



For More Information, Contact:

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CODE ENFORCEMENT BOARD

To: Vincent Goodwin
Bradley Lomneck
Jeffrey Sherron
Joseph Skubas
Charlie Mae Wilder
John Benoit III
Henry L. Wright

CC: Mike Bollhoefer, City Manager
Daniel Langley, Board Attorney
Tim Wilson, Department Director

RE: Meeting Minutes for July 7, 2009
Commission Chambers, City Hall
300 West Plant Street, Winter Garden 34787

CALL TO ORDER

Chairman Joseph C. Skubas called the regular meeting of the Winter Garden Code Enforcement Board to order at 6:15 p.m. in the Commission Chambers at City Hall. The roll was called and a quorum was present.

PRESENT: Chairman Joseph C. Skubas, Vice-Chairman Jeffrey Sherron, Board Members, Charlie Mae Wilder, Henry L. Wright, Bradley Lomneck and John Benoit III. Also present were Board Attorney Daniel Langley, Secretary Ana Lucia Alves, Chief Planner Tim Wilson, Building Official Skip Lukert and Code Enforcement Inspectors Raymond Lettsome and Michael Jenkins.

ABSENT: Board member Vincent Goodwin.

APPROVAL OF MINUTES: Approval of minutes from regular meeting June 2, 2009. *Motion by member Sherron to approve the minutes of June 2, 2009 as printed, member Benoit III seconded, and the motion carried unanimously 6-0.*

HEARINGS ON STATEMENT OF VIOLATIONS PURSUANT TO NOTICES OF HEARINGS

**1. CASE # 09-362- 227 10th St, Winter Garden, FL –
Housing Code Adopted; Roofs**– Inspector Jenkins

Sec 18- 191 - Housing Code Adopted
Sec 305.3.1 Roofs – All roofs must be structurally sound
Sec 305.3.2 Roofs – All portions of the roof
Sec 18-91 – Building Permit required

Code Enforcement Inspector Jenkins presented case # 09-362. Inspector Jenkins requested the board to give an additional 60 days for this case get in compliance.

Board member Wilder requested permission to dismiss herself from this case due to conflict of interest. The Code Enforcement Board gave the permission to be dismissed.

Alexander Smith spoke in behalf of the case. Mr. Smith accepted the suggestion from Inspector Jenkins to have the additional 60 days in order to pull a roof permit and get in compliance.

MOTION: Member Benoit III moved in Case No. 08-745. The Respondents shall correct the violations on or before October 5, 2009. In order to correct the violation, the Respondents shall take the remedial action as set forth in the Notice of Violation dated April 20, 2009, to wit: obtain the necessary permits for and complete repairs to the roof. The Respondent is further ordered to contact the City of Winter Garden code inspector to arrange for an inspection of the property to verify compliance. Seconded by Member Sherron carried unanimously 5-0.

**2. CASE # 08-745 – 24-28 S Main Street, Winter Garden, FL –
Upkeep of Downtown Property Maintenance Code – Inspector Lettsome**

Sec 18-181 Minimum Standards

Sec 18-181(a) Exteriors

- (1) Foundation (2) Exterior Walls and surfaces (3) Roofs (4) Structural Support (5) Means of egress (6) Protective Railings (7) Windows and exterior doors (8) Hardware (doors) (9) Accessory Structures (10) Awnings or marquee (11) Misc Elements and Sec 18-18 (e) Signs

REQUESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Code Enforcement Inspector Lettsome presented case # 08-745. Inspector Lettsome informed the Board the case still not in compliance and requested to impose a fine.

Jay Lake, property owner of 24-28 S Main Street, Winter Garden FL 34787, spoke in behalf of this case and requested more time to bring this property into compliance.

MOTION: Member Wright moved in Case No. 08-745. After consideration of the evidence and testimony presented by the City and Respondent, it is hereby ordered that: This matter shall be continued until the next regular Code Enforcement Board meeting at 6:15 p.m., on August 4, 2009, at City of Winter Garden Commission Chambers, located at 300 W. Plant Street, Winter Garden, FL 34787. Seconded by Member Lomneck carried unanimously 4-2.

**3. CASE # 08-746- 12 W Plant St, Winter Garden, FL –
Unfit Structure – Interim Mgr Lettsome**

Sec 18- 181 - Minimum Standards Downtown Property Maintenance Code

Sec 18-181(a) - Exterior of Structures

Sec 18-181(f) - Signs

Code Enforcement Inspector Lettsome presented exhibits for case # 08-746. Property is still not in compliance.

REQUESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Shirley S. Smith, property owner of 12 W Plant St. Winter Garden FL 34787, spoke in behalf of this case. Mrs. Smith presented that the building located at 12 W Plant St. has been pressure washed, scraped and informed the Board the areas of peeling paint have been repainted. Due to economical reasons, she has not been able to bring property into compliance.

The attorney representing this case, Mr. Bill Curtis, spoke in behalf of case #08-746. Mr. Curtis requested a copy of all complaints made for this case; he would like to respond the complaints before this property is brought into compliance. Inspector Lettsome advised the case was initiated by a drive by inspector not a complaint.

Board attorney Daniel Langley, presented that as of the date of the hearing on July 7, 2009, the Respondent had failed to take any of the actions required by its Order dated January 7, 2009.

MOTION: Member Lomneck moved in Case No. 08-746. Having examined the file and after the presentation of evidence by the City, including the sworn testimony of the City of Winter Garden Code Enforcement Officer and the Respondent, and having heard argument of Counsel for the Respondent, the Board thereupon issues this Amended Order Imposing Fine/Lien, as follows: 1. The Board issued Findings of Fact, Conclusions of Law, Order and Notice of Right to Appeal on January 7, 2009, finding the Respondent in violation of the Code of Ordinances of the City of Winter Garden, as set forth therein and directing that the Respondent complete a schedule of remedial actions to correct the violations, the first of which was to occur on or before February 13, 2009, the second of which was to occur on or before February 27, 2009 and with full compliance to occur on or before May 29, 2009. 2. By order issued after hearing on April 7, 2009, the Board determined that as of April 7, 2009, the Respondent had failed to take any of the remedial actions specified or to otherwise cure the violations and was imposed a fine of \$250.00 per day, beginning February 13, 2009, to continue until such date as the City of Winter Garden code enforcement officer determines that the violation has been cured and establishes the date of compliance.

Based upon the foregoing Findings of Fact and Conclusions of Law, it is HEREBY ORDERED: 1. The fine of \$250.00 per day previously imposed by Order of the Board pursuant to the April 7, 2009 hearing is hereby affirmed and shall continue to accrue each day beginning February 13, 2009 and shall continue each day thereafter until such date as the City of Winter Garden code enforcement officer determines that the violation has been cured and establishes the date of compliance. 2. The Respondent shall contact the City of Winter Garden code enforcement officer to arrange for an inspection of the property to verify compliance. 3. This Order may be recorded in the Official Records of the Office of the Comptroller in Orange County, Florida, and upon such recordation shall constitute a lien, against the Respondent's real property in Orange County, Florida, and any other real or personal property that the violator owns in Orange County, said property to include, but not necessarily limited to that described as follows, to wit: Address: 12 W. Plant Street, Winter Garden, Florida 34787 Parcel I. D. No.: 23-22-27-2888-02-010. *Seconded by Member Sherron carried unanimously 6-0.*

ADJOURNMENT:

There being no more business to discuss, Member Wright moved to adjourned the meeting at 7:17 p.m. *Seconded by Member Sherron, the motion carried unanimously 6-0.*

ATTEST:

APPROVED:

Secretary Ana Lucia Alves

Chairman Joseph C. Skubas