

CITY OF WINTER SPRINGS, FLORIDA
MINUTES
CODE ENFORCEMENT BOARD
REGULAR MEETING
JANUARY 22, 2019

CALL TO ORDER

The Regular Meeting of Tuesday, January 22, 2019 of the Code Enforcement Board was called to Order by Chairperson Matt 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
Senior City Attorney Jennifer Nix, present,
Assistant to the City Clerk Antonia DeJesus, present

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

Captain Matt Tracht, Code Enforcement Bureau, Police Department, took a moment to welcome the Board Members back and wished everyone a Happy New Year. As for any changes to the Agenda, Captain Tracht indicated that **PUBLIC HEARINGS – NEW CASES “500”** would be pulled from the Agenda as the property had come into Compliance.

Additionally, Code Officer Rich McLaren noted that **PUBLIC HEARINGS – NEW CASES “502”** and **PUBLIC HEARINGS – NEW CASES “503”** would also be pulled due to Compliance.

Assistant to the City Clerk Antonia 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 2019.

“HAVING SAT ON THIS BOARD FOR A COUPLE OF YEARS, WITH THE LEADERSHIP THAT YOU’VE PROVIDED US, I WOULD LIKE TO LEAVE YOUR NAME IN NOMINATION FOR CHAIRMAN FOR THIS UPCOMING YEAR.” MOTION BY BOARD MEMBER POE. SECONDED BY BOARD MEMBER GILTZ. DISCUSSION.

VOTE:

BOARD MEMBER POE: AYE

CHAIRPERSON CRISWELL: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER ROBINSON: AYE

BOARD MEMBER GILTZ: AYE

BOARD MEMBER KAPROW: 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 2019.

“I’D LIKE TO MAKE A MOTION THAT KEEPS GREG ROERO IN THAT POSITION – HE’S FILLED IN FOR [CHAIRPERSON CRISWELL] ONCE OR TWICE AND DID A GOOD JOB, SO I WOULD LIKE TO KEEP HIM ON FOR ANOTHER YEAR.” MOTION BY BOARD MEMBER ROBINSON. SECONDED BY BOARD MEMBER POE.

VICE-CHAIRPERSON ROERO SAID HE WOULD BE WILLING TO LET SOMEONE ELSE HAVE A TURN IF THEY WERE INTERESTED. NO OBJECTIONS OR OTHER NOMINATIONS WERE MADE.

VOTE:

BOARD MEMBER GILTZ: AYE

BOARD MEMBER POE: AYE

BOARD MEMBER KAPROW: AYE

CHAIRPERSON CRISWELL: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER ROBINSON: AYE

MOTION CARRIED.

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 October 23, 2018 Code Enforcement Board Regular Meeting Minutes.

“RECOMMEND APPROVAL, AS CIRCULATED.” MOTION BY BOARD MEMBER POE. SECONDED BY BOARD MEMBER ROERO. DISCUSSION.

VOTE:

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER ROBINSON: AYE

BOARD MEMBER GILTZ: AYE

VICE-CHAIRPERSON ROERO: AYE

BOARD MEMBER POE: AYE

BOARD MEMBER KAPROW: 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

PUBLIC HEARINGS AGENDA – NEW CASES

PUBLIC HEARINGS – NEW CASES

500. Code Enforcement Division – Police Department

CASE #2018CE002588

Wenfred A. And Glenda F. Miller

361 Riunite Circle

Winter Springs, Florida 32708

IPMC: 304.6 Exterior Walls.

Inspector: Captain Matt Tracht

This Case was not heard.

PUBLIC HEARINGS – NEW CASES

501. Code Enforcement Division – Police Department

CASE #2018CE003164

Debra And Gregory Malenchek

618 Locust Court

Winter Springs, Florida 32708

City Code: 19-302. - Tampering With City Utility System.

Inspector: Code Officer Rich McLaren

Code Officer McLaren, introduced the Case and testified, “On December 12, 2018, I was notified via email from Mike Maximenko, the Utility Billing Manager for the City of Winter Springs – a situation related to tampering with a city utility meter.

The email stated that the resident at 618 Locust Court had not paid their utility bill, and on December 5, 2018 the water was shut off due to such. A lock was placed on the meter to prevent the water service from being turned back on until such payment was received. Approximately a week later, it was noticed that the residence was still consuming water, and when they investigated it, it was discovered that the lock was cut off and water service was turned back on.”

While submitting evidence, Code Officer McLaren stated, “This action was not performed by any authorized city personnel, and to reflect that, I have the statement form that Mr. Maximenko filled out and the prosecution release, as such. Mr. Maximenko did file a criminal offence report with the Police Department, providing a statement and a prosecution release.”

Code Officer McLaren continued, “City utility staff did place another lock on the water meter which was subsequently also cut off. In accordance with City Ordinance 2-60, subsection (c), the Violation constitutes an uncorrectable Violation and the residence and City Hall were posted with Notices mailed out for a Code Board Hearing, certified/return receipt requested – there has been no contact with the resident, at all in reference to this.

I recommend the property be found in Violation of City Ordinances, as cited, and accordance with City Ordinance 2-63, subsection (b), the property be Fined the maximum amount allotted for Violations which are considered to be uncorrectable which is five thousand dollars (\$5,000.00) and I'll amend this to also have that Fine be placed as a Lien on the property.”

Discussion followed on the \$5,000.00 Fine, the uncorrectable nature of the Violation, potential future proceedings, that the Violation constitutes a misdemeanor, that the Fine covers both instances of the lock being removed from the meter, that the Respondents currently lived on the property, and the type of locks used on the meter.

Note: The Respondent was not present.

“I MOVE TO FIND RESPONDENT IN VIOLATION OF THE CITY CODE AND SINCE IT’S AN UNCORRECTABLE VIOLATION I ORDER THAT BE FINED FIVE THOUSAND DOLLARS (\$5,000.00) FOR THIS UNCORRECTABLE VIOLATION.” MOTION BY BOARD MEMBER KAPROW. SECONDED BY BOARD MEMBER POE.

BRIEF COMMENTS FOLLOWED ON THE BOARD ORDER BEING ENTERED AS A LIEN. SENIOR CITY ATTORNEY NIX EXPANDED ON THE CODE SECTIONS RELATED TO UNCORRECTABLE VIOLATIONS AND REMINDED THE BOARD MEMBERS OF THE THREE (3) FACTORS WHEN DETERMINING THE FINE.

DISCUSSION FOLLOWED ON THE TERM “UNCORRECTABLE VIOLATION”, PREVIOUS VIOLATIONS, AND THE BURDEN OF PROOF RELATED TO THE VIOLATION.

VOTE:

BOARD MEMBER KAPROW: AYE

BOARD MEMBER POE: AYE

VICE-CHAIRPERSON ROERO: AYE

CHAIRPERSON CRISWELL: AYE

BOARD MEMBER GILTZ: AYE

BOARD MEMBER ROBINSON: AYE

MOTION CARRIED.

PUBLIC HEARINGS – NEW CASES

502. Code Enforcement Division – Police Department

CASE #2018CE002294

Georgeanne Vessels

682 Silver Creek Drive

Winter Springs, Florida 32708

City Code: 13-2.(c) Unsafe/Unsanitary Condition

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

IPMC: 302.1 Sanitation.

IPMC: 302.7 Accessory Structures.

IPMC: 303.2 Enclosures.

IPMC: 304.2 Protective Treatment.

IPMC: 304.6 Exterior Walls.

IPMC: 304.7 Roofs And Drainage.

Inspector: Code Officer Rich McLaren

This Case was not heard.

PUBLIC HEARINGS – NEW CASES

503. Code Enforcement Division – Police Department

CASE #2018CE002111

Trudy R. And Robert W. Maerz

631 Ryan Court

Winter Springs, Florida 32708

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

Inspector: Code Officer Rich McLaren

This Case was not heard.

PUBLIC HEARINGS – NEW CASES

504. Code Enforcement Division – Police Department

CASE #2018CE00002867

Cerberus SFR Holdings II LP

1013 Taproot Drive

Winter Springs, Florida 32708

City Code: 6-186. - Permit Required. (Fence)

Inspector: Code Officer Rich McLaren

Code Officer McLaren presented the Case and testified, “On November 8, 2018, I received a complaint from Community Development [Department] reference to a fence installed and no permit showing on file. I performed an inspection of the property and found the new fence panels – can be observed that have been installed on the left and right side of the residence. The Notice of Code Violation was prepared, mailed certified/return receipt requested, and also posted at the residence showing that it was a rental property.

On December 12, 2018, as per Permitting [staff], no permit was showing on file or even had been applied for. The property and City Hall were posted for Code Board Hearing; Notices were also mailed out first class certified/return receipt requested/first class mail, and no contact has been made with any party reference to this Violation.”

Photographs were shown from “WS-1” followed by brief remarks.

Concluding, Code Officer McLaren stated, “I recommend the property be found in Violation of City Ordinances, as cited, and be given until February 15, 2019 to come into Compliance or a Fine of fifty dollars (\$50.00) per day be applied.” Comments ensued on the fence panels, permit requirements, the source of the complaint regarding the Violation, and the unknown status if a pool was on the property.

Note: The Respondent was not present.

VICE-CHAIRPERSON ROERO BEGAN, “I MOVE TO FIND THE RESPONDENT IN VIOLATION OF THE CITY CODE AND ORDER THAT THE RESPONDENT BE GIVEN UNTIL...” CHAIRPERSON CRISWELL STATED, “FEBRUARY 15TH IS WHAT THEY’RE...” VICE-CHAIRPERSON ROERO CONTINUED, “FEBRUARY 15TH TO CORRECT THE VIOLATION IN THE EVENT THE RESPONDENT FAILS TO COMPLY TO THIS DATE A FINE – AMOUNT OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00) SHALL BE IMPOSED FOR EACH DAY THE VIOLATION CONTINUES THEREAFTER.”

VICE-CHAIRPERSON ROERO NOTED THAT A RESPONDENT WAS NOT PRESENT.

BOARD MEMBER GILTZ MENTIONED, “WAS THE FINE TWO HUNDRED FIFTY DOLLARS (\$250.00)? THAT SEEMS KIND OF HIGH.”

BOARD MEMBER ROBINSON REMARKED, “FIFTY [DOLLARS] (\$50.00).” NO OBJECTIONS WERE NOTED.

VICE-CHAIRPERSON ROERO CONFIRMED, “FIFTY DOLLARS (\$50.00).” MOTION BY VICE-CHAIRPERSON ROERO. SECONDED BY BOARD MEMBER GILTZ. DISCUSSION.

VOTE:

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 AGENDA – NON-COMPLIANCE CASES

PUBLIC HEARINGS AGENDA – NON-COMPLIANCE CASES
600. Not Used

REGULAR AGENDA – PART II

REGULAR
702. Not Used

Board Member Bill Poe expressed his pleasure having served the City on both the Code Enforcement Board and in other capacities. Explaining a personal family issue, Board Member Poe indicated, “I’m going to have to resign my seat on this chair because I don’t believe I will be able to give it adequate time, and I appreciate the City allowing me to do this, but at this time and point I don’t believe I’m going to be able to meet that capacity – this will have to be my last meeting.”

In response, Chairperson Criswell offered sincere gratitude on behalf of the Code Enforcement Board, the City of Winter Springs, and Seminole County and noted, “I think a life of civil service has been given from you and you’ve given back more than you’ve taken. We appreciate it.”

Brief discussion followed on the meeting time.

ADJOURNMENT

Chairperson Criswell adjourned the Regular Meeting at 5:58 p.m.

RESPECTFULLY SUBMITTED:



ANTONIA DEJESUS
ASSISTANT TO THE CITY CLERK