



CODE ENFORCEMENT BOARD
A Regular Meeting Minutes
September 7, 2010

CALL TO ORDER

A **REGULAR MEETING** of the Winter Garden Code Enforcement Board (CEB) was called to order by Chairman Joseph Skubas at 6:18 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, Board Members Henry L. Wright, John Benoit III, and Wanda Patterson.

Also Present: Board Attorney Gayle Owens, Secretary Ana Lucia Alves, Community Development Director Tim Wilson and Code Enforcement Manager Skip Lukert.

Absent: Vice-Chairman Jeffrey Sherron, Bradley Lomneck and Vincent Goodwin.

1. **CONSENT AGENDA**

APPROVAL OF MINUTES

Skip Lukert advised the Code Enforcement Board that the July 6, 2010 minutes need to be re-adopted due to some additions. The copies of the amended minutes from July 6, 2010 and minutes from the August 3, 2010 meeting were provided to the Code Enforcement Board members for their review. At the October 5, 2010 CEB meeting the CEB will be asked to approve the amended July's minutes and approve the August 3, 2010 and September 7, 2010 minutes. Chairman Skubas tabled the approval of the minutes, until the October 5th meeting.

2. **HEARINGS ON STATEMENT OF VIOLATIONS PURSUANT TO NOTICES OF HEARINGS**

SWEARING IN BY PARTIES TO TESTIFY

CEB Attorney swore in Code Enforcement Manager Skip Lukert who will be presenting testimony.

A. **OLD BUSINESS ITEMS**

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

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

Code Enforcement Manager Skip Lukert presented exhibits and stated that the property has been brought into compliance.

2. **CASE #10-806 – Respondent Windtree Lane LLC, unassigned W. Colonial Dr. also known as Windtree Lane, Winter Garden, FL**
Code Enforcement Inspector: Skip Lukert, Manager
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 Manager Skip Lukert stated this case is almost in compliance. City staff has had discussions with the owner who has requested more time in order to bring the property into compliance. Mr. Lukert is recommending the CEB to table this case until the October 5, 2010 meeting.

Motion: Member Benoit III motioned to table Case #10-806 until the October 5, 2010 CEB meeting carried unanimously 4-0.

B. NEW BUSINESS ITEMS

1. **CASE # 10-1262 – Respondent Michael and Elyse Telfer, 15531 Pebble Ridge, Winter Garden, FL**
Code Enforcement Inspector: Skip Lukert, Manager
Violation Cited: Sec 118-1297 – Fences: (b) Enclosure of Swimming pool
Sec 38-62 – Mosquito breeding places
Sec 38-29 – Abatement of nuisances required

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-1262

Code Enforcement Manager Skip Lukert requested to have Case #10-1262 dismissed due to a change of ownership during due-process. The Code Enforcement Division will notify the bank to request a voluntary compliance.

2. **CASE # 10-1292 – Respondent Othniel and Shantiel Brown, 13207 Fox Glove, Winter Garden, FL**
Code Enforcement Inspector: Skip Lukert, Manager
Violation Cited: Sec 118-1297 – Fences: (b) Enclosure of Swimming pool
Sec 38-62 – Mosquito breeding places
Sec 38-29 – Abatement of nuisances required

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-1292

Code Enforcement Manager Skip Lukert presented exhibits and stated that the property is not in compliance. Respondent is in violation of the City of Winter Garden Code of Ordinance Sections 118-1297, 38-62 and 38-29. Property was found in violation on August 11, 2010. Notice of Violation was sent out on August 25, 2010 asking for compliance on or before September 4, 2010. Mr. Lukert recommended to the Board that the Respondent be given until September 17, 2010 to correct the violation and if not found in compliance by this date a \$250.00 a day fine will be imposed until the property is brought into compliance.

Motion: Member Wright moved in Case # 10-1292 that the respondent is in violation of the Winter Garden Code of Ordinances, Sections 118-1297, 38-62 and 38-29. Respondent shall correct the violation on or before September 17,

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 per day for each day the violation continues past the date given for compliance. The Board also finds that the violation presents a serious threat to the public health, safety and welfare. Seconded by Member Benoit III and carried unanimously 4-0.

3. CASE # 10-1058 – Respondent Lopez and Sons Properties LLC, 131 W. Vining Street, Winter Garden, FL

Code Enforcement Inspector: Skip Lukert, Manager

Violation Cited: Sec. 18-91 – Required

Sec. 18-91.5 – Working starting before permit issuance

Sec. 2-10 – Standards for construction of driveways, curbs cuts and similar alterations

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-1058

Code Enforcement Manager Skip Lukert recommended to the CEB to have this case tabled until the October 5, 2010 meeting. The owner is working with the City to bring the property into compliance.

Motion: Member Benoit III motioned to table Case # 10-1058 until October 5, 2010 CEB meeting. Seconded by Member Wright and carried unanimously 4-0.

3. COMMENTS

No additional comments.

4. ADJOURNMENT

There being no more business to discuss, Member Wright moved to adjourn the meeting at 6:33 p.m. Seconded by Member Patterson and carried unanimously 4-0.

ATTEST:

APPROVED:

Secretary Ana Lucia Alves

Chairman Joseph Skubas