

**MINUTES
TOWN OF LAKE CLARKE SHORES
CODE ENFORCEMENT BOARD HEARING
DECEMBER 8, 2021 6:30 P.M.**

1. Call to Order

Chairman Hughes called the meeting to order at 6:33 p.m.

2. Roll Call

Present: Paul Hughes, Chair; Gerard Sanchez, Board Member; Deb Moody, Board Member; and Debbie Gregorian, Board Member.

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

Absent: Benjamin Hartman, Vice Chair; Ariel Hernandez, Board Member; and Robert Gonzalez, Board Member.

3. Pledge of Allegiance

4. Approval of Agenda

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

5. Board Comments, Suggestions and Updates

- A. Discussion Regarding Code Enforcement Procedure – Charles F. Schoech, Town Attorney

The Town Attorney explained that Board Members may notify the Code Enforcement Officer and the Town of possible code violations. However, Board Members will have to recuse themselves if the violation goes before the Code Enforcement Board.

The Town Attorney also discussed how a surge in roof insurance claims, including illegitimate insurance claims, have impacted code violations and hearings. He mentioned that if respondents are pursuing repairs, the Board has the ability to continue the matter and give more time to comply. The Town Attorney explained that the Board may also consider when respondents pursue claims against their insurance companies. However, he suggested that it should not cause the matter to be prolonged in some

instances for over a year because they are private matters between homeowners and their insurance companies. He recommended that the Board issues a violation, if appropriate, and impose a fine. When respondents are in compliance, they may come back to the Board for a fine reduction. He mentioned that it is not necessary to bring back respondents month after month. He reminded the Board that it is an independent body and has the authority to make decisions it feels appropriate.

Chair Hughes asked whether it was possible for board members to be reminded that they must recuse themselves during a case when board members had notified the Code Enforcement Officer of the possible violation. He explained it can take several months before a case is heard before the Board and board members may forget. Chair Hughes felt the Board is lenient until a certain point when no action is taken by respondents in regards to roof matters.

6. Consent Agenda

- A. Approval of the Minutes of the October 27, 2021 Code Enforcement Board Hearing
- B. Unfinished Cases Now in Compliance

Case 21-0409 David and Ellen Bredeweg
7546 Palm Road
Lake Clarke Shores, FL 33406

Sec. 121-86(c) Tree overgrown and hanging too low to the roadway

Case 21-0417 Bridget Keating
7205 Pine Tree Lane
Lake Clarke Shores, FL 33406

Sec. 10-91(a) Installed a sand bag retaining wall without a permit (no land use agreement)

Case 21-0418 Linh Kim Ngo and Huy T. Vu
8048 South Lake Drive
Lake Clarke Shores, FL 33406

Sec. 10-91 (a) Pergola/wood structure built in rear and side of property without permit

Case 21-0419 John J. Ghigliotti, Trustee of the John J. Ghigliotti Trust
Dated June 8, 1992

7523 Pine Tree Lane
Lake Clarke Shores, FL 33406

Sec. 34-19(3), 34-20 Deterioration/front door in disrepair; hole in bottom section of door

Case 21-0420 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 Metal antenna in rear of property leaning/safety issue

Case 21-0356 Samuel R. Trent Jr./Samuel R. Trent, Jr., Living Trust Dated
October 30, 2000
1801 Carandis Road
Lake Clarke Shores, FL 33406

Sec. 34-20, 34-19(3) Ungrassed areas on property

C. New Cases Now in Compliance

None

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

7. Disclosure of Visit

None

8. Swearing in of Witnesses by Attorney

9. Unfinished Cases/Fine Imposition Hearing

None

10. Continued Cases

Case 21-0377 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(12) Property kept in a manner which causes nuisance to other properties (rats, trash, etc.)

Real Estate Agent Howard Garolsky was present on behalf of the Respondent. Based on the testimony and evidence presented for Sec. 34-20 and 34-19(12), the Board determined the Respondent remains in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on January 26, 2022, or a fine of \$250 per day may be imposed until compliance is achieved.

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

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 compliance, and waived the fine and administrative costs imposed on August 26, 2021 regarding the permanent fence. The lien imposed on October 27, 2021 regarding the temporary fence is not waived and is still in effect.

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

Case 21-0342 Shannon K. Logsdon
7600 Pine Tree Lane
Lake Clarke Shores, FL 33406

Sec. 34-20, 34-19(9)(a) Swimming pool in disrepair

The Respondent was not present. Based on the testimony and evidence presented for Sec. 34-20 and 34-19(9)(a), the Board determined the Respondent remains in violation, and the Respondent must come into compliance by the next Code Enforcement Board Hearing on January 26, 2022, or a lien will be imposed.

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

Case 21-0375 Malcolm L. Allison
6785 Escondida Drive
Lake Clarke Shores, FL 33406

Sec. 34-19(9)(d), 34-20 Fence in disrepair around entire property

Respondent Malcolm L. Allison was present. Based on the testimony and evidence presented for Sec. 34-19(9)(d) and 34-20, the Board determined the Respondent remains in violation, and continued the case until the next Code Enforcement Board Hearing on January 26, 2022.

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

11. New Cases

None

12. Adjournment

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

Meeting adjourned at 7:15 p.m.

Paul Hughes, Chairman

Emilie Pearson, Recording Clerk