



**CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
APRIL 6, 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, Vice-Chairman Bruce Woloshin and Board Members: Johnny Clark, Jack Litteral, Ron Sikes, and Marvin E. Vasquez

Absent: Board Member Denise Ratton

Staff Present: Assistant City Attorney Giffin Chumley, Board Attorney Gayle Owens, Community Development Director Steve Pash, Code Compliance Officer Tom Knappman, IT Director Chad Morrill, Network Systems Specialist James McKamey 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 Clark moved to approve the March 2, 2021 meeting minutes. Seconded by Board Member Woloshin and carried unanimously 6 - 0.

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

A. OLD BUSINESS

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

HEARING TO ESTABLISH FINE

Community Development Director Stephen Pash

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. 118.1310 Generally

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 21-013

Community Development Director Pash informed the Board of the significant progress to the front & rear yard of the property. Staff recommends this item be postponed to the May 4, 2021 Code Enforcement Board meeting to provide the property owner more time to continue clearing the site.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to postpone Case 21-013 to the May 4th Code Enforcement Board meeting. Seconded by Board Member Clark and carried 5-0-1 with Board Member Sikes abstaining.

B. NEW BUSINESS

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

Community Development Director Stephen Pash

Sec. 18.151 Standard Code Adopted

Sec. 18.159 Public Nuisances

Sec. 38.29 Abatement of Nuisance Required

Sec. 38.60 Duty to Keep Property Clean

Sec. 38.61 Discharging Foul Water or Depositing Decaying Matter

Sec. 38.62 Mosquito Breeding Places

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. 118.395 Prohibited Uses and Structures

Sec. 118.1127 Disabled Motor Vehicles

Sec. 118.1310 Generally

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

Community Development Director Pash informed the Board of the property owner's cooperation to bring the site into compliance. Staff recommends this item be postponed to the May 4, 2021 Code Enforcement Board meeting to allow more time to address all violations.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Clark moved to postpone Case 21-023 to the May 4th Code Enforcement Board meeting. Seconded by Board Member Sikes and carried unanimously 6-0.

2. CASE # 21-029 – 3391 Daniels Road, Winter Garden, FL

Community Development Director Stephen Pash

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 21-029

Community Development Director Pash presented evidence of extensive outdoor storage at Lowes Home Center located at 3391 Daniels Road within the Winter Garden Village commercial development. As of April 6, 2021, staff witnessed outdoor storage of 420 pallets, 140 carts, drywall, concrete, and plants. Evidence showed numerous carts obstructing fire lanes and outdoor sales displays without required permits. Staff has attempted to address these issues with several different Lowes management personnel as they rotate often. Due to lack of cooperation, Staff recommends the Board issue a Findings of Fact and Conclusions of Law finding Case 21-029 in violation of Sections 22.29, 38.94, 46.1, 74.43, 114.35, and 118.1024 with a compliance date of April 30, 2021 and returning to the May 4, 2021 Code Enforcement Board meeting to request fines if non-compliant by the suggested compliance date.

Questions and Discussion

The Board mentioned that the April 30, 2021 compliance date seemed extensive and certain items such as obstruction of fire lanes should be addressed immediately. The Board inquired if the Fire Department visited the site to address the fire lane obstructions & Staff confirmed they have not been on site, but internal conversations on this matter have taken place. The Board also inquired of alternate storage solutions on site and Staff advised there are two areas at the rear of the building for storage. Once these two areas are full, it is Lowe's responsibility to communicate with their corporate department to cease or stall the deliveries until space becomes available or find a separate storage facility.

Additionally, the Board inquired about the required permit for the Garden Center outdoor sales display. Staff advised this outdoor sales display has always existed without proper permitting. Lowes recently applied for the permit, but the application was contingent upon compliance of all other violations listed on this case. The Board questioned if the current violations would also affect approval of future permitting for seasonal Christmas tree outdoor sales. Staff confirmed seasonal sales would also be affected until all other violations are addressed.

