



**CODE ENFORCEMENT BOARD MEETING
TUESDAY, APRIL 19, 2016
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

Item No 1 - Approval of the March 23, 2016 Code Enforcement meeting minutes

OPENING STATEMENT

SWEARING IN WITNESSES

AGENDA

OTHER BUSINESS

**Item 2 - Case No. 2015-000107
Crain**

Cheroban, LLC
Vacant lot palm & East Ave.
Clermont, FL 34711

REQUEST:

Impose fine and create lien on property

NEW BUSINESS

**Item 3 - Case No. 2016-000114
Crain**

Clermont Regional Investors, LLC
Boost Mobile & Galaxy Mobile, LLC
1062 E. Highway 50
Clermont, FL 34711

VIOLATION:

Chapter 102, Section 102-8 (7) Prohibited
Signs; Exceptions. Wind Signs.

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 Development Services 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.

**CODE ENFORCEMENT BOARD MEETING
TUESDAY, APRIL 19, 2016
CITY HALL at 685 WEST MONTROSE STREET
At 6:00 PM**

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
MARCH 23, 2016**

The regular meeting of the Code Enforcement Board was called to order on Wednesday, March 23, 2016, at 6:01 p.m. Members attending were Chair Chandra Myers, along with Board members Ken Forte, Alfred Mannella, and Harvey Rosenberg. Also attending were Evie Wallace, Code Enforcement Supervisor, Lori Crain, Code Enforcement Officer, Valerie Fuchs, Code Enforcement Attorney, Yvette Brown, City Attorney, and Rae Chidlow, Planning Specialist.

The Pledge of Allegiance was recited.

Chair Myers read the Opening Remarks.

Minutes for the February 16, 2016 Code Enforcement meeting were approved as written.

Code Enforcement Officer Crain, along with any of the public who may testify, was sworn in.

Chair Myers gave the floor to Code Enforcement Staff and City Attorney.

City Attorney Brown stated that case No. 2015-000237 will not be heard.

CASE NO. 12-895 & 13-973

Wayne Thomas
210/214 2nd Street
Clermont, FL 34711

LOCATION OF VIOLATION: 210/214 2nd Street, Clermont, FL 34711

REQUEST: Place a lien on the property.

City Attorney Brown introduced the case.

The Respondent was not present.

Deidra Beacher, 224 Orange Ave., stated that she looks at this property every day. She stated that this property has been in poor shape for years. She asked about the status of the lien.

Code Enforcement Board Attorney Fuchs stated that this is the first step in the process of authorizing a lien to be placed on the property.

Board member Mannella made a motion to place a lien on the property for the fine amount of \$37,750; seconded by Board member Forte. The vote was 3-1 in favor of the lien, with Board member Rosenberg opposing.

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
MARCH 23, 2016**

CASE NO. 2015-000097

Masthead, LLC
Vacant lot between Masthead Blvd. & Grand Highway
Clermont, FL 34711

LOCATION OF VIOLATION: Vacant lot between Masthead Blvd. & Grand Highway, Clermont, FL 34711

REQUEST: Waiver of the fine.

City Attorney Brown introduced the case.

The Respondent was present and sworn in.

Code Enforcement Officer Crain stated that the request was for a waiver of the fine, not to place a lien on the property.

Paul Svejda, 7805 Sugar Bend Dr., Orlando, stated that the landscape company has been replaced with a company that will mow every two weeks. He stated that an irrigation pump is being repaired so they can plant confederate jasmine to keep the bank from eroding. He stated that their intent is to develop the property.

Board member Mannella made a motion to waive the fine; seconded by Board member Rosenberg. The vote was unanimous in favor of waiving the fine.

CASE NO. 2015-000157

Hurtak Family Partnership
656 E. Highway 50
Clermont, FL 34711

LOCATION OF VIOLATION: 656 E. Highway 50, Clermont, FL 34711

REQUEST: Reduction of fine

City Attorney Brown introduced the case.

The Respondent was present and sworn in.

Alan Gaffney, 1319 Anderson St., stated that he represents Hurtak Family Partnership. He stated that the fire suppression system was inspected and meets standards. He stated that he is asking for a reduction of fine.

Code Enforcement Crain stated that staff is in agreement to reduce the fine from \$3250 to \$500.

Board member Rosenberg made a motion to reduce the fine to \$100.00 to be paid within 7 days; seconded by Board member Mannella. The vote was 3-1 in favor of reduction of the fine, with Board Forte opposing.

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
MARCH 23, 2016**

CASE NO. 2015-000468

Stanley Hayes & Current Resident
505 E. Montrose Street
Clermont, FL 34711

LOCATION OF VIOLATION: 505 E. Montrose Street, Clermont, FL 34711

VIOLATION: Chapter 50, Section 50-33; Chapter 14, Sections 308.2.1, 308.3, 308.3.2, 302, 308.1, 302.8; Chapter 34, Sections 34-95, 34-61, 34-62

City Attorney Brown introduced the case.

The Respondent was present and sworn in.

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.

Stanley Hayes, 505 E. Montrose Street, stated that has moved his containers and removed the tires. He stated that he has renewed the tag on the vehicle.

Board member Mannella made a motion to find the Respondent in violation with a fine of \$50.00 for every day in violation past April 15, 2016; seconded by Board member Forte. The vote was unanimous in favor of finding violation and amount of fine.

CASE NO. 2016-000042

Stefan Boone & Brigitte Dermau
Merideth Nagel
Pegasus Tax
450 E. Highway 50, #6
Clermont, FL 34711

LOCATION OF VIOLATION: 450 E. Highway 50, #6, Clermont, FL 34711

VIOLATION: Chapter 102, Section 102-8 (7)

City Attorney Brown introduced the case.

The Respondent was present and sworn in.

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.

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
MARCH 23, 2016**

Tracey Hugh, 1421 Morningstar Dr., stated that there were always 3 flags up. He stated that he does not understand why he's not allowed to have flags when other businesses have them. He stated that they have been removed.

Board member Mannella made a motion to find the Respondent in violation with no fine; seconded by Board member Forte. The vote was unanimous in favor of finding violation with no fine.

There being no further business, the meeting was adjourned at 6:47 p.m.

Chandra Myers, Chair

Attest:

Rae Chidlow, Code Enforcement Clerk

**CODE ENFORCEMENT BOARD OF THE
CITY OF CLERMONT, FLORIDA**

CITY OF CLERMONT
Petitioner,

Case No: C2015-000107
Vacant Lot Palm & East Ave

vs

Cheroban LLC,
Respondent.

9171 9690 0935 0112 2662 92

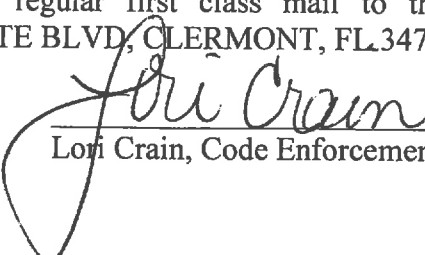
**NOTICE OF HEARING AND MOTION FOR
ORDER IMPOSING FINE AND CREATING LIEN ON PROPERTY**

YOU ARE HEREBY ADVISED that the Code Enforcement Board shall conduct a hearing on March 23, 2016, at 6:00 PM in the Council Chambers, City Hall, 685 West Montrose Street, Clermont, Florida, to consider the petitioner's request as set forth below for authorization to impose a fine and create a code enforcement lien in this matter.

This motion is pursuant to Chapter 162, Florida Statutes. At its May 19, 2015, hearing, the Code Enforcement Board issued a Findings of Fact, Conclusion of Law, Order of Repeat Violation and Imposing Fine finding that a City Code had been violated on the above property related to the following violations of Clermont City Code Chapter 14, Section 14-9, International Property Code Section 302.4, Weeds. As a result of this repeat violation, the Board imposed a fine in the amount of \$100 to accrue for each day the violation continues past May 31, 2015. The Respondent has failed to completely comply.

WHEREFORE, the City of Clermont requests the Code Enforcement Board authorize recording of an Order Imposing Administrative Fine/Lien as provided in Chapter 162, Florida Statutes. in the amount of \$29,700. (\$100 per day fine accruing for 297 days-June 1, 2015 through March 23, 2016), which shall continue to accrue at \$100 per day until compliance has been met.

I HEREBY CERTIFY that on this 19th day of February, 2016, a true and correct copy of this Order has been furnished by certified and regular first class mail to the Respondent, CHEROBAN, LLC, 12914 MAGNOLIA POINTE BLVD, CLERMONT, FL 34711-5928.


Lori Crain, Code Enforcement Officer

**CODE ENFORCEMENT BOARD OF THE
CITY OF CLERMONT, FLORIDA**

CITY OF CLERMONT

Petitioner,

vs.

CHEROBAN, LLC,

Respondent.

**Case No: C2015-000107
Vacant Lot Palm & East
Clermont, Florida**

FINDINGS OF FACT, CONCLUSION OF LAW and ORDER

THIS MATTER came before the Code Enforcement Board of the City of Clermont for hearing on **May 19, 2015**, and the Board having heard sworn testimony and received evidence from **Lori Crain, Code Enforcement Officer**, for the City and noted that Respondent was not present or represented, thereupon issues the following Findings of Fact, Conclusion of Law, and Order:

I. FINDINGS OF FACT

- 1) Notice as required by Section 162.12, F.S. was provided to Respondents.
- 2) The Respondent is the record owner of and in custody and control of the property described in the Violation Notice dated March 27, 2015, and located in Clermont, Florida.
- 3) There exists on the subject property high grass, overgrowth and weeds exceeding 18" in height and trees and vegetation in need of pruning and trimming..

II. CONCLUSION OF LAW

The Code Enforcement Board finds the Respondent Cheroban, LLC is in violation of Clermont City Code Section 118-35 "Maintenance and Pruning" and Section 14-9, International Property Maintenance Code, Section 302.4 "Weeds".

III. ORDER

Based on the above-stated findings and conclusion of law, it is hereby Ordered that:

- 1) Respondents shall correct the above-stated violations on or before **May 31, 2015**, by taking the remedial action as set forth in the Violation Notice dated March 27, 2015. If the Respondents fail to timely correct the violations a fine of **ONE HUNDRED DOLLARS (\$100.00)** will accrue for each day the violation continues past **May 31, 2015**.

Case No: C2015-000107

- 2) Respondents bear the burden of, and shall contact the City of Clermont Code Enforcement Department to arrange for a re-inspection of the property and to verify that the violation has been corrected, and the property has been brought into compliance with the City Code Sections as cited above. Respondents shall call (352) 241-7343 to request an inspection.
- 3) Any fine imposed shall accrue from the date it is imposed until the date that the violation is corrected as verified by the City of Clermont Code Enforcement Department.

Done and Ordered this 21st day of May, 2015.

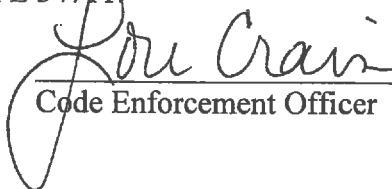
CODE ENFORCEMENT BOARD OF THE
CITY OF CLERMONT, FLORIDA



Chairman David Holt

An aggrieved party, including the City Council of the City of Clermont, may appeal a final administrative order of the Code Enforcement Board to the Circuit Court. Any such appeal shall be filed within thirty (30) days of the rendition of this Order as set forth in Section 162.11, Florida Statutes.

I HEREBY CERTIFY that on this 20th day of May, 2015, a true and correct copy of this Order has been furnished by certified and regular mail to the Respondent Cheroban, LLC, 12914 Magnolia Pointe Blvd., Clermont, FL 34711



Code Enforcement Officer

Code Enforcement Board of the
City of Clermont
NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner,

vs.

CLERMONT REGIONAL INVESTORS LLC,
BOOST MOBILE & GALAXY MOBILE, LLC

Respondents,

Case No. C2016-000114

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, APRIL 19, 2016, AT 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 Respondents, CLERMONT REGIONAL INVESTORS LLC, 630 SOUTH MAITLAND AVE, SUITE 100, MAITLAND, FL 32751; BOOST MOBILE STORE BY GALAXY MOBILE, LLC, 1062 E HWY 50, CLERMONT, FL 34711; CHAD ELFERINK, AGENT, GALAXY MOBILE, LLC, 499 N STATE RD 434, SUITE 2029, ALTAMONTE SPRINGS, FL 32714 Certified Mail/Return Receipt Requested #S

BY:



Lori Crain, Code Enforcement Officer
this 5th day of April, 2016

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.

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

VIOLATION NOTICE

March 17, 2016

Violation # C2016-000114

To: CLERMONT REGIONAL INVESTORS LL
630 S MAITLAND AVE STE 100
MAITLAND, FL 32751

9171 9690 0935 0124 5570 98

BOOST MOBILE
1062 E HWY 50
CLERMONT, FL 34711

9171 9690 0935 0124 5571 04

Violation/Property address: 1062 EAST HIGHWAY 50, CLERMONT, FL 34711

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 1062 EAST HIGHWAY 50 #092226080557B00003,

Compliance with the Violation(s) listed will be when the following condition(s) are met: WHEN WIND BANNER IS REMOVED AND NO LONGER DISPLAYED FROM DATE OF THIS NOTICE FORWARD.

Type of Violation: PROHIBITED SIGNS; EXCEPTIONS. SEC. 102-8(7). WIND SIGNS

IT SHALL BE UNLAWFUL TO ERECT, CAUSE TO BE ERECTED, MAINTAIN OR CAUSE TO BE MAINTAINED ANY SIGN DESCRIBED AS FOLLOWS: SIGNS COMMONLY REFERRED TO AS WIND SIGNS, CONSISTING OF ONE OR MORE PENNANTS, RIBBONS, SPINNERS, STREAMERS OR CAPTIVE BALLOONS, OR OTHER OBJECTS OR MATERIAL FASTENED IN SUCH A MANNER AS TO MOVE UPON BEING SUBJECTED TO PRESSURE BY WIND.
ON-GOING VIOLATION AT THIS PROPERTY SINCE DECEMBER 15, 2015.

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

You are directed to take action by 5:00 PM, FRIDAY, MARCH 18, 2016. 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

Sec. 102-8. - Prohibited signs; exceptions.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign described as follows:

- (1) Commercial or office signs within residentially zoned land. No commercial or office use sign shall be located upon any residentially zoned property, except signs advertising uses allowed outright, by variance, or by conditional use permit approval in that residential zone that conform with the sections of this chapter and other provisions of this land development code relating to that use.
- (2) Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring or method of illumination; or any sign which obstructs vision between pedestrians and vehicles using the public right-of-way, including but not restricted to those not meeting visibility requirements of this land development code. Specifically prohibited are:
 - a. Signs using rotating or flashing signal lamps similar to those used on emergency vehicles, regardless of location or color.
 - b. Signs that resemble any official sign or marker erected by any government agency, or that by reason of position, shape or color would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device.
 - c. Signs using lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color.
 - d. Signs within 50 feet of public rights-of-way or 100 feet of traffic control lights that contain red or green lights that might be confused with traffic control lights.
 - e. Signs using words and traffic control symbols so as to interfere with, mislead or confuse traffic, such as "stop," "look," "caution," "danger" or "slow."
 - f. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- (3) Signs of any description erected or placed in any location where the sign's presence will interfere with clear sight distances of either motor vehicles or pedestrian traffic.
- (4) Signs that are in violation of the Florida Building Code or electrical codes adopted by the city.
- (5) Signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, except for traditional barber poles.
- (6) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- (7) Signs commonly referred to as wind signs, consisting of one or more pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.
- (8)