



**A REGULAR MEETING MINUTES  
CODE ENFORCEMENT BOARD  
JANUARY 7, 2014**

**1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE**

A **REGULAR MEETING** of the Winter Garden Code Enforcement Board (CEB) was called to order by Chairman Joseph Skubas at 6:14 p.m. in the City Hall Commission Chambers, at City Hall, 300 West Plant Street, Winter Garden, FL. The invocation was given followed by the Pledge of Allegiance.

**DETERMINATION OF QUORUM**

A quorum was declared present at 6:14 p.m.

**MEMBERS PRESENT:**

Chairman Joseph Skubas, Vice-Chairman John Benoit III, Board Members: David Buckles, Jack R. Litteral, and Johnny Clark.

**MEMBERS ABSENT/ARRIVED LATE:**

Board Member Harold Petch – Absent (excused)

**ALSO PRESENT:**

Board Attorney Daniel Langley, Senior Planner Stephen Pash, Code Enforcement Officer Thomas Knappman, and Customer Service Representative Megan D'Avila.

**2. CONSENT AGENDA**

**A. SWEARING IN OF PARTIES TO TESTIFY**

CEB Attorney swore in Senior Planner Steve Pash and Property Manager Jeanette Schutz, who will be presenting testimony.

## **B. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held December 3, 2013.

***MOTION: Board Member Johnny Clark moved to approve the December 3, 2013 meeting minutes. Seconded by Board Member Jack Litteral, the motion carried unanimously 5-0.***

## **3. HEARINGS ON STATEMENT OF VIOLATIONS PURSUANT TO NOTICES OF HEARINGS**

### **A. OLD BUSINESS**

#### **1. CASE #13-363 – 1054 Dolphin Drive, Winter Garden, FL**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-363**

Senior Planner Stephen Pash stated that the Board had imposed a \$250 fine on this property at the previous meeting. The landlord had requested to come before the Board to request a reduction in the fine.

Property Manager Jeanette Schutz stated that she spoke to the tenant and the tenant had assured her that she had put the trash away. Ms. Schutz explained that she has a herniated disc and could not drive for 2 weeks but she inspected the property when she got better to see why they had been given a fine. At that time Ms. Schutz noticed that the tenant had the trash container next to the enclosure instead of inside the enclosure. The tenant explained to Ms. Schutz that one of the neighbors had told her she could put the trash container next to the enclosure. Ms. Schutz told the Board that she had spoken to the tenant several times and the tenant was told the trash container had to be put away. The tenant was under the impression that by putting the trash container by the enclosure it was being put away. Ms. Schutz asked the tenant if she had read the letter and the tenant stated that she did not understand the letter. Ms. Schutz informed the Board that the tenant only speaks Spanish so Ms. Schutz translated the entire letter to the tenant and explained that the trash container had to be inside the enclosure and that they had received the fine because the tenant left the trash container next to the enclosure. Ms. Schutz told the tenant that she is the one that will be responsible for paying the fine. The violation has now been corrected and the tenant knows she must put the trash container inside her enclosure. Ms. Schutz asked if the Board could reduce the fine.

Ms. Schutz further explained that she told all of her tenants in this neighborhood to mark their trash containers with their unit numbers so they will be identifiable when Code Enforcement visits in the future.

### **Questions and Discussion**

***MOTION: Board Member Jack Litteral moved to reduce the fine to \$100.00 Motion died for the lack of a second.***

*MOTION: Vice-Chairman John Benoit III moved to reduce the fine to \$25, due by January 21, 2014 or the fine will default back up to \$250. Seconded by Board Member Jack Litteral and carried 4-1; Board Member Johnny Clark opposed.*

## **B. NEW BUSINESS**

**2. CASE # 13-369 – 1006 Stucki Terrace, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-369**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**3. CASE # 13-370 – 1007 Stucki Terrace, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-370**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**4. CASE # 13-371 – 999 Stucki Terrace, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-371**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**5. CASE # 13-372 – 997 Stucki Terrace, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-372**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**6. CASE # 13-374 – 1309 Eagle Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-374**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**7. CASE # 13-375 – 1317 Eagle Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-375**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**8. CASE # 13-377 – 1405 Eagle Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-377**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**9. CASE # 13-379 – 1431 Cardinal Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-379**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**10. CASE # 13-380 – 1419 Cardinal Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-380**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**11. CASE # 13-381 – 1411 Cardinal Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-381**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**12. CASE # 13-382 – 1403 Cardinal Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-382**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**13. CASE # 13-383 – 1329 Cardinal Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-383**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**14. CASE # 13-384 – 1321 Cardinal Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-384**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**15. CASE # 13-385 – 1309 Cardinal Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-385**

Senior Planner, Stephen Pash stated that City Staff and the Westside Townhomes HOA have been working together to stop residents from leaving their trash containers out by the road. In September 2011, City Commission approved Ordinance 11-22 which requires all trash containers to be removed from the curbside and stored no later than 7:00 PM on collection days. Residents are required to store the trash containers in an area that cannot be viewed from the street. In October 2011 a letter was sent to every property owner in Westside Townhomes from the City of Winter Garden Solid Waste Division informing them of the Ordinance and what the requirements were. Mr. Pash informed the Board that he had personally written a letter in September 2013 and sent it to every property owner in Westside Townhomes. The letter included a copy of the Ordinance and informed the property owners of the requirements for the trash containers and that after 30 days of the letter being sent, Code Enforcement would begin taking action against properties that were in violation. On December 11, 2013, Code Enforcement inspected the property at 1309 Cardinal Lane and found it to be in violation of Ordinance 11-22. The property was re-inspected on December 12, 2013 and was still in violation. The Notice of Violation and Notice of Hearing were sent by certified and regular mail and hand delivered to the property. Code Enforcement inspected the property again the following week and found it to still be in violation.

The City is asking the Board to send out a Findings of Fact, Conclusions of Law, and Order and Notice of Right to Appeal to impose a \$250.00.

**Questions and Discussion**

*MOTION: Board Member Johnny Clark moved to initiate a \$250.00 fine for said violation. Seconded by Board Member David Buckles and carried unanimously 5-0.*

**16. CASE # 13-386 – 1301 Cardinal Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-386**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**17. CASE # 13-387 – 301 Eagle Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-387**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**18. CASE # 13-389 – 921 Butterfly Blvd, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 58-39 (d)** Points of Collection (Time of Collection)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-389**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**19. CASE # 13-390 – 909 Butterfly Blvd, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-390**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**20. CASE # 13-395 – 1194 Westside Drive, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-395**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**21. CASE # 13-396 – 1421 Azalea Way, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-396**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**22. CASE # 13-397 – 1332 Azalea Way, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-397**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**23. CASE # 13-398 – 1305 Cardinal Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-398**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**24. CASE # 13-399 – 1420 Eagle Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-399**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**25. CASE # 13-400 – 1308 Eagle Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-400**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**26. CASE # 13-402 – 1316 Azalea Way, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-402**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**27. CASE # 13-403 – 1324 Azalea Way, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-403**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**28. CASE # 13-404 – 1328 Azalea Way, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-404**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**29. CASE # 13-406 – 1420 Azalea Way, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-406**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**30. CASE # 13-407 – 1413 Azalea Way, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-407**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**31. CASE # 13-408 – 943 Butterfly Blvd, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-408**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**32. CASE # 13-409 – 1313 Cardinal Lane, Winter Garden, Fl.**

Senior Planner Stephen Pash

**Sec. 14-36** Poultry – Number Limited; Sanitation; Location

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-409**

Senior Planner, Stephen Pash withdrew this item from the agenda. No motion needed.

**4. ADJOURNMENT**

*There being no further business to discuss, Board Member Johnny Clark moved to adjourn the meeting at 6:34 p.m. Seconded by Board Member David Buckles and carried unanimously 5-0.*

**APPROVED:**

**ATTEST:**

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**Chairman Joseph Skubas**

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**Customer Service Rep Megan D'Avila**