

**MINUTES
TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING
JULY 28, 2021 6:30 P.M.**

1. Call to Order

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

2. Roll Call

Present: Paul Hughes, Chair; Ben Hartman, Vice Chair; Ariel Hernandez, Board Member; Gerard Sanchez, Board Member; Robert Gonzalez, Board Member; and Deb Moody, Board Member.

Also in attendance: Charles F. Schoech, Town Attorney; Sgt. Dana Fisher, Code Enforcement Officer; and Emilie Pearson, Recording Clerk.

Absent: Debbie Gregorian, Board Member.

3. Pledge of Allegiance

4. Oath of Office

Deb Moody took her Oath of Office.

5. Approval of Agenda

Motion by Board Member Gonzalez to approve the Agenda, seconded by Vice Chair Hartman; Motion approved (6-0).

6. Consent Agenda

- A. Approval of the Minutes of the May 26, 2021 Code Enforcement Board Hearing
- B. Unfinished Cases Now in Compliance
- C. New Cases Now in Compliance

Case 21-0315 Estate of Mary A. Webb
1819 Antigua Road
Lake Clarke Shores, FL 33406

Sec.34-20, 34-19(12) Nuisance bees/rodents and wildlife coming from property causing nuisance to neighbors

Case 21-0318 Jack Basilone & Kevin McClatchy
1405 Beta Court
Lake Clarke Shores, FL 33406

Sec. 125-263(8) Address numbers not displayed on residence

Case 21-0321 Susan E. Downing as Trustee of the Susan E.
Downing Revocable Trust Dated October 9, 2002
1416 Arabian Road East
Lake Clarke Shores, FL 33406

Sec. 34-20 Screen on front window in disrepair/ripped

Motion by Board Member Gonzalez to approve the Consent Agenda, seconded by Vice Chair Hartman; Motion approved (6-0).

7. Disclosure of Visit

There was no disclosure of visits. However, Board Member Gonzalez disclosed that he may be representing Paul Ghigliotti in a matter unrelated to the code enforcement matter which may constitute a conflict of interest.

8. Swearing in of Witnesses by Attorney

9. Unfinished Cases/Lien Imposition Hearing

Case 21-0126 John J. Ghigliotti, Trustee of the John J. Ghigliotti Trust
Dated June 8, 1992
7523 Pine Tree Lane
Lake Clarke Shores, FL 33406

Sec. 34-20, 34-19(7) Open storage in public view on front porch

Paul Ghigliotti was present on behalf of the Respondent who passed away. Based on the testimony and evidence presented for Sec. 34-20 and 34-19(7), the Board determined the Respondent was in compliance as of June 1, 2021, and waived the fine and administrative costs in the matter.

Motion by Vice Chair Hartman, seconded by Board Member Sanchez; Motion approved (5-0); Board Member Gonzalez abstained from voting.

10. Continued Cases

Case 21-0121 Madelaine Martorella
1809 Arlington Drive
Lake Clarke Shores, FL 33406

Sec. 34-20, 34-19(9)(c) Roof in disrepair/has tarp on it

The Respondent, Madelaine Martorella, was not present. Based on the testimony and evidence presented for Sec. 34-20 and 34-19(9)(c), the Board determined the Respondent remains in violation, and imposed a fine of \$50.00 per day starting on July 29, 2021 until compliance is achieved.

Motion by Vice Chair Hartman, seconded by Board Member Gonzalez; Motion approved (6-0).

Case 21-0070 Patricia T. Rott
7741 West Lake Drive
Lake Clarke Shores, FL 33406

Sec. 34-20, 34-19(9)(c) Roof in disrepair/has tarp on it

Motion by Board Member Gonzalez, seconded by Board Member Hernandez to submit into evidence documents related to the mediation proceeding provided by the Respondent to the Board; Motion approved (6-0).

Allison Manning was present on behalf of the Respondent. Based on the testimony and evidence presented for Sec. 34-20 and 34-19(9)(c), the Board determined the Respondent remains in violation, and the Respondent must come into compliance by the next Code Enforcement Hearing on August 25, 2021, or a fine of \$50.00 per day will be imposed until compliance is achieved. The Code Enforcement Board determined that the Respondent must remove the tarp on the front of the roof to become compliant.

Motion by Board Member Gonzalez, seconded by Board Member Sanchez; Motion approved (6-0).

11. New Cases

Case 21-0127 Marilyn & David Pourazar
1332 South Florida Mango Road
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Work done without a permit

Motion by Vice Chair Hartman, seconded by Board Member Gonzalez to submit into evidence a letter, pictures and map provided by the Respondents to the Board; Motion approved (6-0).

The Respondents, Marilyn and David Pourazar, were present. Based on the testimony and evidence presented for Sec. 10-91(a), the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Hearing on August 25, 2021 by removing the columns located on the county right-of-way and/or applying for a permit to relocate the columns on his property, or a fine of \$50.00 per day may be imposed until compliance is achieved.

Motion by Vice Chair Hartman, seconded by Board Member Gonzalez; Motion approved (6-0).

The Board also ordered the Respondents to cease and desist any work to the columns except to remove or relocate the columns, or a fine of \$250 will be imposed for each occurrence of the violation.

Motion by Board Member Gonzalez, seconded by Board Member Sanchez; Motion approved (6-1). Board Member Hernandez opposed the Motion.

Case 21-0314 Estate of Mary A. Webb
1819 Antigua Road
Lake Clarke Shores, FL 33406

Sec. 125-767(b)(7) Inoperable vehicle stored on property

The Respondent was not present. Based on the testimony and evidence presented for Sec. 125-767(b)(7), the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Hearing on August 25, 2021, or a fine of \$25.00 per day may be imposed until compliance is achieved.

Motion by Vice Chair Hartman, seconded by Board Member Moody; Motion approved (6-0).

Case 21-0316 Malcolm L. Allison
6785 Escondida Drive
Lake Clarke Shores, FL 33406

Sec. 34-20, 34-19(4) Overgrown vegetation along fence/not maintained (started, but did not finish)

The Respondent, Malcom L. Allison, was present. Based on the testimony and evidence presented for Sec. 34-20 and 34-19(4), the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Hearing on August 25, 2021, or a fine of \$25.00 per day may be imposed until compliance is achieved.

**Motion by Board Member Hernandez, seconded by Vice Chair Hartman;
Motion approved (6-0).**

Case 21-0317 Jack Basilone & Kevin McClatchy
1405 Beta Court
Lake Clarke Shores, FL 33406

Sec. 125-891(b) Pool fully accessible to public (safety issue)

The Respondents were not present. Based on the testimony and evidence presented for Sec. 125-891(b), the Board determined the Respondents are in violation, and imposed a fine of \$250.00 per day starting July 29, 2021 until compliance is achieved. The daily fine will cease to accrue after the Respondents install a temporary fence on the property to restrict public access to the pool. Additionally, the Board ordered the Respondents to apply for a permanent fence permit by the next Code Enforcement Board Meeting on August 25, 2021, or a fine of \$250.00 per day may be imposed until compliance is achieved.

**Motion by Board Member Gonzalez, seconded by Vice Chair Hartman;
Motion approved (6-0).**

Case 21-0319 Susan E. Downing as Trustee of the Susan E. Downing
Revocable Trust Dated October 9, 2002
1416 Arabian Road East
Lake Clarke Shores, FL 33406

Sec. 34-20, 34-19(3) Dead/dying lawn/ungrassed areas/loose dirt

The Respondent was not present. Based on the testimony and evidence presented for Sec. 34-20 and 34-19(3), the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Hearing on August 25, 2021, or a fine of \$30.00 per day may be imposed until compliance is achieved.

**Motion by Board Member Gonzalez, seconded by Vice Chair Hartman;
Motion approved (6-0).**

Case 21-0320 Susan E. Downing as Trustee of the Susan E. Downing
Revocable Trust Dated October 9, 2002
1416 Arabian Road East
Lake Clarke Shores, FL 33406

Sec. 34-20 Mildew on residence

The Respondent was not present. Based on the testimony and evidence presented for Sec. 34-20, the Board determined the Respondent is in violation,

and the Respondent must come into compliance by the next Code Enforcement Hearing on August 25, 2021, or a fine of \$20.00 per day may be imposed until compliance is achieved.

Motion by Board Member Gonzalez, seconded by Board Member Sanchez; Motion approved (6-0).

Case 21-0322 Susan E. Downing as Trustee of the Susan E. Downing Revocable Trust Dated October 9, 2002
1416 Arabian Road East
Lake Clarke Shores, FL 33406

Sec. 34-20, 34-19(9)(d) White fencing full of mildew/not maintained in good repair

The Respondent was not present. Based on the testimony and evidence presented for Sec. 34-20 and 34-19(9)(d), the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Hearing on August 25, 2021, or a fine of \$20.00 per day may be imposed until compliance is achieved.

Motion by Board Member Gonzalez, seconded by Board Member Hernandez; Motion approved (6-0).

Case 21-0326 Adalberto Valcarcel
7516 Nemec Drive North
Lake Clarke Shores, FL 33406

Sec. 34-19(3), 34-20 Dead/dying lawn/ungrassed areas/loose dirt

Oscar Otero was present on behalf of the Respondent. Mr. Otero will purchase the referenced real property. Based on the testimony and evidence presented for Sec. 34-19(3) and 34-20, the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Hearing on August 25, 2021.

Motion by Vice Chair Hartman, seconded by Board Member Hernandez; Motion approved (6-0).

Case 21-0327 Adalberto Valcarcel
7516 Nemec Drive North
Lake Clarke Shores, FL 33406

Sec. 34-20 Blue painter's tape around window

Oscar Otero was present on behalf of the Respondent. Based on the testimony and evidence presented for Sec. 34-20, the Board determined the Respondent is in violation, and the Respondent must come into compliance by the next Code Enforcement Hearing on August 25, 2021.

Motion by Vice Chair Hartman, seconded by Board Member Hernandez; Motion approved (6-0).

12. Board Comments, Suggestion and Updates

The Town Attorney discussed the Sunshine Law and conflicts of interest. He explained that Board Member Gonzalez must complete Form 8B Memorandum of Voting Conflict which must be filed with the Minutes of the Hearing.

There was discussion about the Code Enforcement Officer route and the prohibition of anonymous code enforcement complaints.

13. Adjournment

Motion by Board Member Gonzalez, seconded by Board Member Hernandez; Motion approved (6-0).

Meeting adjourned at 8:26 p.m.

Paul Hughes, Chairman

Emilie Pearson, Recording Clerk