

CITY OF WINTER SPRINGS, FLORIDA
MINUTES
CODE ENFORCEMENT BOARD
REGULAR MEETING
JANUARY 23, 2018

CALL TO ORDER

The Regular Meeting of Tuesday, January 23, 2018 of the Code Enforcement Board was called to Order by Chairperson Matthew Criswell 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, 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 followed by the Pledge of Allegiance.

Related to Agenda changes, Captain Chris Deisler, Code Enforcement Bureau, Police Department stated, "Only a matter of one (1) Case has been pulled for Compliance – that's '504', we won't be hearing that one. We're going to hear the Cases slightly out of order; we have Respondents here for two (2) Cases. Case '400' will be the first one, and then we'll proceed with '503' as we have a Respondent here for that one, and then we'll go back to the regular order." No objections were noted.

With brief comments, Assistant to the City Clerk Antonia DeJesus reviewed attendance information with the Board Members and passed out an updated Member List.

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

REGULAR AGENDA – PART I

REGULAR

700. Office Of The City Clerk

The Office Of The City Clerk Requests The Code Enforcement Board Hold An Election For The Position Of Chairperson For Calendar Year 2018.

REGARDING THE CHAIRPERSON POSITION, MOTION TO NOMINATE MATTHEW CRISWELL FOR CHAIRPERSON. MOTION BY BOARD MEMBER POE WHO STATED, “THE LEADERSHIP YOU HAVE PROVIDED US THIS PAST YEAR HAS JUST BEEN AWESOME, AND I WOULD LIKE TO SEE YOU RETURN, SIR.” SECONDED BY BOARD MEMBER GILTZ. DISCUSSION.

SENIOR CITY ATTORNEY NIX ASKED CHAIRPERSON CRISWELL, “DO YOU ACCEPT THE NOMINATION?” CHAIRPERSON CRISWELL REPLIED, “I DO ACCEPT IT.”

VOTE:

BOARD MEMBER WALKER: AYE

BOARD MEMBER GILTZ: AYE

BOARD MEMBER ROBINSON: AYE

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER KAPROW: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER POE: AYE

MOTION CARRIED.

REGULAR

701. Office Of The City Clerk

The Office Of The City Clerk Requests The Code Enforcement Board Hold An Election For The Position Of Vice-Chairperson For Calendar Year 2018.

FOR THE POSITION OF VICE-CHAIRPERSON, I WOULD LIKE TO MAKE A NOMINATION OF MR. ROERO WHO HAS ALSO DONE A SUPERB JOB AS OUR PREVIOUS CHAIRMAN AS WELL AS VICE-CHAIRMAN.” MOTION BY BOARD MEMBER POE. SECONDED BY CHAIRPERSON CRISWELL. DISCUSSION.

CHAIRPERSON CRISWELL ASKED, “MR. ROERO WOULD YOU ACCEPT THAT NOMINATION?” VICE-CHAIRPERSON ROERO RESPONDED, “YES.”

VOTE:

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

REGULAR

702. The Office Of The City Clerk Requests The Code Enforcement Board Discuss And Adopt The City Of Winter Springs Code Enforcement Board Policy And Procedures Manual, As Amended.

Assistant to the City Clerk DeJesus introduced the Agenda Item and pointed out how the Code Enforcement Board Policy and Procedures Manual was often amended each year with only minimal changes.

Continuing, Senior City Attorney Jennifer Nix reiterated the minimal changes that were typically made each year and referenced Section 8 of the Code Enforcement Board Policy and Procedures Manual. Senior City Attorney Nix indicated the clauses mandating annual adoption of the Manual as well as the Sample Motions were removed and noted, “There’s really just not a need for that on an annual ongoing basis.”

Discussion.

“I WILL MAKE A MOTION TO ADOPT THE POLICY AND PROCEDURE MANUAL AS WRITTEN TODAY WITH THE EXCEPTION OF NUMBER 9 BEING ADDED.” MOTION BY CHAIRPERSON CRISWELL. SENIOR CITY ATTORNEY NIX CLARIFIED, “JUST THE RENUMBERING OF THAT ONE?” CHAIRPERSON CRISWELL AGREED, “JUST THE RENUMBER.”

SECONDED BY BOARD MEMBER ROBINSON. DISCUSSION.

VOTE:

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

REGULAR

703. Office Of The City Clerk

The Office Of The City Clerk Requests The Code Enforcement Board Discuss And Potentially Adopt The Sample Motions, As Amended.

This Agenda Item was not discussed at this time beyond a reference to the Agenda Item wording. Senior City Attorney Nix noted, “We only had the ‘potentially’ in there literally in the event that you didn’t want to get rid of the sample Motions being in the Manual.”

No action was taken.

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 Tuesday, October 24, 2017 Code Enforcement Board Regular Meeting Minutes.

REFERRING TO THE MINUTES FROM THE LAST MEETING, “I RECOMMEND APPROVAL AS CIRCULATED.” MOTION BY BOARD MEMBER POE. SECONDED BY BOARD MEMBER GILTZ. DISCUSSION.

VOTE:

BOARD MEMBER POE: AYE

BOARD MEMBER ROBINSON: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER GILTZ: AYE

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER KAPROW: AYE

BOARD MEMBER WALKER: 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. Police Department - Code Enforcement Division

CASE #2017CE002367

GC4A Commercial, LLC

260 East State Road 434

Winter Springs, Florida 32708

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

Inspector: Captain Chris Deisler

Captain Deisler introduced this Case and testified, “Routine patrol last year on October 30th, I just noticed the property to be in Repeat Violation of a past Code Board Notice for articles of junk and debris on the site. Excessive trash and debris on the property ranging from household garbage to randomly dumped junk.

You all heard this Case back in 2015 on April 28th and that first Case was closed in Compliance on June 30th of 2015. The new Case being opened is against the same violator within the five (5) year period.

This Code Board Hearing Notice was mailed Certified to the owners of the property and the registered agent of the LLC on Halloween of last year. It was received by the LLC on November 10th, 2017 and the registered agent on November 15th, 2017. The property and City Hall were posted also with the Hearing Notice on Halloween afternoon.”

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

Captain Deisler referenced the representative of the property present in the audience and noted, “I am recommending the property is found in Repeat Violation with a subsequent five hundred dollar (\$500.00) a day Fine. The conditions still persist; they have not been corrected as of today.”

Chairperson Criswell inquired as to when the Fine would start accruing. Captain Deisler stated, “From my understanding it will be back to the day I observed it.” With brief discussion, Captain Deisler confirmed, “When the new Case was started.”

Ms. Jessica Feurtado, Property Manager, LLC, Realty Capital, 605 East Robinson Street, Suite 500, Orlando, Florida: indicated, “I’m just here to represent the property as the agent to make a statement, that since I’ve been assigned to this property I have been doing my best, within our budget, to make a good faith effort to keep up with the maintenance of the property.”

Continuing, Ms. Feurtado stated, “In 2017, for the year, we spent just over ten thousand dollars (\$10,000.00) on maintenance hours. We have someone there two (2) to three (3) times a week picking up the grounds and handling maintenance items on site.

As of today's date we have spent a thousand and sixty dollars (\$1,060.00) on maintenance hours as well as eleven hundred dollars (\$1,100.00) to clean out a vagrant camp there on the site. I have been speaking with the Captain; I don't dispute any of his findings, I do know there is a trash issue there."

Ms. Feurtado commented on difficulties with tenants and their trash as well as outside dumping and noted, "At this point we have been fairly reactive in taking care of the issues; as soon as we know that there's something onsite, we make an effort to go out and clean it up." Ms. Feurtado emphasized, "But I did want to just come today and let you all know that we are making an effort and that you have my commitment to continue to work on this issue."

Board Member Suzanne Walker wondered if there was a particular tenant that was contributing to the junk and debris. Ms. Feurtado commented, "I was not sure about that, but I did speak to the Captain earlier and he thinks that some of it may be coming from our corner tenant, and they're called Rangoli Sweets."

Further discussion followed on the tenants, recent communications regarding the Violations, the array of junk and debris present on the property, and dumpsters.

Vice-Chairperson Gregg Roero suggested camera surveillance. Ms. Feurtado acknowledged Vice-Chairperson Roero's proposal and pointed out current budget concerns.

Next, Board Member Maurice Kaprow asked how often Ms. Feurtado visits the property to which she replied, "I personally try to drive by there at least two (2) to four (4) times a month." Remarks followed on maintenance staff and their related duties.

Chairperson Criswell asked if there were any gates surrounding the property. Ms. Feurtado stated, "No, there are not."

Discussion followed on preventative measures, vegetation in the rear of the property, communications between Ms. Feurtado, the property owner, and tenants, active Fines, and other Case details.

Note: Ms. Jessica Feurtado was present as a representative of the property owner; no other persons were present.

BOARD MEMBER KAPROW STATED, "I WOULD MOVE TO FIND THE RESPONDENTS ARE IN VIOLATION OF THE CITY CODE AS OF – CAPTAIN EISLER, OCTOBER?" CHAIRPERSON CRISWELL STATED, "30TH." CAPTAIN DEISLER CONFIRMED, "OCTOBER 30TH."

BOARD MEMBER KAPROW CONTINUED, “AS OF OCTOBER 30TH, 2017, AND THAT SUCH VIOLATION CONSTITUTES A REPEAT VIOLATION UNDER CHAPTER 162, FLORIDA STATUTES. A FINE IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00) PER DAY – STARTING ON OCTOBER 30TH, 2017 AND FOR EACH DAY THE REPEAT VIOLATION CONTINUES THEREAFTER SHALL BE IMPOSED.” MOTION BY BOARD MEMBER KAPROW. SECONDED BY BOARD MEMBER WALKER.

DISCUSSION FOLLOWED ON STEPS TO ACHIEVE COMPLIANCE AND FINES IMPOSED.

VOTE:

BOARD MEMBER GILTZ: AYE

BOARD MEMBER POE: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER WALKER: AYE

BOARD MEMBER ROBINSON: AYE

CHAIRPERSON CRISWELL: NAY

BOARD MEMBER KAPROW: AYE

MOTION CARRIED.

Brief comments followed on the Sample Motions.

❖❖ AGENDA NOTE: PUBLIC HEARINGS AGENDA – NEW CASES – AGENDA ITEM “503” WAS HEARD NEXT, FOLLOWED BY THE REST OF THE AGENDA IN THE ORDER, AS DOCUMENTED. ❖❖

PUBLIC HEARINGS – NEW CASES

PUBLIC HEARINGS – NEW CASES

503. Police Department – Code Enforcement Division

CASE #2017CE002708

William And Sonia Triplett

1211 Deer Run

Winter Springs, Florida 32708

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

Inspector: Code Officer Rich McLaren

Code Officer Rich McLaren, Code Enforcement Bureau, Police Department presented the Case and testified, “On December 22nd, 2017, I observed a white four (4) door pickup truck with a flatbed/stake body style vehicle in the driveway of the residence. The Notice of Code Violation was prepared, posted at residence, and mailed Certified Mail/Return Receipt requested.

As of December 28th, 2017, the condition was still not corrected and the Case was moved to Code Board status. December 29th, 2017, the residence and City Hall was posted for Code Board

Hearing; on this date when the residence was posted there were two (2) vehicles that met the Commercial Vehicle Ordinance that were parked on the property at that time.

January 3rd, 2018, I observed commercial vehicles still parked in the driveway area, as well as a trailer that meets the standards of commercial vehicle parked in the driveway across the sidewalk area. A City citation was issued for City Ordinance 17-1, blocking of sidewalk.

The sidewalk area in front of the driveway is in disrepair due to the continued practice of parking commercial vehicles on the property. Public Works has been notified to respond and remedy the hazard to the area.

On this date, I received an anonymous complaint that the resident over the weekend brought an excavator on a trailer into the driveway area and removed the stakes that were placed there by Public Works. I was unable to verify that there was an excavator on property; however, the stakes were missing. Public Works was notified to respond out to reference this.”

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

Code Officer McLaren concluded, “At this time, I recommend that the property be found in Violation of City Ordinance and be given until February 6th, 2018 to come into voluntary Compliance. If property does not come into Compliance, a Fine of two hundred and fifty dollars (\$250.00) a day be imposed.”

Mr. William Triplett, 1211 Deer Run, Winter Springs, Florida: commented on the various complaints that he has received over the years. Mr. Triplett referred to one (1) of the vehicles on the property and noted, “It’s not a commercial vehicle, I drive it every day, it’s what I use to drive; so, there’s not two (2) commercial. The other one I bought and purchased and went out of town and came back, and they called and said it was ready to be picked up.” Mr. Triplett said he was preparing the truck to be used for work.

Continuing, Mr. Triplett remarked further on the vehicles on the property as well as his boat. Mr. Triplett stated, “We have a lot of cars; I have five (5) kids, eleven (11) grandkids, I know a lot of people and they’re constantly coming over and parking.”

Chairperson Criswell inquired about the trucks on the property. Mr. Triplett explained, “They’re all Chevrolet except for that you’ve seen the stake body – it’s a brand new Dodge.”

Further, Chairperson Criswell asked the Respondent when his birthday was to which Mr. Triplett replied, “March 3rd.” Chairperson Criswell asked when the vehicle tags expired. Mr. Triplett answered, “December.” Chairperson Criswell stated, “It’s a commercial vehicle.” Discussion followed on commercial vehicles parked in residential areas and vehicle tags.

Code Officer McLaren stated, “The complaint arises – it’s not necessarily from this truck. It’s from the white truck that’s behind it, and the white truck that’s behind that. On the Notices that

were provided, it clearly states, ‘The vehicles cannot be a stake body or a flatbed truck, and that is not allowed on residential property.’” Additional remarks.

Further discussion followed on commercial vehicles parked in residential areas, City Code specifications, the trucks on the property, and solutions to the Violation.

Chairperson Criswell stated, “Is it a stake bed? That’s your personal truck?” Mr. Triplett replied, “No.” Chairperson Criswell continued, “Okay, we’re not concerned about the Chevy 3500 that’s pulling the trailer. If it pulls the trailer, there’s the problem. If it doesn’t pull the trailer, problem solved.” With further remarks following on the trucks in Violation, Mr. Triplett indicated, “Okay, we got no problem.” Discussion followed.

At the suggestion of Senior City Attorney Nix, Code Officer McLaren referred to a photograph and pointed out the vehicles in Violation of the City Code. Further remarks followed.

Mr. David McLaughlin, Esquire, 13320 Summer Rain Drive, Orlando, Florida: speaking as the personal Attorney for Mr. William Triplett, Mr. McLaughlin requested clarification as to what repercussions may arise if Mr. Triplett’s guests were to park commercial vehicles on the property.

Chairperson Criswell stated, “I don’t think that a car parking in front of your house for three (3) hours is going to constitute a flag for Code Enforcement to come out. If he stays there for longer than forty-eight (48) hours, that’s going to constitute.”

Mr. McLaughlin inquired about restrictions related to boats and trailers. Chairperson Criswell indicated, “If it is longer than forty-eight (48) hours.”

With further comments, Captain Deisler noted, “If any vehicle prohibited by the Code ends up back on the property, it violates the Code. Henceforth, it can be brought back as a Repeat.” Brief discussion ensued.

Note: The Respondent was present.

“I MOVE TO ACCEPT STAFF’S RECOMMENDATION.” MOTION BY BOARD MEMBER POE. SECONDED BY BOARD MEMBER ROBINSON. DISCUSSION.

CHAIRPERSON CRISWELL BRIEFLY COMMENTED ON THE BOARD’S PURPOSE AND THEIR INTENT.

VOTE:

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER WALKER: AYE

BOARD MEMBER ROBINSON: AYE

BOARD MEMBER GILTZ: AYE

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER KAPROW: AYE

BOARD MEMBER POE: AYE
MOTION CARRIED.

PUBLIC HEARINGS AGENDA – NEW CASES

PUBLIC HEARINGS – NEW CASES

500. Police Department – Code Enforcement Division

CASE #2017CE001890

Michael And Monique Herringshaw And Picou Laborde

815 Dyson Drive

Winter Springs, Florida 32708

City Code: 6-212. - Application For Permit; Plans And Specifications.

Inspector: Captain Chris Deisler

Captain Deisler presented the Case and testified, “Last year, August 11th, I received information from Brian Fields, the Community Development Director, and he brought information to me regarding a construction of pool at this residence without a Permit. We did not find any Permit in the City databases, and combine that with Brian’s firsthand information, we sent a Notice of Code Violation letter; it was delivered Certified August 21st of 2017.

I got a call from the owner of the property the same day, she was referred to Mr. Fields in Community Development for proper guidance. On August 24th last year, we inactivated a Case since the owners were working with City Hall to comply with the Code. Brian (Fields) asked me to stand down a bit on enforcement; I guess he was working with them. But I was asked to reactivate the Case on November 20th of 2017 since cooperation had stopped. I got back from vacation, I had another email stating that a Pool Permit was pulled on December 26th of last year, but the Compliance date for the NCV (Notice of Code Violation) letter was August 31st.

We noticed them for the Code Board Hearing, was delivered Certified on December 6th of last year. We also posted the property and City Hall bulletin board on December 5th, 2017. They do have that Permit now, I’m only asking for a Finding of Fact in case they repeat violate, we will have that on Record.”

Board Member Walker asked, “They have an official Permit now?” Captain Deisler replied, “They do.” Brief discussion followed.

Note: The Respondent was not present.

“I MAKE A MOTION TO ACCEPT STAFF’S RECOMMENDATION.” MOTION BY BOARD MEMBER WALKER. SECONDED BY BOARD MEMBER POE. DISCUSSION.

SENIOR CITY ATTORNEY NIX REQUESTED THAT STAFF’S RECOMMENDATION BE DISPLAYED AGAIN. CHAIRPERSON CRISWELL REPEATED STAFF’S RECOMMENDATION.

BOARD MEMBER KAPROW EXPRESSED CONCERN THAT THE MOTION DID NOT INCLUDE LANGUAGE SPECIFIC TO REPEAT VIOLATIONS.

SENIOR CITY ATTORNEY NIX STATED, “IF SOMEBODY WOULD – THE PERSON WHO MADE THE MOTION – ACCEPT THIS AMENDMENT TO IT, JUST TO ACCEPT STAFF’S RECOMMENDATION WITH THE ADDITION THAT LANGUAGE BE INCLUDED THAT BEING THAT IT’S FOUND AS A REPEAT VIOLATION SHOULD SOMEBODY REOFFEND IN THE FUTURE, A FINE OF UP TO FIVE HUNDRED DOLLARS (\$500.00) COULD BE IMPOSED.”

BOARD MEMBER WALKER AMENDED HER MOTION BY STATING, “I MOVE TO FIND THE RESPONDENT VIOLATED THE CITY CODE AND FAILED TO CORRECT THE VIOLATION BY THE TIME SPECIFIED FOR CORRECTION BY THE CODE INSPECTOR, THAT THE VIOLATION IS CURRENTLY CORRECTED AND THAT NO FINE BE IMPOSED. A SUBSEQUENT VIOLATION OF THE CITY CODE PROVISION BY RESPONDENTS WITHIN FIVE (5) YEARS FROM THE DATE OF THIS ORDER SHALL BE CONSIDERED A REPEAT VIOLATION FOR WHICH A FINE OF UP TO FIVE HUNDRED DOLLARS (\$500.00) CAN BE IMPOSED.”

SENIOR CITY ATTORNEY NIX POINTED OUT, “I THINK I DIDN’T HEAR THE WORD ‘SAME’. SO, JUST CHECKING, ANY SUBSEQUENT VIOLATION OF THE SAME CITY CODE PROVISION, CORRECT?” BOARD MEMBER WALKER AGREED. NO OBJECTIONS TO THE AMENDMENT WERE NOTED.

VOTE:

BOARD MEMBER KAPROW: AYE

BOARD MEMBER GILTZ: AYE

BOARD MEMBER POE: AYE

CHAIRPERSON CRISWELL: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER WALKER: AYE

BOARD MEMBER ROBINSON: AYE

MOTION CARRIED.

PUBLIC HEARINGS – NEW CASES

501. Police Department – Code Enforcement Division

CASE #2017CE002427

Alfredo Velez Jr.

Personal Representative For The Estate Of Leila Valle-Velez

682 Canadice Court

Winter Springs, Florida 32708

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

City Code: 5-10.(f) - Attachments. (Tree Protection And Preservation)

Inspector: Captain Chris Deisler

Captain Deisler introduced the Case and testified, “On November 7th of 2017, we noticed large sections of dead tree debris on the site. This is a vacant house; there was also a large, fluorescent light, almost like a streetlight – mounted to a tree in the front yard. Objects cannot be mounted in this fashion.

A Notice of Code Violation was prepared and mailed; it was received and signed for on November 20th of last year. The conditions have remained relatively the same. Accordingly, we sent the Notice of Code Board Hearing on December 12th of last year; it was received on December 27th. City Hall and the property were posted on December 14th of last year.”

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

Captain Deisler concluded, “I recommend the property come into Compliance by February 23rd of this year or a Fine of fifty dollars (\$50.00) a day be imposed if found in Non-Compliance.” Remarks followed on tree protection.

Note: The Respondent was not present.

“I MOVE TO FIND THE RESPONDENTS IN VIOLATION OF THE CITY CODE AND ORDER THAT RESPONDENTS BE GIVEN UNTIL FEBRUARY 23, 2018 TO CORRECT THE VIOLATION; IN THE EVENT RESPONDENTS FAIL TO COMPLY BY THIS DATE, A FINE IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) SHALL BE IMPOSED FOR EACH DAY THE VIOLATIONS CONTINUES THEREAFTER.” MOTION BY BOARD MEMBER GILTZ. SECONDED BY BOARD MEMBER WALKER. DISCUSSION.

VOTE:

BOARD MEMBER ROBINSON: AYE

BOARD MEMBER KAPROW: AYE

BOARD MEMBER GILTZ: AYE

BOARD MEMBER POE: AYE

CHAIRPERSON CRISWELL: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER WALKER: AYE

MOTION CARRIED.

PUBLIC HEARINGS – NEW CASES

502. Police Department – Code Enforcement Division

CASE #2017CE002391

Robbie And Edward Ondick

170 Tuskawilla Road

Winter Springs, Florida 32708

City Code: 13-1. - General Prohibition.

Inspector: Captain Chris Deisler

Captain Deisler presented the Case, submitted “WS-2” as Evidence, and testified, “On November 1st of last year, there were sections of dead tree limbs on the property. The old store sign frame is in disrepair and not being used by a tenant. The trees on the property were completely overgrown, hanging over the rights-of-way – covering up fire hydrants. General trimming was necessary as it presented an unsightly appearance.

The Notice of Code Violation letter was mailed and received by Anna Ondick on November 15th of last year. On December 4th, she actually called me to discuss the Violations and kind of get some idea of what she needed to do. I gave her that information. I gave her an extension to remove or use the sign frame until this month; however, this tree debris was and such was removed per the NVC (Notice of Code Violation) letter.

Since the sign frame remained past the due date, I informed her that I would be coming here tonight, and if she either removed it or put a tenant in there who was willing to use this sign to make it current, then she wouldn’t come back as Non-Compliance and the Case would effectively be closed.”

Continuing, Captain Deisler commented on possible tenants moving into the property. Chairperson Criswell asked if the sign was lit. Captain Deisler indicated that it may have been at one time and it was unlikely that it currently had power.

Captain Deisler concluded, “I’m recommending that she gets until February 23rd of this year to come into Compliance, otherwise we’ll bring it back for a Fine of fifty dollars (\$50.00) per day if found in Non-Compliance.”

Discussion followed on sign usage, mobile food vendors, and tenants. Senior City Attorney Nix reminded the Board to focus on the presented testimony and evidence rather than personal knowledge of the property. Brief comments.

Note: The Respondent was not present.

“I MOVE TO FIND THE RESPONDENTS IN VIOLATION OF THE CITY CODE AND ORDER THAT RESPONDENTS BE GIVEN UNTIL FEBRUARY 23, 2018 TO CORRECT THE VIOLATION; IN THE EVENT RESPONDENTS FAIL TO COMPLY BY THIS DATE A FINE IN THE AMOUNT FIFTY DOLLARS (\$50.00) SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY BOARD MEMBER GILTZ. SECONDED BY BOARD MEMBER ROBINSON. DISCUSSION.

VOTE:

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

PUBLIC HEARINGS – NEW CASES

**504. Police Department – Code Enforcement Division
CASE #2017CE001888
Andrea J. Van Hoose Trustee
1170 Trotwood Boulevard
Winter Springs, Florida 32708
City Code: 13-2.(c) Stagnant Pool
Inspector: Code Officer Rich McLaren**

As noted earlier, this Case was pulled for Compliance and not heard.

PUBLIC HEARINGS AGENDA – NON-COMPLIANCE CASES

PUBLIC HEARINGS AGENDA – NON-COMPLIANCE CASES

600. Not Used

REGULAR AGENDA – PART II

REGULAR

704. Not Used

❖❖ AGENDA NOTE: REGULAR AGENDA ITEM “703” WAS ADDRESSED AGAIN AT THIS TIME. ❖❖

REGULAR AGENDA – PART I

REGULAR

703. Office Of The City Clerk

The Office Of The City Clerk Requests The Code Enforcement Board Discuss And Potentially Adopt The Sample Motions, As Amended.


Senior City Attorney Nix noted the revisions made to the Sample Motions and explained, “It’s not a matter of ‘you have to adopt them’, but they are updated to be used – at your discretion.”

Brief discussion followed on the Sample Motions.

ADJOURNMENT

Chairperson Criswell adjourned the Regular Meeting at 6:53 p.m.

RESPECTFULLY SUBMITTED:



**ANTONIA DEJESUS
ASSISTANT TO THE CITY CLERK**

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