



HISTORIC TOWN OF EATONVILLE, FLORIDA CODE ENFORCEMENT BOARD MEETING MEETING MINUTES

Wednesday, August 7, 2024, at 6:30 PM

Relocated to Denton Johnson Center– 400 Ruffel St, Eatonville, FL 32751

SPECIAL NOTICE: These meeting minutes are presented in an abbreviated format intended as a public discussion of stated meeting according to the Florida's Government-in-the-Sunshine law. Meetings are opened to the public, noticed within reasonable advance notice, and transcribed into minutes for public record. ***Audio Recording are available through the Town's website on the Council Agenda Page and/or through the Clerk's Office.*

I. CALL TO ORDER

The meeting of the Code Enforcement Board Meeting of the Town of Eatonville, Florida was called to order at 6:30 P.M. in the 400 Ruffel St, Eatonville, FL 32751 by Chair Dwayne Rackard.

***Meeting was relocated to the Denton Johnson Center due to early voting and town hall being a voting precinct.*

II. ROLL CALL

The Quorum was established by roll call by Veronica King, town clerk.

Board/Staff Present:

Chair, Dwayne Rackard

Vice Chair, Michael Mills

Board Member, Jacqueline Haynes

Board Member, Todd Jenkins (arrived after roll call)

Board Member, Ryan Novak

Veronica King (Town Clerk)

Baruti Abdallah-Nosakhare (Code Enforcement Officer)

Drew Smith (Attorney - Shepard, Smith, Hand & Brackins, P.A.)

III. INVOCATION AND PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Rackard (No invocation)

IV. PUBLIC PARTICIPATION *(Added to the Agenda by consensus of the board)*

Angela Johnson – gave observations on abandoned vehicles and vehicles that are not operable, suggested that clarifications are made pertaining to parking restrictions (section 18.229 of the town's code) and on commercial vehicles that are higher than 10 feet, how they are supposed to be enclosed or behind fences, asked that code enforcement go out and take look at these observations as well as recreational vehicles or trailers parked overnight, ask for clarification on wall and covering requirements for trash dumpsters, to address outstanding issues with commercial vehicles parked on lawns, abandoned cars parked on streets.

Rodney Daniels – asked questions about addressing businesses about trash dumpsters, are the churches being targeted first, there are many in the town, a daycare next to won hall, town hall does not have an enclosure, does businesses and churches have the opportunity to switch from the big dumpsters to containers if they are not able to enclose their dumpster, is there an alternative to using either wood or some other type of alternative material rather than concrete?

Board Comments: Interesting comments as they relate to today's hearings, (legal) the will hear the cases and must apply the code as it is written. The questions would be for a council conversation or code officer, not questions that the board should be responsible for, the board sits as the judge in these cases, not as a policy maker. (Code Enforcement Officer addressed the questions raised by the public) there are campaigns to address many of the issues, currently on the back end of the dumpster issues and on the front end as it pertains to abandoned vehicles, send email and the order of the campaigns can be provided, the campaign for abandoned vehicles includes recreational vehicles and commercial vehicles, in regards to the enclosure requirements, the code is specific to a 12 by 12 concrete walls for concrete or asphalt pad, must have a gate, and the gate must be such that it cannot be seen through the front of the street, the alternatives in the materials are being addressed with the recommendation being made with changing the ordinance. (Board member Novak) the board's job is to pass judgment based upon today's codes.

IV. CONSENT AGENDA

The May 1, 2024, minutes were approved by the Board of Directors. Board Member Novak **MOTIONS** for Approval of the May 1, 2024, meeting minutes; **SECOND** by Chair Rackard; **AYE: ALL; MOTION PASSES.**

V. CODE CASE HEARINGS/SWEARING IN

Attorney Drew Smith facilitated the swearing in of the Code Enforcement Officer (Baruti Abdallah-Nosakhere) and the Town Clerk who will be testifying and presenting all evidence during the hearing under the penalty of perjury. There were no other witnesses (respondent nor representative) present to be sworn in. The town clerk gave testimony to accommodations for the changing of the meeting location, the notice was posted on the bulletin board, the front door of town hall, on the town's website, and a representative is sitting out from the town hall to redirect people to the Denton Johnson Center, Chair Rackard inquired about being put in place in a timely manner, (legal) yes, the town has put into place both the physical notices as well as a human body to direct people to the meeting, the process has been satisfied.

CODE CASE NO. 23-000225

Property Owner: Macedonia Missionary Baptist Church of Eatonville, Florida, Inc.

Property Address: 501 E. Kennedy Blvd. Eatonville, FL

Parcel ID No: 36-21-29-2376-02-231

Violation: Sec., 30-24 - Cans, Carts, Containers-Location; Sec 30-59 – Commercial Containers-Location, Sec. 30-60 – Same-Gate required ; Same Existing Enclosures. Appearance of exterior of premises and structures. Sec., 50-37. (1)(2)(7)(8)-Building Maintenance.

Town Presentation: Code Enforcement Officer, Baruti Abdallah-Nosakhere presented as evidence notices, photos, affidavits, and certified mail information pertaining to the alleged Code violation. The property owner was given 120 calendar days from the date of the notice to clear the violation and bring into compliance by February 19, 2024. Date of Notice was dated October 20, 2023. All commercial businesses must have dumpsters with an enclosure and on a concrete or asphalt pad, size should be 12 by 12, 6 feet in height with a gate, the dumpster does not have an enclosure. Additional pictures showing property still in violation as of August 6, 2024 (day before hearing).

Recommendations: Staff recommend that the Code Enforcement Board order 120 days to bring property into compliance. If compliance is not obtained, staff recommend a daily fine of \$25.00 for every day the property remains in violation.

Respondent: No respondent(s) nor witnesses were present to testify.

Board Discussion/Action: **Board Discussion/Action:** There has not been a response from the property owner; pictures have not been taken on the day of hearing, by law, the board can rely on the code enforcement's testimony, do not have to document every day; if the code changes to make the code violation conforming, the owner would be in conformance effective on the date that the code was changed. Board Member Novak **MOTIONS** to accept staff's recommendation and finds that the owner is in violation; Chair Rackard feels that the town may be opened to possible liability by enforcing where there are numerous other violations that have not been addressed including town hall, town hall should set an example. **MOTIONS DIES FOR A LACK OF SECOND.** Board Member Novak **MOTIONS** to accept the 120 days to comply in hopes that the legislative body can make the necessary amendments to the code to bring owner into compliance, the code violation still stands and is still in the motion (**WITHDRAWN**). (Legal) gave the option to table the cases that are based on enclosures until there is some resolution as to what is going to happen with the code. **Chair Rackard MOTIONS to TABLE** the three cases based on business dumpster enclosures. **SECOND by Vice Chair Mills; YAYE:** Chair Rackard, Vice Chair Mills, Board Members Todd Jenkins and Jacqueline Haynes; **NAYE:** Board Member Ryan Novak **MOTION PASSES. Cases NO. 23-000225, NO. 23-000252, 23-000271 are TABLED.**

CODE CASE NO. 23-000252

Property Owner: Redeeming Light Center, Inc./REF: Redeeming Light Church

Property Address: 109 Washington Ave., Orlando, FL

Parcel ID No: 35-21-29-4572-31-490

Violation: Sec., 30-24 - Cans, Carts, Containers-Location; Sec 30-59 – Commercial Containers-Location , Sec. 30-60 – Same-Gate required ; Same Existing Enclosures. Appearance of exterior of premises and structures. Sec., 50-37. (1)(2)(7)(8)-Building Maintenance

Town Presentation: This case did not require staff presentations

Recommendations: This case did not require staff recommendation

Respondent: No respondent(s) nor witnesses were present to testify.

Board Discussion/Action: **TABLED** as part of the previous Motion; **ITEM TABLED.**

CODE CASE NO. 23-000271

Property Owner: Diocesan Publications, Inc./REF: Diocesan Publications

Property Address: 500 South Lake Destiny Drive Orlando, FL

Parcel ID No: 35-21-29-0000-00-182

Violation: Sec., 30-24 - Cans, Carts, Containers-Location; Sec 30-59 – Commercial Containers-Location , Sec. 30-60 – Same-Gate required ; Same Existing Enclosures. Appearance of exterior of premises and structures. Sec., 50-37. (1)(2)(7)(8)-Building Maintenance

Town Presentation: This case did not require staff presentations

Recommendations: This case did not require staff recommendation

Respondent: No respondent(s) nor witnesses were present to testify.

Board Discussion/Action: **TABLED** as part of the previous Motion; **ITEM TABLED.**

CODE CASE NO. 23-000391

Property Owner: Macedonia Real Estate Community Development Corporation of Eatonville Florida/REF: 331 E. Kennedy Boulevard

Property Address: 331 E. Kennedy Blvd. Eatonville, FL
P.O. Box 952767, Lake Mary, FL 32795

Parcel ID No: 35-21-29-0000-00-182

Violation: Sec., 50-35. Maintenance of exterior premises (B). Sec. 60-84. - Maintenance

Town Presentation: Code Enforcement Officer, Baruti Abdallah-Nosakhere presented as evidence notices, photos, affidavits, and certified mail information pertaining to the alleged Code violation. The case opened on December 15, 2023, and December 18, 2023, notice of violation was initiated. The property owner was given 90 calendar days from the date of the notice of violation to bring the property into compliance. The compliance date was March 2024.

Recommendations: Staff recommend that the Code Enforcement Board order 90 days to bring into compliance, thereafter \$25 per day of fines will be accessed.

Respondent: No respondent(s) nor witnesses were present to testify.

Board Discussion/Action: Board Member Novak **MOTIONS** to order owner 180 days to bring property into compliance, thereafter \$100 per day of fines will be accessed; **SECOND** by Board Member Michael Mills; **AYE: ALL, MOTION PASSES. COMMENTS:** Chair Rackard request for clarification on the property line.

VI. COMMENTS

Jacqueline Haynes (Board Member) – No Comments.

Ryan Novak (Board Member) – Expressed the need to apply compliance standards across all cases when there is a clear violation (not incompliance).

Todd Jenkins (Board Member) – No Comments.

Dwayne Rackard (Chair) – We owe it to the citizens to do the right thing and not just make a decision, the code is cut and dry, it is the boards job to deliberate, reason, and come to a conclusion.

Michael Mills (Vice Chair) - By violating the owner, they will know that the board is serious and realize that they need to do something.

VII. Chair Dwayne Rackard **MOTIONS** for the meeting to be adjourned; **SECOND** by Board Member Ryan Novak; **AYE: ALL.** The meeting of the Code Enforcement Board Meeting of the Town of Eatonville, Florida was adjourned at 7:27 P.M. in the Denton Johnson Center.

Respectfully Submitted by:

Veronica L King, Town Clerk