

CITY OF WINTER SPRINGS, FLORIDA
MINUTES
CODE ENFORCEMENT BOARD
REGULAR MEETING
SEPTEMBER 25, 2018

CALL TO ORDER

The Regular Meeting of Tuesday, September 25, 2018 of the Code Enforcement Board was called to Order by Chairperson Matthew Criswell at 5:33 p.m., in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

Roll Call:

Chairperson Matthew Criswell, present
Vice-Chairperson Gregg Roero, present
Board Member Carole Giltz, present
Board Member Maurice Kaprow, present
Board Member Bill Poe, present
Board Member Dennis Robinson, present
Senior City Attorney Jennifer Nix, present,
Assistant to the City Clerk Antonia DeJesus, present

A moment of silence was held followed by the Pledge of Allegiance.

No Agenda changes were made.

Brief comments.

Assistant to the City Clerk Antonia DeJesus swore in those who would be providing Testimony during tonight's Meeting.

INFORMATIONAL AGENDA

INFORMATIONAL
100. Not Used

CONSENT AGENDA

CONSENT

200. Office of the City Clerk

The Office Of The City Clerk Requests The Code Enforcement Board Review And Approve The July 24, 2018 Code Enforcement Board Regular Meeting Minutes.

REFERRING TO THE MINUTES FROM THE LAST MEETING, “I’LL MAKE A MOTION TO APPROVE.” MOTION BY BOARD MEMBER ROBINSON. SECONDED BY BOARD MEMBER GILTZ. DISCUSSION.

VOTE:

BOARD MEMBER ROBINSON: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER KAPROW: AYE

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER GILTZ: AYE

BOARD MEMBER POE: AYE

MOTION CARRIED.

PUBLIC HEARINGS AGENDA – CONTINUED CASES

PUBLIC HEARINGS – CONTINUED CASES

300. Not Used

PUBLIC HEARINGS AGENDA – REPEAT CASES

PUBLIC HEARINGS – REPEAT CASES

400. Not Used

PUBLIC HEARINGS AGENDA – NEW CASES

PUBLIC HEARINGS – NEW CASES

500. Code Enforcement Division – Police Department

CASE #2018CE001883

Sharon K. Juhl And Penny A. Dolan

1217 Trotwood Boulevard

Winter Springs, Florida 32708

City Code: 13-2.(b) Junk And Debris

Inspector: Captain Matt Tracht

Captain Matt Tracht, Code Enforcement Bureau, Police Department, introduced the Case and testified, “On August 10, 2018, I received an anonymous complaint of junk and debris located on the front and side of the house of this residence. This specific complaint was wood, a big giant glass mirror, and some plastic bins that were on the side of the house.

So, on that same day, I drove by and I noticed the Violation to be in Violation of our City Ordinance; I hung a written warning on the door on that same day. So, on the 14th, I drove by and noticed that the side of the house was cleaned up, but the wood and the mirror was moved from one side - one of the corners of the house - towards the front door; it was still there. It’s still leaning against the front of the house.

At that point, a Notice of Code Violation was then mailed certified return with a correction date of August 21. On August 18, I received back the return acknowledgement of that letter – August 22, still no Compliance.” Brief remarks followed on the timeline of events.

Photographs were shown from “WS-1” followed by comments.

Concluding, Captain Tracht stated, “So, with that, we recommend the property come into Compliance by October 12 and if not a two hundred and fifty dollar (\$250.00) a day Fine, at your discretion.”

Board Member Dennis Robinson commented on the bins. Captain Tracht noted that the bins were still there but have been cleaned up a bit.

Ms. Anna Hubbard, 1217 Trotwood Boulevard, Winter Springs: stated that she was the granddaughter of one of the Respondent’s, Ms. Sharon Juhl. Continuing, Ms. Hubbard explained that the mirror was removed from the property that afternoon and the plastic bins were to be recycled.

Discussion followed on the plastic bins, recycling, storage solutions for the plastic bins, timeline of events, Ms. Hubbard’s attempts to sell and donate the mirror, and debris restrictions.

Note: The Respondent was present.

“I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND ORDER THE RESPONDENT BE GIVEN UNTIL OCTOBER THE 12TH OF 2018 TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENT FAILS TO COMPLY WITH THIS DATE, A FINE IN THE AMOUNT OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00) PER DAY SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY BOARD MEMBER POE. SECONDED BY BOARD MEMBER GILTZ. DISCUSSION.

VOTE:

BOARD MEMBER GILTZ: AYE

BOARD MEMBER POE: AYE

BOARD MEMBER ROBINSON: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER KAPROW: AYE

CHAIRPERSON CRISWELL: AYE

MOTION CARRIED.

PUBLIC HEARINGS – NEW CASES

501. Code Enforcement Division – Police Department

CASE #2018CE01953

Gregory And Debra Malenchek

618 Locust Court

Winter Springs, Florida 32708

City Code: 13-1. - General Prohibition.

Inspector: Code Officer Rich McLaren

Code Officer Rich McLaren, Code Enforcement Bureau, Police Department, presented the Case and testified, “August 18, 2018, I received a complaint reference to excessive amounts of junk and debris on the property. The property at this time was in Non-Compliance reference to a Case – brought forth by Captain [Chris] Deisler last year, #2017CE001357, for Violations of City Ordinances and the International Property Maintenance Code.

As the property stands, it is adversely affecting the socio-economic welfare of the surrounding areas and neighborhood. The Notice of Code Violation was posted at the property and sent certified return mail requested which was also returned as ‘not claimed’ by the resident.

A re-inspection of the property on September 5, 2018; the property still stood in a manner which adversely affected the area. A Notice of Code Board was posted at the property and City Hall; Notice was also sent first class mail and certified return receipt requested. No contact has been made with the resident reference to these Violations.”

Photographs shown from “WS-1” followed by comments.

Code Officer McLaren concluded, “I recommend the property be found in Violation of Ordinances cited and the property given until October 12 of 2018 to come into Compliance; if not, a Fine of two hundred and fifty dollars (\$250.00) be applied and also I am seeking a Code Board Order to be granted to remedy the Violation by city staff and/or city contractor.”

Board Member Maurice Kaprow inquired about the previous Violation. Code Officer McLaren indicated the Violation was for junk and debris and the condition of house. Comments followed on the proposed Violation for the current Case and Code Officer McLaren pointed out, “This isn’t just for junk and debris, this is for the general prohibition for the way he’s keeping the property.”

Related, Board Member Robinson wondered if the Respondent achieved Compliance in relation to the previous Case. Code Officer McLaren stated, “No, he is still in Non-Compliance.”

Discussion followed on the trailer on the side of the home, a brief conversation with the Respondent on an unrelated matter, the ability to apply multiple Fines, the previous Board Order, remediation of the Violation, expiration of liens, foreclosures, taxes, and the continuation of the Case.

Note: The Respondent was not present.

“I MOVE TO CONTINUE THIS CASE TO OCTOBER 23RD OF 2018 FOR THE CODE ENFORCEMENT BOARD MEETING AT THAT TIME STAFF CAN PROVIDE A BIT MORE INFORMATION.” MOTION BY BOARD MEMBER POE. SECONDED BY VICE-CHAIRPERSON ROERO. DISCUSSION.

VOTE:

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER GILTZ: AYE

BOARD MEMBER POE: AYE

BOARD MEMBER KAPROW: AYE

BOARD MEMBER ROBINSON: AYE

VICE-CHAIRPERSON ROERO: AYE

MOTION CARRIED.

PUBLIC HEARINGS – NEW CASES

502. Code Enforcement Division – Police Department

CASE #2018CE001735

Kimberly A. France

315 Panama Circle

Winter Springs, Florida 32708

City Code: 13-2.(b) Junk and Debris

City Code: 13-1. - General Prohibition.

Inspector: Code Officer Rich McLaren

After introducing the Case, Code Officer McLaren testified, “July 29, 2018, I observed two (2) vehicles on property with damages making them inoperable therefore being deemed as derelict. Also excessive amounts of junk and debris items around the front of the property into the driveway area. A written warning was left at the residence due to these Violations.

A re-inspection on August 3, 2018; the conditions persisted and a Notice of Code Violation was posted at property and mailed certified return receipt requested.

A re-inspection on September 6, 2018; the conditions still were uncorrected. A Notice of Code Board was posted at the property and City Hall, as well as mailed out first class mail and certified return receipt requested. Contact was made with the resident on one (1) occasion reference to the Violations, and she stated she would work on them.”

Photographs shown from “WS-1” followed by comments.

Finishing his testimony, Code Officer McLaren stated, “I recommend the property be found in Violation of the City Ordinances cited and given until October 12, 2018 to come into Compliance, if not a fine of two hundred and fifty dollars (\$250.00) a day be applied.”

Discussion followed on the vehicles.

Ms. DeJesus inquired specifically which Violations staff was pursuing. Code Officer McLaren confirmed Sections 13-2.(b) Junk and Debris and 13-1. - General Prohibition. of the City Code.

Brief comments followed on license plates and car impoundment.

Note: The Respondent was not present.

“I MOVE TO FIND RESPONDENT IN VIOLATION OF THE CITY CODE AND ORDER THAT THE RESPONDENT BE GIVEN UNTIL OCTOBER 12TH [2018] TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENT FAILS TO CORRECT BY THIS DATE, A FINE OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00) SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY VICE-CHAIRPERSON ROERO. SECONDED BY BOARD MEMBER POE. DISCUSSION.

VOTE:

BOARD MEMBER ROBINSON: AYE

BOARD MEMBER POE: AYE

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER GILTZ: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER KAPROW: AYE

MOTION CARRIED.

PUBLIC HEARINGS – NEW CASES

503. Code Enforcement Division – Police Department

CASE #2018CE001304

Robert J. Long

238 Highlands Glen Circle

Winter Springs, Florida 32708

IPMC: 304.2 Protective Treatment.

IPMC: 304.9 Overhang Extensions.

Inspector: Code Officer Rich McLaren

Code Officer McLaren introduced the Case and testified, “June 4, 2018, I received a complaint from a neighbor in reference to a screened in porch of her neighbors having rotting wood and being in disrepair. Upon inspection of the wood, I found the fascia of the overhang extension was decaying and needed to be repaired and/or replaced.

Notice of Code Violation was mailed to the property owner and returned as ‘unclaimed’ on July 24, 2018 which was subsequently posted at the property. September 5, 2018, the condition still persisted, it was not corrected. The Notice of Code Board was posted at property and at City Hall, as well as mailed certified return receipt requested and first class mail. No contact has been made with the property owner at this time.

Photographs shown from “WS-1” followed by comments.

Continuing, Code Officer McLaren remarked, “I recommend property be found in Violation of City Ordinances as cited and be given until October 12, 2018 to come into Compliance. If they fail to do so, a Fine of one hundred and fifty dollars (\$150.00) per day would be applied.”

Brief comments ensued on the source of the complaint.

Note: The Respondent was not present.

“I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND ORDER THAT THE RESPONDENT BE GIVEN UNTIL OCTOBER 12TH TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENT FAILS TO COMPLY BY THIS DATE, A FINE IN THE AMOUNT OF A HUNDRED AND FIFTY DOLLARS (\$150.00) SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY BOARD MEMBER ROBINSON. SECONDED BY VICE-CHAIRPERSON ROERO.

BRIEF DISCUSSION FOLLOWED ON THE LENGTH OF TIME TO CORRECT THE VIOLATION.

VOTE:

**BOARD MEMBER GILTZ: AYE
VICE-CHAIRPERSON ROERO: AYE
BOARD MEMBER ROBINSON: AYE
CHAIRPERSON CRISWELL: AYE
BOARD MEMBER KAPROW: AYE
BOARD MEMBER POE: AYE
MOTION CARRIED.**

PUBLIC HEARINGS – NEW CASES

504. Code Enforcement Division – Police Department

CASE #2018CE001912

Linda P. Hess

1625 White Dove Drive

Winter Springs, Florida 32708

City Code: 13-2.(e) Stagnant Pool

Inspector: Code Officer Rich McLaren

Code Officer McLaren presented the Case and testified, “On August 24, 2018, a complaint was received from a neighbor reference to a stagnant pool at this property. Captain Tracht and myself performed an inspection from an adjoining property with permission from the property owner. The pool was in fact green in color and stagnant.

The Notice of Code Violation was posted at the property and mailed certified first class mail return receipt requested which was later returned as ‘unclaimed’. September 5, 2018, the condition persisted. A Notice of Code Board was posted at the property and City Hall, mailed certified return receipt requested and first class mail. No contact has been made with the property owner at this time.

Unfortunately, I could only provide eyewitness testimony for myself and Captain Tracht that the pool was in fact stagnant. From the vantage point that we could get, there was no way to get an adequate picture of it.

We recommend that the property be found in Violation of the City Ordinance and be given until October 12, 2018 to come into Compliance. If they fail to do so, a fine of a hundred and fifty dollars (\$150.00) per day be applied and a Code Board Order be given to authorize city staff and/or contracted services remedy the Violation.”

Brief comments.

Note: The Respondent was not present.

“I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND ORDER THAT THE RESPONDENT BE GIVEN UNTIL OCTOBER 12TH [2018] TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENT FAILS TO COMPLY BY THIS DATE, A FINE OF A HUNDRED AND FIFTY DOLLARS (\$150.00) A DAY SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY VICE-CHAIRPERSON ROERO. SECONDED BY BOARD MEMBER GILTZ.

DISCUSSION FOLLOWED ON THE CITY ABATING THE NUISANCE.

BOARD MEMBER POE ASKED, “DID YOU INDICATE THAT THERE WERE NO SAFETY VIOLATIONS?” CODE OFFICER MCLAREN REPLIED, “AT THIS TIME, THERE’S NO SAFETY VIOLATIONS.”

FOLLOWING BRIEF DISCUSSION ON THE VIOLATION, THE PROPERTY, AND THE OWNER AND HER SITUATION, BOARD MEMBER POE REMARKED, “I BELIEVE IF THERE WAS A SAFETY VIOLATION, I WOULD ENCOURAGE US TO CONSIDER HAVING THE CITY TAKE SOME ACTION, BUT I DON’T BELIEVE IT JUSTIFIES IT BASED UPON LOOKING AT RIGHT NOW.” NO OBJECTIONS NOTED.

VOTE:

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER GILTZ: AYE

BOARD MEMBER ROBINSON: AYE

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER KAPROW: AYE

BOARD MEMBER POE: AYE

MOTION CARRIED.

PUBLIC HEARINGS AGENDA – NON-COMPLIANCE CASES

PUBLIC HEARINGS AGENDA – NON-COMPLIANCE CASES
600. Not Used

REGULAR AGENDA

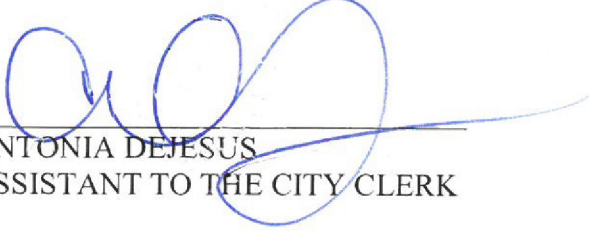
REGULAR
700. Not Used

Brief comments followed on the meeting schedule.

ADJOURNMENT

Chairperson Criswell adjourned the Regular Meeting at 6:18 p.m.

RESPECTFULLY SUBMITTED:



ANTONIA DEJESUS
ASSISTANT TO THE CITY CLERK