



CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
MARCH 5, 2019

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: Jack Litteral, Denise Ratton, and Marvin E. Vasquez

Absent: Vice-Chairman Bruce Woloshin, Johnny Clark, and Ron Sikes (all excused)

Staff Present: Assistant City Attorney Chris Conley, Community Development Director Steve Pash, Code Compliance Officer Tom Knappman, and Recording Secretary Kathleen Rathel

2. CONSENT AGENDA

A. SWEARING IN OF PARTIES TO TESTIFY

CEB Recording Secretary Rathel swore in Community Development Director Pash and Sergeant James Capeletti who will be presenting testimony or speaking to the Board.

B. APPROVAL OF MINUTES

MOTION: Board Member Vasquez moved to approve the February 5, 2019 meeting minutes. Seconded by Board Member Litteral and carried unanimously 4 - 0.

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

A. OLD BUSINESS

1) CASE 17-376 – 521 Seminole Street, Winter Garden, Fl.

TABLED FROM THE FEBRUARY 5, 2019 CEB MEETING

Community Development Director Stephen Pash

Sec. 18.91 Required

Sec. 18.155 Conditions Constituting Hazards – Notice

Sec. 18.159 Public Nuisances

Sec. 38.94 Accumulations of Trash, Junk, Debris and Nonliving Plant Material on Property Utilized or Zoned for Residential, Professional Office, Commercial or Industrial Use

Sec. 118.395 Prohibited Uses and Structures

Sec. 118.1127 Disabled Motor Vehicles

Sec. 118.1387 Location of Off-Street Parking Spaces

2) CASE 18-327 – 151 W Maple Street, Winter Garden, Fl.

TABLED FROM THE FEBRUARY 5, 2019 CEB MEETING

Community Development Director Stephen Pash

Sec. 18.155 Conditions Constituting Hazards – Notice

Sec. 18.159 Public Nuisances

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASES 17-376 AND 18-327

Community Development Director Pash stated these two cases had been tabled last month and, unfortunately, would need to be tabled again to the April 2, 2019 Code Enforcement meeting due to a re-notice error.

Questions and Discussion

MOTION: Board Member Vasquez moved to table Case 17-376 and Case 18-327 to the April 2, 2019 Code Enforcement meeting. Seconded by Board Member Ratton and carried unanimously 4 – 0.

3) CASE 15-21 - 530 Susan B Britt Court, Winter Garden, FL

COMPLIANT PRIOR TO MARCH 5, 2019 MEETING

Community Development Director Steve Pash

- Sec. 18-91** Required
- Sec. 18-91.5** Work Starting Before Permit Issuance
- Sec. 18-94** Expiration; Special Permit
- Sec. 18-121** Required; Recordation
- Sec. 18-163** Number, Duration and Removal
- Sec. 18-169** Permit – Required
- Sec. 106-18** Maximum Impervious Surface Ratios (ISR)
- Sec. 118-68** Site Plan (Development Plan) Required
- Sec. 118-69** Principal Uses
- Sec. 118-70** Procedures
- Sec. 118-71** Construction Permit and Site Plan Review Certificate Required
- Sec. 118-774** Special Exceptions
- Sec. 118-776** Dimensions and Area Requirements
- Sec. 118-1310** Generally

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE 15-21

Community Development Director Pash stated this case was from 2015. The owners constructed buildings without permits. They have since gone through site plan review, constructed a new building on an adjacent parcel, removed all the old structures, and brought the entire property into compliance. Staff recommends the Board make a motion to close case 15-21.

Questions and Discussion

MOTION: Board Member Litteral moved to close Case 15-21. Seconded by Board Member Vasquez and carried unanimously 4 – 0.

B. NEW BUSINESS

1) Appeal of Parking Citation 10974

Community Development Director Steve Pash

Article II, Chapter 74, Section 74-33 and Section 74-77

FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR APPEAL OF PARKING CITATION 10974

Assistant City Attorney Chris Conley started by briefly reading Section 74-77 which states the City of Winter Garden Code Enforcement Board is designated as the official appeals board for parking violations with the following powers and duties:

1. To hear contests to parking citations issued by the City of Winter Garden and receive and evaluate evidence in connection therewith; and
2. To make a determination, based upon the preponderance of the evidence, as to whether the parking violation(s) listed in a citation were committed; and
3. To impose fines and fees, including late fees and administrative charges, consistent with this chapter (Chapter 74).

With respect to parking citations issued for violations of Chapter 74 of the City Code, if the Board determines that the parking violations listed in the contested parking citation were in fact committed, the Board may impose a fine of up to \$50.00 for each violation or up to \$250.00 for each disabled parking violation plus hearing costs for the issuing officer's attendance. If the Board determines the parking violation(s) issued in the contested affidavit were not committed, then the contested parking violation shall be dismissed and the filing fee shall be refunded. The decision of the Code Enforcement Board shall be the final action by the City.

Sergeant James Capeletti, Supervisor of the Traffic unit for the Winter Garden Police Department, addressed the Board. He oversees the parking citations when they are contested and delivers his findings to Chief Graham for the ultimate decision. In regards to parking citation 10974, it was issued on February 3, 2019 at 9:21 a.m. by Officer Jacob Gilzen in the West Point Villas apartment complex. The Police Department had been receiving complaints of numerous vehicles parking in handicapped spots without the designated permits. Sergeant Capeletti's investigation revealed multiple citations were issued in that complex during that time to multiple violators. The complainant does not have a handicapped permit so the citation was deemed valid. He also spoke to her in person and was told the same thing as was written on the contest affidavit.

Questions and Discussion

Chairman Buckles clarified there were multiple handicap violations at this complex. Sergeant Capeletti stated five (5) citations were issued on that same date.

Board Member Vasquez inquired if any of the other citations were contested. Sergeant Capeletti stated no and that two had already been paid.

MOTION: Based upon the Findings of Fact and evidence presented, Board Member Litteral moved to deny the appeal [of parking citation 10974]. Seconded by Board Member Vasquez and carried unanimously 4 – 0.

General discussion ensued with the Attorney regarding the fines to be the cost of the citation plus the officer's time which the Board ascertained to be \$50.00.

MOTION AMENDED: Based upon the Findings of Fact and evidence presented, Board Member Litteral moved to deny the appeal [of parking citation 10974], uphold the \$250.00 fine with an additional \$50.00 fine for the officer's time. Seconded by Board Member Vasquez and carried unanimously 4 – 0.

4. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:25 pm to the next meeting scheduled for April 2, 2019.

ATTEST:

APPROVED:

_____/S/
Customer Service Rep. Kathleen Rathel

_____/S/
Chairman David Buckles