



CITY OF WINTER GARDEN

CODE ENFORCEMENT BOARD REGULAR MEETING MINUTES

August 3, 2010

A **REGULAR MEETING** of the Winter Garden Code Enforcement Board was called to order by Chairman Joseph Skubas at 6:15 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida and it was determined that a quorum was present. The invocation and Pledge of Allegiance were given.

Present: Chairman Joseph Skubas, Vice-Chairman Jeffrey Sherron, Board Members, Bradley Lomneck, John Benoit III, Vincent Goodwin and Wanda Patterson.

Also Present: Board Attorney Dan Langley, Secretary Ana Lucia Alves, Community Development Director Tim Wilson, Building Plans Examiner Dennis Turner, Code Enforcement Inspectors Raymond Lettsome and Michael Jenkins.

Absent: Henry L. Wright.

APPROVAL OF MINUTES: Approval of minutes from the regular meeting of July 6, 2010. **Motion by member Sherron to approve the minutes of July 6, 2010 as printed, member Lomneck seconded, and the motion carried unanimously 6-0.**

SWEARING IN BY PARTIES TO TESTIFY

CEB Secretary Ana Alves swore in all those present who were going to testify and included CEB Inspector Michael Jenkins, CEB Inspector Raymond Lettsome, and Community Development Director Tim Wilson.

HEARINGS ON STATEMENT OF VIOLATIONS PURSUANT TO NOTICES OF HEARINGS

OLD BUSINESS ITEMS

1. **CASE # 08-746- Respondent Shirley Smith, 12 W. Plant St, Winter Garden, FL**
Board Attorney Dan Langley

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 08-746

Board Attorney Dan Langley presented Case # 08-0746. Code Enforcement Board has previously authorized City Commission to start foreclosure procedures. After the City of Winter Garden filed the lawsuit, the defendant attorney filed a motion to dismiss the complaint. In a matter of precaution the City of Winter Garden will file an amended complaint. Board attorney Dan Langley requested to the Board to authorize the City attorney to foreclosure upon the Code Enforcement liens that are imposed against the property located at 12 W Plant Street, Winter Garden Florida.

Motion: Member Lomneck moved in Case # 08-0746 to authorize City Attorney to continue with foreclosure procedures. Seconded by Member Goodwin and carried unanimously 6-0.

2. CASE # 10-0527 – Respondent Gordon E and Nancy R. Reid - 245 N. Central Street, Winter Garden, FL

Inspector: Ray Lettsome

Violation Cited: Sec 38-94 – Accumulation of trash, junk, debris, and non living plant materials 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 exhibits and stated that the property has been brought into compliance prior hearing date and this case is now closed.

3. CASE # 10-0806 – Respondent Windtree Lane LLC, Unassigned W. Colonial Dr. also known as Windtree Lane, 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 #10-0806

Code Enforcement Inspector Lettsome 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 Sec 62-31. Code Enforcement Inspector Lettsome recommended amending the Code Enforcement Findings of Fact, Conclusions of Law, Order and Notice of Right to Appeal given the Respondent until September 3, 2010 to bring case into compliance due to the Highway 50 construction. If the Respondent does not comply on for before September 3, 2010, a hearing shall be held on September 7, 2010 to determine whether a fine should be imposed for failure to comply with the Notice of Violation dated June 25, 2010.

Motion: Member Lomneck moved in Case # 10-0806 that the respondent is in violation of the Winter Garden Code of Ordinances, Sec 62-31. Member Lomneck made motion to amend the previous Code Enforcement Order imposed on July 6, 2010 amending date of compliance from July 23, 2010 to September 3, 2010. The Respondent shall correct the violation on or before September 3, 2010. To correct the violation, the Respondent shall take the remedial action as set forth in the Notice of Violation dated June 25, 2010, to wit: Repair/replace all deficiencies (washouts, potholes, cracks) and maintain surface conditions within the privately owned roadway. 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. Seconded by Member Goodwin and carried unanimously 6-0.

4. CASE # 10-0194 – 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

Sec 38.29 – Abatement of nuisances required

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-0194

Code Enforcement Inspector Jenkins presented exhibits and stated that the property is not in compliance. Code Enforcement Board issued a Findings of Fact, Conclusions of Law, Order and Notice of Right to Appeal on July 6, 2010. 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. Mr. Jenkins requested an engineering drawings submitted to

the Building Division at the time of permitting. Code Enforcement Board attorney Dan Langley mentioned in order to have that as part of the order, the "Findings of Fact, Conclusions of Law, Order and Notice of Right to Appeal" issued on July 6, 2010 meeting amended. Community Development Director Tim Wilson mentioned that is not necessary amending the order because the Building Division has the authority to request that document at the time of permitting. Code Enforcement Board member Mr. Benoit III asked if the City can remedy the violation since was found to be a nuisances and health hazard. Community Development Director Mr. Wilson stated if the violation is not corrected by the Respondent, the City of Winter Garden may take measures to address the security of the property.

Motion: *Member Lomneck moved in Case # 10-0194 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. A fine of \$250.00 per day is hereby imposed beginning July 11, 2010, which fine shall continue each day thereafter until such date as the City of Winter Garden code enforcement officer determines that the violation has been cured and establishes the date of compliance. The Respondent shall contact the City of Winter Garden code inspector to arrange for an inspection of the property to verify compliance. The Board also finds that the violation presents a serious threat to the public health, safety and welfare. Seconded by Member Goodwin and carried unanimously 6-0.*

Adjournment:

There being no more business to discuss, Member Sherron moved to adjourn the meeting at 6:38 p.m. Seconded by Member Goodwin and carried unanimously 6-0.

ATTEST:

APPROVED:

Secretary Ana Lucia Alves

Chairman Joseph Skubas