



**CODE ENFORCEMENT BOARD
A Regular Meeting Minutes
January 4, 2011**

CALL TO ORDER

A **REGULAR MEETING** of the Winter Garden Code Enforcement Board (CEB) was called to order by Vice-chairman Jeffrey Sherron at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida and it was determined that a quorum was present. The invocation and Pledge of Allegiance were given.

Present: Vice-Chairman Jeffrey Sherron, Board Members Bradley Lomneck, Harold Petch, Henry L. Wright, John Benoit III, and Wanda Patterson.

Also Present: Board Attorney Gayle Owens, Secretary Ana Lucia Alves and Code Enforcement Manager Skip Lukert.

Absent: Chairman Joseph Skubas.

1. **CONSENT AGENDA**

APPROVAL OF MINUTES

Approval of minutes from the regular meeting of **December 7, 2010. Motion by member Benoit III to approve the minutes of December 7, 2010 as printed, member Wright seconded, and the motion carried unanimously 6-0.**

2. **HEARINGS ON STATEMENT OF VIOLATIONS PURSUANT TO NOTICES OF HEARINGS**

SWEARING IN BY PARTIES TO TESTIFY

CEB Attorney swore in Code Enforcement Manager Skip Lukert who will be presenting testimony.

A. OLD BUSINESS ITEMS

1. **CASE # 10-1549 and 10-1550 – Respondent(s) William F and Wendell Landt
13728 Fox Glove St., Winter Garden, FL**

Code Manager Skip Lukert

Sec. 118-1297 - Fences, walls and enclosure of swimming pools: (b) Enclosure of swimming pool.

Sec. 38.62 – Mosquito breeding places.

Sec. 38.29 – Abatement of nuisances required.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 10-1549 and 10-1550

Code Enforcement Manager Harold Skip Lukert presented exhibits and stated that the property located at 13728 Fox Glove St. is not in compliance.

***Motion:** Member Lomneck moved in Case #10-1549 and 10-1550 that the respondent has not corrected the violation as set forth in the Findings of Fact, Conclusions of Law, Order and Notice of Right to Appeal as December 7, 2010. A fine of \$250.00 per day is hereby imposed beginning December 15, 2010, which fine shall continue each day thereafter until such date as the City of Winter Garden Code Enforcement Inspector determines that the violation has been cured and establishes the date of compliance. The Respondent shall contact the City of Winter Garden Code Enforcement Inspector to arrange for an inspection of the property to verify compliance. Seconded by Member Wright and carried unanimously 6-0*

B. NEW BUSINESS ITEMS

**1. CASE # 10-1302 – Respondent Susan G Pillow
1624 Fullers Cross Rd, Winter Garden, Fl**

Code Manager Skip Lukert

Sec. 38-95. Excessive growth of grass, weeds, and brush on property utilized or zoned for residential, professional office, commercial or industrial use.

Sec. 38-98. Enforcement; abatement of nuisance.

Sec. 38-101. Opposing, obstructing or resisting code inspector.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-1302

Code Enforcement Manager Harold Skip Lukert presented exhibits and stated that the property located at 1624 Fullers Cross Rd. is in compliance

**2. CASE # 10-1584 – Respondent Victor Rosario
1027 Butterfly Blvd., Winter Garden, Fl**

Code Manager Skip Lukert

Sec. 18-91.5. Work starting before permit issuance.

Sec. 18-91. Required.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-1584

Code Enforcement Manager Harold Skip Lukert presented exhibits and stated that the property located at 1027 Butterfly Blvd. is in compliance

**3. CASE # 10-1607 – Respondents Gordon and Leslie Figg
14417 Hampshire Bay Cir, Winter Garden, Fl**

Code Manager Skip Lukert

Sec. 18-91. Required.

Sec. 18-91.5. Work starting before permit issuance.

Sec. 118-1297. Fences, walls and enclosure of swimming pools.

Article II. Building Code – Sec.18-56 Adoption

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #10-1607

Code Enforcement Manager Harold Skip Lukert presented exhibits and stated that the property located at 14417 Hampshire Bay Cir is not in compliance. Pool contractor and home owner have made contact with the City in order to bring property in compliance. Mr. Lukert requested CEB to give more time for compliance.

Motion: Member Benoit III moved in Case # 10-1607 that the respondent is in violation of the Winter Garden Code of Ordinances, Sections 18-91, 18-91.5. Respondent shall correct the violation on or before January 20, 2011. 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. If respondent does not comply with the order, a fine may be imposed at a later hearing for up to \$250.00 per day for each day the violation continues past the date given for compliance. CEB member Lomneck amended this motion adding violation Sec.118-1297. Seconded by Member Lomneck and carried unanimously 6-0.

3. COMMENTS

The CEB members had concerns that when a property was deemed an unsafe condition, and the property owner did not bring the property into compliance, should the City then be repairing these non compliance issues. Code Enforcement Manager Harold Skip Lukert brought to the CEB's attention that the Code Enforcement Division is putting together a proposal that will budget for a limited amount of repairs when this condition occurs. It will be discussed during the interim budget process in the spring. The question was asked by Mr. Benoit if we are liable if we don't take action to repair these issues. The Board attorney clarified that the City may take action if we want to, however we are not required to take action on cases that are not brought into compliance by the property owners..

4. ADJOURNMENT

There being no more business to discuss, Member Benoit III moved to adjourn the meeting at 6:45 p.m. Seconded by Member Wright and carried unanimously 6-0.

ATTEST:

APPROVED:

Secretary Ana Lucia Alves

Vice-Chairman Jeffrey Sherron