



Code Compliance Board Regular Meeting Minutes

May 2, 2024 at 3:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

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

Legal Representation

Assistant City Attorney Eric Jontz, 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

- a. Roll Call
- b. Statement of Purpose

2. Swearing in of Witnesses

3. Consent Agenda

- a. Approve the minutes of the April 4, 2024, meeting.

Paul Mandelkern made a motion to approve the minutes as presented. Seconded by Wayne Johnson. Motion passed 6-0.

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

There were no public comments.

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

- a. CCB# - LDC-24-0098 2250 Nairn Dr., Winter Park, FL 32792 (the "Subject Property")

Code Compliance Officer Christina Busch presented case information to the Board, including Orange County Property Appraiser information confirming Respondent's ownership of the Subject Property, and supporting photographs of trailers parked in plain view of the City's right-of-way for more than 24 hours. The City issued a Notice of Violation on 3/13/24. The City posted a Notice of Hearing on 4/16/24.

Board Member Douglas Bond asked if the freestanding parking structure photographed in the driveway was compliant with the City Code. Division Manager Susanne Porras stated that the Notice of Violation did not include the structure. Board Member Paul Mandelkern requested confirmation that the case presented pertains to trailers parked in the driveway and on the right-of-way. Officer Busch responded yes. Deputy City Attorney Rick Geller confirmed the Notice included the citation for the code provision regarding the unauthorized parking of trailers.

The Respondent, John Watkins of 2250 Nairn Dr., Winter Park, FL 32789, testified that the trailers were normally stored at a property he owns in Oviedo. He stated he could not move them due to health issues. He then stated that, with the help of a friend, they could move the trailers within 7 - 10 days.

Paul Mandelkern asked in what business the LLC was engaged. Mr. Watkins stated the trailers are used for the LLC's construction business. Wayne Johnson asked if Mr. Watkins resided at the Nairn Dr. address. Mr. Watkins stated yes.

Discussion:

Douglas Bond suggested that the Board allow Mr. Watkins 15-20 days to correct the violation, and after 20 days, to impose a \$100 per day fine. Board Member Melissa Blaney agreed to the timeframe, and if necessary to revisit the case in June. No fines would be assessed at the present meeting. Paul Mandelkern said the Board should allow Mr. Watkins 20 days to correct the violation.

Douglas Bond then made a motion:

From the evidence presented today I move to find the Respondent, John Watkins, LLC, Code Compliance Board Case #LDC-24-0098, owner of 2250 Nairn Drive, Winter Park, FL 32792, in violation of Chapter 58, Section 58-71(f)(1) Boats, Trailers, and Recreational Vehicles of the City of Winter Park Land Development Code.

The respondent is ordered to cease the parking of trailer(s) for more than 24 hours, or store trailers out of the view from the public right-of-way and/or adjacent neighboring properties within 20 days of this hearing date, that is, by May 22, 2024. The Respondent is further ordered to contact the City Safety & Code compliance Officer and provide documentation of action taken by May 22, 2024 to bring the Subject Property into compliance. The Code Board will revisit the case to assess fines in June if compliance is not met. Seconded by Todd Boyer as amended. Motion passed 6-0.

6. Non-Action Items

7. Staff Updates

8. City Attorney Reports

- a. Report on 1260 Whitesell Drive as authorized by the Code Compliance Board during April's meeting.

Deputy City Attorney Richard Geller and Deputy City Attorney Eric Jontz presented the requested research regarding the possible foreclosure of 1260 Whitesell Dr, Winter Park, FL 32789, as requested by the Code Board at the April 4, 2024 regular meeting. Copies of the documents were provided to the Board members to review, including the current value of the Subject Property.

Assistant City Attorney Eric Jontz of Fishback-Dominick spoke. He stated a Court appointed attorney would complete a search for heirs to the property in the role of guardian ad litem. Mr. Geller stated that no probate hearing was required because Lucy Moore passed over 20 years ago.

The foreclosure action brought by the City would name the estate as a Defendant. Mr. Jontz stated that the City can make a bid up to the value of its lien without needing to go out of Pocket at the foreclosure sale. The city would recoup all costs and fines incurred due from the sale, and the would be placed in an account for Mr. Gary Moore, and/or any other heirs discovered.

Douglas Bond asked for the current value of the Subject Property. Mr. Geller responded that the Property A value at \$740,000. Paul Mandelkern asked if there were any reason not to foreclose. Mr. Geller replied no. He requested a motion from board to proceed.

Building Official Gary Hiatt stated that the Board should recommend foreclosure with the conclusion of the title search. The recommendation will go the City Commission for approval.

Wayne Johnson made a motion to recommend to the City Commission authorization of the Deputy City Attorney to Proceed with foreclosure. Seconded by Paul Mandelkern. Motion passed 6-0.

9. Board Comments

10. Upcoming Agenda Items

11. Adjournment

Regular Meeting of the Code Compliance Board

May 2, 2024

Page 4 of 4

A motion to adjourn the meeting at 3:46 pm was made by Todd Boyer. Seconded by Steve Heller. Motion passed 6-0.

ATTEST:

Approved by the board on Jun6 6, 2024

/s/ Susan Pruchnicki, Board Secretary