



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

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

Town Hall (Council Chamber) - 307 E Kennedy Blvd. 32751

**SPECIAL NOTICE:** These meeting minutes are presented in an abbreviated format intended as a public record 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.*

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## CALL TO ORDER AND VERIFICATION OF QUORUM:

Attorney Clifford Shepard called the meeting to order at 6:30 p.m. and no quorum was established through roll call through Mrs. Veronica King. (\*\*No quorum during roll call but later established with Board Member Michael Mills returning to the chambers).

**PRESENT: (2) Board Members:** Ryan Novak; Chair Dwayne Rackard (**Absent:** Jacqueline Haynes; Todd Jenkins; Vice Chair Michael Mills) – **NO QUORUM**

**STAFF: (3)** Veronica King, **Town Clerk;** Cobbin McGee (Standing in for Baruti Abdallah-Nosakhere, Code Enforcement Officer); Clifford Shepard, **Town Attorney**

**INVOCATION AND PLEDGE OF ALLEGIANCE:** Led by Chair Dwayne Rackard

**CONSENT AGENDA** – Do not have a quorum; will not be able to make any decisions, the minutes cannot be approved.

**BOARD DECISIONS (NO ACTIONS TAKEN):** – (Mock Code Case Training) Training was to be presented by Attorney Shepard, inquired about if the training should take with place, it is critical that the board knows what to do and the Baruti Abdallah-Nosakhere (Code Enforcement Officer) needs to know how to present a case. (Cobbin McGee) recommends forgoing the training until the next meeting. (Chair Rackard) suggested going through the presentation at minimum as an opportunity to become familiar with the process.

## CITIZEN PARTICIPATION –

Angela Johnson – (Basic Concerns Expressed-Catalina Park Area) Parking of cars in yards (the vehicles do not start or move), Equity in Citations (Legal) some matters are policy-based and will be discussed; Addressing threats, how do you handle threats when there is a requirement that you cannot make statement anonymously, (Legal) complaints are public records, the United States Constitution gives a person a right to confront their accuser, the town has to make a decision how to pursue code enforcement whether complaint-driven or proactively. Proactive is the code officer patrols the community looking for violations and making the appropriate citations. In lieu of calling the code enforcement, matters can be handled by law enforcement, the neighbors can make an anonymous call to law enforcement.

**TRAINING** – (Presented as information not in a mock code case-Code Enforcement Hearing Outline was provided to the board along with supporting code information) - Code enforcement is not simple, it is not simple to present nor put together as a case, it is not simple to understand what the board needs to do and what is the role of the board. The training presented what the board should be thinking about, listening to, listening for when the officer presents the case, and what the officer should be thinking about as he is building the case. The board represents justice not the citizens nor the code department. The board does not represent anyone or there will be a conflict of interest. The job of the board is to meet justice under the code based on what is proven (a case of

violation and the appropriate manner to solve the violation). It is important to educate before you violate to ensure the codes are followed, neighborhoods look nice, and the streets are safe. The goal is compliance, and that people are treated fairly (not to gain revenue). Code Enforcement is not criminal but civil and is based on what you can see not what you cannot see. Must have a quorum so that the proceedings can go forward (no quorum constitutes a continuation). Citing the wrong or providing an incomplete code can affect the outcome of the case (a dismissal) and may have to be tried over again. As a part of due process, must provide notice of what is being charged with notice to the people who are being charged. Recommendation is made to notify the community about Code Enforcement to the community and the importance of not ignoring notices. Legal provided several examples and options to resolve possible violations. It would be ideal to set hearing dates when you have a quorum.

**The hearing process is a culmination of:**

- Notice of Violation by complaint driven or by being proactive (Before Hearing).
- All board members should be presented with a folder that contains with them all the case materials for each code case prior to the hearing.
- Day of Hearing: Sign-up Sheet provided for cases being heard asking for name, property address, and case number of respondents. There are three classes of people (respondents) on the docket at a hearing: pro se (represent self), no shows, persons represented by counsel. Priority will go to those who are present, especially those with legal representation.
- The Code Officer presents the case once all witnesses are sworn in by the swearing officer (as a group and individually if necessary).
- Respondents will present their case to confront the evidence against them and provide evidence that they believe right or wrong to support their case.
- The board discusses and makes decisions (by motion and vote) based on the information provided. There must be a successful motion of some kind (something must pass). There is no appeal process through Code Enforcement unless the respondent decides to go to court.

**COMMENTS:**

**Ryan Novak (Board Member)** In reference to safety concerns about complaints and violations, there are email services, (Ex.

Proton), where you can anonymously email something that way on the record. (Legal) Anonymous email may not be able to be acted on because it is anonymous, the person who is complained against would not be able to face their accuser (anonymous anonymity is not committed). It could be anonymous to the code enforcement officer for them to look at a situation and take it from there.

**Veronica King (Town Clerk)** – Provided an update that Mr. Ryan Novak was voted in by Town Council to become a Regular Board Member (No longer an Alternate) at the last Council Meeting held (February 6, 2024). If you know someone who would be willing to serve on the board, we can consider them as an alternate. We have an official full board of five regular members. Congratulations to Ryan.

\*\*There were no further comments from the Board Members.

**ADJOURNMENT** by Chair Dwayne Rackard. **Meeting Adjourned at 8:31 P.M.**

**Respectfully Submitted by:**

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**Veronica L King, Town Clerk**