



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

Wednesday, May 1, 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.*

---

---

## CALL TO ORDER AND VERIFICATION OF QUORUM:

Attorney Clifford Shepard called the meeting to order at 6:35 p.m. quorum was established through roll call through Mrs. Veronica King, Town Clerk.

**PRESENT: (4) Board Members:** Ryan Novak; Chair Dwayne Rackard (By Zoom), Todd Jenkins, Vice Chair Michael Mills (**Absent:** Jacqueline Haynes)

**STAFF: (3)** Veronica King, **Town Clerk;** Cobbin McGee, **Planner;** Baruti Abdallah-Nosakhare, **Code Enforcement Officer;** Clifford Shepard, **Town Attorney;** Lieutenant Broderick Lampkins, **EPD**

**INVOCATION AND PLEDGE OF ALLEGIANCE:** Led by Vice Chair Michael Mills

**CITIZEN PARTICIPATION:** None

**CONSENT AGENDA** – A motion to **APPROVE** consent agenda approving meeting minutes for February 7, 2024, was made by Ryan Novak; second by Michael Mills; **AYE; ALL, MOTION PASSES.**

**EXPLANATION OF MOCK CODE CASE HEARING:** Legal explained the process by which the mock hearing will be facilitated. This was walk through as a training exercise, so everyone learns (an outline was provided. All board members are the judge in a code case having the same role as a magistrate. Only one person can run the meeting of the code enforcement and that is the chair or the vice chair in the absence of the chair. The chair has the responsibility to call things to order and get cases moving (call cases from the sign in sheet-docket). It is a joint effort of the board to ask questions at any time. Cases are called in the order as listed on the docket (list of cases), cases with legal representation and people present should go first. Cases with no legal representation and no one present (no show) are considered “no defense” but will still be presented to the board by the code officer, a decision will have to be made. After roll call, everyone (witness) must be worn under oath by the clerk, pay attention to non-responders. After the swearing in, the chair will call each by case number, owner, address, and so forth.

**MOCK CODE CASE HEARING TRAINING** – Two mock cases were presented by the Code Enforcement Officer and guided by legal to offer specific information on the process and answer questions. The officer will present the elements of proof of a violation and proof of due process of law (establish owner, Parcel Id, address, notice of violation, receipt of confirmation, posted notice of violation, pictures, appropriate codes, Florida statues, the opportunity to cure the violation, history, etc.). The board ensures that justice has been served the right way, does not represent the town nor the officer but represents the law. The guilt of violation must be proven by the officer. Once the board hears the case from the code officer to include the testimony of the respondent with any rebuttals from the code officer, the board must have three votes at minimum for a five-member board to approve an action (majority of the board), continue making motions until a resolution receives

a majority vote of the board (case is dismissed if case was not proven), not all violations are created equal, the kinds that can get people hurt or killed are significant. The code board has the authority to use their judgment. The goal is compliance not to make money for the town (educate not violate). There are reactive cities that react to complaints that are brought in by citizens and proactive cities do not wait for complaints, they drive the neighborhoods and look for problems. If the respondent wants to request monthly payments on a fine, he/she would have to come back before the code enforcement board. Every violation is its own case, heard separately.

Mock Code Case – CASE# CE-23-01796 – Violation: Changing of occupancy of a property without a permit, recommendation is 10 days (calendar days) to come into compliance, and thereafter a fine of \$100 a day (calendar days). It will take several days (6-7 days) for the order to get to the respondent, the order must be prepared, reviewed, and signed, but the 10 days to comply starts the day after hearing, the respondent will have to pay attention to what that deadline is. The fines automatically accrue, and they do not go away and do not stop until the violation is cleared. In the mock case, a motions that the respondent committed the violation that has been proven, that there was due process offered with hearing notices and all findings appropriate resulting in no defense beyond requesting more time, proposing the code board order the violation to be remedied within 15 days thereafter on the 16th day, a fine of \$100 a day will begin to accrue, motion was second with no opposers.

Mock Code Case – CASE # CE-2302526 – Violation : Erecting a fence without a permit/non permitted wooden fence erected at the residence. The property owner was given 30 calendar days from the date of the violation to acquire a valid permit. The board was rescheduled for November from 13<sup>th</sup> and on November 17<sup>th</sup> of 2023, the permit was placed on hold due to the property owner not providing an affidavit, violation is still open, recommendation is 15 days (calendar days) to come into compliance (acquire a permit), and thereafter a fine of % 100 a day (calendar days). It is respondent’s responsibility to notify the code enforcement department if the violation has been corrected.

**COMMENTS: (Staff)**

Veronica King (Town Clerk) – Asked if the board would like their package to be stabled (Yes); have information to give to each board member (Form 1 Financial Disclosure Information).

Clifford Shepard, Town Attorney – Acknowledged that mock cases were presented, and the code officer did great. Also share an example of a business being cited for an unpermitted event, but the case was not proven that the business had promoted the event or had anything to do with it; Because of the Sunshine law, the board cannot talk about cases/proceedings outside of the scheduled proceedings, not allowed to meet and discuss beforehand, or after the fact, cases that come back to you, do not exchange emails, texts, phone calls; pertaining to code order, always ask for repeated violations language to added to the order. If you have people who continuously violate, the fines are up to \$500 a day, but a repeat violator, is up to \$5,000 a day. This will address transitory violations.

Cobbin McGee, Town Planner 1: - Will go back and get clarity on the payment reception process, payment plan parameters, and will provide the specific section that deals with the fines and penalties that are available.

**ADJOURNMENT** A motion to adjourn by Michael Mills; second by Ryan Novak. **Meeting Adjourned at 8:01 P.M.**

**Respectfully Submitted by:**

---

**Veronica L King, Town Clerk**