

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

CALL TO ORDER

The Regular Meeting of Tuesday, February 27, 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).

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

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
Board Member Suzanne Walker, present
Senior City Attorney Jennifer Nix, present,
Assistant to the City Clerk Antonia DeJesus, present

A moment of silence was held for military personnel and first responders as well as the late Commissioner Pam Carroll. The Pledge of Allegiance followed.

No changes were made to the Agenda.

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 January 23, 2018 Code Enforcement Board Regular Meeting Minutes.

RELATED TO THE APPROVAL OF THE JANUARY 23, 2018 CODE ENFORCEMENT BOARD REGULAR MEETING MINUTES, "I RECOMMEND APPROVAL, 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

CHAIRPERSON CRISWELL: 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. Code Enforcement Division – Police Department

CASE #2018CE000130

Janice S. Harvey

1120 Winter Springs Boulevard

Winter Springs, Florida 32708

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

Inspector: Captain Chris Deisler

Captain Chris Deisler, Code Enforcement Bureau, Police Department spoke fondly of the late Commissioner Carroll and noted, "I would just like to take a minute to remember her and her contributions to the City." Brief comments followed.

Next, Captain Deisler introduced the Case and testified, “Routine patrol on January 23rd of this year, I noticed this property to be in Repeat Violation of a past Code Board Notice for articles of junk and debris on the site. There was excessive trash and debris on the property, in the driveway area, and inside what appeared to be a chain-link fence area – almost like a dog-style kennel.

This case was originally heard by you folks on September 27th of [20’]16 and found in Violation of the cited Code. That Case was later cleared as “in Compliance” on January 2nd of 2017 by Officer [Terri] Guerra who was the Case Officer on the first Case. The Violator in this Case is the same owner now as it was then.

This Code Board Hearing Notice was mailed Certified to the owner of the property January 24th of this year – received January 29th. City Hall and the bulletin boards were also posted January 25th.”

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

Captain Deisler stated, “I would like to note that these conditions have been remedied; I noticed at least this morning that that Violation is no longer present. So, it does stand now in Compliance; I’m recommending the property be found Repeat Violation with a hundred dollar (\$100.00) a day Fine.”

Brief comments followed on Staff’s recommendation.

Board Member Carole Giltz remarked on the property’s Compliance status. Captain Deisler stated, “The way I understand it, it just becomes a running total of the number of days it was found in Violation – should you guys find it that way.”

Ms. Janice Harvey, 1120 Winter Springs Boulevard, Winter Springs, Florida: stated, “I’ve been trying really hard to keep everything compliant,” and went on to explain how she recently injured her foot.

Continuing, Ms. Harvey referenced the junk and debris on the property and stated, “When we had the hurricane, I put some extra storage stuff in there so it wouldn’t blow away – I have no excuse for that.” Ms. Harvey remarked on the noticing process for Repeat Violations.

Ms. Harvey proceeded, “Once I knew that, even though I had my injury and whatever, I did what I could, including taking down a kennel by myself.” With additional comments, Ms. Harvey stated, “I did the best I could is all I could say. I don’t try to be difficult, and I try to keep up my property, but something like a broken toe, a bruised foot, and edema up to your knee makes it complicated.”

Chairperson Criswell noted the nature of Repeat Violations. Ms. Harvey referred to past incidents with the Winter Springs Code Enforcement Bureau and Seminole County Animal Control Services.

On another note, Chairperson Criswell encouraged Ms. Harvey to familiarize herself with the City Code and mentioned, “We appreciate you getting it cleaned up.”

With brief discussion on the date on which the Violation was first seen, Captain Deisler indicated, “I believe it was the 23rd of January of this year.” In response to Senior Attorney Jennifer Nix’s inquiry, Captain Deisler confirmed that the property came into Compliance this day, Tuesday, February 27, 2018.

Much discussion followed on how many days the property was in Non-Compliance, the proper procedures to achieve Compliance, and the noticing process for Violations and Repeat Violations.

Board Member Giltz commented, “If we are going to impose a Fine, I am sort of leaning toward fifty dollars (\$50.00) a day instead of a hundred (\$100.00).” Chairperson Criswell agreed, “I think that is a pretty fair judgement, Ms. Giltz. The original one was fifty dollars (\$50.00).” Further comments followed on Compliance.

Discussion ensued on Code Enforcement procedures.

Ms. Harvey spoke of her efforts to achieve Compliance and pointed out, “I did the best I can, and I will from now on, if Code Enforcement leaves me a little thing on my door, I will call right away.” Captain Deisler commented on Repeat Violation Notices.

Board Member Suzanne Walker suggested that Ms. Harvey speak to Captain Deisler about City Code requirements. Brief remarks.

Senior City Attorney Nix confirmed the duration of the Violation to be thirty-five (35) days.

Note: The Respondent was present.

“I MOVE TO FIND THE RESPONDENT COMMITTED A REPEAT VIOLATION OF THE CITY CODE AND THE VIOLATION IS CURRENTLY CORRECTED. THE RESPONDENT CORRECTED THE VIOLATION ON FEBRUARY 27, 2018. AS THE PROPERTY WAS IN REPEAT VIOLATION FOR A TOTAL OF THIRTY-FIVE (35) DAYS, A FINE IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) PER DAY SHALL BE IMPOSED AS A RESULT OF THE REPEAT VIOLATION.” MOTION BY BOARD MEMBER KAPROW. SECONDED BY BOARD MEMBER GILTZ. DISCUSSION.

VOTE:

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

PUBLIC HEARINGS AGENDA – NEW CASES

PUBLIC HEARINGS – NEW CASES

500. Code Enforcement Division – Police Department
CASE #2017CE002441
Sandra H. Bergman
201 Sherry Avenue
Winter Springs, Florida 32708
City Code: 13-2.(b) Junk And Debris
City Code: 13-2.(c) Overgrown Yard
City Code: 6-195. – Maintenance Of Fences Or Walls.
Inspector: Captain Chris Deisler

Captain Deisler introduced the Case and provided related information. Continuing, Captain Deisler testified, “November 7th of 2017, I noticed this yard had a bunch of junk and debris seen throughout. There were items stored by the front door, on the sides of the yard, and in the back seen over the wooden fence. The wooden fence panels are falling down and are propped up by boards. The fence along the Edwin Street side is in disrepair and either missing slats or the chain link posts are disconnected.

You’ll hear me testify in a minute – this property actually has both sections of fence. It has chain link and wood fence on it. The Notice of Code Violation was prepared and mailed; it was received and signed for by someone that appeared to be Natalie Glover on November 15th of last year. The conditions remained the same.

Accordingly, the Code Board Notice was prepared and sent on January 19th of this year and it was received by Ms. Bergman on January 27th of this year.”

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

Captain Deisler stated, “Recommend the property come into Compliance by March 30th of this year or a Fine of fifty dollars (\$50.00) a day be established if found in Non-Compliance. Again, right now, the wood paneling fence, except for that north side, is fairly well back together.”

Further, Captain Deisler commented on the different types of fence materials and noted, “I asked Brian Fields (Director, Community Development Department) about whether or not there was a requirement to either have one or the other or both. And he said there was nothing in the Code that restricts that setup; however, you then take on the responsibility of maintaining two (2) types of fences instead of one (1).”

Brief remarks.

Assistant to the City Clerk DeJesus asked for clarification regarding the outstanding Violations. Captain Deisler remarked, “All of them – because they didn’t meet the original Compliance date on the Notice.”

Further comments followed on Notices. Senior City Attorney Nix confirmed the original Compliance date and noted, “It was December 31st, 2017.”

Mr. Richard Bergman, 201 Sherry Avenue, Winter Springs, Florida: testified, “We thought we got up to Compliance, then we got another Notice saying that we didn’t.” Mr. Bergman asked for clarification on what specifically needed to be corrected.

Continuing, Mr. Bergman commented on recent efforts to fix the fence and remarked, “At that time, I was in the process of trying to get the stuff to repair it, but I finally got it and got everything taken care of.”

Chairperson Criswell wondered if Hurricane Irma caused any damage. Mr. Bergman replied, “Yes, it’s from the hurricane.” Brief remarks followed on permits.

Brief discussion followed on a small garbage enclosure and Chairperson Criswell encouraged Mr. Bergman to check with the Building Department.

Mr. Bergman spoke of his mother’s plants in the yard. A photograph from “WS-1” was referenced and Captain Deisler stated, “On the right side of this photograph is a big tree; there’s a table and chair set up underneath there and I think that’s the area where he’s referring to. Edwin Street runs along that ride side of the picture.”

Pointing at another photograph from “WS-1”, Captain Deisler continued, “You’re now looking at ninety degree (90°) angle to the left from where I just was along Edwin Street. And that’s where all that stuff is encroaching through the fence and along the sidewalk and whatnot.”

Chairperson Criswell asked, “So, you are not talking about beyond the fence, beyond the palm fronds, closer to the house? You are talking about this stuff right here?” Captain Deisler replied, “I’m talking about the stuff overgrowing and encroaching up on the sidewalk and whatnot.”

After brief discussion with Mr. Bergman, Captain Deisler stated, “Okay – he’s shown me some photographs of what he’s claimed is the current condition of the property and if it is as he is presenting it, I’ll be happy to do a re-inspection. If he meets the Code within the Compliance date, then we’re going to close it out as in Compliance.”

Ms. Sandra Bergman, 201 Sherry Avenue, Winter Springs, Florida: commented on plants on the property.

Brief remarks followed.

Note: The Respondent was present.

“I MOVE TO FIND THE RESPONDENT, SANDRA H. BERGMAN, IN VIOLATION OF THE CITY CODE AND ORDER THAT THE RESPONDENT BE GIVEN UNTIL MARCH 30 [2018] TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENT FAILS TO COMPLETE BY THIS DATE, A FINE IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) A DAY SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY VICE-CHAIRPERSON ROERO. SECONDED BY BOARD MEMBER WALKER. DISCUSSION.

SENIOR CITY ATTORNEY NIX CONFIRMED THE OUTSTANDING VIOLATIONS AS SECTIONS 13-2.(b) JUNK AND DEBRIS, 13-2.(c) OVERGROWN YARD., AND 6-195. – MAINTENANCE OF FENCES OR WALLS. CHAIRPERSON CRISWELL EXPRESSED HIS AGREEMENT.

VOTE:

BOARD MEMBER POE: AYE

BOARD MEMBER ROBINSON: AYE

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER KAPROW: AYE

BOARD MEMBER WALKER: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER GILTZ: AYE

MOTION CARRIED.

PUBLIC HEARINGS – NEW CASES

501. Code Enforcement Division – Police Department

CASE #2017CE002589

Baher Loka

244 Nandina Terrace

Winter Springs, Florida 32708

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

Inspector: Code Officer Rich McLaren

Code Officer Rich McLaren, Code Enforcement Bureau, Police Department introduced the Case and testified, “I received a complaint on December 1st of last year reference to a fence in disrepair. I observed the fence, it was in disrepair in several sections as well as windows were covered with plywood which was later removed several days after the Violation first reported.

The Notice of Code Violation prepared, mailed Certified/Return Receipt requested and posted at the property. As I stated, the plywood was removed shortly thereafter after I posted it.

On December 21st, I spoke with the resident; he requested an extension due to financial and health reasons, and also having issues in working with the insurance company not wanting to cover the fence. And he also had numerous damages from Hurricane Irma.” Code Officer McLaren indicated he granted the extension.

Continuing, Code Officer McLaren stated, “February 1st the condition remained unchanged. The property and City Hall were posted reference to Code Board Hearing and the Notices were mailed out.”

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

Code Officer McLaren mentioned, “The Respondent is here tonight and he presented new evidence to me that – he’s having problems with his insurance company. He received notification as of today – the person who was originally handling his claim with the insurance company resigned and his claim has been sitting there with nobody working on it for several months.

Originally, I had – a recommendation that property be found in Violation of City Ordinance which I still would like. And I was going to say that he has until April 31st in 2018; however, at this point – I don’t know that any Fines are going to help him.” Code Officer McLaren spoke briefly of the Respondent’s health conditions.

Chairperson Criswell asked if the property was on a corner lot to which Code Officer McLaren replied, “Yes, it is.” Additional remarks. Chairperson Criswell also commented on Code Officer McLaren’s corrective action date and noted that there are only thirty (30) days in April; Chairperson Criswell suggested April 30, 2018 instead. No objections were voiced.

Board Member Walker commented on the Homeowners Association for the property.

Mr. Baher Loka, 244 Nandina Terrace, Winter Springs, Florida: indicated that the Homeowners Association for the property reached out to him, that he explained his situation to them, and that they granted him an extension. On a related note, Mr. Loka recounted the damage that Hurricane Irma caused to his home and commented briefly on his health issues. Mr. Loka also remarked that the Homeowners Association for the property was not imposing Fines.

Mr. Loka then spoke of his efforts to work with the insurance company.

Chairperson Criswell asked if Code Officer McLaren spoke to Homeowners Association for the property. Code Officer McLaren stated, “It was the property management company that submitted the complaint, but I haven’t talked to anybody from the HOA (Homeowners Association) since the original Notice left.”

Continuing, Mr. Loka spoke of his health issues efforts regarding this matter over the past months. Board Member Walker remarked, “We believe you – I think we understand the circumstances.”

Chairperson Criswell asked if April 30th was sufficient time to correct the Violation. Mr. Loka commented, “The problem is the other adjustor didn’t put enough notification that approved the roof and fence and everything, and the only problem is the negotiation between the price of the roof between the contractor and adjustor. So, he told me that I have to start all over again.” Board Member Giltz noted that the Violation was only for the fence not the roof.

Code Officer McLaren suggested, “At this point, if we can give him to the end of April to come into Compliance.” Code Officer McLaren also suggested outreach to local church groups for assistance. Brief comments followed on the fence.

Mr. Loka explained, “I don’t mind to do this – even hire somebody. But insurance company told me I cannot – they say it’s evidence for them.”

Discussion followed on damage to the property, Mr. Loka’s family’s current living situation, insurance company practices, and suggestions for Mr. Loka. Additional remarks.

Note: The Respondent was present.

“I WOULD MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND ORDER THE RESPONDENT BE GIVEN UNTIL APRIL 30, 2018 TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENT FAILS TO COMPLY BY THIS DATE, A FINE IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) PER DAY SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY BOARD MEMBER KAPROW. SECONDED BY BOARD MEMBER POE. DISCUSSION.

VOTE:

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

PUBLIC HEARINGS – NEW CASES

**502. Code Enforcement Division – Police Department
CASE #2017CE002453
Daisy Cochrane
Parcel ID: 26-20-30-5AR-0D00-092D
South Moss Road
Winter Springs, Florida 32708
City Code: 6-195. – Maintenance Of Fences Or Walls.
Inspector: Code Officer Rich McLaren**

This Case was introduced by Code Officer McLaren who testified, “On November 9th, 2017, a complaint received reference to the fence in disrepair following Hurricane Irma. It’s the perimeter fence around the outside of – it’s a small – I guess you would call them apartments or townhouses or condos, but it’s adjacent from the Moss Road apartments and the entire fence line around the outside is in disrepair.

Upon inspection, I found several large pieces of the fence laying on the ground and in disrepair. The Notice of Code Violation was prepared and mailed Certified/Return Receipt requested. And on December 7th of 2017, it was returned unclaimed and it was posted at one (1) of the buildings on residence.”

Continuing, Code Officer McLaren stated, “December 28th, 2017, the property management requested an extension due to issues with – the fence company and getting materials for property. That was the last I heard from them when I gave them an extension until the end of January and such. As of February 1st, the condition was still not corrected. Notice of Code Board was – posted at property and City Hall and also mailed out.”

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

Code Officer McLaren concluded, “I recommend property be given until March 16, 2018 or to be found in violation of that City Ordinance. If they do not come into Compliance by that date, they will face a Fine of a hundred fifty dollars (\$150.00) per day until it is fixed.”

Chairperson Criswell asked about the sidewalks shown in “WS-1”. Code Officer McLaren stated, “It’s a pathway for the Moss Road apartments; it’s not for this property here, it’s for the Moss Road apartments.” Further comments followed on the property layout.

On another note, Chairperson Criswell asked who owned the fence. Code Officer McLaren answered, “It belongs to that parcel as per City guidelines – whichever side the brace-side faces, it belongs to them.”

Brief discussion followed on 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 MARCH 16 [2018] TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENTS FAIL TO COMPLY TO THIS DATE, A FINE IN THE AMOUNT OF A HUNDRED AND FIFTY DOLLARS (\$150.00) A DAY SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY BOARD MEMBER ROBINSON. SECONDED BY BOARD MEMBER WALKER. DISCUSSION.

VOTE:

**BOARD MEMBER WALKER: AYE
VICE-CHAIRPERSON ROERO: AYE
BOARD MEMBER GILTZ: AYE
BOARD MEMBER ROBINSON: AYE
BOARD MEMBER KAPROW: AYE
CHAIRPERSON CRISWELL: 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. Code Enforcement Division – Police Department

Not Used

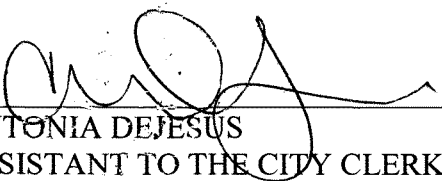
Brief comments followed on a complaint submitted to the City regarding tree cutting.

On another note, Chairperson Criswell indicated that he would be absent from the Regular Meeting in June.

ADJOURNMENT

Chairperson Criswell adjourned the Regular Meeting at 6:37 p.m.

RESPECTFULLY SUBMITTED:


ANTONIA DEJESUS
ASSISTANT TO THE CITY CLERK

NOTE: These Minutes were approved at the March 27, 2018 Code Enforcement Board Regular Meeting.