

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
JANUARY 20, 2015**

The regular meeting of the Code Enforcement Board was called to order on Tuesday, January 20, 2015 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 Holt read the Opening Remarks.

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

Chairman 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 Mantzaris introduced the case.

The Respondent was present.

Code Enforcement Officer 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 two 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 and 11/9/14 Clermont Police Department responded to complaints of loud music two 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 has been dealing with the noise for a while. She stated that she 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 Gabby's opens its doors. She stated that this issue went before the City 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 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 then there have been several police responses. 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 exceeds 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 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.

Board member 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.

Board member Rosenberg asked when they have events that are called Latin nights, are they held by him or by another patron renting the facility. 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.

Board member 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.

Board member Rosenberg asked if his liquor license was 4COPSRX.

Mr. Singh stated yes.

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Board member 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.

Board member Rosenberg asked what party types are held at the banquet hall.

Mr. Singh stated mostly birthdays.

Board member Rosenberg asked who controls the DJs that work at the facility.

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

Board member Rosenberg asked if he has a full service kitchen in the establishment.

Mr. Singh stated yes.

Board member Rosenberg asked if he is serving food or buffet.

Mr. Singh stated that they mostly have a buffet.

Board member Rosenberg stated that sounds like he is leasing the facility out as a bar.

Board member Mannella asked who hires the DJs.

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

Board member 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 Mantzaris stated that there are plenty of things the Respondent can do to resolve this issue. He stated that 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.

Board member 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 Board member 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 Mantzaris introduced the case.

The Respondent was not present.

Code Enforcement Supervisor 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.

Board member 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 Board member 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 Mantzaris introduced the case.

The Respondent was not present.

Code Enforcement Supervisor 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.

Board member 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 Board member Rini. The vote was unanimous in favor of finding violation and the amount of the fine.

Board member Forte nominated Chairman Holt; seconded by Board member Rosenberg. The vote was unanimous.

Board member Rosenberg nominated Board member Myers; seconded by Board member 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