



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

Thursday, January 11, 2023, at 5:30 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 5:35 p.m. and no quorum was established at the beginning of the meeting but later established).

PRESENT: (5) Board Members: Jacqueline Haynes; Dwayne Rackard; Ryan Novak; Todd Jenkins; Michael Mills;

STAFF: (4) Veronica King, **Town Clerk;** Baruti Abdallah-Nosakhere, **Code Enforcement Officer;** Clifford Shepard, **Town Attorney;** Cobbin McGee, **Planner**

(BY CONSENSUS) Attorney Shepard began the training. Once a quorum is established, the board will proceed with invocation, pledge of allegiance, and action items.

TRAINING – The training covered the basics of hearing a code enforcement case. Code Enforcement cases can be heard by magistrate (a lawyer) or a board (citizens who are appointed to sit in judgment of their fellow citizens and as a group decide whether a violation has occurred). The cases are presented by the Code Enforcement department, to include a hearing from the person charged with a violation. The magistrate or board will make a decision on guilt or innocence, or whether the violation is proven or not proven. The purpose of this training is to provide the basics of knowledge needed to do what a trained magistrate does. Proceedings are presented showing how the town code has been violated with proof through pictures, showing things externally. The officer is not allowed to go inside the structure. There are a series of notices (rather educate than violate) that have to be presented indicating that the violator was properly notified. The goal is not to fine a person, but to make the violation go away for the good of everyone. The Code Officer will make a recommendation based on the violation, how to repair, fix, or correct the violation and what the fine should be per day if the timeframes are not met. The statutory requirement of notices is two; the department can decide to have two or more notices. There are typically, three notices; notification of violation with time to correct, notification that a hearing will be set, and a notice of hearing. Responders do not have to have a lawyer and can present on their own behalf. If there is no show to the hearing, there will be no contest to the code enforcement department's recommendation. Code enforcement is not to make money, but enforce regulation to make the town a prettier place to live in. Once a decision has been approved by the board, an order will have to be prepared for the chair's signature on behalf of the board. The order is served by certified mail. If fines are not paid, they can become, at the discretion of the town, a lien on the property. The property can be taken away like a foreclosure of a mortgage. There are certain types of issues that might be brought before you as violations where there are actual legal defenses and case specific, the board would rely on the attorney to give legal advice on what to do and what the law says. The attorney cannot be the legal advisor and prosecute the case, can only do one. If there is a conflict between the statute and the town code, what controls; the statute controls if there is an actual conflict. If a responder repeats

violation when fines are in place, department should request in the order repeat violator language (increased fines). A transitory violation can be remedied before the department gets the opportunity to enter an order; can move forward with a hearing to get a finding of occurrences, can prove repeat occurrences, can fine a violator, if they do it again. This applies to both residential and commercial.

(Quorum determined – All board members are present. By consensus, the Invocation and the Pledge of Allegiance did not take place.)

PUBLIC PARTICIPATION: (None)

APPROVAL OF MINUTES: Board Member Haynes Board **motions to approve meeting minutes for July 17, 2023; Second** by Board Member Novak; **AYE: ALL, MOTION PASSES.**

INTRODUCTIONS – Board Members: Dwayne Rackard, Ryan Novak, Jacqueline Haynes; Todd Jenkins; Michael Mills Staff: Baruti Abdallah-Nosakhare,

BOARD DECISION:

Appointment of Chair – Attorney Shepard opened the floor for nominations for Board Chair; Nominations: Board Member Rackard (Appointed by acclimation - unopposed) and Board Member Jacqueline Haynes (Declined)

Appointment of Vice Chair – Chair Rackard opened the floor for nominations for Board Vice Chair; Nominations: Board Member Ryan Novak (Ineligible as an Alternate Board Member) and Michael Mills (Appointed by acclimation - unopposed)

Set Board Calendar of Meeting Dates and Agenda Deadlines – (Baruti) Available days are the 2nd and 4th Tuesdays, Wednesdays, 1st and 4th Thursdays at 6:30 p.m. The Code Enforcement officer recommends meeting once a month. The Code Enforcement should meet no less than once every two months unless there are violations that need to come forward. If a meeting date is set and there are no cases, an announcement of no cases to present may preempt the scheduled meeting. There is no backlog of cases, the goal is to set standard meetings. **Chair Rackard motions** to set Code Enforcement board meetings for the 1st Wednesday at 6:30 p.m.; **second** by Board Member Mills; **AYE: ALL, MOTION PASSES.**

BOARD TRAINING: *Took place at the beginning due to no established quorum for board business that requires action.*****

OTHER ITEMS DISCUSSED:

Agenda Deadlines: By consensus, the board packages will be provided a week in advance of the scheduled meeting. Training Schedule: Board will have a mock code case training at the next scheduled meeting (February 7, 2024, 6:30 p.m.).

COMMENTS:

Planner (Cobbin McGee) - Introduced himself as Planner for the Town of Eatonville and head of planning development department, which includes building permits, business tax receipts, land management, and code enforcement.

Code Enforcement Officer (Baruti Abdallah-Nosakhire) – No Comments

Town Clerk (Veronica King) – No Comments

Town Attorney (Clifford Shepard) – No Comments

ADJOURNMENT Chair Rackard Motions for Adjournment of Board Meeting; Moved by Board Member Novak; **AYE: ALL, MOTION PASSES. Meeting Adjourned at 6:31 P.M.**

Respectfully Submitted by:

Veronica L King, Town Clerk