

CITY OF WINTER SPRINGS, FLORIDA
MINUTES
CODE ENFORCEMENT BOARD
REGULAR MEETING
FEBRUARY 25, 2020

CALL TO ORDER

Chairperson Matthew Criswell called the Regular Meeting of Tuesday, February 25, 2020 of the Code Enforcement Board to Order 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 Maurice Kaprow, present
Board Member Michael Burns, present
Board Member Carole Giltz, present
Board Member Dennis Robinson, present
Senior City Attorney Jennifer Nix, present
Interim City Clerk Christian Gowan, present

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

No changes were made to the agenda

Interim City Clerk Christian Gowan swore in those who would be providing Testimony during tonight's Meeting, Captain Matt Tracht, Code Officer Terri Guerra, Code Officer R. McLaren, and Respondent

REGULAR AGENDA – PART I

700. Election for Chairperson of the Code Enforcement Board for Calendar Year 2020

Chairperson Criswell opened nominations for Chairperson of the Code Enforcement Board for the calendar year 2020.

“I NOMINATE MR. CRISWELL.” NOMINATE MADE BY BOARD MEMBER CAROLE GILTZ. SECONDED BY VICE-CHAIRPERSON MAURICE KAPROW.

VOTE:

BOARD MEMBER ROBINSON: AYE
BOARD MEMBER BURNS: AYE
BOARD MEMBER GILTZ: AYE
CHAIRPERSON CRISWELL: AYE
VICE-CHAIRPERSON KAPROW: AYE
MOTION CARRIED.

MATTHEW CRISWELL WAS ELECTED AS THE CHAIRPERSON

**701. Election for Vice-Chairperson of the Code Enforcement Board
for Calendar Year 2020**

Chairperson Criswell opened nominations for Vice- Chairperson of the Code Enforcement Board for the calendar year 2020.

**“I NOMINATE MR. KAPROW AS VICE-CHAIRMEN.” NOMINATION BY
BOARD MEMBER GILTZ. SECONDED BY BOARD MEMBER BURNS.**

VOTE:

CHAIRPERSON CRISWELL: AYE
VICE-CHAIRPERSON KAPROW: AYE
BOARD MEMBER ROBINSON: AYE
BOARD MEMBER GILTZ: AYE
BOARD MEMBER BURNS: AYE
MOTION CARRIED.

MAURICE KAPROW WAS ELECTED AS THE VICE-CHAIRPERSON

AWARDS AND PRESENTATIONS

100. Not Used

CONSENT AGENDA

200. Approval of Minutes from the Tuesday, November 26, 2019 Code Enforcement Board Regular Meeting

“I MOVE WE ACCEPT THE MINUTES.” MOTION BY VICE-CHAIRPERSON KAPROW. SECONDED BY BOARD MEMBER GILTZ. DISCUSSION.

VOTE:

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

PUBLIC HEARINGS AGENDA – CONTINUED CASES

300. Not Used

PUBLIC HEARINGS AGENDA – REPEAT CASES

400. Not Used

PUBLIC HEARINGS AGENDA – NEW CASES

**500. Code Enforcement Division – Police Department
CASE # 2019CE002971
HUD
120 N Fairfax Avenue
Winter Springs, Florida 32708
WS City Ord. 13-2 (c) Grass Height/Overgrown Yard
WS City Ord. 13-2 (b) Junk and Debris
WS City Ord. 9-374 House/Building Numbers
IPMC 302.1 Sanitation
Inspector: Code Officer T. Guerra**

Note: The Respondent was not present.

Code Officer Terri Guerra introduced the case and testified, “November 7, 2019 I noticed this residence in disrepair. Grass and weeds were over grown, bushes were growing on the roof, black growth was on the front of the residence, trash was in the front yard, and there was no house numbers. The residence appears to be vacant, I sent NTV to the owner of the property on November 12th, 2019. United States Postal Service website advised the letter was delivered to an agent. On February 10th, 2020 I posted the property and City Hall for Code Board, I also since a Notice Certified and First Class to the owner. On February 18th, 2020 I checked the property and the grass had been cut and most of the garbage had been picked up; there is still black growth on the outside of the residence and the address was not properly displayed. There has been no contact from the owner at this time.”

Code Office Guerra reference to photos shown in “Related Case Information” of the residence when it was first inspected.

Code Office Guerra recommended that the Code Board find the property in violation and impose a fine of a hundred (\$100.00) dollars a day the property is in non-compliance. The owner was given until March 18, 2020 to comply.

“I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND ORDER THAT RESPONDENT BE GIVEN UNTIL MARCH 18, 2020 TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENT FAILS TO COMPLY BY THIS DATE A FINE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY BOARD MEMBER GILTZ. SECONDED BY BOARD MEMBER ROBINSON. DISCUSSION.

VOTE:

VICE CHAIRPERSON KAPROW: AYE

BOARD MEMBER GILTZ: AYE

BOARD MEMBER ROBINSON: AYE

BOARD MEMBER BURNS: AYE

CHAIRPERSON CRISWELL: AYE

MOTION CARRIED.

501. Code Enforcement Division – Police Department
CASE # 2019CE002874
Michael R. Blicherstaff Per Rep for Est of Sara C Tolar
707 Clubwood Court
Winter Springs, Florida 32708
WS City Ord. 13-1 General Prohibition
WS City Ord. 6-195 Maintenance of Fence or Walls
IPMC 304.13 Windows
Inspector: Code Officer R. McLaren

Note: Respondent was not present.

Code Officer Rich McLaren introduced the case and testified, “On October 31st, 2019 I received a complaint from a neighbor who stated the grass of the vacant residence, particularly the rear, was over grown. Inspection of property did find such a condition did existed. Also, observed a broken window near the garage area and the fence was in disrepair. The notice of code violation was mailed certified mail return receipt requested, which was returned unclaimed and posted at the residence. February 12th, 2020 the property was set of Code Board, notice set out first class mail, certified return receipt requested as well as property and City Hall posted.”

Code Officer Rich McLaren reference to photos shown in “Related Case Information” of the residence when it was first inspected.

Code Officer Rich McLaren recommended that the property be found in violation and impose a fine of two hundred and fifty dollars (\$250.00) a day the property is in non-compliance. The owner was given until March 15, 2020 to comply.

“I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND ORDER THAT REPSONDENT BE GIVEN UNTIL MARCH 15, 2020 TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENT FAILS TO COMPLY BY THIS DATE A FINE IN THE AMOUNT OF TWO HUNDERED AND FIFTY DOLLARS (\$250.00) A DAY SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY BOARD MEMBER GILTZ. SECONDED BY BOARD MEMBER RODINSON. DISCUSSION FOLLOWED.

BOARD MEMBER GILTZ AMENDED MOTION WITH, “I WILL AMEND THE DATE OF THE MOTION TO REFLECT APRIL 26th 2020 AS THE DATE BY WHICH THEY HAVE TO COMPLY.” BOARD MEMBER RODINSON SECONDED.

VOTE:

CHAIRPERSON MATTHEW CRISWELL: AYE

BOARD MEMBER BURNS: AYE

BOARD MEMBER ROBINSON: AYE

BOARD MEMBER GILTZ: AYE

VICE-CHAIRPERSON KAPROW: AYE

MOTION CARRIED.

502. Code Enforcement Division – Police Department

CASE # 2019CE003162

Chi T K Thai – Tenancy by Entirety

Quang Huynh – Tenancy by Entirety

219 Bennett Street

Winter Springs, Florida 32708

WS City Ord. 20-411 Trailers in a residential area

Inspector: Code Officer R. McLaren

Note: Respondent was present.

Code Officer McLaren introduced and testified, “December 11, 2019, complaint was received in reference to a boat trailer being stored in the front yard of the residence. Notice of Code violation was mailed certified mail return receipt requested to the property owner, returned as unclaimed on January 21, 2020 and posted to the property. The property and City Hall were posted for Code Board hearing on February 12, 2020. Notices were also mailed out certified mail return receipt requested and First Class mail. There has been no contact made with anyone in reference to this case till today. The violation in question still remains the same till today. I recommend the property be found in violation one City Ordinance; be given till March 15th to come into compliance or a fine of a hundred and fifty dollars (\$150.00) a day be applied.

Quang Hyunh, 219 Bennett Street, Winter Springs, FL 32708 testified, “the problem is I just moving [into] this house, probably about three (3) months; I’m still working on it. So, the first time I saw the note on any car and any boat, tried to hurry up to move because in my house family member there is five to six members. So, each member has each car.

So, the property don't have the space to park the car on it that is why I park on the grass and the boat just an old one. I don't know where parking, I put all the way at the corner and got a sticker [Notice], so I moved the boat onto the driveway from the side of the house. I still don't know where to put the boat right now."

Discussion ensued and Attorney Jennifer Nix clarified for the respondent the boat needed to be in a backyard, side yard, garage, or a car port; it has to be behind the front of the house. Suggestion of alternative storage were also stated.

"I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND ORDER THAT RESPONDENT BE GIVEN UNTIL MARCH 15, 2020 TO CORRECT THE VIOLATION. IN THE EVENT RESPONDENT FAILS TO COMPLY BY THIS DATE A FINE IN THE AMOUNT OF ONE HUNDRED AND FIFTY DOLLARS (\$150.00) SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER." MOTION BY BOARD MEMBER GILTZ. SECONDED BY BOARD MEMBER ROBINSON. DISCUSSION.

VOTE:

**BOARD MEMBER ROBINSON: AYE
BOARD MEMBER BURNS: AYE
VICE CHAIRPERSON KAPROW: AYE
CHAIRPERSON CRISWELL: AYE
BOARD MEMBER GILTZ: AYE
MOTION CARRIED.**

**503. Code Enforcement Division – Police Department
CASE # 2020CE000282
Reality Income Properties
250 W SR 434
Winter Springs, Florida 32708
WS City Ord. 13-2 (c) Unsafe/Unsanitary Conditions; 19-155
Installation, Testing and Maintenance of backflow prevention
devices;
IPMC 504.3 Plumbing System Hazards
Inspector: Code Officer R. McLaren**

Note: Respondent was not present.

Code Officer McLaren introduced and testified “On January 30, 2020, we got a complaint in reference to the back flow prevention device in the rear of the property is leaking, spraying water all over the surrounding area and sidewalk. The notice of Code violation was posted at the business and mailed certified mail return receipt requested to the property owner. As of the date of February 12, 2020 the condition still persisted so the property and City Hall were both posted for Code Board hearing and the notices were mailed out certified mail return receipt requested. No contact has been made with anyone in reference to this case.”

Code Officer Rich McLaren reference to photos shown in “Related Case Information” of the property showing the water leak.

The recommendation for this property was, “that they be found in violation of the Ordinances cited and be given till March 15, 2020 to come into compliance if not a two hundred and fifty dollar (\$250.00) a day fine be applied.” Discussion ensued on safety, responsibility, and communication with owners.

“I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND ORDER THAT RESPONDENT BE GIVEN UNTIL MARCH 15, 2020 TO CORRECT THE VIOLATION. IN THE EVENT THE RESPONDENT FAILS TO COMPLY BY THIS DATE A FINE IN THE AMOUNT OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00) SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.” MOTION BY BOARD MEMBER GILTZ. SECONDED BY BOARD MEMBER ROBINSON. DISCUSSION.

VOTE:

BOARD MEMBER BURNS: AYE

VICE-CHAIRPERSON KAPROW: AYE

BOARD MEMBER GILTZ: AYE

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER ROBINSON: AYE

MOTION CARRIED.

PUBLIC HEARINGS AGENDA – NON-COMPLIANCE CASES

600. Code Enforcement Division – Police Department

CASE # 2019CE001240

Irma Correa – Heir

C/O Nathan Hunnicutt

518 San Gabriel Court

Winter Springs, Florida 32708-2509

IPMC 304.7 Roofs and Drainage

Inspector: Captain M. Tracht

Note: Respondent was not present.

Captain Mathew Tracht presented and testified, “-Back in May 14, 2019 this address was sent a Notice of Code violation for the blue tarps, it had a correction date of July 16, 2019 and that owner failed to meet that deadline. August 27th is when you heard – my testimony regarding this case and you found them to be violation of 304.7. Code Board set a compliance date order of October 26, 2019, that day has come and past with no work or compliance being met. Board set an amount of two hundred and fifty dollar (\$250.00) per day the violation exists. Notice of this non-compliance hearing was sent certified mailing return receipt, left a copy at the residence, sent via regular mail as well, posted at City Hall and an affidavit of posting was completed. These notices had been returned unclaimed.”

Captain Mathew Tracht reference to photos shown in “Related Case Information” of the residence with the blue tarp remaining still on the roof.

Captain Mathew Tracht recommendation was, “That the [Board] find the owner in non-compliance with the Code Board’s August 27, 2019 signed order and that a fine of two hundred and fifty dollars (\$250.00) per day be imposed starting from that October 26, 2019 date.”

“I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND THAT PENALTY SET FORTH IN THIS BOARD’S PERVIOUS

ORDER DATED AUGUST 27, 2019 SHALL BE IMPOSED CONSISTENT WITH THAT ORDER.” MOTION BY BOARD MEMBER GILTZ. SECONDED BY VICE-CHAIPERSON KAPROW. DISCUSSION.

VOTE:

**VICE-CHAIPERSON KAPROW: AYE
BOARD MEMBER GILTZ: AYE
BOARD MEMBER BURNS: AYE
CHAIRPERSON CRISWELL: AYE
BOARD MEMBER ROBINSON: AYE
MOTION CARRIED.**


REGULAR AGENDA – PART II

702. Not Used

ADJOURNMENT

Chairperson Matthew Criswell adjourned the Regular Meeting at 6:09 p.m.

RESPECTFULLY SUBMITTED:



CHRISTIAN GOWAN
INTERIM CITY CLERK

NOTE: These Minutes were approved at the May 26, 2020 Code Enforcement Board Regular Meeting.