



CITY OF WINTER GARDEN

CODE ENFORCEMENT BOARD REGULAR MEETING MINUTES Amended Minutes for July 6, 2010

A **REGULAR MEETING** of the Winter Garden Code Enforcement Board was called to order by Chairman Joseph Skubas at 6:16 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida it was determined that a quorum was present. The invocation and Pledge of Allegiance were given.

Present: Chairman Joseph Skubas, Board Members, Bradley Lomneck, Henry L. Wright, John Benoit III, and Wanda Patterson.

Also Present: Board Attorney Gayle Owens, Secretary Ana Lucia Alves, Building Official Skip Lukert, Community Development Director Tim Wilson, Code Enforcement Inspectors Raymond Lettsome and Michael Jenkins.

Absent: Vice-Chairman Jeffrey Sherron and Board member Vincent Goodwin.

APPROVAL OF MINUTES: Approval of minutes from the regular meeting of June 1, 2010. **Motion by member Wright to approve the minutes of June 1, 2010 as printed, member Benoit III seconded, and the motion carried unanimously 5-0.**

Chairman Joseph Skubas introduced new Code Enforcement Board member Wanda Patterson, who previously was administered the oath of the office.

Mr. Lomneck congratulated Board Members Sherron and Goodwin on their re-appointment to the board.

SWEARING IN BY PARTIES TO TESTIFY

CEB attorney Gayle Owens swore in all those present who were going to testify and included CEB Inspector Michael Jenkins, CEB Inspector Raymond Lettsome, Code Enforcement Manager Skip Lukert and Gordon Reid who owns property located 245 N. Central Avenue, Winter Garden, Florida.

HEARINGS ON STATEMENT OF VIOLATIONS PURSUANT TO NOTICES OF HEARINGS

OLD BUSINESS ITEMS

1. **CASE # 10-276- Respondent Deutsche Bank National Trust Company, 419 Tierra Verde, Winter Garden, Fl**
Inspector: Ray Lettsome
Violation Cited: Sec 38-62 – Mosquito breeding places
Sec 38-29 – Abatement of nuisances required

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-276

Code Enforcement Inspector Lettsome presented Case # 10-276 that was first heard on June 1, 2010 that had a compliance date of June 16, 2010. Inspector Lettsome presented his case

exhibits to the CEB and stated that the case is still not in compliance. He recommended that a fine \$250.00 per day be imposed with a beginning date on April 14, 2010, which is the first date non-compliance was established.

Motion: Member Lomneck moved in Case No. 10-276 that the respondent is in violation of the Winter Garden Code of Ordinances, Sections 38-62 and 38-29. A fine of \$250.00 per day is hereby imposed beginning June 16, 2010, which fine shall continue each day thereafter until such date as the City of Winter Garden Code Enforcement Inspector determines that the violation has been cured and establishes the date of compliance. The Respondent shall contact the City of Winter Garden Code Enforcement Officer to arrange for an inspection of the property to verify compliance. Seconded by Board Member Benoit III.

Board Member Lomneck amended the motion to include finding that this case, as presented, is a serious threat to the health, safety and welfare of the public and any costs incurred by the City to remedy the violations, will be in addition to the daily fines. Seconded by Benoit III and carried unanimously 5-0.

NEW BUSINESS ITEMS

2. CASE # 10-527 – Respondent Gordon E. & Nancy R. Reid, 245 N. Central Ave, Winter Garden, FL

Inspector: Ray Lettsome

Violation Cited: Sec 38-94 – Accumulation of trash, junk, debris, and non living plant material on property utilized or zoned for residential, professional office, commercial or industrial use.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-527

Code Enforcement Inspector Lettsome presented Case #10-527 and all related exhibits to CEB and stated that the case is not in compliance. He recommended that compliance be achieved by July 16, 2010, which allows him an additional ten days to clean up the property. If not brought into compliance, the original non-compliance date of May 24, 2010 be the date the fine start at \$250.00 per day.

Respondent Gordon Reid, property owner of 245 N Central Ave, Winter Garden Florida, spoke in behalf Case #10-527. Mr. Reid explained the reason the property was not in compliance and stated that he hopes to have it all done within the next 30 days. He would rather have 60 days if CEB would allow him the extra time.

Motion by Board Member Lomneck to have the Code Enforcement Inspector meet with the respondent and table this matter until the next meeting. Motion failed for the lack of a second.

Code Enforcement Manager Skip Lukert spoke on Case #10-527. Mr. Lukert brought to the CEB's attention that the respondent had applied for a variance in order to place a large shed in the backyard, which was approved by Planning and Zoning Board. Part of the variance application process included the respondent's reason for the extra large shed was to assist with cleaning up his yard.

Motion: Member Benoit III moved in Case No. 10-527 that the respondent is in violation of the Winter Garden Code of Ordinances, Sec 38-94. The Respondent shall correct the violation on or before August 3, 2010. To correct the violation, the Respondent shall take the remedial action as set forth in the Notice of Violation dated May 24, 2010, to wit: Store, remove, or clean up the

accumulated debris from the property. The Respondent is further ordered to contact the City of Winter Garden Code Inspector to arrange for an inspection of the property to verify compliance. If respondent does not comply with the order, a fine may be imposed at a later hearing for up to \$250.00 a day for each day the violation continues past the date given for compliance. Seconded by Member Wright and carried 4-1; opposed by Board Member Lomneck.

3. CASE # 10-806 – Respondent Windtree Lane LLC, W. Colonial Drive (unassigned address), Winter Garden, FL

Inspector: Ray Lettsome

Violation Cited: Sec 62-31 – Maintenance of privately owned streets, driveways and parking lots

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-806

Code Enforcement Inspector Lettsome presented exhibits and stated that the property is not in compliance. Respondent is in violation of Code of Ordinances Section 62-31 of the City of Winter Garden, Florida. He recommended that the Respondent be given two weeks or by July 23, 2010 to correct the violation.

Motion: *Member Lomneck moved in Case No. 10-806 that the respondent is in violation of the Winter Garden Code of Ordinances, Sec 62-31. The Respondent shall correct the violation on or before July 23, 2010. To correct the violation, the Respondent shall take the remedial action as set forth in the Notice of Violation dated July 2, 2010. The Respondent is further ordered to contact the City of Winter Garden Code Inspector to arrange for an inspection of the property to verify compliance. If respondent does not comply with the order, a fine may be imposed at a later hearing for up to \$250.00 a day for each day the violation continues past the date given for compliance. Seconded by Member Benoit III and carried unanimously 5-0.*

4. CASE # 10-194 – Respondent Todd S. Wheeler, 865 Klondike, Winter Garden, FL

Inspector: Michael Jenkins

Violation Cited: Sec 305.7 – Windows

Sec 305.11.1 – Exterior doors

Sec 305.11.2 – Repair, replace, install or board up with on the door frame

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-194

Code Enforcement Inspector Jenkins presented exhibits and stated that the property is not in compliance. Respondent is in violation of Code of Ordinances of the City of Winter Garden, Florida, as set forth in the Notice of Violation, to wit: Sections 38-29, 305.7, 305.11.1 and 305.11.2. He recommended that the Respondent be given five days to correct the violation. If not brought into compliance, the original non-compliance date of April 20, 2010 be the date the fine start at \$250.00 per day.

Motion: *Member Lomneck moved in Case No. 10-194 that the respondent is in violation of the Winter Garden Code of Ordinances, Sections 38-29, 305.7, 305.11.1 and 305.11.2 and 38.29. The Respondent shall correct the violation on or before July 11, 2010. To correct the violation, the Respondent shall take the remedial action as set forth in the Notice of Violation dated April 20. The Respondent is further ordered to contact the City of Winter Garden Code Inspector to arrange for an inspection of the property to verify compliance. If respondent does not comply with the order, a fine may be imposed at a later hearing for up to \$250.00 a day for each day the violation continues past the date given for compliance. The Board further finds that the violation presents a serious threat to the public health, safety and welfare and it is ordered that, by copy*

of this Order, the City of Winter Garden be notified of said condition pursuant to Sections 162.06 (4) and 162.09(1), Florida Statutes. Seconded by member Benoit III and carried unanimously 5-0.

5. **CASE # 10-620 – Respondent Carvest L Horne & Carmem L Williams, 624 E. Bay Cove, Winter Garden, FL**
Inspector: Michael Jenkins
Violation Cited: Sec 118-1127 – Disabled Motor Vehicle

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-620

Code Enforcement Inspector Jenkins presented exhibits and stated that the property has been brought into compliance prior this hearing date and this case is now closed.

6. **CASE # 10-543 – Respondent Robert Cirone, owner of Classic Storage LLC, 816 Mary's Park Place, Winter Garden, FL**
Code Enforcement Manager: Skip Lukert
Violation Cited: Sec 118-535 – Prohibited uses and structures

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-543

Code Enforcement Manager Lukert presented exhibits and stated that the property is not in compliance. Respondent is in violation of Code of Ordinances of the City of Winter Garden, Florida, as set forth in the Notice of Violation Section 118-535, for use of premises inconsistent with zoning (units 14 and 15).

Mr.Cirone, property owner of 816 Mary's Park Pl, Winter Garden, Florida, was duly sworn in by CEB attorney Owens and spoke in behalf of this case. Mr.Cirone explained his situation and requested more time to bring his property into compliance.

Motion: *Member Lomneck moved in Case No. 10-543 that the respondent is in violation of the Winter Garden Code of Ordinances, Sec 118-535. The Respondent shall correct the violation on or before August 13, 2010, including the prohibited use of structures to have the scope of work, the space upgraded by design professionals, and have the certificate of occupancy by August 13, 2010. Seconded by member Wright and carried unanimously 5-0.*

Adjournment:

There being no more business to discuss, Member Benoit III moved to adjourn the meeting at 7:35 p.m. Seconded by Member Wright, and carried unanimously 5-0.

ATTEST:

APPROVED:

Secretary Ana Lucia Alves

Chairman Joseph Skubas