



**CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
SEPTEMBER 5, 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, Vice-Chairman Bruce Woloshin and Board Members: Greg Liskey, Marvin E. Vasquez and Daniel Welsh.

Absent: Linette Coleman (excused) and Jack Litteral (excused).

Staff Present: Assistant City Attorney Rick Geller, Board Attorney Gayle Owens, Assistant City Manager for Public Services Steve Pash, Planning Director Kelly Carson, Code Compliance Officer Tom Knappman, Code Compliance Officer Santino Montanez and Recording Secretary Colene Rivera.

Attendees: Al Rodgers of 114 North Street.

2. CONSENT AGENDA

A. SWEARING IN OF PARTIES TO TESTIFY

CEB Recording Secretary Rivera swore in Assistant City Manager for Public Services Steve Pash, Planning Director Kelly Carson, Code Compliance Officer Tom Knappman, Code Compliance Officer Santino Montanez and Al Rodgers of 114 North Street, Winter Garden, FL, who will be presenting testimony.

B. APPROVAL OF MINUTES

MOTION: Board Member Liskey moved to approve the July 11, 2023 meeting minutes. Seconded by Board Welsh Litteral and carried unanimously 5 - 0.

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 Inspector Knappman presented Case 21-023 for the property located at 218 4th Street, Winter Garden, FL. He explained this property was recently sold to new owners on August 23, 2023 and they are aware of the various code violations on this property. The new owners obtained a demolition building permit with the City of Winter Garden on August 31, 2023. City would like to request an extension for Case 21-023 to be compliant on or before March 4, 2023 by 11:00 am.

Questions and Discussion

Board members inquired if new owners are being more receptive to addressing various violations and why the structure on this property needed to be demoed? Staff responded with yes new owners are aware of the violations and details to address the various violation, they are working with city to clean up these concerns and explained the structure needs to be demolished due to it being declared inhabitable by the city’s building department. The new owners plan to demo and build a new home on this site.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to extend Case 21-023 to the requested March 4, 2023 by 11:00 am date to address the various violations on this site. Seconded by Board Member Woloshin and carried unanimously 5-0.

2. CASE # 23-303– 114 North Street, Winter Garden, FL

Code Compliance Inspector, Santino Montanez on behalf of Christopher Gonzalez

- Sec. 18-91.** Required.
- Sec. 18-155.** Conditions Constituting Hazards—Notice
- 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 Uses and Structures.
- Sec. 118-1127.** Disabled Motor Vehicles.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 23-303

Code Compliance Inspector Montanez presented Case 23-303 for the property located at 114 North Street, Winter Garden, FL. He explained this property has been found in violation of Sections 18-91, 18-155, 38-94 and 118-515. The property owner was given a Notice of Violation and Notice of Hearing on June 20, 2023 describing the corrective actions necessary to bring the property into compliance. These notices were delivered by certified mail, general mail, and hand delivered. At the board meeting on July 17, 2023 a Findings of Fact and Conclusion of Law was issued to the property finding it in violation and stating the corrective actions necessary to bring the property into compliance. Given the property is still in violation after proper notice, finding them in violation on July 17, 2023 and substantial time has been given to the property owner to correct the issues, staff requests that the board issue a Findings of Fact and

Conclusion of Law and fine the property \$250.00 per day per violation for the four referenced code sections.

Public Comments

Al Rodgers of 114 North Street, Winter Garden, FL spoke to the board members regarding his efforts to address these violations and his concerns about removing the unpermitted structures on this property. He explained he is seeking legal counsel and knows he will be receiving fines for the various violations on his property.

Questions and Discussion

Board members inquired if property owner has made effort to address these violations, if there might be a Special Exception process to allow additional habitable structure on this site and if there is a scope of work within the Notice of Violation. City staff addressed these questions with property owner has reduced some of the violations on this property from a listing of 12 to the current 4, the city would need to assess the proposed Special Exception to determine if the city would be open to this option (property owner only inquired of this option earlier on the date of this meeting) and the City Attorney advised the board the scope of work and details of what needs to be done to address these violations were included in the Notice of Violation issued on July 17, 2023. Board discussed concerns regarding the dollar amounts of each fine and was offered legal counsel as to what options they had regarding this concern. City staff also stated they are willing to continue to work with property owner on Section 38-94 violations regarding trash, junk and debris on this property. Based on legal counsel to the board, they determined it best to make (2) separate motions for the various violations.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Liskey moved to extend Case 23-303 on the violation Section 38-94 to the next board meeting scheduled for October 3, 2023 and to have the property owner be in compliance on October 2, 2023 by 3:00 pm. Seconded by Board Member Welch and carried unanimously 5-0.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Welsh moved to fine the property owner for Case 23-303 on the violations of Sections 18-91, 18-155 and 118-515, at \$100 per day per violation for a total of \$300.00 per day until corrected and for the city to report with an update at the next board meeting scheduled for October 3, 2023. Seconded by Board Member Woloshin and carried unanimously 5-0.

B. NEW BUSINESS

- CASE # 23-155– 1045 Mildred Dixon Way, 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 23-155

Code Compliance Inspector Montanez presented Case 23-115 for the property located at 1045 Mildred Dixon Way, Winter Garden, FL. He explained this property has been found in violation of Section 38-94 for accumulations of trash, junk and debris. A Notice of Violation & Notice of Hearing was issued on August 17, 2023. City request to find this property in violation with potential to impose fines at the next board meeting scheduled for October 3, 2023 should this property not be in compliance by October 2, 2023 at 3:00 pm.

Questions and Discussion

Board members did not have any further questions or concerns about this case.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Vasquez moved to find Case 23-155 in violation of Section 38-94 as presented with the potential to impose fines at the next hearing dated October 3, 2023. Seconded by Board Member Woloshin and carried 5-0.

4. COMMENTS OR DISCUSSION

No comments or discussion.

5. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:03 pm to the next meeting scheduled for October 3, 2023.

ATTEST:

/S/

Recording Secretary, Colene Rivera

APPROVED:

/S/

Chairman David Buckles