



**CODE ENFORCEMENT BOARD MEETING
TUESDAY, FEBRUARY 17, 2015
CITY HALL at 685 WEST MONTROSE STREET
At 6:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES OF THE CODE ENFORCEMENT BOARD

Approval of the January 20, 2015 Code Enforcement meeting minutes.

OPENING STATEMENT

SWEARING IN WITNESSES

AGENDA

NEW BUSINESS

**Case No. C2014-010093
Crain**

Amy Odum Estate
Vacant lot east end of E. Juniata St.
Clermont, FL 34711

VIOLATION:

Chapter 14, Section 302.8
IPMC - Exterior Property Maintenance
Chapter 34, Section 34-95
Prohibition of Storage of certain items

Discussion of Non-Agenda Items

ADJOURN

Any person wishing to appeal any decision made by the Code Enforcement Board at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Planning and Zoning Department at 352-241-7302.

Please be advised that if you intend to show any document, picture, video or items to the Council or Board in support or opposition to any item on the agenda; a copy of the document, picture, video or item must be provided to the Recording Clerk for the City's records.

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JANUARY 20, 2015**

The regular meeting of the Code Enforcement Board was called to order on Tuesday, January 20, 2014 at 6:00 p.m. Members attending were Chairman Dave Holt, along with Board members Ken Forte, Larry Seidler, Bill Rini, Alfred Mannella, Chandra Myers, and Harvey Rosenberg. Also attending were Barbara Hollerand, Development Services Director, Evie Wallace, Code Enforcement Supervisor, Lori Crain, Code Enforcement Officer, Valerie Fuchs, Code Enforcement Attorney, Dan Mantzaris, City Attorney, Marivon Adams, Permit Tech, and Rae Chidlow, Planning Specialist.

The Pledge of Allegiance was recited.

The minutes from the Code Enforcement Board meeting of November 19, 2014 were approved as written.

Chairman Dave Holt read the Opening Remarks.

Code Enforcement Supervisor Evie Wallace, and Code Enforcement Officer Lori Crain, along with any of the public who may testify, were sworn in.

Chairman Dave Holt gave the floor to Code Enforcement Staff and City Attorney.

CASE NO. 2014-010026

Ramlakhan & Munidai Singh
699 N. Highway 27
Clermont, FL 34711

LOCATION OF VIOLATION: 699 N. Highway 27, Clermont, FL 34711

VIOLATION: Chapter 34, Section 34-31 (10) Loud, disturbing and unnecessary; enumeration; Section 34-61 (5) Enumeration of prohibited items, conditions, or actions constituting nuisances

City Attorney Dan Mantzaris introduced the case.

The Respondent was present.

Code Enforcement Officer Lori Crain, who was sworn in, exhibited pictures that are a true and accurate depiction of the condition of the property on the date taken and read the violation summary as follows: You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances due to the following: Noise complaints from the residential area abutting Gabby's.

On 10/25/14 Clermont Police Department responded to complaint of loud music 2 separate times. (14C25132)

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Respondent was advised by email if another complaint was received this case would proceed to CEB. On 11/8/14 to 11/9/14 Clermont Police Department responded to complaints of loud music 2 separate times. (14C26358).

Compliance of this violation will be when the following conditions are met: Business located adjacent to the residential sections of the city between the hours of 11:00 pm and 7:00 am on any day, adheres to the noise ordinance.

Officer Stone, Clermont Police Department, stated that on September 9, 2014 he responded to a noise complaint. He stated that when he arrived at Gabby's, he observed the music was loud and they were asked to turn the music down, which they did at that time. He stated that the complaint was from the neighboring residents. He stated that while in the complainant's home, Gabby's turned the music back up. He stated that he could hear the music and seen the vibration of some of the complainant's items. He stated he went back to Gabby's and spoke to the DJ. He stated that after the third trip to Gabby's, they did turn the music down for the rest of the evening. He stated that when he looked into the past complaints there were 11 previous complaints.

Shane Freidman, 656 S. Grand Highway, stated that his building is in front of the pool which is further away from the property line and Gabby's. He stated that the noise disturbance ordinance should not be only between 11:00 pm and 7:00 am, but always. He stated that the noise issue is annoying and disturbing to him.

Andrew Parness, 648 S. Grand Highway, stated that his building is closest to Gabby's. He stated that the noise issue is more than annoying, it's affecting his health.

Denise Forest, 750 S. Grand Highway, stated that she has lived there and dealing with the noise for a while. She stated that her and her husband can't get sleep and it is affecting her health. She stated that she hears the music until about 2:00 and 3:00 am.

Terri Rietz, 734 S. Grand Highway, stated that she can hear the music from her home because they open their doors. She stated that this issue went before Council in the summer. She stated the mayor told them that Gabby's was meant to be a banquet hall and never intended them to be a night club or to disturb the neighbors.

Carol Rosario, 640 S. Grand Highway, stated that there is a door on the side near the dumpster area that they open. She stated that the noise issue that happens every Friday and Saturday night. She stated they advertise Latin nights, which means it's not an event because it sounds like anyone can enter. She stated that almost every weekend around 4:00 – 5:00 pm she hears the testing of the music. She stated that she has pounding headaches from the music. She stated that it is annoying and a nuisance to her.

Beverly Minner, 652 S. Grand Highway, stated that she moved from 602 S. Grand Hwy. to 652 S. Grand Hwy. and she still hears the noise, but her pictures stay on the wall. She stated that

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when she lived at 602 S. Grand Hwy. she had five pictures fall off her wall due to the thumping of the music. She stated that she has to be at work at 7:30 am on Saturday's and she can't go to sleep until after the music is turned down which is between 2:00 and 3:00 am.

Ramlakhan Singh, 21214 Coralwood Lane, Groveland, stated that the officer who spoke was not the officer who responded to the 9:00 pm complaint. He stated that there were two other officers who responded and they did not find any noise issues at that time.

Officer Stone stated that Mr. Singh is right, he did not respond to the 9:00 pm complaint, however he did respond to the other complaints after 11:00 pm.

Mr. Singh stated that he has established this business 2 years and 4 months ago. He stated that since there has been several police presence. He stated that it has been up to the officer to determine the violation. He stated that he did not have a way to determine how to monitor the noise. He stated that he spent \$31,000 on insulation that supersedes the building code. He stated that after all he has done to keep the sound in the building; he would have never thought this would affect the neighbors. He stated that they need to have music for their business. He stated that he will do whatever he needs to do to solve this problem. He stated that it is not good business to have police presence all the time.

Chairman Dave Holt stated that he is glad to hear that Mr. Singh is willing to resolve the noise problem and that it is up to him to correct this issue with the neighbors.

Commissioner Bill Rini asked if Mr. Singh has changed the use of the building since applying as a banquet hall.

Mr. Singh stated that everything that happens at the facility is a planned event.

Commissioner Harvey Rosenberg asked when they have events that are called Latin nights, are they held by him or by another patron renting the fee. He asked who is collecting the door fee.

Mr. Singh stated that if a patron rents the facility, they will make an agreement as to who collects the door fee and who collects the liquor fee.

Commissioner Harvey Rosenberg asked how many times a month does he collect the door fee.

Mr. Singh stated that he has collected the fee twice in three months.

Commissioner Harvey Rosenberg asked if his liquor license was 4COPSRX.

Mr. Singh stated yes.

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Commissioner Harvey Rosenberg stated that with this type of liquor license he would be required to serve 51% food sales with liquor. He asked if he has installed restrictors on the house equipment to control the noise level.

Mr. Singh stated that the house equipment is only speakers and microphones.

Commissioner Harvey Rosenberg asked what party types are held at the banquet hall.

Mr. Singh stated mostly birthdays.

Commissioner Harvey Rosenberg asked who controls the DJs that work at the facility.

Mr. Singh stated that his managers which is his son, son-in-law, or daughter.

Commissioner Harvey Rosenberg asked if he as a full service kitchen in the establishment.

Mr. Singh stated yes.

Commissioner Harvey Rosenberg asked if he is serving food or buffet.

Mr. Singh stated that they mostly have a buffet.

Commissioner Harvey Rosenberg stated that is sounds like he is leasing the facility out as a bar.

Commissioner Al Mannella asked who hires the DJs.

Mr. Singh stated that it is a choice of the patron.

Commissioner Chandra Myers stated that the facility is not being managed very well if the neighbors are complaining.

Mr. Singh stated that he agrees that it shouldn't be happening.

City Attorney Dan Mantzaris stated that there are plenty of things the Respondent can do to resolve this issue. He stated that during this case there may be other issues about the events. He stated that he does not ever recall paying a door fee for birthday or anniversary parties. He stated that there is a quick compliance date because the violation can be corrected by turning down the volume.

Mr. Singh stated that they have not collected door fees for birthday or anniversary parties.

Chandra Myers made a motion to find the Respondent in violation with a fine of \$250.00 for every day the violation exists past January 21, 2015; seconded by Harvey Rosenberg. The vote was unanimous in favor of finding violation and the amount of the fine.

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CASE NO. 2014-010054

John P. Adams & Ann D. Adams
2555 E. Highway 50
Clermont, FL 34711

LOCATION OF VIOLATION: 2555 E. Highway 50, Clermont, FL 34711

VIOLATION: Chapter 118, Section 118-35 Maintenance & Pruning

City Attorney Dan Mantzaris introduced the case.

The Respondent was not present.

Code Enforcement Supervisor Evie Wallace, who was sworn in, exhibited pictures that are a true and accurate depiction of the condition of the property on the date taken and read the violation summary as follows: You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances due to the following: Dead or dying hedges behind Chili's.

Compliance of this violation will be when the following conditions are met: When dead hedges behind Chili's are replaced with Florida #1 grade shrubs.

Ken Forte made a motion to find the Respondent in violation with a fine of \$250.00 for every day the violation exists past February 17, 2015; seconded by Chandra Myers. The vote was unanimous in favor of finding violation and the amount of the fine.

CASE NO. 2014-010058

Lindenhurst Realty Group, Inc.
c/o Zaya Givargidze
998 E. Highway 50
Clermont, FL 34711

LOCATION OF VIOLATION: 998 E. Highway 50, Clermont, FL 34711

VIOLATION: Chapter 86, Section 86-285 (b)(f) Cure Plan/Landscaping

City Attorney Dan Mantzaris introduced the case.

The Respondent was not present.

Code Enforcement Supervisor Evie Wallace, who was sworn in, exhibited pictures that are a true and accurate depiction of the condition of the property on the date taken and read the violation summary as follows: You are hereby notified that you are in violation of the referenced section

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of the City of Clermont Code of Ordinances due to the following: Mobil Gas Station has been open for several months and has not adhered to the approved Cure Plan.

Compliance of this violation will be when the following conditions are met: When Mobil Gas Station obtains the required permits.

Alfred Mannella made a motion to find the Respondent in violation with a fine of \$250.00 for every day the violation exists past February 17, 2015; seconded by Bill Rini. The vote was unanimous in favor of finding violation and the amount of the fine.

Ken Forte nominated Dave Holt; seconded by Harvey Rosenberg. The vote was unanimous.

Harvey Rosenberg nominated Chandra Myers; seconded by Ken Forte. The vote was unanimous.

There being no further business, the meeting was adjourned at 7:53 p.m.

Dave Holt, Chairman

Attest:

Rae Chidlow, Code Enforcement Clerk

City of Clermont

P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

VIOLATION NOTICE

December 23, 2014

Violation # C2014-010093

To: ODUM AMY ESTATE
PO BOX 120042
CLERMONT, FL 34712

Violation/Property address: Vacant Lot East end of East Juniata Street

You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at **Vacant Lot East end of East Juniata Street;**
parcel #092226070005000000.

Compliance of The Violation(s) listed below:

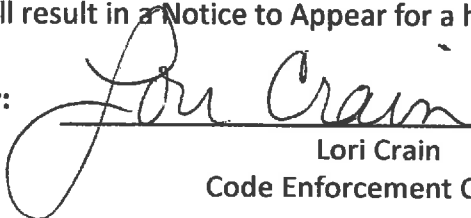
Type of Violation: Exterior Property Maintenance Section 302-IPMC
Section 302.8 Motor Vehicles: Inoperative and/or unlicensed motor home and black Cadillac in state of disrepair on property.

Type of Violation: Prohibition of storage of certain items Section 34
Section 34-95 keep, storing or allowing of dismantled, nonoperative, discarded machinery, vehicles or parts: several lawn care items and miscellaneous pieces of machines, etc on above stated property.

Please contact me at (352)-241-7343 or lcrain@clermontfl.org when you comply, so an inspection to determine compliance can be scheduled.

You are directed to take action by January 12, 2015. Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Board.

By:



Lori Crain
Code Enforcement Officer

City of Clermont
P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

AFFIDAVIT OF POSTING

CITY OF CLERMONT
Petitioner

CEB CASE # C2014-010093

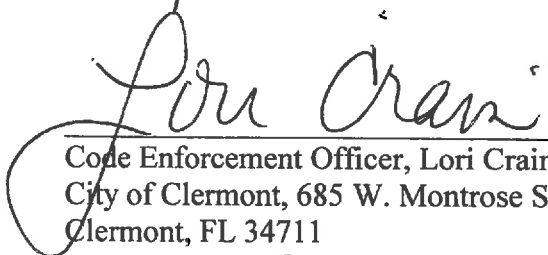
VS.

ODUM AMY ESTATE (parcel #092226070005000000)
Respondent

Personally appeared before me, Lori Crain Code Enforcement Officer of the City of Clermont:

That a copy of the Violation Notice and the Hearing Notice was posted at the south public entrance of Clermont City Hall, 685 W. Montrose Street, Clermont, FL 34711, in addition to the real property known as VL E end of E Juniata (parcel #092226070005000000) on the 16th day of January, 2015.

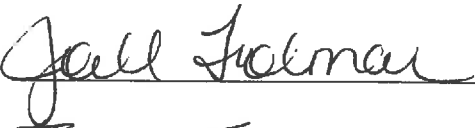
Sworn to and subscribed before me this 16th day of January 2015


Code Enforcement Officer, Lori Crain
City of Clermont, 685 W. Montrose Street
Clermont, FL 34711

The forgoing instrument was acknowledged before me this 16 day of January 15, by Lori Crain, Code Enforcement Officer for the City of Clermont, who is personally known to me and who did take an oath.



JOELL FOLMAR
MY COMMISSION # FF 008885
EXPIRES: June 26, 2017
Bonded Thru Budget Notary Services

Signature: 

Printed Name: Joell Folmar

Code Enforcement Board of the
City of Clermont

NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner

Case No. C2014-010093

vs.

ODUM AMY ESTATE

Respondent

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby called to take notice that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement Board on: **Tuesday, February 17, 2015, 6:00 PM,**

at

685 West Montrose Street, Clermont, Florida.

Council Chambers of City Hall

The Board will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and the recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Board even if the violation has been corrected prior to the hearing.

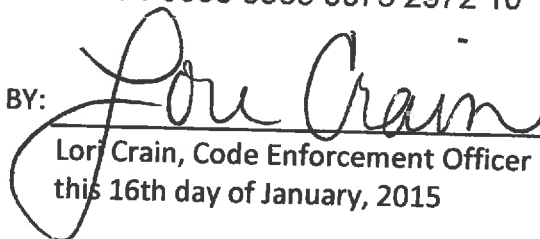
Any letters, lists, pictures of items displayed, presented or handed out at a public meeting for any City Commission, Board, Council or City public meeting, must be left with the recording clerk at the meeting at that time. No cell phone or electronic displays are permitted unless a printed copy is supplied at that time to the recording clerk.

PLEASE GOVERN YOURSELF ACCORDINGLY.

I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, ODUM AMY ESTATE. PO Box 120042, Clermont, FL 34712
Certified Mail/Return Receipt Requested #

9171 9690 0935 0075 2972 10

BY:


Lori Crain, Code Enforcement Officer
this 16th day of January, 2015

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.