcel, lot, tract of land or premises in any manner such that it is detrimental to the health, safety or welfare of the public, or that it is declared a nuisance. The condition of ill repair or lack of maintenance of any real property

The Respondents, Omar Francisco & Antonio Ramos, were not present. Based on the testimony and evidence presented for Sec. 26-27, 26-56, 26-26(3) the Board determined the Respondents remain in violation and assessed a fine of twenty-five dollars (\$25.00) per day until compliance is achieved.

Motion by Mr. Hernandez; seconded by Mr. McCarthy; Motion approved (6-0).

I. LIEN STATUS

II. BOARD COMMENTS, SUGGESTIONS AND UPDATES

Handed out new Ordinance 17-08, passed at town Council Meeting on January 16, 2018.

The Board also received per request at December 6, 2017 Hearing a list of information about all present Code Enforcement Liens on property, and the number of Homesteaded properties within the list.

Town Attorney Mr. Schoech discussed and handed out information on Bankruptcy and Code Compliance to assist the Board with the property of Cy Caine, as he has stated he is in bankruptcy several times over the course of all hearings he has been present for.

Town Attorney Mr. Schoech discussed the Florida State Statue 162.09 on foreclosing on a property due to Lien amount. The Board was given typed information on 1915 Antigua in regards to the violations, and the Liens on the property.

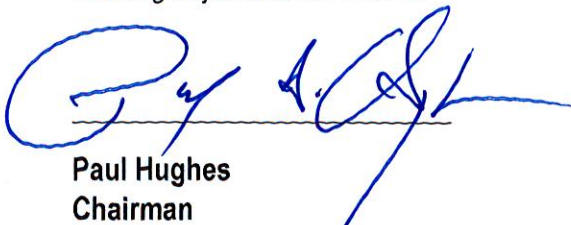
The Code Board alone has the right to foreclose on a property per FL STATE STATUE, via vote to approve to close on the property at 1915 Antigua. The Board discussed the matter and decided to invite the property owners only to the next hearing to discuss with them the matters of coming into the purchase of the property, and so therefore postponed their vote to foreclose or not foreclose on 1915 Antigua property, until the Code Board Hearing on February 28, 2018.

Motion by Mr. McCarthy to postpone vote, seconded by Mr. Daughtry; Motion approved (6-0).


III. ADJOURNMENT

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

Meeting adjourned at 7:45 PM



Paul Hughes
Chairman



Eliza O. C. Fletcher
Recording Clerk