

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
July 17, 2023**

Vice Chair Justin Allender called the regular meeting of the Code Enforcement Board to order on Monday, July 17, 2023, at 6:00 p.m. Members attending were Vice Chair Justin Allender along with Board members Sonny Fornoles, Jack Martin, Chandra Myers, Paul Duhon and Bryan Bain. Chairman James Johnson was not present. Also attending were Andrew Snodgrass, Jordon Rebando, and Joshua Cortez, Code Enforcement Officers, Patrick Brackins, Code Enforcement Attorney, Patrick Brandt, City Attorney, and Rae Chidlow, Planning Coordinator.

Board member Bain made a motion to approve the minutes for the May 15, 2023 Code Enforcement meeting as amended; seconded by Board member Fornoles. The vote was unanimous to approve the minutes.

Vice-Chair Allender read the Opening Remarks.

Code Enforcement Officers Snodgrass, Rebando, and Cortez, along with any of the public who may testify, were sworn in.

ITEM 2 - CASE NO. C2202-000137

Burger King Company, LLC
780 Highway 50
Clermont, FL 34711

LOCATION OF VIOLATION: 780 Highway 50

REQUEST: Motion to Lien

City Attorney Patrick Brandt introduced the case.

The Respondent was present.

Eddie Alvarez, 37340 Oak Lane, Umatilla, stated that they purchased this restaurant in April of 2021. He stated that after purchasing this restaurant they determined that it had a storm drain issue that was covered up. He stated that there was an erosion that ran onto SR 50 that was covered up with concrete. He stated that back in 2012 when SR 50 was widen that drain was moved back. He stated that it is not a simple fix for what they need to do to correct the erosion. He stated that he has stated in contact with Code Enforcement throughout the process. He stated that the previous owner had knowledge of the stormwater issue, but they as the tenant will continue to rectify the situation. He stated that on April 1 they received the first notice that allowed them to remedy the code violation by April 28th. He stated at that point he was meeting with several people to come up with a remedy. He stated that he was under the impression they were all on the same page. He stated that on January 10, 2023 he received a notice that he was being fined as of August 18th, 2022, \$250 per day. He stated that he has spent \$60,000 to find a solution to correct the situation. He stated that he hired an Engineer, he has an approved site plan and permits and is now in the bidding process to find a General Contractor to correct the code violation. He stated that he is asking that the Board takes that into consideration and not place a lien on the property.

City Attorney Brandt asked how Mr. Alvarez received notice about the meeting.

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Mr. Alvarez stated that Burger King Corporation received notice who contacted him about the meeting.

Mr. Brandt asked if he was the property owner.

Mr. Alvarez stated that Burger King Corporation is the property owner, he is the franchise owner.

Board member Myers asked if he had proof of all he stated he has done.

Mr. Alvarez stated that he does have proof. He stated that he has all the permits and documentation. He stated that he did not bring it with him, but he could provide it if necessary.

Board member Duhon asked when they propose to have this project completed.

Mr. Alvarez stated he intends to start the project by the end of August

Vice-Chair Allender asked about timeline for construction.

Mr. Alvarez stated that he does not have a timeline at this time, but he thinks it will take approximately 4 months.

City Attorney Brandt stated that the Board has already imposed the fine, now that the fine has accrued the City is requesting a motion to lien.

Board member Bain stated that is sounds like Mr. Alvarez was in a situation since he is not the property owner and the property owner is ultimately the one who needs to correct the code violation. He stated that it does appear that there was due notification from the City to Burger King Corporation.

Mr. Alvarez stated that they have addressed Burger King Corporation. He stated the he has taken the lead to correct the code violation and they will seek legal counsel in the future to deal with Burger King Corporation.

Board member Duhon made a motion to lien the ~~property~~, seconded by Board member Fornoles. The vote was unanimous in favor of the lien.

ITEM 1 - CASE NO. C2302-0075 & C2302-0077

584 W. Juniata St., LLC

584 & 586 W. Juniata St.

Clermont, FL 34711

LOCATION OF VIOLATION: 584 & 586 W. Juniata St.

REQUEST: Motion to lien

City Attorney Patrick Brandt introduced the case.

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The Respondent was not present.

Board member Bain made a motion to lien the property; seconded by Board member Myers. The vote was unanimous in favor of the lien.

ITEM 6 - CASE NO. C2305-0061

Jo-El, LLC

Vacant parcel located on W. Minneola Ave.

Clermont, FL 34711

LOCATION OF VIOLATION: Vacant parcel located on W. Minneola Ave., Alternate Key 1615747

REPEAT VIOLATION: Section 125-522 General Development Conditions, (i) Property maintenance; Section 18-53 & 18-54 Nuisances; IPCM Section 302.4 Weeds

The Respondent was present.

Code Enforcement Officer Cortez, 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.

Ellis Abide, 340 Bunker Place, Orlando stated that his regular bush hog guy ended up in the hospital. He stated that once he realized that he hired a new guy.

Board member Bain asked why it's a repeat violation if they maintain the property on a regular basis.

Mr. Abide stated that he has been maintaining but some weeds may grow to 18 inches but the entire property is not 18". He stated that he barely gets out of compliance and he gets caught on it.

Board member Fornoles made a motion to find the Respondent in repeat violation, with a fine of \$500 per day for every day out of compliance, totaling \$2000; seconded by Board member Myers. The vote was unanimous in favor of finding in repeat violation and amount of the fine.

ITEM 12 - CASE NO. C2304-0061

Jude & Geralde Meus

1383 Laurel Hill Dr.

Clermont, FL 34711

LOCATION OF VIOLATION: 1383 Laurel Hill Dr.

VIOLATION: Section 122-344 (new 125-522) Building Permit Required

The Respondent was present.

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Code Enforcement Officer Cortez, 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. He stated that the property is not in compliance.

Jude Meus, 1383 Laurel Hill Dr., stated that he is looking for a new contractor. He stated that he reached out to the original contractor to finish the job, but that has not happened. He stated that the new contractor told him that they had everything and that there would be no work until the permit has been received. He stated that the contractor started work prior to pulling permit and he made him stop work. He stated that he came to the City to obtain the permit himself for the wall and now he will need to pull the permit for the patio. He stated that he is asking for a 3 month extension.

Board member Myers asked if Respondent understood he needed two permits and what the time limit.

Mr. Meus stated that he understood.

Geralde Meus, 1883 Laurel Hill Dr., stated that they are looking for a contractor.

Board member Bain made a motion to find the Respondent in violation, with a fine of \$150 per day for every day in violation after August 16, 2023; seconded by Board member Myers. The vote was unanimous in favor of finding in violation and amount of the fine.

ITEM 8 - CASE NO. C2304-0003

Shoppes of Venice II, LLC – Curaleaf
1900 S. US Highway 27
Clermont, FL 34711

LOCATION OF VIOLATION: 1900 S. US Highway 27

VIOLATION: Section 125-522 Building Permit Required, Section 125-521 Fences & Walls, IPMC Section 304.2 Fence Maintenance

The Respondent was not present.

Code Enforcement Officer Snodgrass, 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. He stated that the property is not in compliance.

Lori Bodiford, 873 N. Waterview Dr., stated that they are dealing with Curaleaf every day of the week including holidays. She stated that the store hours are Monday through Saturday are 9:00 AM to 8:30 PM and Sunday from 10:00 AM to 7:30 PM. She stated that they have people there 7:30 in the morning to 10:15 at night. She stated that people come to the back of the building and smoke back there. She stated that there are a lot of foot traffic coming through that area as well. She stated that the lawn maintenance guys use their yard as an easement to cut through and they blow trash into their yard. She stated that Curaleaf is also having food trucks there as well.

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Board member Fornoles made a motion to find the Respondent in violation, with a fine of \$250 per day for every day in violation after August 16, 2023; seconded by Board member Bain. The vote was unanimous in favor of finding in violation and amount of the fine.

ITEM 9 - CASE NO. C2306-0020

Linda Lalchan
1870 Vale Drive
Clermont, FL 34711

LOCATION OF VIOLATION: 1870 Vale Drive

VIOLATION: IPMC Section 111.1.3 Structure Unfit for Human Occupancy, Section 18-53 Nuisance

The Respondent was present.

Code Enforcement Officer Snodgrass, 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. He stated that the property is not in compliance.

Code Board Attorney Brackins asked if the City is requesting a public health and safety on the property.

Mr. Snodgrass stated yes.

Linda Lalchan, 1870 Vale Drive, stated that once she found out there was an unknown tenant living in her home so she called the police. She stated that she did not know they had a fake lease. She stated that the electric company transferred out of her name so she contacted the water department to request that water is not to be turned on for the home. She stated that she would like more time beyond August 10th to remove the tenants. She is requesting to extend to the end of September.

Board member Bain made a motion to find the Respondent in violation, with a fine of \$150 per day for every day in violation after August 10, 2023 and find property presents a serious threat to the public health, safety and welfare; seconded by Board member Fornoles. The vote was 5-1 in favor of finding in violation and amount of the fine with Board member Duhon opposing.

ITEM 10 - CASE NO. C2306-0066

Woodwinds Clermont, LLC
151 S. Grand Highway
Clermont, FL 34711

LOCATION OF VIOLATION: 151 S. Grand Highway

VIOLATION: IPMC Section 703.2 Unsafe Conditions, Section 125-522 General Development Conditions (a) Building Permit Required

The Respondent was present.

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Code Enforcement Officer Snodgrass, 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. He stated that this is a public health, safety and welfare issue due to the fact the walls and ceilings have a one hour fire rating so structure and the tenants are in danger. He stated that the property is not in compliance.

Alonso Meade, 1044 High Point Loop, Longwood, stated that there were 2 different contractors hired. He stated that they are not arguing about the violations, they are just asking for time to correct the violations.

Board member Bain asked when he was hired by the owner.

Mr. Meade stated that they were originally hired for the fire that happened at the beginning of the year. He stated that there was a second incident that was a month ago where a toilet overflowed. He stated that they hired another company to take care of the overflow who were not licensed contractors. He stated that they have now been hired to correct the code violations.

Board member Bain asked if any permits have been pulled.

Mr. Mead stated no.

Board member Fornoles made a motion to find the Respondent in violation, with a fine of \$250 per day for every day in violation after July 31, 2023 and find property presents a serious threat to the public health, safety and welfare; seconded by Board member Bain. The vote was unanimous in favor of finding in violation and amount of the fine.

ITEM 11 - CASE NO. C2301-0004

Annbi, LLC – El Cerro
811 W. Highway 50
Clermont, FL 34711

LOCATION OF VIOLATION: 811 W. Highway 50

VIOLATION: Section 122-344 (new Section 125-522) Building Permit Required

The Respondent was present.

Code Enforcement Officer Snodgrass, 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.

Bienvenido Collado, 10845 Loghouse Road, stated that in 2020 they needed more storage space due to it being hard to get products. He stated that he is here to fix the problem. He stated that his contractor was present and he's working on hiring an architect.

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Guy Grayford, 2370 Lakeview Ave., stated that since the zoom meeting in April they just got the proposal in July. He stated that it's going to be hard to get a permit by the date. He stated that it's going to take at least a month to get a permit if they are lucky.

Board member Fornoles made a motion to find the Respondent in violation, with a fine of \$250 per day for every day in violation after October 15, 2023; seconded by Board member Myers. The vote was unanimous in favor of finding in violation and amount of the fine.

ITEM 7 - CASE NO. C2305-0065

Jeremy Chamberlain
381 E. Minnehaha Ave.
Clermont, FL 34711

LOCATION OF VIOLATION: 381 E. Minnehaha Ave.

REPEAT VIOLATION: Section 125-522 General Development Conditions, (i) Property maintenance; Section 18-53 & 18-54 Nuisances; IPCM Section 302.4 Weeds

The Respondent was not present.

Code Enforcement Officer Cortez, 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 Bain made a motion to find the Respondent in repeat violation, with a fine totaling \$24,500 as of this date, and to continue to accrue at \$500 per day after July 17, 2023 for every day in violation; seconded by Board member Duhon. The vote was unanimous in favor of finding in repeat violation and amount of the fine.

ITEM 13 - CASE NO. C2305-0041

Duncan E. Ward Life Estate
567 Bloxam Ave.
Clermont, FL 34711

LOCATION OF VIOLATION: 567 Bloxam Ave.

VIOLATION: Section 30-28 Special Refuse Problems

The Respondent was not present.

Code Enforcement Officer Cortez, 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. He stated that the property is not in compliance.

Board member Duhon made a motion to find the Respondent in violation, with a fine of \$150 per day for every day in violation after August 16, 2023; seconded by Board member Bain. The vote was unanimous in favor of finding in violation and amount of the fine.

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ITEM 14 - CASE NO. C2305-0041

Stanley Hayes
505 E. Montrose Street
Clermont, FL 34711

LOCATION OF VIOLATION: 505 E. Montrose Street

VIOLATION: Section 34-142 Accumulation of Certain Materials (new Section 18-130), Section 122-122 Permitted Uses (new Section 125-165), IPMC 304.3 Premises Identification, Section 34-95 (new Section 18-92) Prohibit Storage of Certain Items, IPMC Section 302 Sanitation, Section 122-343 (new section 125-521) Fences and Walls, Section 122-344 (h) (new Section 125-522) Unsightly Occupancies

The Respondent was not present.

Code Enforcement Officer Cortez, 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. He stated that the property is not in compliance.

Board member Fornoles made a motion to find the Respondent in violation, with a fine of \$150 per day for every day in violation after August 16, 2023; seconded by Board member Martin. The vote was unanimous in favor of finding in violation and amount of the fine.

City Attorney Patrick Brandt stated that Items 3, 4 and 5 will not be heard.

There being no further business, the meeting was adjourned at 8:16 p.m.

Chairman

Attest:


Kathy Heard, Code Enforcement Clerk