

TOWN OF WINDERMERE

Code Enforcement Board Meeting Minutes

January 6, 2009

Meeting called to order at 6:03 p.m.

Present were Chair Dave Grier, DeWayne Thrift, Deanne Irwin, and George Poelker. Also present were Zoning Clerk Sherry Music and Town Clerk Dorothy Burkhalter. Rick Vogel, Juan Gaset and Fred Powell were absent. Chair Grier stated that Rick Vogel notified staff that he was unable to attend this meeting. DeWayne Thrift also stated that he was notified by Fred Powell that he would be unable to attend the meeting as well.

Approval of Minutes:

Deanne Irwin made a motion to approve the minutes of September 2, 2008. George Poelker seconded the motion. All were in favor.

SWEAR IN OF INDIVIDUALS FOR TESTIMONY:

Clerk Burkhalter administered the Oath or Affirmation of Witness to Code Officer Music and Mr. Vic Matthews.

OLD BUSINESS:

Code Officer Music gave an update on previous cases that have been brought before the Board. She stated that Teachworth property at 520 Lake Street has been brought into compliance by the Town enforcing the newly adopted Ordinance 2008-08 which the Town cleans up the property and owner is charged and if the bill is not paid then it will be assessed on the property owners tax bill. Code Officer Music explained that the Code fines on the property were \$2,800.00 and the clean up fee was \$375.00. She stated that the funds have been paid to the Town from Suntrust Mortgage - mortgage holder. Code Officer Music stated that she has not checked on the South Lake Butler Blvd. property this week but she believes it is still in violation. Some discussion followed. Code Officer Music reported that 68 Oakdale Street has been foreclosed on and sold. She reported that the new owner states he is not responsible for the fines. Code Officer Music stated that this item is being research by the Attorney's.

NEW BUSINESS:

1. Steven DeLisle - 63 Main Street - Request to lower code enforcement fines

Code Officer Music explained that Mr. DeLisle could not attend the meeting as he was out of town but will reschedule for another meeting.

2. Vic Matthews - 333 Oakdale Street - Request to lower code enforcement fines

Code Officer Music reviewed case #08-032 which led to the fines of \$250.00. She stated that the owners are Stephen and Paula Kollstedt. Code Officer Music stated that she mails all code invoices at the beginning of each month. She explained that she received the invoice back from the

post office in October which stated undeliverable. Code Officer Music stated she “searched” the property owners and found they live in Ohio and re-mailed the invoice. She explained that she received a call from Mrs. Kollstedt questioning the fines and what had happened at the property. Code Officer Music stated she returned the call and in the conversation advised Mrs. Kollstedt that she would need to write a letter to request a reduction in the fine. Renter, Mr. Vic Matthews and ex son in-law of the property owner, stated his first notification was when he came home and found an orange staked notice in the front yard. He stated he did not receive any prior notice. Code Officer Music stated that the only mailing that has been returned to her is the invoice. She stated that the notice of hearing was returned unclaimed but then she posted the property with the notice of hearing. Mr. Matthews stated that in this Town he would expect a friendly “knock on the door” as a notice. Code Officer Music stated that she has been by the property several times and no one was ever home. Mr. Matthews stated he is a physician and is rarely home but feels non-communication is the problem. Code Officer Music stated the violation was partially cleaned up on October 25, 2008, after the order imposing the penalty was mailed out on October 20, 2008. She then questioned Mr. Matthews as to how he knew the debris needed to be removed. He stated, “by the sign posted”. Code Officer Music stated that the sign was posted back in August and was not present in October, so he had to be advised by someone, somehow, to clean it up as the fines were beginning. DeWayne Thrift stated a modification could be done. Deanna Irwin stated that she passes by the property often and with exception of the pile, the property is kept impeccable. Some discussion followed. George Poelker made a motion to reduce the fine from \$250.00 to \$50.00. Motion died for lack of a second. DeWayne Thrift questioned the administration costs. Code Officer Music stated she did not have that figure. After some discussion, DeWayne Thrift made a motion to reduce the fine from \$250.00 to \$75.00. George Poelker seconded the motion. All were in favor. Code Officer Music stated she will notify the Kollstedt’s regarding the reduced fine.

Code Officer Music advised the Board of the passing of Ordinance 2008-08. She then explained that this Board will not see any cases regarding overgrowth and debris which pertain to Section 8-8 (a & b). Code Officer Music stated that this Ordinance completely changed the code and an alternative process will be taken. Some discussion followed.

Deanne Irwin made a motion to adjourn the meeting. George Poelker seconded the motion. All were in favor to adjourn the meeting.

Dorothy Burkhalter, Town Clerk

Chair