

TOWN OF WINDERMERE

Code Enforcement Hearing Minutes Virtual

October 6, 2020

The hearing was called to order at 6:30 p.m.

Present were Magistrate Ernest Myers, Town Manager Robert Smith, Attorney Heather Ramos, Code Enforcement Officer Theresa Rodriguez, and Town Clerk Dorothy Burkhalter. Also present were Sergeant Jayson Bonk and Officer Sam Keith from the Windermere Police Department.

Magistrate Myers questioned Officer Rodriguez if she had been assigned to represent the Town. Officer Rodriguez stated yes. Magistrate Myers then swore in Officer Rodriguez.

COMPLIANCE & NON-COMPLIANCE CASES

1. Case Number 089-02086-20 – 12 Pine Street -Kegler Trust Violation 4-1

Magistrate Myers introduced the case. Respondent was not present. Officer Rodriguez stated the case is in compliance and requests it be dismissed. Magistrate Myers questioned if there are any concerns for future violations. Officer Rodriguez stated no. Manager Smith gave a brief history of the violation regarding chickens. Magistrate Myers stated he will dismiss this case.

2. Case Number 089-02087-20: Wilfred Roderick Rodriguez – Violation 36.21

Magistrate Myers introduced the case. Respondent was present. Officer Rodriguez presented the case. She stated that she received an email from Sgt. Bonk regarding an unpaid parking citation and photos, Exhibit A. Magistrate Myers questioned the location of the violation. Manager Smith stated in front of Town Hall. Magistrate Myers then swore in Sgt. Bonk and Officer Keith. He then requested a report from Officer Keith. Officer Keith explained his investigation that led to a parking citation being issued for a truck and trailer that was illegally parked in front of Town Hall in the right of way. Magistrate Myers questioned if the citation had been paid. Officer Rodriguez stated that the citation had not been paid as of today. Magistrate Myers questioned Sgt. Bonk if the Town had an Ordinance regarding parking. Sgt. Bonk stated yes, Ordinance 36-21. Magistrate Myers then swore in respondent Wilfred Rodriguez. Mr. Rodriguez then gave an account of the incident that led to where the trailer and truck were parked. He stated that there were no signs indicating no parking was allowed. Mr. Rodriguez explained that he sent an email to the Town to contest the ticket within ten (10) days but didn't hear anything back. Magistrate Myers reviewed Mr. Rodriguez's comments. He then questioned Mr. Rodriguez if he had reviewed the Town's code. Mr. Rodriguez stated yes. He then stated in reviewing the Code, that's where he read the fine could be \$100.00 up to \$200.00, which he received the maximum of \$200.00. Magistrate Myers questioned Mr. Rodriguez if other than the sign, if there are any other comments/objections to be made. Mr. Rodriguez commented that as a 24-year Veteran, he has never had a ticket or a mark on his record to warrant the maximum fine of \$200.00. Magistrate Myers stated with the testimony he has heard; he will reduce the fine from \$200.00 to \$100.00 to be paid within the next 15 days. Manager Smith advised Mr. Rodriguez that the check could be hand delivered to 501 Forest Street or mailed to 614 Main St to the attention of Nora White.

TOWN OF WINDERMERE

**Code Enforcement
Hearing Minutes
Virtual**

October 6, 2020

There being no further business, Magistrate Myers closed the hearing at 6:51pm.



Dorothy Burkhalter, Town Clerk



Ernest J. Myers, Magistrate