

**CITY OF CLERMONT
MINUTES
CODE ENFORCEMENT BOARD
SEPTEMBER 18, 2023**

CALL TO ORDER

Vice-Chair Justin Allender called the regular meeting of the Code Enforcement Board to order on Monday, September 18, 2023, at 6:00 p.m.

MEMBERS PRESENT: Vice-Chair Justin Allender, Members Bryan Bain, Paul Duhon, Sonny Fornoles, Jack Martin, and Chandra Myers.

MEMBER ABSENT: Chairman James Johnson

ALSO PRESENT: Code Enforcement Officers Joshua Cortez, Andrew Snodgrass, and Jordan Rebando, Code Enforcement Manager Evie Wallace, Code Enforcement Attorney Patrick Brackins, City Attorney Patrick Brandt, Development Services Director Curt Henschel, and Code Enforcement Clerk Kathy Heard.

PLEDGE OF ALLEGIANCE

MINUTES

Motion to approve the Minutes for the July 17, 2023 Code Enforcement Board Meeting: Moved by Member Bain; Seconded by Member Martin. Motion passed 6-0 with Chairman Johnson absent.

Vice-Chair Allender made Opening Remarks.

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

ITEM 1 - CASE NO. C2209-0054 & C2305-0065

Jeremy Chamberlin
381 E. Minnehaha Avenue
Clermont, FL 34711

LOCATION OF VIOLATION: 381 E. Minnehaha Ave.

REQUEST: Motion to Lien

City Attorney Brandt announced the Respondent Jeremy Chamberlin is present and introduced the case.

Jeremy Chamberlin, 381 E. Minnehaha Avenue, stated he is way out of his league and did not expect this, and he did not realize this got this far. He further stated he wanted to resolve this matter, but \$56,000 seems a bit extreme for a lawn. Member Myers inquired if he received any notice of the violations. Mr. Chamberlin explained he has not been opening his mail, because he is going through some hard times, and did not expect it would come to this.

City Attorney Brandt explained there are two cases open at this time. Case No. C2209-0054 is for an amount certain at \$7,000. Case No. C2305-0065 remains in violation with an outstanding

accruing fine amount of \$56,000. He instructed the Board that they have the power to set the fine and reduce the fine as they see fit. However, the Board has already imposed the fine, and now that the fine has accrued, the City is requesting a motion to lien, which would take it to City Council for approval and gives the respondent time to pay or petition the Board for a reduction.

Board Attorney Brackins clarified if the respondent brings Case No. C2305-0065 into compliance, he would have an opportunity to seek a reduction of the fines at that point; however, the City Council would have to approve the reduction.

Member Bain made a motion to lien the property in Case No. C2209-0054; seconded by Member Duhon. Motion passed 6-0 with Chairman Johnson absent.

Vice-Chair Allender explained to Mr. Chamberlain that based on the testimony and evidence presented in Case No. C2209-0054, he has been found in violation, and a lien will be recommended to City Council.

Member Duhon made a motion to lien the property in Case No. C2305-0065; seconded by Member Myers. Motion passed 6-0 with Chairman Johnson absent.

Vice-Chair Allender further explained to Mr. Chamberlain that both Case Nos. C2209-0054 & C2305-006 have been found in violation and urged him to speak with City staff and the Board attorney to see when this will be heard by City Council in order to ask Council to reduce the fines.

ITEM 2 - CASE NO. C2302-0047

708 Mace Avenue Owners Corp.

The Rusty Truck

1800 S. US Highway 27

Clermont, FL 34711

LOCATION OF VIOLATION: 1800 S. US Highway 27

REQUEST: Motion to Lien

City Attorney Brandt introduced the case, and stated Respondent Elizabeth Figueroa is present to address the Board.

Elizabeth Figueroa, 507 Forestgreen Court, Orlando, explained she purchased this property approximately one year ago, which entailed taking over the current restaurant lease. She stated she has not received any notices of violations until two weeks ago when the restaurant owner gave her a violation letter. She visited City Hall and was told all violations were resolved except for the landscaping. She further explained why hedges will not work where she was told they need to be planted.

Code Enforcement Officer Cortez explained where the hedges should be planted. He clarified that this Board has already made a determination that this property is in violation; and further, this hearing is a request to lien the property.

Discussion ensued regarding Ms. Figueroa's mailing address. Ms. Figueroa informed the Board that she recently changed her address with the County.

Board Attorney Brackins asked Ms. Figueroa whether or not this hearing notice was hand delivered to her. Ms. Figueroa answered in the affirmative.

Member Bain made a motion to lien the property in Case No. C2302-0047; seconded by Member Fornoles. Motion passed 5-1 with Member Myers opposing and Chairman Johnson absent.

Vice-Chair Allender explained to Ms. Figueroa that the Board has moved to place a lien on her property; and further, if she does bring the property into compliance, she can come before this Board again or City Council for a reduction or removal of the lien.

ITEM 3 - CASE NO. C2301-0017

Barbara Driver

14212 Sunridge Blvd.

Winter Garden, FL 34787

LOCATION OF VIOLATION: 1982 Brantley Circle

REPEAT VIOLATION: Reduction of Fines

City Attorney Brandt introduced the case, and asked the respondent to make their appeal to the Board.

Respondent Joseph Driver, 14212 Sunridge Blvd., Winter Garden, explained to the Board the violations and what they did to resolve them. He informed them that they are currently in compliance; and further, asked for the fines to be waived.

Vice-Chair Allender asked if the property is in compliance with no further violations. Code Enforcement Officer Cortez answered in the affirmative.

Member Myers inquired what the reduced fine is. Code Enforcement Officer Cortez answered the fine is \$1,950; however, staff recommends lowering it to \$400. He further explained the timeline.

Discussions ensued regarding the property coming into compliance, the timeline, and reducing the fine.

Member Bain made a motion to reduce the fine in Case No. C2301-0017 from \$400 to \$195 to be paid within 30 days; and further, failure to pay will result in reverting the fine to its original amount of \$1,950; seconded by Member Myers. Motion passed 6-0 with Chairman Johnson absent.

Vice-Chair Allender explained to Mr. Driver that the fine has been reduced and must be paid within 30 days.

City Attorney Brandt announced the following agenda items will not be presented, because they have come into compliance (Items 4, 5, 7, 8 & 12):

ITEM 4 - CASE NO. C2307-0028

Coastal Investment Land Trust

1635 E. Highway 50 #300

Clermont, FL 34711

ITEM 5 - CASE NO. C2303-0014

Southern Villas Lot Owners Association
Alice Mahnke
620 N. Wymore Rd., Suite 270
Maitland, FL 32751

ITEM 7 - CASE NO. C2303-0054

Gwen Battle
4013 Greystone Drive
Clermont, FL 34711

ITEM 8 - CASE NO. C2305-0029

The View Clermont LLC
4233 Mistwod St.
Winter Garden, FL 34787

ITEM 12 - CASE NO. C2305-0015

Lunsford Family Properties LLC
12230 Cumming Highway
Canton, GA 30115

(The following agenda items were heard out of agenda order.)

ITEM 10 - CASE NO. C2301-0041

Angela Mojica Special Needs Trust
1610 E. Bowman St.
Clermont, FL 34711

LOCATION OF VIOLATION: 1610 E. Bowman Street

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

Code Enforcement Officer Cortez introduced the case explaining Section 122-344. He stated this is a self-initiated case that is currently not in compliance. He further presented the case summary and gave its history, exhibited pictures that are a true and accurate depiction of the property on the date taken, and read the violation, dates, and staff recommendation for the record.

Board Attorney Brackins stated the structure looks larger than a shed and asked if it has electricity or water. Code Enforcement Officer Cortez answered he believes it may have electricity, but that is not verified.

Christian Arroyo, 1610 E. Bowman Street, stated he is Angela Mojica's father. He purchased this home a year ago, and purchased the shed to house his daughter's medical supplies. He explained his fence contractor told him he would take care of everything including the permitting for the fence and shed; however, his contractor failed to do so. He further stated he has contacted his contractor who will be submitting everything for permitting by end of week.

Discussion ensued on how long the permitting process would take.

Member Myers made a motion that the Respondent correct the violation in Case No. C2301-0041 on or before November 18, 2023, with a fine of \$150 per day for every day in violation after November 18, 2023; and further, the Respondent is ordered to contact the Code Enforcement Inspector to arrange an inspection of the property to verify compliance; seconded by Member Duhon. Motion passed 6-0 with Chairman Johnson absent.

Vice-Chair Allender explained to Mr. Arroyo that he has been given 60 days in order to get a permit for the fence and shed.

ITEM 13 - CASE NO. C2304-0050

Brian & Sherrie Smith
1220 W. Lakeshore Drive
Clermont, FL 34711

LOCATION OF VIOLATION: 1220 W. Lakeshore Drive

VIOLATION: Section 304.3 IPMC Premises Identification, Section 18-92 Prohibit Storage of Certain Items

City Attorney Brandt introduced the case.

The Respondent was present.

Code Enforcement Officer Cortez stated this case was initiated by Code Enforcement Officer Rebando, and it is currently in compliance. He further presented the case summary and gave its history, exhibited pictures that are a true and accurate depiction of the property on the date taken, and read the violation, dates, and staff recommendation for the record.

Brian Smith, 1220 W. Lakeshore Drive, explained he sells cars from his home, and the cars are not junk cars. He has to use the dealer tag on other vehicles, which is why some cars do not have tags on them.

Member Bain made a motion to find the Respondent was in violation in Case No. C2304-0050; however, the Respondent did correct the violation. The Respondent is ordered to refrain from repeating this violation. If the Respondent does not comply with this order, a fine of \$150 per day for every day in violation after September 18, 2023, will accrue until corrected as observed and documented by the Code Enforcement Inspector; seconded by Member Martin. Motion passed 6-0 with Chairman Johnson absent.

Vice-Chair Allender explained to Mr. and Mrs. Smith that the Board did find them to be in violation; however, they are now in compliance, and to refrain from violating again.

City Attorney Brandt indicated a repeat violation warrants a \$500 fine.

Member Bain amended the motion to find the Respondent was in violation in Case No. C2304-0050; however, the Respondent did correct the violation. The Respondent is ordered to refrain from repeating this violation. If the Respondent does not comply with this order, a fine of \$500 per day for every day in violation after September 18, 2023, will accrue until corrected as observed and documented by the Code Enforcement Inspector; seconded by Member Martin. Motion passed 6-0 with Chairman Johnson absent.

Vice-Chair Allender stated to Mr. and Mrs. Smith to definitely refrain as it will be a \$500 fine per day if cited again.

ITEM 6 - CASE NO. C2207-0008

Turk Andrea M Trustee
1326 East Avenue
Clermont, FL 34711

LOCATION OF VIOLATION: West Avenue (Vacant Lot) Alternate Key 2668148

VIOLATION: Section 38-5 Lakefront Properties Parking and Storage for Boats

City Attorney Brandt introduced the case.

The Respondent was not present.

Code Enforcement Officer Cortez introduced the case explaining Section 38-5. He presented the case summary and gave its history, exhibited pictures that are a true and accurate depiction of the property on the date taken, and read the violation, and dates for the record. This case was originally filed on July 6, 2022. However, it was put on hold from October 2022 to April 2023, after Ordinance No. 2023-006 was adopted. He further explained this case was self-initiated, is currently not in compliance, and staff recommendation.

Member Duhon made a motion to find the Respondent is in violation in Case No. C2207-0008. If the Respondent does not comply with this order, a fine of \$150 per day for every day in violation after October 18, 2023, will accrue until corrected. And further, the Respondent is ordered to contact the Code Enforcement Inspector to arrange an inspection of the property to verify compliance; seconded by Member Fornoles. Motion passed 6-0 with Chairman Johnson absent.

ITEM 9 - CASE NO. C2304-0040

Pamela Guerrero
873 Skyridge Road
Clermont, FL 34711

LOCATION OF VIOLATION: 873 Skyridge Road

REPEAT VIOLATION: Section 123-74 Minimum Tree Requirement; Section 123-100 Tree Removal Permit

The Respondent was not present.

Code Enforcement Officer Cortez introduced the case explaining Sections 123-74 & 123-100. He presented the case summary, gave its history, and 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. The Respondent did apply for a Tree Removal Permit on July 3, 2023, after the Notice of Violation compliance date, with an expiration date of December 30, 2023.

Member Bain made a motion that the Respondent correct the violation in Case No. C2304-0040 on or before November 18, 2023, with a fine of \$150 per day for every day in violation after November 18, 2023; and further, the Respondent is ordered to contact the Code Enforcement Inspector to arrange an inspection of the property to verify compliance; seconded by Member Duhon. Motion passed 6-0 with Chairman Johnson absent.

ITEM 11 - CASE NO. C2303-0012

EMF of Winter Park, Inc.
2964 Lake Jean Dr.
Clermont, FL 34711

LOCATION OF VIOLATION: 185 US HWY 27/ Alternate Key 3911288

VIOLATION: Section 122-344 (new Section 125-522) Building Permit Required; Section 112 IPMC Stop Work Order

The Respondent was not present.

Code Enforcement Officer Cortez introduced the case explaining Sections 122-344 & 112 IPMC. He presented the case summary, gave its history, and 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.

Member Fornoles made a motion to find the Respondent is in violation in Case No. C2303-0012. If the Respondent does not comply with this order, a fine of \$150 per day for every day in violation after October 18, 2023, will accrue until corrected; and further, the Respondent is ordered to contact the Code Enforcement Inspector to arrange an inspection of the property to verify compliance; seconded by Member Duhon. Motion passed 6-0 with Chairman Johnson absent.

ITEM 14 - CASE NO. C2307-0052

Matthew Shakaria
3539 Rolling Hills Lane
Apopka, FL 32712

LOCATION OF VIOLATION: 5th Street (Vacant Lot) Alternate Key 3621433

VIOLATION: Section 18-53 Nuisances; Section 18-54 Creation of Nuisance by Property Owner Declared Unlawful; Section 125-522 (i) Property Maintenance; Section 302.4 IPMC Weeds

The Respondent was not present.

Code Enforcement Officer Snodgrass introduced the case explaining Sections 125-522, 18-53, 18-54, and IPMC Section 302.4. He presented the case summary, 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.

Member Fornoles made a motion to find the Respondent is in violation in Case No. C2307-0052. If the Respondent does not comply with this order, a fine of \$150 per day for every day in violation after October 18, 2023, will accrue until corrected; and further, the Respondent is ordered to contact the Code Enforcement Inspector to arrange an inspection of the property to verify compliance; seconded by Member Duhon. Motion passed 6-0 with Chairman Johnson absent.

Board Attorney Brackins announced there is a member of the public who would like to speak and advised the board accordingly.

Jose Gonzalez spoke with regards to the violations regarding the Rusty Truck Diner.

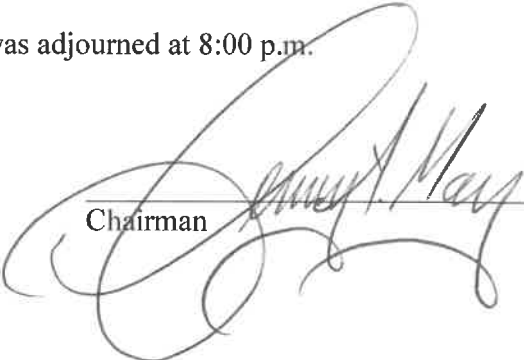
Board Attorney Brackins explained the attendance requirements. He announced Chairman Johnson and Vice-Chair Allender may be leaving the board soon. Elections for a new chair and vice-chair may be needed at the next November meeting.

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

Attest:



Kathy Heard, Code Enforcement Clerk



Chairman