



**A REGULAR MEETING MINUTES  
CODE ENFORCEMENT BOARD  
SEPTEMBER 1, 2015**

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

A **REGULAR MEETING** of the Winter Garden Code Enforcement Board (CEB) was called to order by Vice-Chairman John Benoit III at 6:15 p.m. in the City Hall Commission Chambers, 300 West Plant Street, Winter Garden, FL. The Pledge of Allegiance was recited.

**DETERMINATION OF QUORUM**

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

**MEMBERS PRESENT:**

Vice-Chairman John Benoit III, Board Members: Dave Buckles, Johnny Clark, and Jack Litteral, and new Board Members: Ron Sikes and Marvin E. Vasquez.

**MEMBERS ABSENT:**

Board Members: Bruce Woloshin (excused)

**ALSO PRESENT:**

Board Attorney Chris Conley, Community Development Manager Steve Pash, Code Compliance Officer Tom Knappman, and Customer Service Representative Kathy Rathel.

**2. INTRODUCTION / SWEARING IN OF NEW MEMBERS**

New Board Members Marvin E. Vasquez and Ron Sikes stood and introduced themselves. CEB Recording Secretary Rathel administered the Oath to swear in the two new members to the Board.

**3. NOMINATE NEW CHAIRMAN AND VICE CHAIRMAN**

Vice Chairman Benoit asked for nominations for the Chairman position.

*Board Member Clark nominated John Benoit III as Chairman and seconded by Board Member Litteral. With no other nominations, the nomination carried unanimously 6-0.*

Chairman Benoit asked for nominations for the Vice Chairman position.

*Board Member Litteral nominated David Buckles as Vice Chairman and seconded by Board Member Clark. With no other nominations, the nomination carried unanimously 6-0.*

Chairman Benoit asked for any Ex-Parte disclosures. Board Attorney briefly explained the Ex-Parte disclosures to the new Board Members.

#### **4. CONSENT AGENDA**

##### **A. SWEARING IN OF PARTIES TO TESTIFY**

CEB Recording Secretary Rathel swore in Community Development Manager Steve Pash and Tom Kneal who will be presenting testimony.

##### **B. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held May 5, 2015.

*MOTION: Board Member Clark moved to approve the June 2, 2015 meeting minutes. Seconded by Board Member Buckles, the motion carried unanimously 6-0.*

#### **5. HEARINGS ON STATEMENT OF VIOLATIONS PURSUANT TO NOTICES OF HEARINGS**

##### **A. OLD BUSINESS**

##### **1. 530 Susan B Britt Court, Winter Garden, FL → CASE # 15-21.**

Community Development Manager Steve Pash

<b>Sec. 18-91</b>	Required
<b>Sec. 18-91.5</b>	Work Starting Before Permit Issuance
<b>Sec. 18-94</b>	Expiration; Special Permit
<b>Sec. 18-121</b>	Required; Recordation
<b>Sec. 18-163</b>	Number, Duration and Removal
<b>Sec. 18-169</b>	Permit – Required
<b>Sec. 106-18</b>	Maximum Impervious Surface Ratios (ISR)
<b>Sec. 118-68</b>	Site Plan (Development Plan) Required
<b>Sec. 118-69</b>	Principal Uses
<b>Sec. 118-70</b>	Procedures
<b>Sec. 118-71</b>	Construction Permit and Site Plan Review Certificate Required
<b>Sec. 118-774</b>	Special Exceptions
<b>Sec. 118-776</b>	Dimensions and Area Requirements
<b>Sec. 118-1310</b>	Generally

##### **FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 15-21.**

Community Development Manager Pash requested that the case be tabled until the October 6, 2015 meeting as staff continues to work with the owners.

##### **Questions and Discussion**

*MOTION: Board Member Clark moved to table this case until the October 6, 2015 Board Meeting. Seconded by Board Member Litteral and carried unanimously 6-0.*

**B. NEW BUSINESS**

1. **211 W Cypress Street, Winter Garden, FL → CASE # 05-043.**  
Community Development Manager Steve Pash  
**Sec. 118-395 Prohibited Uses and Structures**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE # 05-043.**

Community Development Manager Pash stated the property at 211 W. Cypress Street has a lien of \$8,250.00 from the previous violation in 2005. The owner is now trying to sell the property and has requested a reduction in fines. Several warnings were issued to the property and a Notice of Violation was issued on March 10, 2005. A re-inspection was done on March 26, 2005 and the property was still not in compliance. Another warning was issued and a second Notice of Violation was issued on May 26, 2005. The property was re-inspected on July 24, 2005 and was still not in compliance. The Notice of Hearing was delivered on August 30, 2005 with the Board hearing on September 12, 2005. The Board issued a Findings of Fact and Conclusion of Law and Order and ordered the property owner be given 30 days to clean up the property or be fined \$250.00 per day per violation. The property was not cleaned up within the 30 day time limit. On November 16, 2005 the property was inspected and found to be in compliance.

Based on the substantial amount of time put into the case, Staff recommends the Board reduce the fine to \$1,000.00 from the \$8,250.00 with 30 days to pay the fine.

Mr. Tom Kneal, property owner at 211 W. Cypress Street, stated he brought everything up to par and attended the hearing but that orange grove equipment was parked there on weekends which he did not believe was a problem. He stated he was not aware of the \$8,250.00 fine until he tried to sell his property. Chairman Benoit asked Mr. Kneal if he attended the hearing. Mr. Kneal said he did and was told of the \$250.00 per day fine but did not receive any other communications after the hearing.

**Questions and Discussion**

***MOTION: Board Member Clark moved to reduce the fines to \$1,000.00, based on the suggestion of the Code Enforcement Manager, with payment due within 30 days. Seconded by Board Member Litteral and carried unanimously 6 - 0.***

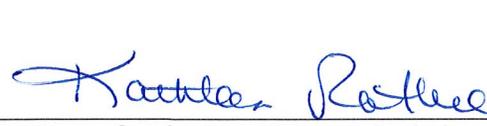
**6. ADJOURNMENT**

*There being no further business to discuss, Chairman Benoit moved to adjourn the meeting at 6:27 p.m. Seconded by Board Member Clark and carried unanimously 6 - 0.*

**APPROVED:**

  
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Chairman John Benoit III

**ATTEST:**

  
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Customer Service Rep Kathleen Rathel