

CITY OF WINTER SPRINGS, FLORIDA
MINUTES
CODE ENFORCEMENT BOARD
REGULAR MEETING
JULY 24, 2018

CALL TO ORDER

The Regular Meeting of Tuesday, July 24, 2018 of the Code Enforcement Board was called to Order by Chairperson Matthew Criswell at 5:30 p.m., in the East Training Room 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, absent [Excused]
Board Member Carole Giltz, present
Board Member Maurice Kaprow, present
Board Member Bill Poe, present
Board Member Dennis Robinson, absent [Excused]
Board Member Suzanne Walker, present
Senior City Attorney Jennifer Nix, present,
Assistant to the City Clerk Antonia DeJesus, present

Chairperson Criswell excused Board Member Dennis Robinson's absence.

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

Regarding changes to the Agenda, Captain Chris Deisler, Code Enforcement Bureau, Police Department indicated that Public Hearings Agenda Item "502" was pulled for administrative reasons. Further Captain Deisler suggested hearing the Cases in the order in which the Respondents arrived. Chairperson Criswell confirmed, "We'll hear '600' first, and then we'll move to '501' and we'll hear '500' at the end."

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 June 26, 2018 Code Enforcement Board Regular Meeting Minutes.

REFERRING TO THE MINUTES OF THE LAST MEETING, “RECOMMEND APPROVAL AS IT’S CIRCULATED.” MOTION BY BOARD MEMBER POE. SECONDED BY BOARD MEMBER GILTZ. DISCUSSION.

VOTE:

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER WALKER: AYE

BOARD MEMBER KAPROW: 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

❖❖ **AGENDA NOTE: PUBLIC HEARINGS AGENDA ITEM “600” WAS HEARD FIRST, THEN “501”, THEN “500”, AS NOTED UNDER AGENDA CHANGES; THE AGENDA CONTINUES AS NORMAL AFTER.** ❖❖

PUBLIC HEARINGS AGENDA – NON-COMPLIANCE CASES

PUBLIC HEARINGS AGENDA – NON-COMPLIANCE CASES

600. Code Enforcement Division – Police Department

CASE #2018CE000072

Irma Rodriguez

110 North Devon Avenue

Winter Springs, Florida 32708

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

Inspector: Captain Chris Deisler

Captain Chris Deisler introduced the Case and testified, “This Case was brought to the Board May 22nd of this year - there were sections of dead tree trunk and articles of trash scattered on the property, the area in question is specifically in the back yard - near the fence. At that time, this Board found the property in Violation and you all provided the owner of record until June 26th of this year to come into Compliance.”

With additional comments, Captain Deisler continued, “This has not happened – other than right now we’ve not had contact with the owner. On June 25th of this year, the Notice of Non-Compliance Hearing was mailed Certified; it was received by the owner of record on June 28th. Based upon the Board’s Order, a Fine of one hundred dollars (\$100.00) per day applies in this Case.”

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

Concluding, Captain Deisler stated, “I recommend the property be found in Non-Compliance and Fines assessed accordingly to the terms of your Order.”

Ms. Irma Rodriguez, owner of 110 North Devon Avenue, Winter Springs, Florida: recounted recent troubles with tenants at the property and commented on the condition of the roof. Chairperson Criswell noted that the Violation was only in reference to articles of debris in the yard. Ms. Rodriguez explained that she was in the process of trying to get someone to help her remove it.

Discussion followed on the previous Board’s Order, the debris, the address on record, and Ms. Rodriguez’s solution for the debris.

Note: The Respondent was present.

“I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND THE PENALTIES SET FORTH IN THE BOARD’S PREVIOUS ORDER DATED MAY 22, 2018 SHALL BE IMPOSED CONSISTENT WITH THAT ORDER.” MOTION BY BOARD MEMBER KAPROW. SECONDED BY BOARD MEMBER POE. DISCUSSION.

VOTE:

**BOARD MEMBER POE: AYE
BOARD MEMBER KAPROW: AYE
BOARD MEMBER GILTZ: AYE
BOARD MEMBER WALKER: AYE
CHAIRPERSON CRISWELL: AYE
MOTION CARRIED.**

Brief comments followed.

PUBLIC HEARINGS AGENDA – NEW CASES

PUBLIC HEARINGS – NEW CASES

501. Code Enforcement Division – Police Department

CASE #2018CE001083

H and M Realty Investments, LLC

913 Puma Trail

Winter Springs, Florida 32708

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

City Code: 13-2.(c) Grass Height/Overgrown Yard

City Code: 6-195. - Maintenance Of Fences Or Walls.

IPMC: 304.2 Protective Treatment.

IPMC: 304.13 Window, Skylight And Door Frames.

Inspector: Code Officer Rich McLaren

Code Officer Rich McLaren, Code Enforcement Bureau, Police Department, presented the Case and testified, “The Case started on May 30, 2018; the grass was overgrown and a large pile of construction debris in the driveway area of the property. A written warning was left at the residence.

On June 7th, a re-inspection was done; Violations still persisted, other Violations noted as fence was in disrepair, window on the side of the residence that has a piece of plywood covering the opening and there is a piece of metal flashing missing from the front of the residence. The Notice of Code Violation was posted and mailed Certified Return Receipt requested.

A request was made to Annan Landscaping to remedy the grass as it posed a hazard to the surrounding area; however it was mowed before they arrived. On July 10, 2018, the Violations still not remedied. The Notice of Code Board Hearing was posted at the residence, mailed by First Class Mail and Certified Return Receipt. As of today, no contact has been made with any party reference to the Violations.” Though Code Officer McLaren commented on the Respondent present.

Photographs were shown from “WS-1” with additional remarks.

Code Officer McLaren stated, “I recommend the property be found in Violation of ordinances as cited and the owner given until August 17, 2018 to come into Compliance. If not, a Fine of two hundred and fifty dollars (\$250.00) a day be imposed.”

Mr. Michael Moradian, 347 Streamview Way, Winter Springs, Florida: explained that he just purchased the home that was in foreclosure and indicated that he had been out of the country tending to an uncle that was not well. Mr. Moradian indicated, “Now I’ve learned exactly what I have to take care and I plan on doing so as quickly as possible.”

Discussion followed on the corrective action date.

Note: The Respondent was present.

“I MOVE – TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND UNDER THAT THEY BE UNTIL AUGUST 31ST – TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENT FAILS TO COMPLY WITH THIS DATE, A FINE OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00) A DAY SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY BOARD MEMBER WALKER. SECONDED BY BOARD MEMBER POE. DISCUSSION.

VOTE:

BOARD MEMBER WALKER: AYE

BOARD MEMBER POE: AYE

BOARD MEMBER GILTZ: AYE

BOARD MEMBER KAPROW: AYE

CHAIRPERSON CRISWELL: AYE

MOTION CARRIED.

PUBLIC HEARINGS – NEW CASES

500. Code Enforcement Division – Police Department

CASE #2018CE000769

DHRUV 2, LLC

531 East State Road 434

Winter Springs, Florida 32708

City Code: 16-59.(d) Maintenance Of Signs

IPMC: 304.2 Protective Treatment.

IPMC: 304.6 Exterior Walls.

IPMC: 304.13 Window, Skylight And Door Frames.

Inspector: Captain Chris Deisler

Captain Deisler gave an overview of the Case and noted that Staff would not be pursuing a Violation for Section 304.13 Window, Skylight and Door Frames. of the International Property Maintenance Code. Continuing, Captain Deisler testified, “On May 9th of this year, several Violations of code were noticed on this parcel, mostly stemming from property maintenance issues and lack of upkeep.”

Related, Captain Deisler commented on the state of the shopping plaza and continued, “The exterior of the building has faded or peeling paint - the entire building needs to be repainted to allow the materials below proper sealing from the elements. There are sections of exterior wall that are left uncovered and bare, particularly in places where there used to be window A/C units.

There are two (2) old monument style signs out front in disrepair; one is damaged and faded, you may have seen the one with the white planter it has bricks around it - the area reflects the old business name underneath since the paint is faded. Neither of those signs are kept to code standards.

Based upon these Violations, the Notice of Code Violation was prepared and mailed to the owner and registered agent of the LLC. Both were signed for on June 8th of 2018.

Since the Violations remained uncorrected - Code Board Hearing letter which was also mailed to the registered agent and the owner. Both were signed for on June 28, 2018. The Violations remained uncorrected.”

Captain Deisler recounted an interaction with owner of the property on July 13, 2018 and noted, “Based on the scope of the work that he needed to do, contractors and so forth – we agreed to a ninety (90) day time Compliance based on the outcome of this hearing and also based upon the fact that he told me he was going to start making some very basic repairs shortly after we spoke.” Captain Deisler indicated, “To this date that has not happened.”

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

Finishing, Captain Deisler stated, “Based on these facts, I recommend the property be found in Violation and the owner be afforded until September 25 - to come into Compliance. If found in subsequent Non-Compliance, a Fine of two hundred and fifty dollars (\$250.00) per day be imposed.”

Discussion followed on the ninety (90) day timeline, Captain Deisler’s interaction with the Respondent, the Respondent’s plans for the property, and settling an appropriate corrective action date.

Note: The Respondent was not present.

“I MOVE TO FIND THE RESPONDENT IN VIOLATION OF CITY CODE AND ORDER THAT THE RESPONDENT BE GIVEN UNTIL SEPTEMBER 25TH, 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 KAPROW.

VOTE:

**BOARD MEMBER GILTZ: AYE
CHAIRPERSON CRISWELL: AYE
BOARD MEMBER KAPROW: AYE
BOARD MEMBER POE: AYE
BOARD MEMBER WALKER: AYE
MOTION CARRIED.**

PUBLIC HEARINGS – NEW CASES

**502. Code Enforcement Division – Police Department
CASE #2018CE000879
Thomas W. Thiebauth
732 South Edgemon Avenue
Winter Springs, Florida 32708
City Code: 20-413. – Animals.
Inspector: Code Officer Rich McLaren**

This Case was not heard as stated earlier in the meeting.

REGULAR AGENDA

REGULAR

700. Not Used

Captain Deisler commented on staffing changes within the Code Enforcement Bureau and introduced Captain Matthew Tracht as he would be taking over the Bureau. Additionally, Captain Deisler spoke favorably of his time spent working in Code Enforcement and looked forward to returning to the Operations Bureau.

“I WOULD MOVE THAT THIS BOARD THANK CAPTAIN DEISLER FOR HIS MANY YEARS OF SERVICE TO THE CODE ENFORCEMENT BOARD AND CERTAINLY WISH HIM WELL IN HIS NEW ROLE AS THE [CAPTAIN] OF THE OPERATIONS BUREAU.” MOTION BY BOARD MEMBER KAPROW. SECONDED BY BOARD MEMBER POE.

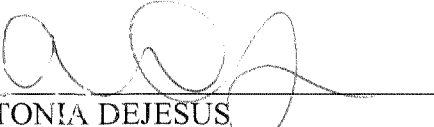
MOTION CARRIES WITH UNANIMOUS CONSENT.

Lastly, Chairperson Criswell excused Vice-Chairperson Gregg Roero’s absence.

ADJOURNMENT

Chairperson Criswell adjourned the Regular Meeting at 6:17 p.m.

RESPECTFULLY SUBMITTED:



ANTONIA DEJESUS
ASSISTANT TO THE CITY CLERK

NOTE: These Minutes were approved at the Tuesday, September 25, 2018 Code Enforcement Board Regular Meeting.