



CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
OCTOBER 6, 2020

1. CALL TO ORDER

Chairman Buckles called the meeting of the Code Enforcement Board to order at 6:15 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance.

Quorum was declared present.

Present: Chairman David Buckles and Board Members: Jack Litteral, Denise Ratton, Ron Sikes, and Marvin E. Vasquez

Absent: Vice-Chairman Bruce Woloshin and Board Member Johnny Clark

Staff Present: City Manager Mike Bollhoefer, Community Development Director Steve Pash, Assistant City Attorney Giffin Chumley, Board Attorney Gayle Owens, Code Compliance Officer Tom Knappman, and Recording Secretary Edlyn Gonzalez.

2. CONSENT AGENDA

A. SWEARING IN OF PARTIES TO TESTIFY

CEB Recording Secretary Gonzalez swore in City Manager Bollhoefer, Community Development Director Pash, and Resident Dyson-Smith who will be presenting testimony or speaking to the Board.

B. APPROVAL OF MINUTES

MOTION: Board Member Vasquez moved to approve the June 2, 2020 meeting minutes. Seconded by Board Member Ratton and carried unanimously 5 - 0.

3. HEARINGS ON STATEMENT OF VIOLATIONS PURSUANT TO NOTICES OF HEARINGS

A. OLD BUSINESS

1) CASE # 20-028 – 3391 Daniels Road, Winter Garden, FL

TABLED FROM THE JUNE 2ND 2020 CEB MEETING

Community Development Director Stephen Pash

Sec. 22.29 Open air event permit—Open air vendors

Sec. 38.94 Accumulations of trash, junk, debris and nonliving plant material on property utilized or zoned for residential, professional office, recreational, commercial, open space, or industrial, or planned development zoned use

Sec. 102.92 Prohibited signs

Sec. 118.1024 Prohibited uses

Sec. 118.1386 Off-street parking

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #20-028

Community Development Director Pash confirmed to the Board that this case has been closed due to new management personnel at this location tending to all matters of previous concern.

Questions and Discussion

No questions or discussion.

MOTION: Due to announcement of case being closed, no motion was necessary.

2) CASE # 20-056 – 400 Windtree Lane, Winter Garden, FL – POSTPONED TO 11/3/2020 CEB MEETING

Community Development Director Stephen Pash

- Sec. 18.91** Required
- Sec. 18.92** Application; Plans
- Sec. 18.96** Misrepresentation of application
- Sec. 102.92** Prohibited signs
- Sec. 118.68** Site Plan (Development Plan) Required
- Sec. 118.580** Prohibited Uses and Structures
- Sec. 118.1386** Off-street parking
- Sec. 118.1455** Outdoor displays/work

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #20-056

Community Development Director Pash confirmed postponement for this case to the following scheduled CEB meeting on November 3, 2020.

Questions and Discussion

No questions or discussion.

MOTION: Due to announcement of item postponement, no motion was necessary.

3) CASE # 20-065 – 143 10th Street, Winter Garden, FL

Community Development Director Stephen Pash

- Sec. 18.191** Adopted
- Sec. 38.28** Responsibility of property owners
- Sec. 38.60** Duty to keep property clean
- Sec. 38.94** Accumulations of trash, junk, debris and nonliving plant material on property utilized or zoned for residential, professional office, recreational, commercial, open space, or industrial, or planned development zoned use
- Sec. 38.155** Prohibited acts
- Sec. 118.515** Prohibited uses and structures
- Sec. 118.1127** Disabled motor vehicles
- Sec. 118.1386** Off-street parking
- Sec. 118.1387** Location of off-street parking spaces

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #20-065

Community Development Director Pash explained that this location is currently being utilized as a neighborhood gathering space which is not permitted in the designated RNC-2 zoning with single family homes. Based on Findings of Fact, City Staff requests issuance of violations per sections 38.60, 38.94, 118.515 and 118.1387. City Staff recommends a deadline of November 2, 2020 for property owners to confirm a solution plan that permanently fixes the ongoing issues. City Manager Bollhoeffler stated that the City has plans of improvement for 10th & Center Street and that the City is willing to work with both property owners and their son; property manager,

towards a solution plan. Neighbor relative, Dyson-Smith, addressed the board and spoke in support of the City's plan and reiterated the urgent need for a solution.

Questions and Discussion

The Board clarified that City Staff is requesting no fees be imposed until the November 3rd 2020 meeting, if a plan is not coordinated between City Staff and homeowners. The Board also inquired about the level of cooperation from the home owners and a Power of Attorney from the son/property manager. City Manager Bollhoefer clarified that the son/property manager does not have a Power of Attorney, rather takes on the role of property manager to assist his elderly parents with the property. City Manager Bollhoefer also clarified that the homeowners are understanding and cooperative, however, the City is still working towards gaining full cooperation from the son/property manager.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Sikes moved to find that this property is not kept in clean condition, weeds & wild growth are allowed to continue without correction, there is accumulation of trash, junk and debris; there are prohibited uses of structure in the nature of unlawful gathering, and off-street parking spaces are not authorized under the code. Board Member Sikes moved to find Case #20-065 in violation of Sections 38.60, 38.94, 118.515 and 118.1387. Board Member Sikes made a second motion to provide property owners until the next scheduled CEB meeting on November 3rd, 2020 to comply; otherwise, fines will be imposed as deemed appropriate for non-compliance. Seconded by Board Member Vasquez. Motion carried 5 – 0.

4) CASE # 20-066 – 209 Center Street, Winter Garden, FL

Community Development Director Stephen Pash

- | | |
|----------------------|---|
| Sec. 38.28 | Responsibility of property owners |
| Sec. 38.60 | Duty to keep property clean |
| Sec. 38.94 | Accumulations of trash, junk, debris and nonliving plant material on property utilized or zoned for residential, professional office, recreational, commercial, open space, or industrial, or planned development zoned use |
| Sec. 38.155 | Prohibited acts |
| Sec. 118.515 | Prohibited uses and structures |
| Sec. 118.1386 | Off-street parking |
| Sec. 118.1387 | Location of off-street parking spaces |

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE #20-066

Community Development Director Pash advised that the property owners are not the direct cause of the violations and have agreed to work with the City towards a solution for the ongoing issues. Community Development Director Pash recommends postponement to date uncertain to allow additional time to collaborate with property owners towards a solution. City Manager Bollhoefer announced that the City has prioritized the redevelopment of 10th and Center Street within the upcoming year and is in full support of assisting the property owners with a solution plan.

Questions and Discussion

No questions or discussion.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to Table Case #20-066 until date to be determined by the City. Seconded by Board Member Sikes and carried unanimously 5 – 0.

B. NEW BUSINESS

No new business.

5) COMMENTS OR DISCUSSION

No comments or discussion.

6) ADJOURNMENT

There being no further business, the meeting was adjourned at 6:36 pm to the next meeting scheduled for November 3, 2020.

ATTEST:

APPROVED:

_____/S/_____
Customer Service Rep. Colene Rivera

_____/S/_____
Chairman David Buckles