

City of Clermont
CODE ENFORCEMENT BOARD
MINUTES
MARCH 18, 2024

CALL TO ORDER

Development Services Coordinator Heard called the regular meeting of the Code Enforcement Board to order on Monday, March 18, 2024, at 6:00pm.

MEMBERS PRESENT: Chair May, Vice-Chair Camps, Member Falcone, Member Forth, Member Kilburn

MEMBERS ABSENT: Member Fornoles, Member Duhon

ALSO PRESENT: Code Enforcement Officers Cortez, Snodgrass, and Rebando; Code Enforcement Manager Wallace, Code Board Attorney Brackins, City Attorney Mantzaris, Development Services Director Henschel, and Development Services Coordinator Heard

PLEDGE OF ALLEGIANCE

ELECTION OF CHAIR AND VICE-CHAIR

Board Attorney Brackins instructed the board on this item.

Member Camps, seconded by Member Falcone, nominated Member May for Chair for a term ending April 2026. Motion passed 5-0 with Members Duhon & Fornoles absent.

Member Kilburn, seconded by Member Falcone, nominated Member Camps for Vice-Chair for a term ending April 2026. Motion passed 5-0 with Members Duhon & Fornoles absent.

MINUTES

Motion to approve the Minutes for the September 18, 2023 Code Enforcement Board Meeting; Moved by Vice-Chair Camps; Seconded by Member Forth. Motion passed 4-1 with Member Falcone abstaining and Members Duhon & Fornoles absent.

OPENING STATEMENT

Chair May made the opening remarks.

SWEARING IN WITNESSES

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

OTHER BUSINESS

City Attorney Mantzaris introduced himself and announced staff would like to hold a special meeting on Monday, April 15, 2024, at 6pm.

City Attorney Mantzaris announced the following agenda items are not being presented, because they came into compliance or are being moved to the April 15, 2024 meeting (Items 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15 & 16):

ITEM 1 - CASE NO. C2021-000029 & C2021-000031

Richard Klass

505 7th Street

Clermont, FL 34711

LOCATION OF VIOLATION: 588 & 590 West Juniata Street

REQUEST: Motion to Foreclose

ITEM 2 - CASE NO. C2302-0075 & C2302-0077

584 West Juniata Street, LLC

210 River Street

Hackensack, NJ 06701

LOCATION OF VIOLATION: 584 & 586 West Juniata Street

REQUEST: Motion to Foreclose

ITEM 3 - CASE NO. C2106-000046

Neville Desilva

2047 Knollcrest Drive

Clermont, FL 34711

LOCATION OF VIOLATION: 2047 Knollcrest Drive

REPEAT VIOLATION: Reduction of Fines

ITEM 4 - CASE NO. C2307-0052

Matthew Shakaria

3539 Rolling Hills Lane

Apopka, FL 32712

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

REPEAT VIOLATION: Motion to Lien

ITEM 5 - CASE NO. C2203-000066

Richard Posada

2714 Eagle Lake Drive

Clermont, FL 34711

LOCATION OF VIOLATION: 2714 Eagle Lake Drive

REPEAT VIOLATION: Reduction of Fine

ITEM 6 - CASE NO. C2301-0004

ANNBI LLC

10845 Log House Road

Clermont, FL 34711

LOCATION OF VIOLATION: 811 West Highway 50

REPEAT VIOLATION: Reduction of Fine

ITEM 8 - CASE NO. C2403-00003

Jose Gonzalez

1250 Shorecrest Circle

Clermont, FL 34711

LOCATION OF VIOLATION: 1250 Shorecrest Circle

REPEAT VIOLATION: Repeat with Fine

ITEM 9 - CASE NO. C2312-0002

Willie Chandler

536 E. Broome Street

Clermont, FL 34711

LOCATION OF VIOLATION: 532 Broome Street

REPEAT VIOLATION: Repeat with Fine

ITEM 10 - CASE NO. C2312-0017

Flori-1295 LLC (Nolands Roofing)

1295 West Highway 50

Clermont, FL 34711

LOCATION OF VIOLATION: Emerald Lakes Street

VIOLATION: Section 101-178 Development Order and Development Permit Required

ITEM 11 - CASE NO. C2312-0019

Anthony Alvarez & Sheila De Pa

740 Prince Edward Avenue

Clermont, FL 34711

LOCATION OF VIOLATION: 740 Prince Edward Avenue

VIOLATION: Section 18-92 Prohibition of Storage of Certain Items, Section 30-2 Garbage Containers Section 125-522 (a) Building Permit Required, Section 304.3 IPMC Premises Identification, Section 302.3 IPMC Sidewalks and Driveways, City Attorney Brandt introduced the case.

ITEM 13 - CASE NO. C2309-0054

John Miles, Jr., Estate

1000 Lakeshore Drive

Clermont, FL 34711

LOCATION OF VIOLATION: 1000 Lakeshore Drive

REPEAT VIOLATION: Section 18-92 Prohibition of Certain Items, Section 302.4 IPMC Weeds

ITEM 14 - CASE NO. C2312-0028

FCH Properties LLC (Travel Camp)

2480 S. US Highway 27

Clermont, FL 34711

LOCATION OF VIOLATION: 2480 S. US Highway 27

VIOLATION: Section 302.2 Grading & Drainage Section 125-522 (i) Property Maintenance, Section 105-120 Maintenance of Installed Systems, Section 117-8 Prohibited Signs

ITEM 15 - CASE NO. C2310-0028

John Biggs

443 W. Juniata Street

Clermont, FL 34711

LOCATION OF VIOLATION: 443 W. Juniata Street

VIOLATION: Section 125-522 (a) Building Permit Required

ITEM 16 - CASE NO. C2310-0030

Jomar Investment LLC
1445 Bowman Street
Clermont, FL 34711

LOCATION OF VIOLATION: 1445 Bowman Street

VIOLATION: Section 125-522 (a) Building Permit Required, Section 125-587 Vacation Rental Permit Requirements

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

ITEM 7 - CASE NO. C2305-0061

JO-EL LLC
340 Bunker Place
Orlando, FL 32804

LOCATION OF VIOLATION: W. Minneola Road – Vacant Lot

REPEAT VIOLATION: Reduction of Fine

City Attorney Mantzaris introduced the case, and explained two orders were entered in this case with the first one in February of 2023 and the second in July of 2023. He stated the property is currently in compliance with an outstanding fine of \$2,000 from the July of 2023 order, and the representative is present to ask the Board for a reduction of fine. He stated staff's recommendation is reducing the fine to \$200. He further asked the respondent to make their appeal to the Board.

Chair May asked when the last violation was. Code Enforcement Officer Cortez answered the property came into compliance on 7/11/23 and no further violations have occurred.

Member Falcone said this is a repeat violation and asked when the very first violation occurred. Code Enforcement Manager Wallace answered the first case was in 2013 for the same violation. Since that time there have been a total of 13 cases.

Respondent Ellis Abide, Manager of JO-EL LLC, 340 Bunker Place, Orlando, shared text communications and a timeline between him and the lawn company that mows the vacant lot. In conclusion, due to unforeseen circumstances, the vacant lot did not get mowed and on Saturday, May 27, 2023, he received a violation. He was able to find a new landscaper where it was mowed on Sunday, May 28, 2023. He explained he lives in Orlando, 35 minutes away, and he currently has a new landscaping company.

Member Forth made a motion to reduce the fine in Case No. C2305-0061 from \$2,000 to \$250 to be paid within 30 days; and further, failure to pay will result in reverting the fine to its original amount of \$2,000. Motion failed for lack of second.

Chair May opened up the floor for discussion. Discussion ensued regarding staff's recommendation.

Vice-Chair Camps made a motion to reduce the fine in Case No. C2305-0061 from \$2,000 to \$200 to be paid within 30 days; and further, failure to pay will result in reverting the fine to its original amount of \$2,000; seconded by Member Kilburn. Motion passed 5-0 with Members Duhon and Fornoles absent.

NEW BUSINESS

ITEM 12 - CASE NO. C2310-0039

Judy & Roy Barton
301 Chestnut Street
Clermont, FL 34711

LOCATION OF VIOLATION: 301 Chestnut Street

VIOLATION: Section 125-522(a) Building Permit Required

City Attorney Mantzaris introduced Code Enforcement Officer Rebando who presented the evidence for this case.

Code Enforcement Officer Rebando introduced the case explaining Section 125-522(a). 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. He further explained this case was self-initiated, is currently not in compliance, no permit is in the system, and stated staff's recommendation.

City Attorney Mantzaris further explained this case went before the City Council on March 12, 2024 for a variance request which was denied. He stated because of the variance denial the respondent would have to move the shed in order to obtain a permit.

Respondent Roy Barton, 301 Chestnut Street, said he will be more than happy to apply for a permit, but he does not have 25 feet to the property line. He is currently working with staff to find a resolution and asked for more time.

City Attorney Mantzaris indicated he still needs a variance in order to obtain a permit; however, his variance was denied, and City Code states applying for another variance is not allowed for up to a year.

Discussion ensued regarding the denied variance and extending the time from 60 to 90 days.

Member Kilburn made a motion to find the Respondent is in violation in Case No. C2310-0039. If the Respondent does not comply with this order to correct the violation on or before June 17, 2024, a fine of \$150 per day for every day in violation after June 17, 2024, will accrue until corrected. And further, the Respondent is ordered to contact the Code Enforcement Officer to arrange an inspection of the property to verify compliance; seconded by Member Falcone. Motion passed 5-0 with Members Duhon and Fornoles absent.

ITEM 17 - CASE NO. C2310-0021

Kevin Henshaw
1620 5th Street
Clermont, FL 34711

LOCATION OF VIOLATION: 1620 5th Street

VIOLATION: Section 125-522(a) Building Permit Required

City Attorney Mantzaris introduced Code Enforcement Officer Cortez who presented the evidence for this case.

Code Enforcement Officer Cortez introduced the case explaining Section 125-522(a). 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. He further explained this case was self-initiated, is currently not in compliance, the respondent has not contacted code enforcement about the case, and stated staff's recommendation.

Respondent Kevin Henshaw, owner of 1620 5th Street, explained he did not receive the notice because he has tenants in the home. He further stated he is currently attempting a lot split on this property, and he cannot get the survey until the lot split is approved. He is requesting more time in order to obtain the survey to apply for the permit.

Chair May recommended the date stand at 30 days, because surveys can be done fairly quickly. Respondent Henshaw stated most surveys are taking 60 to 90 days right now.

Vice-Chair Camps made a motion to find the Respondent is in violation in Case No. C2310-0021. If the Respondent does not comply with this order, a fine of \$150 per day for every day in violation after May 17, 2024, will accrue until corrected; and further, the Respondent is ordered to contact the Code Enforcement Officer to arrange an inspection of the property to verify compliance; seconded by Member Forth. Motion passed 5-0 with Members Duhon and Fornoles absent.

ITEM 18 - CASE NO. C2307-0013

Permacation LLC (Artificial Grass Co.)
516 West Highway 50
Clermont, FL 34711

LOCATION OF VIOLATION: 516 West Highway 50

VIOLATION: Section 605.1 IPMC Electrical Equipment, Section 304.1 IPMC Exterior Structure, Section 125-522(a) Building Permit Required, Section 304.1.1 IPMC Unsafe Conditions, Section 305.1 IPMC General, Section 302.3 IPMC Sidewalks & Driveways

City Attorney Mantzaris introduced Code Enforcement Officer Cortez who presented the evidence for this case.

Code Enforcement Officer Cortez introduced the case explaining Section 125-522(a) Building Permit Required, Section 302.3 IPMC Sidewalks & Driveways, Section 304.1 IPMC Exterior Structure, Section 304.1.1 IPMC Unsafe Conditions, Section 305.1 IPMC General, Section 605.1 IPMC Electrical Equipment. 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 violations. He stated a demolition permit was applied for, but was denied. In conclusion, he stated staff's recommendation is to find the respondent is in violation; and further, assess a fine of \$250 per day for every day the property remains in violation after April 17, 2024.

Respondent Kevin Henshaw, outdoor manager of Permacation LLC, stated he has taken over the building approximately five months ago and has been working with Mr. Powell on getting the drawing plans for building and parking lot renovations.

City Attorney Mantzaris explained the permitting process.

Member Forth made a motion to find the Respondent is in violation in Case No. C2307-0013. If the Respondent does not comply with this order, a fine of \$250 per day for every day in violation after April 17, 2024, will accrue until corrected; and further, the Respondent is ordered to contact the Code Enforcement Officer to arrange an inspection of the property to verify compliance; seconded by Member Falcone. Motion passed 5-0 with Members Duhon and Fornoles absent.

Board Attorney Brackins announced April 15th will be a special meeting and asked for a motion to schedule the meeting.

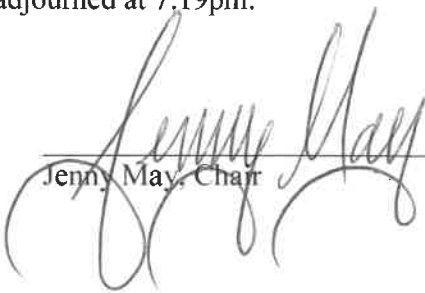
Vice-Chair Camps made a motion to schedule a special meeting on Monday, April 15, 2024 for the agenda items that were moved; Seconded by Member Kilburn. Motion passed 5-0 with Members Duhon & Fornoles absent.

AJDOURN

There being no further business, the meeting was adjourned at 7:19pm.

Attest:


Kathy Heard, Dev. Svcs. Coord.


Jenny May, Chair

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Falcone Fran	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Code Enforcement Board
MAILING ADDRESS 1360 Camden Court 3904 Doune Way	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Clermont Lake	NAME OF POLITICAL SUBDIVISION: City of Clermont
DATE ON WHICH VOTE OCCURRED March 18, 2024	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Fran Falcone, hereby disclose that on March 18, 20 24 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Approval of the February 6, 2024 Code Enforcement Board Minutes

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Fran Falcone
Date Filed

4/15/2024
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.