



**CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
MARCH 2, 2021**

1. CALL TO ORDER

Vice-Chairman Bruce Woloshin 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: Vice-Chairman Bruce Woloshin and Board Members: Jack Litteral, Denise Ratton, Ron Sikes, and Marvin E. Vasquez

Absent: Chairman David Buckles and Board Member Johnny Clark

Staff Present: Board Attorney Gayle Owens, Assistant City Attorney Giffin Chumley, Community Development Director Steve Pash, Code Compliance Officer Tom Knappman, 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 Ratton moved to approve the February 2, 2021 meeting minutes. Seconded by Board Member Sikes and carried unanimously 5 - 0.

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

A. OLD BUSINESS

1. CASE # 20-359 – 550 W Plant Street, Winter Garden, FL

HEARING TO ESTABLISH FINE

Community Development Director Stephen Pash

Sec. 118.359 Prohibited Uses and Structures

Sec. 118.1387 Location of Off-Street Parking Spaces

Findings of Fact and Conclusions of Law in Case 20-359

Community Development Director Pash reviewed the violations declared for this case on the February 2, 2021 Code Enforcement Board meeting pertaining to Sections 118.359 & 118.1387. These violations relate to a recreational vehicle parked on site & connected to utilities, as well as additional vehicles parked outside of approved parking spaces. After mailed notifications and hand delivery of the Findings of Fact and Conclusions of Law, this property is still in violation as of March 2, 2021. City Staff requests the Board impose a fine of \$250.00 per day, per violation due to non-compliance.

Questions and Discussion

Board Attorney Gayle inquired about any communication between the property owner and the City. Community Development Director Pash confirmed no response to notice received, and no phone call communication reciprocated. The Board received clarification that notice of the March 2, 2021 deadline was provided to the property owner and that any imposed fines would commence on March 2, 2021.

MOTION: Board Member Vasquez moved to find the subject property in violation of Sections 118.359 and 118.1387, and thus be subject to a fine of \$250.00 per violation, per day commencing on March 2, 2021. Seconded by Board Member Sikes and carried unanimously 5 – 0.

2. CASE # 20-363 – 1013 Westside Drive, Winter Garden, FL

COMPLIANT PRIOR TO MARCH 2, 2021 CEB BOARD

Community Development Director Stephen Pash

Sec. 18.91 Required

Sec. 118.1297 Fences and Walls

Findings of Fact and Conclusions of Law in Case 20-363

Community Development Director Pash stated the property owner has met with the City on several occasions since the last Code Enforcement Board meeting. The property is now in compliance as a fence permit was obtained and a final inspection was completed.

Questions and Discussion

The Board inquired if the property owner was able to keep the fence on the property. City Staff confirmed the approved fence.

CASE CLOSED

3. CASE # 20-056 – 400 Windtree Lane, Winter Garden, FL

COMPLIANT PRIOR TO MARCH 2, 2021 CEB BOARD

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 20-359

Community Development Director Pash stated the tenant of this property has submitted for Site Plan review several times and now has only one item remaining. City Staff suggests this case be closed, given their initiative and cooperation with all Site Plan reviews and suggestions.

CASE CLOSED

B. NEW BUSINESS

1. CASE # 21-013 – 99 N Boyd Street, Winter Garden, FL

Community Development Director Stephen Pash

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. 98.196 Outdoor Storage

Sec. 118.393 Permitted Accessory Uses and Structures

Sec. 118.395 Prohibited Uses and Structures

Sec. 118.1310 Accessory Buildings and Accessory Structures

Findings of Fact and Conclusions of Law in Case 21-013

Community Development Director Pash stated there have been continuous issues with this property pertaining to the multiple Code Sections listed above; however, City Staff is specifically focusing on Sections 38.94, 98.196 & 118.1310. These violations pertain to the accumulation of trash, junk and debris on the property as well as two recreational vehicles on site. City Staff has attempted to work with the property owner and has not been successful in receiving cooperation. The City has received several complaints from neighbors and the public as all trash surrounding the property is visible from the road. City Staff requests the Board issue a Findings of Fact and Conclusions of Law finding the property located at 99 N Boyd St. in violation of Sections 38.94, 98.196 & 118.1310 with a compliance deadline of Monday, April 5, 2021. City Staff suggests returning to the next scheduled Code Enforcement Board meeting on April 6, 2021 to impose fines if the property remains non-compliant.

Questions and Discussion

Several Board Members inquired about the communication for a Public Hearing Notice to the property owner(s). City Staff clarified that the property is owned by a family trust and all associated parties were notified by regular mail, certified mail, or hand delivery. Board Member Vasquez inquired about the length of time that this property has been accumulating debris on site and questioned why the City is just now presenting the case. City Staff confirmed this has been an ongoing issue that worsened over the last year. City Staff has attempted to resolve the issue amicably with the property owner(s) and now saw fit to bring this case to the attention of the Board due to lack of cooperation.

MOTION: Based on the evidence presented, Board Member Vasquez moved to find the property located at 99 N Boyd St. in violation of Sections 38.94, 98.196 & 118.1310 with a compliance deadline of Monday, April 5, 2021 and returning to the next Code Enforcement Board meeting to establish fines as deemed necessary. Seconded by Board Member Ratton and carried 4 – 0 – 1 with Board Member Sikes abstaining.

