



Code Compliance Board Regular Meeting Minutes

April 4, 2024 at 3:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Douglas Bond, Melissa Blaney, Paul Mandelkern, Todd Boyer, Wayne Johnson

Absent

Steve Heller

Legal Representation

Deputy City Attorney Richard Geller

Staff Present

Chief Building Official Gary Hiatt, Asst. Building Official Ashley Ong, Code Compliance Division Manager Susanne Porras, Code Compliance Officer Phillip Wade; Board Secretary Susan Pruchnicki

1. Call to Order

The meeting was called to order at 3:00 PM.

2. Swearing in of Witnesses

There were no witnesses to be sworn in.

3. Consent Agenda

- a. Approve the minutes of the March 7, 2024, Regular Meeting

Paul Mandelkern made a motion to approve the minutes as presented. Todd Boyer seconded. Motion passed 5-0.

4. Public Comments (for items not on the agenda): Three minutes allowed for each speaker

None

5. Public Hearings (Public participation and comment on these matters must be in person.)

Wayne Johnson confirmed with Division Manager Susanne Porras that there were no cases scheduled for this meeting. She noted that she did not have addresses or case numbers, but is in the process of issuing four orders for next month's meeting.

6. Non-Action Items

None

7. Staff Updates

- a. 1260 Whitesell Drive, Winter Park, FL 32789 - Chief Building
Official Gary Hiatt

Chief Building Official Gary Hiatt presented a synopsis of 1260 Whitesell Dr. (the "Subject Property"). Liens as of a year ago exceeded \$105,000.00 for demolition, and the City has incurred more than \$3,200 for lot maintenance. The City Staff is requesting the Board's consideration to authorize the city attorney's office to conduct appropriate background research as a prerequisite to moving forward toward the Subject Property's foreclosure.

The Subject Property continues to be a maintenance issue for which the city is responsible for, and the growing season is almost upon us. It is the city's opinion that continued maintenance drains the city's coffers, and that authorizing the Deputy City Attorney to perform the background research required before recommending foreclosure to the Code Board is the next step. Foreclosure could help recoup the City's liens on the Subject Property, stop the outlay of capital for maintaining the property, and recover as many incurred costs as possible if the city forecloses on then sells the property. Mr. Hiatt believed that any excess funds from Subject Property's sale would be deposited into an escrow-type account for Mr. Gary Moore or other heirs. He did not believe that the city could keep any additional monies beyond recovering its lien and costs. The city is aware a probate issue exists; the city attorney's office will look into this and other potential costs.

Mr. Geller refreshed the Board's memory regarding the house's collapsed roof and that the resident, Mr. Gary Moore, had been residing there for years under those conditions. The property was litigated, and a final judgement was obtained requiring him to vacate the property, and authorizing the City to demolish the house. The city has been maintaining the property since demolition.

The title of the property is held in the name of the Lucy Moore Estate, Gary Moore's mother, who passed away about 20 years ago. The estate was never probated, which is another wrinkle in the process. Mr. Geller said that he is not a probate lawyer and will have to look into how that will be resolved.

Paul Mandelkern confirmed with Mr. Geller that the city demolished the property, and that the maintenance consists of taking care of the vacant lot, which will continue with the warmer weather.

Gary Hiatt said that no one has been able to contact Gary Moore. The City does not know his whereabouts.

Todd Boyer inquired about the lien on the property. Mr. Geller replied that as of a year ago it was approximately \$105,000.00.

Gary Hiatt said that the lien stopped accruing when the property came into compliance, when the home was demolished. Maintenance fees (current costs are \$3,271.11) will continue to increase every time the city sends a contractor to cut the lawn, etc.

Paul Mandelkern confirmed with Gary Hiatt that he is asking the Board to authorize the city attorney to conduct research for foreclosure, and asked if he will bring the results back to board to for the authorization to foreclose, or if the results would go directly to the City Commission. Gary Hiatt answered that staff would bring back the findings for the Code Board to make an informed decision. No one is sure at this time of an exact cost to proceed with foreclosure, given the variables of the "Lucy Moore Estate" and Gary Moore's unknown location.

Wayne Johnson inquired about the maintenance costs. Gary Hiatt stated that they varied per service, but totaled \$3,271.00 through the end of 2023. Officer Susanne Porras confirmed the figure.

Douglas Bond asked approximately how many hours of research might be needed. Richard Geller estimated 10 hours minimum. He did not find anything significant on the Orange County Comptroller's website in relation to the city's lien, and hopes that continues to be the case. Mr. Geller did not know if Mr. Moore was paying his property taxes (another possible cost), but noted that the land itself is worth at least several hundred thousand dollars due to its location in the Via's. Another empty lot on the same street sold for \$900,000.00 in the last year.

Wayne Johnson asked if, after foreclosure, the city anticipates selling the property. Richard Geller stated yes, and Gary Hiatt stated that the city does not want to continue maintaining it and believes City Administrators would sell.

Todd Boyer asked if the city is willing to do a probate. Richard Geller answered, only if necessary. He does not know exactly what the procedure is, if the Orange County Probate Division would even open it, given that Lucy Moore passed away 20 years ago, and the absence of Gary Moore, or if the foreclosure action would merely be taken against the "Lucy Moore Estate". Mr. Geller raised the question of how the foreclosure complaint would be served, given Mr. Moore's disappearance. He said they would need to redouble efforts to locate Mr. Moore.

Paul Mandelkern said if the property was held in a trust it probably avoided probate, and the owner would be the trust, not the estate. Mr. Geller apologized if he misspoke, but he does not believe the property is held in a trust. Mr. Hiatt interjected that the property owner is listed as the "Lucy Moore Estate".

Wayne Johnson asked when the house was demolished. Officer Porras responded in April, 2023. Wayne Johnson asked about the timeline of Gary Moore's disappearance. Officer Porras responded that once he removed the furniture from the house, before the demolition, he was gone, approximately 15-18 months ago. Gary Hiatt said a police officer who had contact with Mr. Moore before he vacated the property no longer does. Mr. Hiatt also said that the time needed to complete the research is really an unknown, and that Mr. Geller will need to reach out to colleagues about the probate questions.

There was no further discussion.

Motion:

Paul Mandelkern moved that the Code Compliance Board authorizes the city attorney to do the necessary research to determine if foreclosure of the property at 1260 Whitesell Drive would be appropriate and to report the findings back to the board. Douglas Bond seconded. Motion passed 5-0.

8. City Attorney Reports

a. Deputy City Attorney Richard Geller

Richard Geller had nothing more to add regarding the Whitesell property.

He did reference a recent headline from the Orlando Sentinel published on April 3, 2024, regarding the sale of a property on the Isle of Sicily for \$9.7 million dollars. This may help the city in evaluating the property at 6 Isle of Sicily, although the property sold has water views on both sides, which may make it more valuable than the Dawoud property.

Paul Mandelkern asked about an appraisal of 6 Isle of Sicily. Mr. Geller replied that the city was not keen about the expenditure for an appraisal, and would seek an informal estimate of value. Mr. Hiatt confirmed this, and said the Orange County Property Appraiser's website indicates the value at \$7.5 million dollars, which is typically a little low. Mr. Geller reminded everyone of the mortgage loan on the property along with any interest incurred. This could be determined in discovery after bringing foreclosure and beginning litigation, but not before, due to banking privacy laws.

Todd Boyer said it is normal in the banking business to rely on three "drive-bys" to estimate a property's value.

Paul Mandelkern asked if the Internal Revenue Service typically forecloses on a collection matter of that magnitude? Mr. Geller did not know what circumstances would trigger an IRS foreclosure action.

9. Board Comments

10. Upcoming Agenda Items

11. Adjournment

Wayne Johnson confirmed there were no more questions for Mr. Geller, and with all parties present that there were no other items for discussion.

Mr. Bond made a motion to adjourn at 3:21 PM. Ms. Blaney seconded.

Motion passed 5-0.

ATTEST:

Approved by the board on May 2, 2024

Susan Pruchnicki

/s/ Susan Pruchnicki, Board Secretary