

**MINUTES
TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING
OCTOBER 25, 2023 6:30 P.M.**

1. Call to Order

Chair Hughes called the meeting to order at 6:30 p.m.

2. Roll Call

Present: Chair Paul Hughes, Vice Chair Gerard Sanchez, Board Member Deb Moody, and Board Member Wesley Cook.

Also in attendance: Town Attorney William P. Doney, Code Enforcement Officer Erik Richwagen, Zoning Official Manny Palacios, and Recording Clerk Emilie Pearson.

Absent: Board Member Ariel Hernandez.

3. Pledge of Allegiance

4. Approval of Agenda

Motion by Board Member Cook to approve the Agenda, seconded by Vice Chair Sanchez; Motion approved (4-0).

5. Consent Agenda

- A. Approval of the Minutes of the September 26, 2023 Code Enforcement Board Hearing
- B. Unfinished Cases Now in Compliance

Case 23-0293 Anand S. Daibee and Valmiki S. Daibee
7002 Haden Road
Lake Clarke Shores, FL 33406

Sec. 34-19(9)(b) Parking lot needs to be repaired and re-sealed.

Case 23-0458 Patrick D. Langford
7630 West Lake Drive
Lake Clarke Shores, FL 33406

Sec. 34-19(4) Trees/Vegetation need to be trimmed.

Case 23-0459 Patrick D. Langford
7630 West Lake Drive
Lake Clarke Shores, FL 33406

Sec. 34-19(3) Un-grassed areas need re-sodding.

Case 23-0583 Idelbis L. Sanchez
1425 Mediterranean Road East
Lake Clarke Shores, FL 33406

Sec. 125-479 Pigeons cannot be housed or harbored.

Case 23-0575 Stacey L. Vandenberg
7518 Alpha Court East
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Property gate installed without a permit.

Case 23-0576 Stacey L. Vandenberg
7518 Alpha Court East
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Garage door worked on without a permit.

Case 23-0585 Stacey L. Vandenberg
7518 Alpha Court East
Lake Clarke Shores, FL 33406

Sec. 125-263(8) House address numbers are needed on the home.

Case 23-0661 Best Lighting Electric Inc.
1812 Barbados Road
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Structural work without a permit.

Case 23-0662 Best Lighting Electric Inc.
1812 Barbados Road
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Electrical work without a permit.

Case 23-0663 Best Lighting Electric Inc.
1812 Barbados Road
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Mechanical work without a permit.

Case 23-0664 Best Lighting Electric Inc.
1812 Barbados Road
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Plumbing work without a permit.

Case 23-0703 Centre Place Professional
1495 Forest Hill Blvd
Lake Clarke Shores, FL 33406

Sec. 34-19(4) Back of the property is overgrown.

C. New Cases Now in Compliance

Case 23-0617 Gustavo Pino
1902 Caribbean Road West
Lake Clarke Shores, FL 33406

Sec. 34-19(9)(c) The roof needs to be cleaned.

Motion by Board Member Cook to approve the Consent Agenda, seconded by Board Member Moody; Motion approved (4-0).

6. Disclosure of Visit

None

7. Swearing in of Witnesses by Attorney

The Town Attorney swore in the witnesses.

8. Unfinished Cases/Lien Imposition Hearing

Case 23-0034 David A. Jaynes
8311 Waterway Drive
Lake Clarke Shores, FL 33406

Sec. 34-19(9)(a), 34-20 Nuisance to neighboring property – Mosquitos/rats, pool is unsanitary.

The Respondent was not present. Based on the testimony and evidence presented for Sec. 34-19(9)(a) and 34-20, the Board determined the Respondent remains in violation, and ordered a lien be imposed on the property and recorded in the public records of Palm Beach County, Florida.

Motion by Board Member Cook, seconded by Vice Chair Sanchez; Motion approved (4-0).

9. Unfinished Cases/Fine Imposition Hearing

Case 23-0519 Confidential
7127 West Lake Drive
Lake Clarke Shores, FL 33406

Sec. 125-767(b)(7) There are two vehicles on the lot with expired registrations.

The Respondent was not present. Based on the testimony and evidence presented for Sec. 125-767(b)(7), the Board continued the case until the next Code Enforcement Board Hearing on December 6, 2023.

Motion by Board Member Cook, seconded by Board Member Moody; Motion approved (4-0).

10. New Cases

Case 23-0443 2018 2 IH Borrower LP
7700 West Lake Drive
Lake Clarke Shores, FL 33406

Sec. 125-263(8) House address numbers are required on the home.

The Respondent was not present. Based on the testimony and evidence presented for Sec. 125-263(8), the Board determined the Respondent is in violation, and the Respondent must come into compliance by November 3, 2023, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Vice Chair Sanchez, seconded by Board Member Moody; Motion approved (4-0).

Case 23-0454 Bellenger Properties LLC
7745 West Lake Drive
Lake Clarke Shores, FL 33406

Sec. 34-19(9)(b) The driveway needs to be re-sealed.

The Respondent was not present. Based on the testimony and evidence presented for Sec. 34-19(9)(b), the Board determined the Respondent is in violation, and the Respondent must come into compliance by January 24, 2024, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Vice Chair Sanchez, seconded by Board Member Cook; Motion approved (4-0).

Case 23-0496 Nuevomar LLC
7423 Clarke Road
Lake Clarke Shores, FL 33406

Sec. 125-263(8) House address numbers are required on the home.

The Respondent was not present. Based on the testimony and evidence presented for Sec. 125-263(8), the Board determined the Respondent is in violation, and the Respondent must come into compliance by November 3, 2023, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Vice Chair Sanchez, seconded by Board Member Moody; Motion approved (4-0).

Case 23-0535 William E. Smith Jr.
8220 West Lake Drive
Lake Clarke Shores, FL 33406

Sec.34-19(9)(b) The driveway needs to be pressure cleaned.

The Respondent was not present. Based on the testimony and evidence presented for Sec. 34-19(9)(b), the Board determined the Respondent is in violation, and the Respondent must come into compliance by November 8, 2023, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Board Member Moody, seconded by Vice Chair Sanchez; Motion approved (4-0).

Case 23-0711 William Mackie
1829 East Court
Lake Clarke Shores, FL 33406

Sec. 125-891(b) Pool must be surrounded by a protective wall or fence.

The Respondent was not present. Based on the testimony and evidence presented for Sec. 125-891(b), the Board determined the Respondent is in violation, and the Respondent must come into compliance by November 9, 2023, or a fine of \$200.00 per day may be imposed until compliance is achieved.

Motion by Board Member Cook, seconded by Vice Chair Sanchez; Motion approved (4-0).

Case 23-0712 William Mackie
1829 East Court
Lake Clarke Shores, FL 33406

Sec. 34-19(9)(d) There is a missing section of fence.

The Respondent was not present. Based on the testimony and evidence presented for Sec. 34-19(9)(d), the Board determined the Respondent is in violation, and the Respondent must come into compliance by November 9, 2023, or a fine of \$200.00 per day may be imposed until compliance is achieved.

Motion by Board Member Cook, seconded by Vice Chair Sanchez; Motion approved (4-0).

Case 23-0714 Nabil Aboukhaled
1839 East Court
Lake Clarke Shores, FL 33406

Sec. 34-19(7) Prohibited outdoor storage.

The Respondent was not present. Based on the testimony and evidence presented for Sec. 34-19(7), the Board determined the Respondent is in violation, and the Respondent must come into compliance by October 28, 2023, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Vice Chair Sanchez, seconded by Board Member Cook; Motion approved (4-0).

Case 23-0733 Marissa Murphy
1905 Mediterranean Road West
Lake Clarke Shores, FL 33406

Sec. 34-19(9)(b) The driveway needs to be cleaned.

The Respondent was not present. Based on the testimony and evidence presented for Sec. 34-19(9)(b), the Board determined the Respondent is in violation, and the Respondent must come into compliance by November 25, 2023, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Vice Chair Sanchez, seconded by Board Member Cook; Motion approved (4-0).

11. Board Comments, Suggestion and Updates

Vice Chair Sanchez recommended the Town catches up on all violations and present them to the Code Enforcement Board at the December 6, 2023 Hearing. The Code

Enforcement Officer responded that he could bring 20 to 30 cases more to the December Hearing. The Recording Clerk responded that staff will discuss it with the Town Manager and if needed, we could have two hearings either in December or January to catch up. Chair Hughes asked how many open cases there were. The Code Enforcement Officer responded that there were approximately 400 to 500 open cases.

Board Member Cook thanked the Board Members who talked about the Code Enforcement Board and special magistrate during the October Town Council meeting.

Board Member Cook asked about the status of all cases that came into compliance at 1812 Barbados Road since the house just sold. The Code Enforcement Officer stated that he talked to the new owner earlier today. The previous owner had informed the new owners of the violation, of the hearing tonight and that he would take care of everything. The Officer confirmed with Town Hall that the previous owner passed his final inspection for the work done without a permit.

Board Member Cook asked whether the Town was liable if there were violations on a property that sold. The Town Attorney responded that the previous owner is responsible for notifying the new owner of the violations. The Town does not need to create new cases but must give more time for the new owners to comply.

A. Code Enforcement Board Proposed Fine Guidelines – Paul Hughes

The Board Members discussed the proposed fine guidelines presented by Chair Hughes. They agreed on the following changes:

- Add the word fence after unsecured/protected pools under the category Health/Safety
- Replace \$150 by \$250 for construction/replacement/repair without permits
- Replace \$250 by “pursuant to Florida Statutes” for operating a business without town business tax receipt
- Divide the Seawall/Dock category into two categories
- Include the word lighting for dock
- Add a fine of \$250 for seawall requiring repair/replacement

The Board also discussed maximum fines allowed per Florida Statutes and repeat violations.

Motion made by Board Member Cook to adopt the Fine Guidelines as amended, seconded by Vice Chair Sanchez; Motion approved (4-0).

Board Member Sanchez suggested the Town provides a list of works requiring permits in the newsletter.

12. Adjournment

Motion by Board Member Moody, seconded by Vice Chair Sanchez; Motion approved (4-0).

Meeting adjourned at 7:44 p.m.

Paul Hughes, Chair

Emilie Pearson, Recording Clerk