



**CODE ENFORCEMENT BOARD
A Regular Meeting Minutes
December 6, 2011**

CALL TO ORDER

A **REGULAR MEETING** of the Winter Garden Code Enforcement Board (CEB) was called to order by Chairman Joseph Skubas at 6:28 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 Bradley Lomneck, Board Members David Buckles, Jack R. Litteral, John Benoit III, and Wanda Patterson.

Also Present: Board Attorney Gayle Owens, Secretary Ana Lucia Alves, Building Official Skip Lukert, and Senior Planner Stephen Pash.

Absent: Harold Petch.

1. **CONSENT AGENDA**

APPROVAL OF MINUTES

Approval of minutes from the regular meeting of August 2, 2011.

***Motion:** Member Lomneck motioned to approve the minutes of August 2, 2011 as printed, member Benoit III seconded, and the motion carried unanimously 6-0.*

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

SWEARING IN BY PARTIES TO TESTIFY

CEB Attorney swore in Building Official Skip Lukert and Senior Planner Steve Pash who will be presenting testimony.

A. OLD BUSINESS ITEMS

1. **CASE # 10-1673 – 129 3RD ST., Winter Garden, FL**

Senior Planner Steve Pash

Sec. 18-151. Standard code adopted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 10-1673

The case was previously tabled on March 1, 2011 CEB meeting. Senior Planner Steve Pash recommended to the CEB to keep this case tabled. The owner is working with the City to bring the property into compliance.

2. **CASE # 10-1694 and 10-1695 – 910 Carter Rd, Winter Garden, Fl**

Senior Planner Steve Pash

Sec.38-94. Accumulations of trash, junk, debris and nonliving plant material on property utilized or zoned for residential, professional office, commercial or industrial use.

Sec.118-773. Permitted accessory uses and structures.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 10-1694 and 10-1695

Senior Planner Steve Pash stated the case was previously tabled on March 1, 2011 CEB meeting. This case is now closed due to ownership change.

3. **CASE # 11-0051 and 11-0063 – 35 S Dillard St., Winter Garden, Fl**

Senior Planner Steve Pash

Sec. 118-1126. Commercial structures; uses involving sales, storage, repairs, service. – Construction equipment is being stored on a C-2 parcel.

Sec. 98-192. General criteria and standards.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 11-0051 and 11-0063

Senior Planner Steve Pash stated the case was previously tabled on March 1, 2011 CEB meeting. Mr. Pash recommended to the CEB to keep this case tabled. The owner is working with the City to bring the property into compliance.

4. **CASE # 11-0075 – 118 W Newell St., Winter Garden, Fl**

Senior Planner Steve Pash

Sec. 18-151. Standard code adopted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 11-0075

Senior Planner Steve Pash stated the case was previously tabled on March 1, 2011 CEB meeting. Case is now in compliance.

Motion: Member Lomneck motioned to keep tabled cases # 10-1673 and 11-0051 and 11-0063. Seconded by Member Benoit III and carried unanimously 6-0.

B. NEW BUSINESS ITEMS

1. **CASE # 11-0373 – 1437 Portmoor Way, Winter Garden, Fl**

Building Official Skip Lukert

Sec. 118-1297. Fences and Walls (B) - Enclosure of Swimming Pools and Spas.

Sec. 38-62. Mosquito breeding place – Water is not being filtered or chemically treated.

Sec. 38-29. Abatement of nuisances required.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 11-0373

Building Official Harold Skip Lukert presented exhibits and stated that the property located at 1437 Portmoor Way is not in compliance. He recommended the CE Board to find the violation a serious threat to the public and requested authorization from the CEB to enter the property and bring into compliance by constructing a solid cover on the pool.

Motion: Member Lomneck moved in Case # 11-0373 that the respondent is in violation of Sections 118-1297, 38-62 and 38-29. Respondent shall correct the violation on or before December 10, 2011. 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. CEB vice-chairman Lomneck further moved to find 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 6-0.

2. CASES # 11-0995/ 11-0996/ 11-0988 and 11-0999 – 702 S Woodland St, Winter Garden, Fl

Senior Planner Steve Pash

Sec. 118-208. Unsafe Buildings or Structures.
Washing machines are not rated to be located outside.
Washing machines are not properly connected to a GFI outlet.
Florida Building Code 2007 & NEC 2008
Washing machines are not properly connected to the water source.
FBC – Plumbing Code 2007
Washing machines are not properly trapped or connected to the sewer.
FBC - Plumbing Code 2007

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASES # 11-0995/ 11-0996/ 11-0988 and 11-0999

Senior Planner Steve Pash stated that property owner is working with the City and recommended to the CEB to table this case.

Motion: Vice-Chairman Lomneck motioned to table Cases 11-0995, 11-0996, 11-0988 and 11-0999. Seconded by Member Buckles and carried unanimously 6-0.

3. COMMENTS

Senior Planner Steve Pash brought to the CEB's attention the City is working with all of the businesses on Hwy 50 to clean up and bring everything into compliance. The Code Enforcement mission is to receive voluntary compliance.

4. ADJOURNMENT

There being no more business to discuss, Vice-Chairman Lomneck moved to adjourn the meeting at 6:50 p.m. Seconded by Member Benoit III and carried unanimously 6-0.

ATTEST:

APPROVED:

Secretary Ana Lucia Alves

Chairman Joseph Skubas