



**CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
AUGUST 3, 2021**

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: Johnny Clark, Jack Litteral, Denise Ratton, Ron Sikes, and Marvin E. Vasquez

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

Staff Present: Assistant City Attorney Giffin Chumley, Community Development Director Steve Pash, Board Attorney Gayle Owens, IT Director Chad Morrill and Recording Secretary Edlyn Gonzalez.

2. CONSENT AGENDA

A. SWEARING IN OF PARTIES TO TESTIFY

CEB Recording Secretary Gonzalez swore in Community Development Director Pash who will be presenting testimony.

B. APPROVAL OF MINUTES

MOTION: Board Member Vasquez moved to approve the June 29, 2021 meeting minutes. Seconded by Board Member Litteral and carried unanimously 6 - 0.

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

A. OLD BUSINESS

1) CASE 20-065 – 143 10th Street, Winter Garden FL (13-22-27-5260-00-071)

HEARING TO ESTABLISH FINE

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. 118-515 Prohibited use and structures

Sec. 118-1387 Location of off-street parking spaces

Community Development Director Pash stated City Staff continues to work with the property owners on this matter. Staff recommends a new compliance date of September 3, 2021 and item postponement to the next scheduled Code Enforcement meeting on September 7, 2021.

MOTION: Board member Vasquez moved to extend the Order of Compliance for Case 20-065 to September 3, 2021 and postponement to the following scheduled Code Enforcement Board meeting on September 7, 2021. Seconded by Board member Ratton and carried unanimously 6-0.

2) **CASE 21-013 – 99 N Boyd Street, Winter Garden FL (14-22-27-5656-00-691)**

HEARING TO ESTABLISH FINE

- Sec. 38-94** Accumulation of trash, junk, debris and non living plant material on property utilized or zoned for residential, professional office, recreational, commercial, open space, or industrial, or planned development zoned use.
- Sec. 98-196** Outdoor storage
- Sec. 118-1310** Accessory buildings and accessory structures

Community Development Director Pash addressed the Board and recommended a new compliance date of September 3, 2021 with item postponement to the next scheduled Code Enforcement meeting on September 7, 2021.

MOTION: Board member Vasquez moved to extend the Order of Compliance for Case 20-013 to September 3, 2021 and postponement to the following scheduled Code Enforcement Board meeting on September 7, 2021. Seconded by Board member Litteral and carried unanimously 6-0.

3) **CASE 21-029 – 3391 Daniels Road, Winter Garden FL**

HEARING TO ESTABLISH FINE

- 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. 46-1** Adoption of the Florida Fire Prevention Code
- Sec. 74-43** Fire lanes on private property devoted to public use
- Sec. 114-35** Replacement of material
- Sec. 118-1024** Prohibited uses

Community Development Director Pash addressed the Board to announce that the location of 3391 Daniels Road is now in full compliance and the case is closed.

4) **CASE 21-049 – 700 W Bay Street, Winter Garden FL**

HEARING TO ESTABLISH FINE

- Sec. 19-91** Required.

Community Development Director Pash addressed the Board and recommended a new compliance date of September 3, 2021 with item postponement to the next scheduled Code Enforcement meeting on September 7, 2021.

MOTION: Board member Vasquez moved to extend the Order of Compliance for Case 20-049 to September 3, 2021 and postponement to the following scheduled Code Enforcement Board meeting on September 7, 2021. Seconded by Board member Ratton and carried unanimously 6-0.

5) **CASE # 21-054 – 14451 W Colonial Drive, Winter Garden, FL**

HEARING TO ESTABLISH FINE

- Sec. 38-95** Excessive growth of grass, weeds, and brush on property utilized or zoned for residential, professional office, recreational, commercial, industrial, or planned development zoned use.
- Sec. 118-580** Prohibited Uses and Structures.
- Sec. 118-1126** Commercial Structures; Uses Involving Sales, Storage, Repairs, Service.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 21-054

Community Development Director Pash stated this Property has mowed the lawn, but remains in violation of prohibited uses specified under Sections 118-580 subsection 4 and 118-1126 subsections 3 & 4. Staff has communicated with the property owners over the length of two years and compliance remains pending. Staff recommends the Board issue an order imposing a fine of \$250.00 per day, per violation for a total of \$500.00 per day.

Questions and Discussion

The Board inquired if City Staff has remained in communication with the property owners. Community Development Director Pash confirmed that proper notice of all code enforcement citations and hearing notices have been mailed and hand delivered to the property owners over time. When Staff hand delivered the Findings of Facts & Conclusions of Law, they were chased off the property. Staff also delivered notice of this current meeting to impose fines, which the property owners accepted.

Based on the evidence presented, the Board acknowledged that only the simplest violation regarding landscaping is currently in compliance. The Board clarified with Staff the recommendation to treat Section 118-1126 subsections 3 & 4 as one single violation when imposing fines.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Sikes moved to find Case 21-054 in violation of Sections 118-580 subsection 4 and 118-1126 subsections 3 & 4, previously addressed in the Findings of Fact and Conclusions of Law ordered on July 29th, therefore, fined \$250.00 per day, per violation for a total of \$500.00 per day until the conditions are corrected. Seconded by Board Member Vasquez and carried unanimously 6-0.

6) CASE # 21-073 – 1031 Glensprings Ave, Winter Garden, FL

POSTPONED FROM PREVIOUS MEETING

- Sec. 18-91** Required.
- Sec. 18-91.5** Work Starting Before Permit Issuance.
- Sec. 18-92** Application; Plans.

Community Development Director Pash stated the property owner is working with staff and has submitted a building permit application. The owner is trying to determine if they will obtain proper permits or tear down the structure. Staff recommends postponement to the next scheduled code enforcement meeting on September 7, 2021.

MOTION: Board member Vasquez moved to postpone Case 21-073 to the following Scheduled Code Enforcement Board meeting on September 7, 2021. Seconded by Board member Sikes and carried unanimously 6-0.

B. NEW BUSINESS

No new business.

4. COMMENTS OR DISCUSSION

No comments or discussion.

5. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:30 pm to the next meeting scheduled for September 7, 2021.

ATTEST:

/s/

Board Secretary, Colene Rivera

APPROVED:

/s/

Chairman, David Buckles