



**CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
JUNE 6, 2023**

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: Linette Coleman, Jack Litteral and Daniel Welsh.

Absent: Vice-Chairman Bruce Woloshin (excused) and Marvin E. Vasquez (excused)

Staff Present: Assistant City Attorney Andrew Mai, Board Attorney Gayle Owens, Code Compliance Manager Jimmy Appoloney, Code Compliance Officer Santino Montanez, Code Compliance Officer Christopher Gonzalez, Code Compliance Officer Lance Paraszewski and Recording Secretary Colene Rivera.

2. CONSENT AGENDA

A. SWEARING IN OF PARTIES TO TESTIFY

CEB Recording Secretary Rivera swore in Code Compliance Officers Montanez, Code Compliance Officers Gonzalez and City Attorney Mai, who will be presenting testimony.

B. APPROVAL OF MINUTES

MOTION: Board Member Coleman moved to approve the April 4, 2023 meeting minutes. Seconded by Board Member Welsh and carried unanimously 4 - 0.

C. City of Winter Garden – Review of Board & Code Procedures

Code Board Attorney Gayle Owen presented an overview and details of the Code Enforcement Board procedures and processes along with template of various sample motions for the board to use during these meetings.

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

A. OLD BUSINESS

1. CASE # 21-023 – 218 4th Street, Winter Garden, FL

Code Compliance Inspector, Thomas Knappman

Sec. 18-151. Standard code adopted.

Sec. 18-159. Public nuisances.

Sec. 38-61. Discharging foul water or depositing decaying matter.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 21-023

Code Compliance Officer Montanez presented Case 21-023 for the property at 218 4th Street, Winter Garden, FL. The current property owner continues to work with the city, has determined through an Engineer that the structure cannot be repaired or renovated and is determined demolition of the structure is required and will seek building permits for demolition of the structure on this site. As the property owner purchased the property in February 2023 and continuing to progress with addressing these violations, the city is requesting the board extend the compliance date by two months to August 1, 2023 Code Board meeting.

Board members inquired about implementing a fine on this case should the property not be in compliance by the August 1, 2023 Code Enforcement Board meeting date? Board Attorney inquired if an Order of Violation has been issued on this property? It was determined on July 5, 2022 a Finding of Fact and Conclusion of Law was issued on this case. Officer also pointed out there is a new property owner for this location approximately 6 months ago.

City Attorney Mai stated a new Florida statute will be in place by the August meeting that requires if the board is going to continue or extend a Code Violation Case, then the board needs to note the date, time and place for compliance.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Welsh moved to extend the date of compliance for Case 21-023 to allow the property owner to obtain a demolition building permit on file by July 31, 2023 at 5:00 pm. If not in compliance by the August 1, 2023 meeting at 6:15 pm in the City Commission Chambers and in violation of the Sections as presented, fines will be determined at this meeting. Seconded by Board Member Coleman and carried 4-0.

B. NEW BUSINESS

1. CASE # 23-069 – 194 North Street, Winter Garden, Fl. 34787

Code Compliance Inspector, Santino Montanez

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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 23-069

Code Compliance Officer Montanez presented Case 23-069 for the property at 194 North Street, Winter Garden, FL. The property owner continues to work with the city to address these violations. City recommends this case be postponed to the next Code Board Meeting scheduled for July 11, 2023 and no motion is required for this case at this time.

2. CASE # 23-138 – 1160 E Bay Street, Winter Garden, Fl.

Code Compliance Inspector, Santino Montanez

- 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. 118-475.** Prohibited uses and structures.
- Sec. 118-1127.** Disabled motor vehicles.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 23-138

Code Compliance Officer Montanez presented Case 23-138 for the property at 1160 E Bay Street, Winter Garden, FL. The property owner is sighted in violation of debris and trash on the property, operating a non-compliant motor repair business operation and disabled motor vehicles with expired tags on the site.

Board members inquired about the business operation on the site being allowed with various compliance options? Staff stated this business operation is not allowed in the single-family residential zoning of the property. Board asked about prior cases on this site and notices issued? Staff stated that multiple cases have been issued for this site but none had fines associated with them. Board attorney inquired what the city is requesting of this site to be compliant? Staff stated that minimal mechanical maintenance on private residence within a 48 hour time frame is allowed but extensive operations on a continually bases as referenced in Section 118-475 is not allowed. Owner needs to cease this operation and clean up the property.

MOTION: Based upon the testimony and evidence presented, Board Member Coleman moved to find Case 23-138 for the property of 1160 E Bay Street in violation of Section 38-94 accumulation of trash and debris, Section 118-475 prohibited uses and Section 118-1127 disabled motor vehicles on the property. The owner is to bring these violations into compliance on or before July 10, 2023 at 5:00 pm prior to the July 11, 2023 Code Board meeting as set forth in the Notice of Hearing dated May 11, 2023. Seconded by Board Member Litteral and carried 4-0.

3. CASE # 23-196 – 223 W Cypress Street, Winter Garden, Fl. 34787

Code Compliance Inspector, Chris Gonzalez

- 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. 118 – 11,** Camping.
- Sec. 118 – 395.** Prohibited uses and structures.

Sec. 118 – 1127. Disabled motor vehicles.

Sec. 118 – 1341. Odors.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 23-0196

Code Compliance Officer Gonzalez presented Case 23-0196 for the property at 223 W Cypress Street, Winter Garden, FL. The property owner was sighted in violation of debris and trash on the property, camping on the site, prohibited uses, having disabled motor vehicles with expired tags and burning odors from various substances at the site. Officer recommended this board issue a Finding of Fact and Conclusion of Law for violations of Section 38-94, Section 118-11 and Section 118-1127.

Questions and Discussion

Board members inquired about deleting violation Section 118-395 Prohibited uses and structures and Section 118-1341 Odors? Staff confirmed these violation are not being addressed at this time. Board asked about deadline for compliance being June 1, 2023? This was confirmed. Board asked about outcome and inquired about address of the property in violation? The agenda stated 223 E Cypress Street in error but the property for this case and all the documents reflect 223 W Cypress Street. Board asked about people sleeping in a camper? Staff stated tarps and mattresses were in the backyard area but had not witnesses this – just what is being reported. Camp section prohibits outdoor sleeping in a residential or being used as a campground. RV as not allowed to have individual staying/ sleeping in these overnight on residential property. Clarification of fine issued at this time or in the future? Fines not be to issue at this meeting but possible at the July 11, 2023 Board meeting date.

Rachel Treadway of 223 W Cypress Street wished to speak to the board regarding her situation and concerns. She expressed hardships and situations that have led to this situation. Board Chairman expressed he would have some people come out to the site and assist with cleaning this up. Emphasized she needs to address the squatter's on the site with the Police and arranging tow company to remove the vehicle for the property.

MOTION: Based upon the Findings of Fact and evidence presented for Case 23-196, Board Member Coleman moved to find the property of 223 W Cypress Street in violation of Section 38.94 accumulation of trash and debris, Section 118-11 camping and Section 118-1127 disabled motor vehicles on the property. The owner is to bring these violations into compliance on or before July 10, 2023 at 5:00 pm prior to the July 11, 2023 Code Board meeting as stated in the May 17, 2023 Notice of Violation. Seconded by Board Member Welsh and carried 4-0.

3. COMMENTS OR DISCUSSION

No comments or discussion.

4. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:11 pm to the next meeting scheduled for July 11, 2023.

ATTEST:

APPROVED:

/S/

/S/

Recording Secretary, Colene Rivera

Vice-Chairman, Bruce Woloshin