

TOWN OF WINDERMERE

Code Enforcement Meeting Minutes

September 1, 2020

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

Present were Magistrate Ernest Myers, Code Enforcement Officer Theresa Rodriguez, and Town Clerk Dorothy Burkhalter. Town Manager Robert Smith was absent.

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 089-02048-19: 63 Main Street – Sutherland – Violation 20-117(a)

Magistrate Myers introduced the case. He stated that the violation is due to a tractor of a tractor-trailer that was being parked in the front yard. Officer Rodriguez stated yes. Magistrate Myers stated that proof of service is confirmed. He then turned the floor over to Officer Rodriguez. Officer Rodriguez explained that on February 5, 2020, she observed the violation. She then stated that she mailed a Notice of Violation and posted the property as well. Exhibit I Affidavit of Property posting and Exhibit II photo of commercial vehicle parked on property was presented to the Magistrate. Officer Rodriguez stated that an inspection was done on February 10, 2020 and the property was not in compliance. She then stated that as of September 1, 2020, the property is in compliance. Magistrate Myers questioned if Officer Rodriguez has had any communication from the Sutherlands. Officer Rodriguez stated no. Magistrate Myers stated that there have been previous violations at the same location but for another issue. He then stated that he would enter an order finding that the property was in violation, has been corrected, will dismiss the matter and will be handled as a repeat violator should it happen again. Magistrate Myers stated that if there should be another violation, the fine would go into effect immediately and will remain until respondent(s) contact Officer Rodriguez stating violation has been corrected.

2. Case Number 089-02078-20: 716 Oakdale Street – Linden – Violation 6.03.02(f)

Magistrate Myers gave a history of this case. He then swore Ms. Gina Linden owner of 716 Oakdale Street. Magistrate Myers then turned the floor over to Officer Rodriguez. Officer Rodriguez presented the parking of a boat trailer violation. She stated that on June 17, 2020 a Notice of Violation was mailed. Officer Rodriguez stated that on June 29, 2020 an inspection was done and the property was not in compliance. She then stated that she re-inspected the property in July and found the property to be in compliance. Mrs. Linden explained that her kids had taken the boat out and parked it. Before they could move it back to the side of the house, they got sick. Mrs. Linden stated that she does not know how to park the boat and trailer in the side yard. She then stated that once the kids felt better, the boat was moved back to the side yard. Magistrate Myers stated he would not enter an Order finding a violation. He then stated that he would enter an order dismissing this case but would be handled as a repeat violator should it happen again.

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3. Case Number 089-02079-20: 305 Oakdale Street – Daley – Violation 6.03.02(f)

Magistrate Myers introduced the case. Officer Rodriguez stated that she posted the property with notice of this hearing. She stated that this case has come into compliance and should be dismissed. Magistrate Myers stated he would enter an order dismissing the case but will be handled as a repeat violator if it should happen again.

There being no further business, Magistrate Myers closed the hearing at 6:49pm.



Dorothy Burkhalter, Town Clerk



Ernest J. Myers, Magistrate