

**MEETING MINUTES
THE CITY OF LAKE MARY, FLORIDA
CODE ENFORCEMENT BOARD HEARING
100 N. COUNTRY CLUB ROAD, LAKE MARY, FL 32746
November 17, 2015**

1 **1. Call to Order**

2
3 The meeting was called to order at 7:00 p.m.
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6 **2. Pledge of Allegiance**
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9 **3. Attendance:** Taylor Tremel – absence unexcused
10 **(Attendance is to determine whether or not any Board Members have called ahead**
11 **to notify the Board of their absence)**
12

13 **4. Roll Call – Determination of a Quorum**
14

15 The following members were present:

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17 Linda Binkley
18 Allan Hall
19 Joel Ivey
20 Henry Scarfo
21 Jordan Smith
22 Scott Vogt, Acting Chairman

23
24 Bruce Fleming – Code Enforcement Officer
25 Bill Reischman - Code Enforcement Board Attorney
26 Julia Brown – Recording Secretary
27

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29 **5. Approval of Minutes**
30

31 **MOTION:** To approve the minutes from the September 15, 2015 meeting.

32 **Motion:** Hall; Second: Scarfo; Unanimous
33

34 **6. Oath**
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36 **7. Case Updates**
37

38 **Case 15-0389 City of Lake Mary vs Trinity Management Group LLC, 788**
39 **Lake Como Drive, Lake Mary FL 32746, Title XV Land Usage, Chapter 154**
40 **Zoning Code, §154.80 Home Occupations; §154.81 Conditions, Limitations**
41 **and Restrictions & §154.82 Home Occupation License Required**
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43 Pursuant to the CEB meeting of September 15, 2015, evidence was uncovered via the
44 internet of the residence being used as a business. CEB Officer Fleming will monitor.
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8. Compliance Hearings:

Case 15-1050 City of Lake Mary vs David Wester, 2769 W Lake Mary Blvd, Lake Mary FL 32746, Title IX General Regulations, Chapter 91 Health and Public Safety, §91.34 Prohibited Acts, §91.66 Disabled Vehicles, §91.75 Property Maintenance Code.

The property was previously found non-compliant and fine to date totals \$25,500. The City requests determination as to property condition being a threat to public health, safety and welfare, based on possible rodent infestation due to debris. If the CEB finds it so, the City suggests allowing 30 days to alleviate and if still non-compliant, suggests the Board request the City Commission issue an order for city staff to bring into compliance, and cost for those efforts to be added to the running fine.

Slides were entered into evidence as Exhibit 1.

David Wester, owner and resident, gave testimony as to health and financial issues that have prevented him from bringing the property into compliance; but denied that there are rodents on property, or that conditions are a threat to health, safety and welfare.

Randy Brown, 137 Oak Hill Circle, gave testimony that he has been assisting Mr. Wester to clean property, but also felt property was not a threat to health, safety and welfare.

MOTION: To find the property's condition not a threat to health, safety and welfare.

MOTION: Binkley; Second: Hall, Unanimous

Mr. Wester was informed that the fine is still running and will run until the property comes into compliance; and if he sells the property the lien will have to be negotiated.

Case 15-2014 City of Lake Mary vs Bank of America (c/o) Ocwen Loan Servicing), 316 Grand Valley, Lake Mary FL 32746, Title IX General Regulations, Chapter 91 Health and Public Safety, §91.75 Property Maintenance Code (D) General Requirements.

The property was ruled non-compliant September 15, 2015. The property owner was given 24 hours to bring into compliance or be fined \$250.00 per day until compliant. November 6, 2015, notification was received that the property was brought into compliance, the pool was found to be secured and water removed.

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91 The fine stands at \$12,500 for 50 days of non-compliance at a fine of \$250 per
92 day.

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94 **MOTION:** To proceed with filing for lien.

95 **MOTION:** Binkley; Second: Smith; Unanimous

96 **Motion** was amended by L. Binkley to include fine calculation of \$250.00 per day
97 for 50 days of non-compliance, for total fine of \$12,500. Amendment was
98 seconded by J. Smith. Unanimous

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101 **9. OLD BUSINESS** – No old business.

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104 **10. NEW BUSINESS:**

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106 **Case 15-2813 City of Lake Mary vs Amir Golchini, 273 Greenleaf Lane, Title**
107 **IX General Regulations, Chapter 91 Health and Public Safety, §91.75**
108 **Property Maintenance Code (D) General Requirements.**

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110 **MOTION:** To hear this case first since property owner present.

111 **MOTION:** Ivey; Second: Scarfo; Unanimous

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113 Slides were shown and entered into evidence as Exhibit 1. CEB Officer Fleming
114 noted grass, weeds and debris in yard; owner had not responded to Notice of
115 Violation. The City suggested allowing ten days to bring into compliance or fine
116 property owner \$250 per day until compliant.

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118 Amir Golchini, property owner, gave testimony that he had been out of the
119 country recently and had hired and paid someone to clean up the yard but it had
120 not been done. He had also made an agreement for someone to mow but that
121 had evidently not been done. Mr. Golchini requested the Board allow him ten
122 days to clean up the property.

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124 **MOTION:** To find the property non-compliant.

125 **MOTION:** Smith; Second: Binkley; Unanimous

126

127 **MOTION:** To allow ten days for property to be cleaned, if non-compliant after
128 that time, to fine owner \$100 per day until compliant.

129 **MOTION:** Smith; Second: Hall; Unanimous

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131 **Case 14-104 City of Lake Mary vs Deokumarie Outar- Basil, Garfar Basil &**
132 **Cory Plouf, 250 N 2nd Street, Lake Mary FL 32746, Title IX General**
133 **Regulations, Chapter 91 Health and Public Safety, §91.75 Property**
134 **Maintenance Code (D) General Requirements.**

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136 Case was withdrawn.

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138 Case 15-1668 City of Lake Mary vs Fairwinds Credit Union (Attn: Phil
139 Tischer), 109 Crystal Ridge Court, Lake Mary FL 32746, Title IX General
140 Regulations, Chapter 91 Health and Public Safety, §91.75 Property
141 Maintenance Code; Title XV Land Usage, Chapter 154 Zoning Code, §154.23
142 Fences and Walls

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144 Case was withdrawn.

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147 Case 15-2529 City of Lake Mary vs First United Mortgage Corp, Century
148 Mortgage & Jason Gibson, 194 Short Street, Lake Mary FL 32746, Title IX
149 General Regulations, Chapter 91 Health and Public Safety, §91.75 Property
150 Maintenance Code (D) General Requirements.

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152 On August 26, 2015, the property was found to have overgrown grass and yard
153 debris. A neighbor also reported a dirty pool and bags of garbage in the back
154 yard, but the back yard was not accessible for verification.

155
156 Slides were entered into evidence as Exhibit 1.

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158 CEB Officer Bruce Fleming contacted the owner, Jason Gibson, and was advised
159 that Mr. Gibson was living elsewhere and has no intention of being further
160 involved with the property. Ofc. Fleming advised the property is not yet in
161 foreclosure.

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163 **MOTION:** To find the property non-compliant.
164 **MOTION:** Binkley; Second: Scarfo; Unanimous

165
166 **MOTION:** To allow ten days to bring the property into compliance or be fined
167 \$250 per day until violations are remedied.

168 **MOTION:** Binkley; Second: Hall; Unanimous
169 **Motion** was amended by J. Ivey to include requesting permission from the owner
170 to gain access to the property to inspect. Amendment was seconded by H.
171 Scarfo; Unanimous

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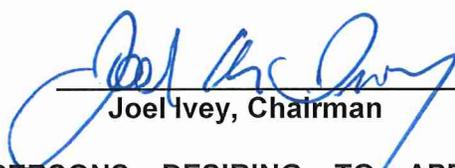
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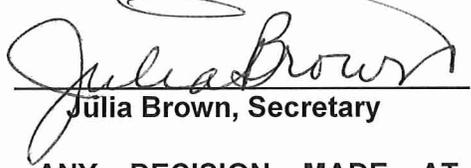
11. OPEN DISCUSSION: Question was put to Mr. Reischman, Board Attorney, regarding procedure of reading entire verbiage on agenda when introducing cases, or if Chairman could just state the case number. Mr. Reischman advised just stating the case number is sufficient.

12. SETTING OF NEXT MEETING: The next meeting will be held _____.

13. ADJOURNMENT: Scott Vogt moved to adjourn the meeting at 8:05 P.M.



Joel Ivey, Chairman



Julia Brown, Secretary

NOTE: PERSONS DESIRING TO APPEAL ANY DECISION MADE AT THESE PROCEEDINGS, ARE REQUIRED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED; SECTION 285.0105, FLORIDA STATUTES.