

CITY OF WINTER SPRINGS, FLORIDA
MINUTES
CODE ENFORCEMENT BOARD
REGULAR MEETING
MARCH 27, 2018

CALL TO ORDER

The Regular Meeting of Tuesday, March 27, 2018 of the Code Enforcement Board was called to Order by Vice-Chairperson Gregg Roero at 5:30 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, absent [Excused]
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
Board Member Suzanne Walker, present
Senior City Attorney Jennifer Nix, present,
Assistant to the City Clerk Antonia DeJesus, present

Regarding changes to the Agenda, Captain Chris Deisler, Code Enforcement Division, Police Department, noted, "There are no changes; however, I'll refer you all to Item '501', we're going to proceed with that Case. The only thing we're not going to consider is one of the listed Violations which, on my Agenda copy, is the sixth one down, and that is Violation [Section] 20-162 for uses permitted." Brief comments.

Next, Vice-Chairperson Roero excused Chairperson Matthew Criswell's absence from tonight's meeting.

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

❖❖ **AGENDA NOTE: THE CONSENT AGENDA WAS DISCUSSED AT THE
END OF THE MEETING. ❖❖**

CONSENT AGENDA

CONSENT

200. Office of the City Clerk

**The Office Of The City Clerk Requests The Code Enforcement Board Review And
Approve The February 27, 2018 Code Enforcement Board Regular Meeting Minutes.**

PUBLIC HEARINGS AGENDA – CONTINUED CASES

PUBLIC HEARINGS – CONTINUED CASES

300. Not Used

PUBLIC HEARINGS AGENDA – REPEAT CASES

PUBLIC HEARINGS – REPEAT CASES

400. Code Enforcement Division – Police Department

CASE #2018CE000340

Krystal M. Christopher

867 Leopard Trail

Winter Springs, Florida 32708

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

Inspector: Code Officer Rich McLaren

Code Officer Rich McLaren, Code Enforcement Division, Police Department, introduced the Case and testified, “The property was taken to Code Board in April of 2014 and found in Violation of the same ordinance as cited. The pool was drained as per Code Board Order under Case #2014CE000505. The Case was then closed in Compliance on May 7th of 2015 after the Code Board Order draining the pool was taken care of on that date.

February 20th of 2018, I received a complaint from a neighbor from the adjoining property that the pool in the rear yard is stagnant and overflowing to the top of the pool. Upon inspection was able to verify the condition as described. Seminole County Department of Health was notified via email to have the pool treated for mosquitoes to minimize the public safety health risk associated with this.

The Notice of Violation was – prepared in notifying the resident the Case would be treated as a Repeat Violator Case, as it met the criteria, and also included notification that the City would take appropriate steps to remedy the Violation per Code Board Order. Notice was posted at the residence and mailed Certified Return Receipt requested which was signed for on March 23, 2018.

No contact until the Respondent came today – has been made with any party associated with this. The owner of the property is the same as brought before the Board for the previous Case.”

Photographs were shown from “WS-1” with further comments.

In conclusion, Code Officer McLaren stated, “I recommend that the property be found in Violation of cited City Ordinance, and in accordance with City Code and Florida Statute [Chapter] 162 be treated as a Repeat Offender. I was looking for a daily Fine of up to five hundred dollars (\$500.00) to be applied, per the recommended Code Board Order, that the pool be drained to remedy the public safety health hazard as – and possibly, since this is a Repeat Case, that the pool be covered to prevent a future reoccurrence.”

Mr. Lee Christopher, 867 Leopard Trail, Winter Springs, Florida: acknowledged the Violation and explained that the pool’s main pump was broken. Mr. Christopher noted his full work schedule and other legal proceedings that occupy his time.

Continuing, Mr. Christopher noted, “Yes, I do have a regular fountain pump in that pool just to make it run. I’m putting chemicals in – that pool every day.” Mr. Christopher commented further on the property’s condition, his recent financial hardships, and his efforts to remedy the pool via chemicals and noted, “I will do my best to do that and fix the pump when I have enough money.”

Additional comments followed on the property and the Violation, and Mr. Christopher remarked, “I just got to get the time to do it and the money to do it; I’m not going to let it go forever – I can’t.”

Discussion followed on filling the pool, home renovations, the fence surrounding the property, Mr. Christopher’s financial hardships, covering the pool, the associated costs for pool pumps, and courses of action available to the Code Enforcement Board.

Senior City Attorney Jennifer Nix suggested the Board provide broader terms when recommending a corrective action to give staff flexibility when determining a solution. Further comments followed on the Notices provided to the Respondent, resources available to staff, and steps to achieve corrective action.

Board Member Suzanne Walker proposed, “I would like to put forth a motion to find a Violation imposing a Fine but delay it thirty (30) days and ask that the City work with this gentleman to do the due work that needs to be done and then he could – take the expense of covering the pool.”

Captain Deisler commented briefly on the history of the property and noted, “Financially, I don’t even know that them shouldering the cost of anything is even an option at this point.” Additional remarks.

Note: The Respondent was present.

“I WOULD MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AS OF THE DATE THAT STAFF...” SENIOR CITY ATTORNEY NIX NOTED, “IT AS FEBRUARY 20TH, I THINK.” BOARD MEMBER KAPROW CONTINUED, “...AND THAT SUCH VIOLATION CONSTITUTES A REPEAT VIOLATION UNDER CHAPTER 162, FLORIDA STATUTES. AT THIS POINT, NO FINE BE IMPOSED – IN ADDITION TO THAT – I FIND THAT THE CITY SHOULD CORRECT THE VIOLATION, AND THEREFORE THE CITY SHALL EITHER PERFORM OR CONTRACT FOR THE NECESSARY WORK TO BE PERFORMED IN ORDER TO REPAIR, SECURE THE PROPERTY, OR TO RENDER IT SAFE. THE COSTS AND EXPENSES OF SUCH WORK SHALL BECOME A LIEN UPON THE PROPERTY WHICH LIEN MAY BE ENFORCED BY LAW.” MOTION BY BOARD MEMBER KAPROW. SECONDED BY BOARD MEMBER GILTZ. DISCUSSION.

SENIOR CITY ATTORNEY NIX NOTED ON THE SOLUTION THE BOARD HAD PROPOSED AND COMMENTED ON THE GRAVITY OF VIOLATION AND THE CIRCUMSTANCES. WITH ADDITIONAL REMARKS, SENIOR ATTORNEY NIX STATED, “I JUST DO WANT TO POINT OUT THAT IT WAS A REPEAT VIOLATION.”

VOTE:

BOARD MEMBER GILTZ: AYE

BOARD MEMBER WALKER: AYE

BOARD MEMBER POE: AYE

BOARD MEMBER ROBINSON: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER KAPROW: AYE

MOTION CARRIED.

PUBLIC HEARINGS AGENDA – NEW CASES

PUBLIC HEARINGS – NEW CASES

500. Code Enforcement Division – Police Department

CASE #2018CE000107

Tamara A. Leckrone and Kenneth Leroy Jr.

503 South Edgemon Avenue

Winter Springs, Florida 32708

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

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

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

IPMC: 302.7 Accessory Structures.

Inspector: Code Officer Rich McLaren

After introducing the Case, Code Officer McLaren testified, “On January 19th, 2018, a complaint was received from a neighbor in reference to a fence panel in disrepair. Upon inspection, found that the property, which appeared to be vacant, the side fence gate was laying on the ground. A search of the rear yard to ensure no pool or other safety issues showed no such hazards were present.

Inspection of the backyard did find several areas of the fence in disrepair, items of trash, junk and debris, and yard waste in several areas as well. The grass was also in a state of slight overgrowth and dead vegetation with it. The back screened-in porch to the house did have a panel missing; however, the security of the house was not compromised by this.

A Notice of Code Violation was posted at the residence and mailed Certified Return Receipt, which was subsequently returned as unclaimed with ‘vacant’ notated on the envelope. Any mailing that was sent out to owner of record came back the same way. The property and City Hall were posted for Code Board hearing on March 7th, 2018. The Notices were mailed Certified Return Receipt and First Class Mail - both were returned unclaimed. No contact has been made with any representative of the property to this date.”

Photographs were shown from “WS-1” with further comments.

In conclusion, Code Officer McLaren stated, “I recommend property be found in Violation of City Ordinances as cited, and the property be given until April 13th, 2018 to come into Compliance. If the property does not come into Compliance a Fine of one hundred fifty dollars (\$150.00) per day be applied.” Further comments followed on the property’s vacancy.

Vice-Chairperson Roero commented on the length of the property as it appeared in the photograph.

Brief discussion followed on the owner, their responsibilities, the security of the property, and the fence.

Note: The Respondent was not present.

“I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND ORDER THAT THE RESPONDENTS BE GIVEN UNTIL APRIL 13TH, 2018 TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENTS FAIL TO COMPLY BY THIS DATE, A FINE IN THE AMOUNT OF ONE HUNDRED FIFTY DOLLARS (\$150.00) SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY BOARD MEMBER GILTZ. SECONDED BY BOARD MEMBER POE. DISCUSSION.

VOTE:

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER POE: AYE

BOARD MEMBER ROBINSON: AYE

BOARD MEMBER KAPROW: AYE

BOARD MEMBER WALKER: AYE

BOARD MEMBER GILTZ: AYE

MOTION CARRIED.

PUBLIC HEARINGS – NEW CASES

501. Code Enforcement Division – Police Department

CASE #2018CE000341

Kenneth J. Mann

64 South Devon Avenue

Winter Springs, Florida 32708

City Code: 12-53. – Abandonment Of Motor Vehicles Prohibited.

City Code: 13-1. – General Prohibition.

City Code: 13-2.(a) Littering

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

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

City Code: 20-162. – Uses Permitted.

City Code: 20-411. – Trailers In Residential Areas.

**City Code: 20-431. – Parking, Storage Or Maintenance Of Certain Vehicles
Parking Prohibited In Residentially Zoned Districts.**

City Code: 20-433. – Storage, Repair, Etc., Of Disabled Motor Vehicles; Approved.

City Code: 20-434. – Authorized Commercial Vehicles In Residential Areas.

City Code: 20-452. – Home Occupations Or Home Offices.

IPMC: 302.1 Sanitation.

IPMC: 304.1 General. (Exterior Structure)

IPMC: 304.2 Protective Treatment.

IPMC: 304.13 Window, Skylight And Door Frames.

IPMC: 305.1 General. (Interior Structure)

IPMC: 305.3 Interior Surfaces.

IPMC: 305.4 Stairs And Walking Surfaces.

IPMC: 305.6 Interior Doors.

IPMC: 308.1 Infestation.

IPMC: 404.5 Overcrowding.

IPMC: 604.3 Electrical System Hazards.

IPMC: 702.1 General. (Means Of Egress)

Inspector: Code Officer Rich McLaren

Code Officer McLaren presented the Case. Board Member Walker inquired about Section 404.5 Overcrowding. of the International Property Maintenance Code, to which Code Officer McLaren indicated, “It was the amount of people that were living in the house. We didn’t have an exact number of people that are actually living in the house.” Code Officer McLaren further explained that the owner of the house was deceased, that the roommate the owner had at the time was letting friends live in the home, and that people were still living there.

Continuing his testimony, Code Officer McLaren stated, “The Case started on February 19th of 2018; investigators and officers of the Winter Springs Police Department executed a lawful court - issued search warrant on the premises in reference to a narcotics investigation.

Upon their investigation, they found several Violations of the Winter Springs City Code of Ordinances which they were also charged with enforcing. This Case was assigned to myself for following up.

February 20th, 2018, upon review of the evidence that was documented, I was able to determine the house, as it was, was found as a public nuisance with subjects living in an RV (recreational vehicle) style trailer in the rear yard which was hooked up to power via extension cords. There was a large amount of items classified as junk and debris scattered throughout the property, commercial vehicles for a tree removal service with yard waste being stored on property as well as vehicles with no valid registration tags displayed.

Inside of the residence was cluttered where items in every room, making it hard to navigate properly, which would prove an issue in the case of an emergency. Windows were covered with various towels and bed sheets, and interior doors did not appear to open or function properly. Rear door to the back has plywood covering it as the glass panels were broken, and an infestation of cockroaches was present. Extension cords were being run around the house to be utilized – use of power source – causing a hazard to the walking surfaces. Inside also had light switches with tapes over them with no covering protecting the wiring.

The property is in the foreclosure process at this time as I said in the beginning. The NCV (Notice of Code Violation) was prepared, posted at property, mailed Certified Return Receipt to the owner as listed which has come back. The owner's daughter – who I found through different databases – was notified as well and the bank of record for the foreclosure process was also notified. I had spoken with the daughter and - the bank for the property. The Notice of Code Board hearing was hand delivered by Winter Springs Police Officer on March 7th, 2018, and Notices posted at City and mailed Certified Return Receipt requested. I spoke with residents living there on one (1) occasion and he was inquiring as to when the Board hearing would be, and that was the extent of our conversation.”

Related, Code Officer McLaren submitted into Evidence, as “WS-2”, a sworn statement from Captain Kevin Presley, Criminal Investigations Bureau, Police Department, related to the cockroach infestation and read it into the Record. Further, Code Officer McLaren entered into Evidence, as “WS-3”, a CD of additional photographs.

A photograph was shown from “WS-1” with brief comments.

Discussion followed on the property, that children were no longer living at the residence, and eviction and foreclosure processes.

Board Member Maurice Kaprow inquired if the building inspector could inspect the house to possibly condemn it. Following comments from Senior City Attorney Nix, Code Officer McLaren stated, “It's more of a cluttering issue than a structural issue of the house.” Brief remarks followed on occupancy laws.

Further photographs were shown from “WS-1” with comments.

Code Officer McLaren stated, “I recommend the property be found in Violation of City Ordinances and be given until April 20, 2018 to come into Compliance. If they do not, a Code Board Order be given to remedy any issues dealing with public safety and health, and then the two hundred fifty dollars (\$250.00) a day Fine be imposed.”

With a brief explanation, Senior City Attorney Nix recommended the Board preview the photographs in “WS-3” if they were going to accept them as Evidence.

Following brief discussion, photographs were shown from “WS-3”.

Note: The Respondent was not present.

BOARD MEMBER KAPROW BEGAN, “I MOVE TO FIND THE RESPONDENTS IN VIOLATION OF CITY CODE AND ORDER THAT THE RESPONDENTS BE GIVEN UNTIL – THIS SAYS APRIL 20TH, CAN WE MAKE IT EARLIER?” CODE OFFICER MCLAREN STATED, “THAT’S FINE.” BOARD MEMBER KAPROW CONTINUED, “APRIL 13TH, 2018 TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENTS FAIL TO COMPLY BY THAT DATE, A FINE IN THE AMOUNT OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00) SHALL BE IMPOSED FOR EACH DAY...” VICE-CHAIRPERSON ROERO COMMENTED, “TWO HUNDRED AND FIFTY DOLLARS (\$250.00).” BOARD MEMBER KAPROW CONTINUED, “TWO HUNDRED AND FIFTY DOLLARS (\$250.00) PER DAY SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES.

IN ADDITION, I WOULD FIND THAT THE PROPERTY IS A PUBLIC HEALTH HAZARD AND – ASK THE CITY TO CORRECT ANY VIOLATIONS, AND THE CITY SHALL EITHER PERFORM OR CONTRACT FOR THE NECESSARY WORK TO BE PERFORMED IN ORDER TO REPAIR, SECURE THE PROPERTY, TO RENDER IT SAFE. THE COSTS AND EXPENSES OF SUCH WORK SHALL BECOME A LIEN UPON THE PROPERTY WHICH LIEN MAY BE ENFORCED BY LAW.” MOTION BY BOARD MEMBER KAPROW. SECONDED BY BOARD MEMBER WALKER. DISCUSSION.

ASSISTANT TO THE CITY CLERK DEJESUS REMARKED ON THE OUTSTANDING VIOLATIONS. CODE OFFICER MCLAREN CONFIRMED, “YES, IT IS 308.1 (INFESTATION).”

VOTE:

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

❖❖ **AGENDA NOTE: THE CONSENT AGENDA WAS DISCUSSED AT THIS TIME AS NOTED BELOW.** ❖❖

CONSENT AGENDA

CONSENT

200. Office of the City Clerk

The Office Of The City Clerk Requests The Code Enforcement Board Review And Approve The February 27, 2018 Code Enforcement Board Regular Meeting Minutes.

“I RECOMMEND APPROVAL OF THE MINUTES, AS CIRCULATED.”
MOTION BY BOARD MEMBER POE. SECONDED BY BOARD MEMBER GILTZ. DISCUSSION.

VOTE:

BOARD MEMBER ROBINSON: AYE
VICE-CHAIRPERSON ROERO: AYE
BOARD MEMBER WALKER: AYE
BOARD MEMBER KAPROW: AYE
BOARD MEMBER GILTZ: 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

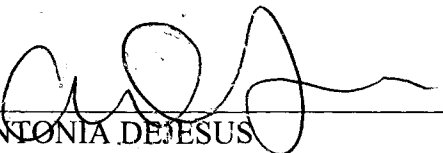
700. Not Used

Captain Deisler indicated that April's Regular Meeting would likely be cancelled, but May's Regular Meeting would be held.

ADJOURNMENT

Vice-Chairperson Roero adjourned the Regular Meeting at 6:31 p.m.

RESPECTFULLY SUBMITTED:



ANTONIA DEJESUS
ASSISTANT TO THE CITY CLERK