

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
JULY 21, 2015**

The regular meeting of the Code Enforcement Board was called to order on Tuesday, July 21, 2015, at 6:00 p.m. Members attending were Chairman Dave Holt, along with Board members Bill Rini, Alfred Mannella, Chandra Myers and Harvey Rosenberg. Also attending were Development Services Director Barbara Hollerand, Evie Wallace, Code Enforcement Supervisor, Lori Crain, Code Enforcement Officer, Valerie Fuchs, Code Enforcement Attorney, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

The Pledge of Allegiance was recited.

The minutes from the Code Enforcement Board meeting of June 16, 2015 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.

City Attorney Dan Mantzaris stated that Case No. 2015-000093 will be continued to the August 18, 2015 Code Enforcement meeting.

Board member Rosenberg made a motion to continue case no. 2015-000093 to the August 18, 2015 Code Enforcement meeting; seconded by Board member Myers. The vote was unanimous to continue the case.

CASE NO. 13-973

Bank of Camden
214 Second Street
Clermont, FL 34711

LOCATION OF VIOLATION: 214 Second Street, Clermont, FL 34711

REQUEST: Join motion for approval of stipulation.

City Attorney Mantzaris introduced the case. He stated that the Respondent agrees to the following stipulations: Respondent will dismiss the pending appeal of the prior code enforcement board order, they would obtain a demolition permit for the secondary garage structure by July 11, 2015, (which they have already applied for), and will demolish the garage structure within 45 days of this order. He stated that the existing fine would be reduced from \$148,200.00 to \$5000 provided that it's paid within 45 days of the order from this board and if all three requirements are met. He stated that the Respondent has agreed to keep the property boarded up throughout this process.

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The Respondent who was present, was sworn in.

Ladd Fassett, Fassett, Anthony, and Taylor P.A., Orlando, stated that the Respondent has agreed and signed the joint stipulation.

Board member Mannella made a motion to agree to the joint stipulation and reduction of the fine; seconded by Board member Rosenberg. The vote was unanimous in favor of the joint stipulation and fine reduction.

CASE NO. 2015-000035

Ivan Lagares-Gomez & Olga Lagares
181 W. Minnehaha Ave.
Clermont, FL 34711

LOCATION OF VIOLATION: 181 W. Minnehaha Ave., Clermont, FL 34711

REQUEST: Reduction of fines

City Attorney Mantzaris introduced the case.

The Respondent was present.

Olga Lagares, 181 W. Minnehaha Ave., stated that she is asking to dismiss the fines. She stated she feels they met the requirements that were requested of them. She stated that they were waiting for the approval of a variance request.

Jose Lebron, 1050 White Bark Ct., Minneola, stated that it was an expansion of an existing garage. He stated that the shed existed, as well.

City Attorney Mantzaris stated that the work was completed prior to obtaining a permit. He stated that the fine is currently \$2200. He stated the Respondent was being fined while waiting for the variance request process. He stated that compliance was obtained with the approval of the variance. He stated the City would agree to a reduction of fine to \$250.

Board member Rosenberg made a motion to reduce the fine to \$250 to be paid within 30 days; seconded by Board member Myers. The vote failed 2-3 with Chairman Holt, along with Board members Myers, and Mannella opposing.

Board member Rosenberg made a motion to reduce the fine to \$250 to be paid within 10 days. Failed due to lack of a second.

Board member Rosenberg stated that the Respondents were brought before the Board because they did not do their due diligence prior to doing work on their property.

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Chairman Holt passed the gavel and made a motion to reduce the fine to \$0; seconded by Board member Mannella. The vote was 3-2 with Board members Rini and Rosenberg opposing.

CASE NO. 2015-000157

Hurtak Family Partnership, LTD
Clermont Furniture, Inc.
604 E. Highway 50
Clermont, FL 34711

LOCATION OF VIOLATION: 604 E. Highway 50, Clermont, FL 34711

VIOLATION: Chapter 14, Section 701.2 Responsibility, 702.1 Means of Egress, 704.1 Fire Protection Systems, 704.1.1 Automatic Sprinkler Systems.

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, dates, and staff recommendation for the record.

Jennifer Pierce, City of Clermont Fire Department, stated that this has been an ongoing issue with this business for the past twelve months. She stated that the store has been closed numerous times until compliance was met. She stated that the code violations are impacted by the height of the product that is stacked in the halls. She stated that anything over 12 feet high requires additional sprinkler coverage. She stated that they are required to provide written notice from the fire sprinkler company stating the system installed in the building can handle the contents within that building.

Chairman Holt asked if they have jurisdiction to enforce the fire codes.

City Attorney Mantzaris stated that the city adopts the National Fire Protection Association fire regulations, so the Code Board has jurisdiction to enforce those codes.

Ms. Pierce stated that the immediate concern is the path of egress so people can get out safely. She stated that it's a matter of life safety, adjoining tenants, and the sprinkler system can handle the amount of content within the building.

Board member Rini asked if there is a required amount of water pressure for sprinkler system.

Ms. Pierce stated that a fire protection engineer designs the system based on the city water pressure, hydrant flow, and they choose what the residual pressure has to be at all times. She stated that it is tested during the annual inspection.

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Ronald Shore, 604 E. Highway 50, stated that he can make improvements to meet the height and width requirements to meet the fire codes.

James Hurtak, 1585 Lake Ave., stated that the building use is what it was approved for when it was built. He stated that the sprinkler system was built for storage in the back because that is what it was permitted for.

Board member Rosenberg made a motion to find the Respondent in violation with a fine of \$250 per day for every day past August 21, 2015; seconded by Board member Myers. The vote was unanimous in favor of finding violation and amount of fine.

CASE NO. 2015-000177

Fulvan at Clermont, LLC
741 SR 50
Clermont, FL 34711

LOCATION OF VIOLATION: 741 SR 50, Clermont, FL 34711

VIOLATION: Chapter 14, Section 702.2 Means of Egress, Chapter 34, Section 34-62 Creation or Maintenance of Nuisance by Property Owner Declared Unlawful.

City Attorney Mantzaris introduced the case.

The Respondent was 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, dates, and staff recommendation for the record.

Jennifer Pierce, City of Clermont Fire Department, stated that they have been in the business at different times of the day and the merchandise is left in the aisles because they have nowhere else to put the merchandise. She stated that the back room is overstocked as well which is where the second egress is located in case of an emergency.

Jeff Brown, 8025 Grovemont Estates Rd., Groveland, stated that he spoke to the store manager today and she stated that they were closed down back in May. He stated that they get about three trucks a week.

Jim Purvis, 4206 Hammersmith, stated he is the one who reported Dollar General because there was only one way in and out of the store. He stated that is one of his favorite stores however it is a hazard to be in the store.

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Board member Myers made a motion to find the Respondent in violation with a fine of \$250 per day for every day past August 18, 2015; seconded by Board member Rini. The vote was unanimous in favor of finding violation.

CASE NO. 2015-000212

Joel & Rachel Rivera
272 Linden St.
Clermont, FL 34711

LOCATION OF VIOLATION: 272 Linden St., Clermont, FL 34711

VIOLATION: Chapter 14, Section 302.7 Accessory Structure

City Attorney Mantzaris introduced the case.

The Respondent was 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, dates, and staff recommendation for the record.

Rachel Rivera, 15837 Hidden Lake Circle, stated that the tenants with the dog have moved out. She stated that the kids at the park were kicking in the fence. She stated that they are getting estimates to replace the fence. She stated that they put up a piece of a chain link fence and a piece of plywood board so the dog wouldn't go through. She stated that they will have the fence fixed within the next month. She is in agreement with the compliance date.

Board member Rosenberg asked if one side of the fence belongs to the City.

Joel Rivera, 15837 Hidden Lake Circle, stated that they have a panel on their side and there is a panel on the City side. He stated that they have photos that show both fences. He stated that there is a chain link fence that starts where the park is then it starts a wood panel fence. He stated that there are two sections of the City panels missing, which is also where they have panels missing from their fence. He stated that they were here to fix the problem.

Board member Rosenberg stated that it appears the City has as much damage to their fence as the Respondent has on their fence.

Chairman Holt asked Mr. Mantzaris how this will work being there are two fences.

Mr. Mantzaris stated that he City does not believe that any of the fencing is theirs.

Board member Rosenberg stated that if the fence does belong to the City the financial burden should not be put onto the Respondent.

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Chairman Holt asked if compliance will occur when the fence comes down.

Mr. Mantzaris stated that more than likely it will be complied when the fence comes down.

Board member Myers asked if staff would agree to continue this at September meeting.

Mr. Mantzaris stated that staff did not have an issue with continuing the case to allow further research of the ownership of the fence.

Board member Myers made a motion to continue this case to the August 18, 2015 Code Enforcement meeting; seconded by Board member Rosenberg. The vote was unanimous in favor to continue.

CASE NO. 2015-000161

Craig & Melissa Post
Safeguard Properties
Green Tree Outsourcing
278 East Ave.
Clermont, FL 34711

LOCATION OF VIOLATION: 278 East Ave., Clermont, FL 34711

VIOLATION: Chapter 14, Section 302 Exterior Property Maintenance, 304.1 Exterior Structure, 308.1 Rubbish and Garbage, 301.3 Vacant Structures and Lands, Chapter 34, Section 34-95 Prohibition Storage of Certain Items, 34-61 Enumeration of Prohibited Items, Conditions, or Actions Constituting Nuisances.

City Attorney Mantzaris introduced the case.

The Respondent was not 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, dates, and staff recommendation for the record.

Board member Mannella made a motion to find the Respondent in violation with a fine of \$250 per day for every day past August 1, 2015 and to further find the property a threat to the public health, safety and welfare of the public; seconded by Board member Rini. The vote was unanimous in favor of finding violation and fine.

City Attorney Mantzaris stated that service was not received for case no. 2015-000188 and will not be heard. He stated that case no. 2015-000210 is in compliance and will not be heard.

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CASE NO. 2015-000256

Martin Wright Estate
775 E. Juniata St.
Clermont, FL 34711

LOCATION OF VIOLATION: 775 E. Juniata St., Clermont, FL 34711

REPEAT VIOLATION: Chapter 14, Section 302.4 Weeds

City Attorney Mantzaris introduced the case.

The Respondent was not 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, dates, and staff recommendation for the record.

Board member Mannella made a motion to find the Respondent in repeat violation with a fine of \$500 per day for every day starting June 22, 2015 for 21 days equaling \$10,500; seconded by Board member Myers. The vote was unanimous in favor of finding violation.

There being no further business, the meeting was adjourned at 8:00 p.m.

Dave Holt, Chairman

Attest:

Rae Chidlow, Code Enforcement Clerk