



**A REGULAR MEETING MINUTES
CODE ENFORCEMENT BOARD
MARCH 4, 2014**

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

A **REGULAR MEETING** of the Winter Garden Code Enforcement Board (CEB) was called to order by Chairman Joseph Skubas at 6:15 p.m. in the City Hall Commission Chambers, at City Hall, 300 West Plant Street, Winter Garden, FL. The invocation was given followed by the Pledge of Allegiance.

DETERMINATION OF QUORUM

A quorum was declared present at 6:15 p.m.

MEMBERS PRESENT:

Chairman Joseph Skubas, Vice-Chairman John Benoit III, Board Members: David Buckles, Johnny Clark, Jack R. Litteral, and Harold Petch.

MEMBERS ABSENT/ARRIVED LATE:

Board Member Bruce Woloshin – Absent (excused)

ALSO PRESENT:

Board Attorney Daniel Langley, Senior Planner Steve Pash and Customer Service Representative Karla R. Cuevas.

2. CONSENT AGENDA

A. SWEARING IN OF PARTIES TO TESTIFY

CEB Attorney swore in Senior Planner Steve Pash and Property Owner Chablall Lall, who will be presenting testimony.

Lall stated he gave the City \$3,500 for water and that in order to receive the water they also had to connect to the sewer.

Mr. Lall said that everything behind his property is the neighbors and explained that there is no more dirt, that his property is flat, and that the neighbor had around 100 truckloads of dirt delivered. Subsequently Mr. Lall said that they used the water but not sewer because it has special needs, so he went to Home Depot and bought the biggest pump for \$1,000 but the sewer has too much pressure. Mr. Lall stated that Mr. Pash talked to the Public Services Department and they said he needed a larger pump to connect to the sewer. Subsequently Mr. Lall said that they wanted to go back with the County because even though they like the City, they want to have chickens and agriculture on this property.

The board intervened and asked Mr. Lall about the dirt on his property showing him recent pictures. Mr. Lall stated that he took the dirt out of his property. Mr. Pash replied that he told Mr. Lall that he needed to get permits, have a topographic survey to show this, and go through St. Johns. Mr. Pash stated the dirt continues to come in and it has been spread not removed which shows in the photographs. Mr. Pash repeated that he told Mr. Lall to hire an engineer, get the proper St. Johns permits, City permits, and that the City will require elevations of everything be shown on the plans.

The board asked Mr. Pash if the City did not try to stop this and correct it, could the City be liable and be fined from St. Johns' management. Mr. Pash responded that all violations fall back on Mr. Lall and St. Johns will fine Mr. Lall. Mr. Pash stated that Mr. Lall could cause flooding to his neighbors and that he could be sued by his neighbors for flooding them and there are all sorts of issues that can arise.

Mr. Lall repeated himself saying that his neighbor was the one placing the piles of dirt on Mr. Lall's property without his permission because 200 feet belongs to the neighbor. After the Board reviewed the Aerial Photograph they stated that all the activity was shown on Mr. Lall's property and his neighbor's property is in Orange County; therefore, the City doesn't have jurisdiction over it.

Mr. Pash stated that Mr. Lall has to have an engineer draw plans in order to get the permits, and that it has been months going through the same conversation. Mr. Pash repeated that the City requires permits and that staff is not here to collect money but to remedy the situation.

Questions and Discussion

MOTION: Board Member David Buckles moved that effective immediately and in order to correct the violations, the respondents should contact the City's Code Enforcement to arrange inspection of compliance with a \$250.00 fine per day per violation and it shall continue until such time a Code Enforcement Officer inspects the property to establish a date of compliance. Also submission of engineered drawings to the City engineer, obtain a permit from the water management district, and the City of Winter Garden. Seconded by Board Member Johnny Clark and carried unanimously 6-0.

B. NEW BUSINESS

B. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held February 4, 2014.

MOTION: Board Member Johnny Clark moved to approve the February 4, 2014 meeting minutes. Seconded by Board Member Jack Litteral, the motion carried unanimously 6-0.

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

A. OLD BUSINESS

1. CASE # 13-241 & 13-315 – 12552 Stoneybrook West Parkway, Winter Garden, FL

Senior Planner Steve Pash

Sec. 106-05 Prohibitions

Sec. 106-07 Storm Water Management Requirements.

Sec. 106-09 Maintenance.

Sec. 106-10 Permit Required.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 13-241 & 13-315

Senior Planner, Steve Pash, stated that the property under discussion was annexed into the City in July 2013 through a voluntary process because the owner stated that he wanted to connect to the City sewer. Mr. Pash said that shortly after annexation of the property the owners installed a porch on the front of the house without a permit and started to haul dirt onto the property without any permits. Staff issued a stop work order and after many meetings and discussions with the owners, the porch was removed. Mr. Pash stated that staff continued talking with the owners but the delivery of dirt never stopped.

Mr. Pash explained that on October 24, 2013 staff issued a Notice of Violation and Notice of Hearing. After these notices were issued, dirt stopped being delivered and staff didn't bring the case to the board because the owner said he was going to hire an engineer and get the proper permits.

Mr. Pash stated that staff suggested some engineers and that the property owners hired one of the engineers to draw plans and get the appropriate permits. However the owners later said that the engineer was asking for more money and they let him go.

Mr. Pash stated that in the middle of February piles of dirt started to be delivered again; therefore, on February 18, 2014, staff issued a second Notice of Violation and Notice of Hearing. Mr. Pash requested that the Board fine the property \$250.00 per day per violation until all proper permits are pulled and the work is properly completed and that the Board levy a substantial fine against the property to bring the property back into compliance.

Property owner Mr. Chablall Lall stated that he bought the 8 ½ acre property in 2012 for agriculture purpose. Mr. Lall said that he met with Mr. Pash to clarify that if they were to buy the property for agriculture purpose, they could have sewer and water from the City. Mr.

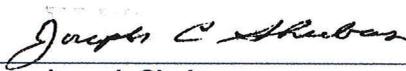
None.

4. ADJOURNMENT

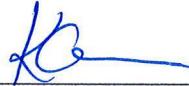
There being no further business to discuss, Board Member John Benoit III moved to adjourn the meeting at 6:52 p.m. Seconded by Board Member David Buckles and carried unanimously 6-0.

APPROVED:

ATTEST:



Chairman Joseph Skubas



Customer Service Rep Karla R. Cuevas