



**A REGULAR MEETING MINUTES
CODE ENFORCEMENT BOARD
APRIL 1, 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 6:15 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 6:15 p.m.

NEW MEMBER:

New member Bruce Woloshin sworn in.

MEMBERS PRESENT:

Chairman Joseph Skubas, Vice-Chairman John Benoit III, Board Members: Johnny Clark, Jack R. Litteral, Harold Petch, and Bruce Woloshin

MEMBERS ABSENT/ARRIVED LATE:

Board Member David Buckles – Absent (excused)

ALSO PRESENT:

Board Attorney Daniel Langley, Senior Planner Steve Pash and Customer Service Representative Megan D’Avila.

2. CONSENT AGENDA

A. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held March 4, 2014.

MOTION: Board Member Johnny Clark moved to approve the March 4, 2014 meeting minutes. Seconded by Board Member Jack Litteral, the motion carried unanimously 6-0.

B. SWEARING IN OF PARTIES TO TESTIFY

CEB Attorney swore in Senior Planner Steve Pash, who will be presenting testimony.

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

A. OLD BUSINESS

No Old Business

B. NEW BUSINESS

1. CASE # 14-028 – 16100 Marsh Road, Winter Garden, Fl.

Senior Planner Stephen Pash
Sec. 102.92 Prohibited signs

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 14-028

Senior Planner, Stephen Pash stated that the property has been brought into compliance.
No motion needed.

2. CASE # 14-031 – 12301 West Colonial Drive, Winter Garden, Fl.

Senior Planner Stephen Pash
Sec. 114.64 Penalty for Violation (Trees)

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 14-031

Senior Planner, Stephen Pash stated that the property has been brought into compliance.
No motion needed.

3. CASE # 14-032 – 12728 West Colonial Drive, Winter Garden, Fl.

Senior Planner Stephen Pash
Sec. 102.92 Prohibited signs

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 14-032

Senior Planner, Stephen Pash stated that the property has been brought into compliance.
No motion needed.

4. CASE # 14-041 – 1190 Westside 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 # 14-041

Senior Planner, Stephen Pash stated that this property is located in the Westside Townhomes. In September 2011, Ordinance 11-22 was approved by City Commission. The Ordinance requires that trash containers be removed from the street in front of the home by 7:00 pm on the day of pick up and stored in a location that is not visible from the street. A copy of the Ordinance was mailed to every owner in Westside Townhomes. City Staff worked with Westside Townhomes over the following year but there continued to be problems with the

trash containers being left at the road. In September 2013, Code Enforcement sent a letter to all owners in Westside Townhomes notifying them that Code Enforcement action would be taken if the trash containers were not moved by the appropriate time and properly stored.

The Board has spent the last several months hearing cases from Westside Townhomes about the trash containers and City Staff has notified every property in the community. Many properties were issued a Notice of Violation, which had been closed prior to Board action due to the property coming into compliance. Those properties have been notified that cases will no longer just be closed and Board action will be taken if the property is found to be non-compliant again.

Mr. Pash notified the Board that this particular property is non-compliant again; they have not removed the trash container from the location on the street. Mr. Pash showed the Board a picture showing the trash container on the street on March 20, 2014. He stated that on March 21, 2014 the City issued a Notice of Violation and Notice of Hearing that was sent by certified and regular mail and hand delivered to the property. Mr. Pash showed the Board another picture taken March 31, 2014 showing the trash container outside and still visible from the street instead of placed in what they call the "hobo shed" which is the fenced in area that every property has except the end units because they can place the trash containers behind the unit.

Based on the multiple notices that have been placed on this particular property as well as the community in general and the owners of all of these properties, City Staff is asking the Board to issue a Findings of Fact and Conclusion of Law to impose a fine of \$250.00.

Questions and Discussion

MOTION: Board Member Johnny Clark moved to find the property in non-compliance based on the testimony heard and impose a one-time \$250.00 fine. Seconded by Board Member Jack Litteral and carried unanimously 6-0.

- 5. CASE # 14-042 – 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 # 14-042

Senior Planner, Stephen Pash stated this property is also located in Westside Townhomes. This property owner has received the same notices; the Ordinance mailed out in September 2011 with all the requirements, the letter from Code Enforcement mailed out in September 2013, and a Code Enforcement Representative personally talking to the occupants.

Mr. Pash showed the Board a picture taken on March 20, 2014 showing the trash container in the front yard along with a pile of trash in front of the container. He stated that on March 21, 2014 the City issued a Notice of Violation and Notice of Hearing that was sent by certified and regular mail and hand delivered to the property. Mr. Pash showed the Board another picture taken March 31, 2014 showing the trash container out at the road instead of being stored properly.

The City has been working hard with the Westside Townhomes HOA trying to clean up the trash containers. Based on the evidence presented, City Staff is asking the Board to issue a Findings of Fact and Conclusion of Law to impose a fine of \$250.00.

Questions and Discussion

MOTION: Board Member Johnny Clark moved to find the property in non-compliance based on the testimony heard and impose a one-time \$250.00 fine. Seconded by Board Member Jack Litteral and carried unanimously 6-0.

6. **CASE # 14-043 – 943 Butterfly Boulevard, 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 # 14-043

Senior Planner, Stephen Pash stated that the property has been brought into compliance and Staff is closing the case. No motion needed.

7. **CASE # 14-044 – 1306 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 # 14-044

Senior Planner, Stephen Pash stated that the property has been brought into compliance and Staff is closing the case. No motion needed.

8. **CASE # 14-045 – 1304 Azalea Way, 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 # 14-045

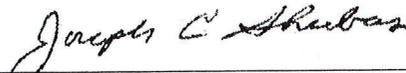
Senior Planner, Stephen Pash stated that the property has been brought into compliance and Staff is closing the case. No motion needed.

4. **ADJOURNMENT**

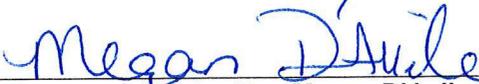
There being no further business to discuss, Board Member Johnny Clark moved to adjourn the meeting at 6:25 p.m. Seconded by Board Member Bruce Woloshin and carried unanimously 6-0.

APPROVED:

ATTEST:



Chairman Joseph Skubas



Customer Service Rep Megan D'Avila