



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

Wednesday, December 4, 2024, at 6:30 PM

Town Hall – 307 E. Kennedy Boulevard. 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 6:32 P.M. in the Town Hall Council Chambers by Chair Dwayne Rackard.

II. ROLL CALL

The Town Clerk established a quorum by roll call.

Board/Staff Present:

Chair, Dwayne Rackard

Vice Chair, Michael Mills

Board Member, Jacqueline Haynes

Board Member, Todd Jenkins

Board Member, Ryan Novak

Town Clerk, Veronica King

Code Enforcement Officer, Baruti Abdallah-Nosakhere

Attorney, Holli New (Shepard, Smith, Hand & Brackins, P.A.)

III. INVOCATION AND PLEDGE OF ALLEGIANCE

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

IV. CONSENT AGENDA

The October 2, 2024, minutes were approved by the Board of Directors. Chair Rackard **MOTIONS/MOVES** for Approval of the October 2, 2024, meeting minutes; **SECOND** by Vice Chair Mills; **AYE:** Dwayne Rackard, Michael Mills, Jacqueline Haynes, Todd Jenkins **NAYE:** Ryan Novak, **MOTION PASSES.**

V. CODE CASE HEARINGS/SWEARING IN

The swearing in of witnesses was led by Attorney Holli New. Witnesses Present: Baruti Abdallah-Nosakhere (Code Officer), Willie Barnes, Anna McKenzie, and James Chambers.

CODE CASES NO. 24-000276

Property Address:

Parcel ID No:

Violation:

Property Owner: Anna Bell McKenzie

251 Amador Circle, Orlando, FL 32810

35-21-29-1228-00-060

Sec., 18-229. – Certain motor vehicles required to be parked in garage; Sec., 18-231. – Visual nuisance declared; abatement required; Sec. 18-232. – Responsibility

Town Presentation: Code Enforcement Officer, Baruti Abdallah-Nosakhere presented as evidence notices, photos, affidavits, and certified mail information pertaining to the alleged Code violation.

An inspection of the Property revealed an inoperable vehicle parked with no tag. As of today's date, the Property remained noncompliant with the Town Code. Vehicles appear to be in litigation because vehicles are inoperable, and respondent is attempting to get the case the case settled.

Recommendations: Staff recommended that Respondent be given ninety (90) days to come into compliance. If compliance is not obtained, staff recommend a daily fine of \$100.00 for every day the Property remains in violation.

*****Attorney New facilitated the swearing in before moving forward, all present witnesses who will be testifying during the hearings were sworn in under the penalty of perjury.***

Respondent: Anna McKenzie the owner testified that cars were purchased about three or four months ago, one broke down and have a warranty, an attorney has been acquired (legal documents were provided to the board), a legal battle is with Orlando Car One on both vehicles, the second car has to do with a recall, both cars are in litigation, tags were turned back in to avoid paying insurance, respondent was unaware of the violation upon receiving the Notice of Violation (NOV), she will bring the matter into compliance. The cars are currently in litigation. The Respondent agreed that ninety (90) days was enough time to come into compliance.

Board Discussion/Action: Both vehicles are being treated as a single violation. Chair Rackard **MOTIONS** for Approval of staff recommendation to come into compliance in ninety (90) days or a daily fine of \$100.00 would be imposed and continue to accrue until the Property was brought into compliance with Town Code; **SECOND** by Vice Chair Mills; **AYE:** Dwayne Rackard, Michael Mills, Jacqueline Haynes, Todd Jenkins **NAYE:** Ryan Novak, **MOTION PASSES.**

| | |
|---------------------------------|--|
| CODE CASES NO. 23-000308 | Property Owner: Evan W. Brooks |
| Property Address: | 425 Sunnyview Circle, Orlando, FL 32810 |
| Parcel ID No: | 35-21-29-1228-00-840 |
| Violation: | Sec. 60-71 Front Yard; Sec. 60-85 Nonconforming Fence; Sec. 60-84 Maintenance |

*****Board Member Jacqueline Haynes had to recuse herself from the case and vote, respondent is a family member.***

Town Presentation: Code Enforcement Officer, Baruti Abdallah-Nosakhere presented as evidence notices, photos, affidavits, and certified mail information pertaining to the alleged Code violation. An inspection of the Property revealed an inoperable vehicle parked with no tag. As of today's date, the Property remained noncompliant with the Town Code. No front yard fences cannot be placed on the front yard. There is a chain link fence on the side, it is unsightly and can be a safety issue.

Recommendations: Staff recommended that Respondent be given ten (10) days to come into compliance. If compliance is not obtained, staff recommend a daily fine of \$100.00 for every day the Property remains in violation.

Respondent: James Chambers was present to testify. Stated that the chain link fence does not belong to him. Will apply for permit as requested. Respondent alleges that he is being stalked by the code officer, both the officer and respondent confirm their level of comfort in communicating with each other moving forward.

Board Discussion/Action: Treating both offenses as a single violation, the chain link needs a cap on the post, the front fence is to be removed to be in compliance. The side fence location is fine. The respondent will need to apply for a permit, which was not done. The chair asked for clarification between the definitions of a fence and decorative edging. In Sec. 60-73 Restrictions, this would be a garden wall, fence, or hedges shall conform to the requirements. Question was asked to the respondent if effort were made to seek the approval of the planning department for an exception and if he were aware that an exception could be made (No). Recommend respondent to read Sec 60 of town code for guidance. It states no fence can be erected without approval of the planning department. Mr. Chambers was directed to contact the planning department and speak with Mr. Cobbin

McGee. Board Member Ryan Novak **MOTIONS** for Approval of staff recommendation with amendment to come into compliance in thirty (30) days or a daily fine of \$50.00 for every day the Property remains in violation; **MOTION DIES FOR A LACK OF SECOND**; **Discussions:** further discussions were made as to if the chain link fence belongs to the respondent, pictures do not indicate one way or another (clarity is needed). Chair Rackard **MOTIONS** for thirty (30) days for respondent to apply for a permit and for the Code Enforcement officer to get clarity on the ownership of the chain link fence in question, if permit is not apply for within thirty (30) days the original recommended fine of \$100.00 would be imposed and continue to accrue until the Property was brought into compliance with Town Code; **SECOND** by Vice Chair Mills; **AYE:** Dwayne Rackard, Michael Mills, Jacqueline Haynes, Todd Jenkins **NAYE:** Ryan Novak, **MOTION PASSES.** ****Board Member Jacqueline Haynes had to recuse herself from the case and vote, respondent is a family member.**

CODE CASES NO. 24-000265

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

Property Address:

P.O. Box 940515 Eatonville, FL 32751

Parcel ID No:

REF: 103 Taylor Avenue, Eatonville, FL 32751

Violation:

36-21-29-1352-03-010

Sec. 50-1 Purpose; Sec. 50-2 2, Definition for Interpretation of Property Maintenance and Standards and Nuisance Abatement Code; Sec. 50-35(a)(b)(1)(6) Maintenance of Exterior Premises; Sec. 50-36(1) Appearance of Exterior Premises and Structures; Sec. 50-39 (a)(2) minimum standards for basic Equipment and Facilities, not Residential

Town Presentation: Code Enforcement Officer, Baruti Abdallah-Nosakhere presented as evidence notices, photos, affidavits, and certified mail information pertaining to the alleged Code violation. Findings are excessive overgrowth, piles of branches, debris, trash, a dead tree, excessive growth along the fence.

Recommendations: Staff recommended that Respondent be given thirty (30) days to come into compliance. If compliance is not obtained, staff recommend a daily fine of \$100.00 for every day the Property remains in violation.

Respondent: Willie Barnes testified of never having a problem cleaning up this property and never been called into code violation for any property owned, not protesting and will do the cleanup within the timeline asked; respondent alleges that the church is being targeted by the code officer.

Board Discussion/Action: Will get to each property one at a time and do not believe that the church is being unfairly targeted, there have been other properties that have come to this same board. Some of the cleanup of the overgrowth have been indicated from pictures dated December 4th, there is still some debris to be cleaned up. Vice Chair Mills **MOTIONS** for Approval of staff recommendation to come into compliance in thirty (30) days or a daily fine of \$100.00 would be imposed and continue to accrue until the Property was brought into compliance with the Town Code; **SECOND** by Board Member Ryan Novak; **AYE: ALL MOTION PASSES.**

CODE CASES NO. 24-000290

Property Owner: Miles Austin Leonard-Albert

Property Address:

43 South Calhoun Avenue, Eatonville, FL 32751

Parcel ID No:

35-21-29-1124-03-030

Violation:

Sec. 60-83 Exposed frame of each section; 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 code officer had the opportunity to speak with the property owner, he was diligently trying to correct the problem. The issue was when the house was built, the builder put the fence in backwards and the property owner was communicating with the builder to try to get it corrected. Respondent is aware of the violation and that the violation would come before the board.

Recommendations: Staff recommended that Respondent be given forty-five (45) days to come into compliance. If compliance is not obtained, staff recommend a daily fine of \$100.00 for every day the Property remains in violation.

Respondent: No Show

Board Discussion/Action: Board Member Ryan Novak **MOTIONS** for Approval of staff recommendation to come into compliance in sixty (60) days or a daily fine of \$100.00 would be imposed and continue to accrue until the Property was brought into compliance with Town Code; **SECOND** by Board Member Jacqueline Haynes; **AYE: ALL MOTION PASSES.**

VI. COMMENTS

There were no staff/board comments

The meeting of the Code Enforcement Board Meeting of the Town of Eatonville, Florida has been adjourned at 7:50 P.M. in the Town Hall Council Chambers by Chair Dwayne Rackard.

Respectfully Submitted by:

Veronica L King, Town Clerk