



# Code Compliance Board Regular Meeting Minutes

**September 5, 2024 at 3:00 PM**

City Hall Commission Chambers  
401 S. Park Avenue

## **Present**

Douglas Bond, Melissa Blaney, Paul Mandelkern, Todd Boyer, Wayne Johnson, Steve Heller, Carlos Diez-Arguelles

## **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 Christina Busch, Code Compliance Officer Phillip Wade; Board Secretary Susan Pruchnicki

## **1. Call to Order**

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

- a. Roll Call
- b. Board President Wayne Johnson read the Statement of Purpose

## **2. Swearing in of Witnesses**

Witnesses were sworn in by Board Secretary Susan Pruchnicki.

## **3. Consent Agenda**

- a. Approve the minutes of the August 1 2024, Regular Meeting

Board Member Paul Mandelkern made a motion to approve the minutes as presented. Todd Boyer seconded. Motion passed unanimously, 7-0.

Mr. Mandelkern recognized Board Secretary Susan Pruchnicki for her transcription of the August minutes; Mr. Johnson agreed.

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

Kelly Price, of 890 Georgia Avenue, Winter Park, Florida 32789 approached the podium. She wished to discuss code compliance issues with her business and personal properties, i.e. trash bins in plain view, improperly placed real estate signs, overgrowth, and plywood covering a window. She feels that the city is unfairly enforcing codes, and brought pictures of similar violations on other properties as documentation that she doesn't think get reported or cited by Code Compliance. She noted that she has requested for the city to pick up her trash bins so they are no longer an issue; that the real estate sign was only off by 4", that the overgrowth was because her landscaper was moving, and that the plywood is covering a window that was broken during the SWAT Team's visit to a neighboring property. She requested consistency and courtesy in enforcement. She mentioned a six-foot wall in front of a property that no one else can get approval for. She noted that she did not receive a reply to an email sent to Code Enforcement about the number of cars allowed to be parked on a property, and that she had made a Public Records Request to find out who complained about her property and has not received anything.

Mr. Johnson asked Ms. Price if she had addresses for the properties she photographed. Ms. Price stated no, that it was not her intent to file any formal complaints. Mr. Johnson asked about her location; she noted her property at 631 DePugh St. is the one most recently cited. She just wanted to bring to light that she feels the city is practicing selective enforcement.

Building Official Gary Hiatt responded to Ms. Prices' statement, stating that no selective enforcement is happening, and he hoped he didn't go into any cases that may come before the board in the future. Code Compliance has very limited resources, and are running as fast as they can. An additional officer has been requested in the new budget; hopefully they get another inspector to be able to perform more broad enforcement. Mr. Hiatt again assured the board that there is no selective enforcement nor anyone being picked on.

Wayne Johnson inquired for process, if someone calls in a complaint the city has to investigate, they can't just ignore it? Mr. Hiatt stated that anonymous complaints cannot be accepted, and that the department investigates as much as they can as fast as they can.

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

**a. CCB#-PM-24-0085 930 Cypress Avenue, Winter Park, FL 32789**

**Violation Description:** The Property, a residential dwelling, has an accumulation of waste and building materials on the premises in plain view from the public right of way and adjacent neighboring properties located on the front lawn and carport of the property. Open storage of materials such as a satellite dish, plastic buckets, concrete blocks, articles of wood, a vehicle tire, a vehicle battery, a metal cabinet, a discarded bike, discarded tarps, and discarded articles of waste. Hard water staining on the front exterior wall of the property and mold and mildew staining on the awning above the front door on the property.

**Codes Cited:** Chapter 22, Sections 22-176 (adopting the IPMC, 2021 edition), 22-177 (amending the IPMC), 302.1 Sanitation and Storage, and 304.2 Protective Treatment of Materials of the International Property Maintenance Code.

**Compliance Requirements:** Remove the accumulation of waste and building materials from the plain view from the public right of way and adjacent neighboring properties. Remove the stains from the front exterior wall and the awning and apply protective treatment. The premises shall be maintained in a clean, safe, and sanitary condition.

Code Compliance Officer Christina Busch identified herself, and presented documentation of the property location, zoning, and ownership as verified per Orange County official records. She stated that the property was brought to the attention of Code Compliance by a resident. Notices of Violation and Hearing were issued by regular and certified mail, and posted on the property and at City Hall to meet Florida Statute Chapter 162 due process requirements.

Officer Busch presented photos and a timeline of inspections beginning on May 7, 2024. A follow-up inspection was performed on June 17, 2024; no improvements were documented and the Notice of Violation was posted on the property. A follow-up inspection was conducted on June 26, 2024. Some things appear to have been moved, but no improvement in the condition of the property was evident. A follow-up inspection conducted August 6, 2024 found no improvements. A Notice of Hearing was posted on the property on August 7, 2024. A follow-up inspection was conducted on August 15, 2024, no improvements were evident. A follow-up inspection was conducted on August 26, 2024 with no improvements. A follow-up inspection was conducted today, September 5, 2024, but no improvements were visible.

Paul Mandelkern asked Officer Busch if the dwelling was occupied. She responded she did not know if anyone is living there. The mailing address is the same as listed for the property owners per Orange County records.

Board Member Doug Bond asked if Officer Busch had any contact with the owner. She responded unfortunately no, that there is no contact information on file. She confirmed that the notices mailed were received, but that she had not been contacted by the owners. Mr. Bond asked if the owners made any attempts to respond to the mailed notices; she said no.

Board Member Carlos Diez-Arguelles inquired if there was water in any of the buckets; Officer Busch stated she could not get close enough to see inside. Mr. Diez-Arguelles raised the question of a mosquito problem arising from the buckets and containers holding water from all the recent rain; Officer Busch noted that was possible.

Mr. Tyrell Harris Jr., of 93- Cypress Lane, Winter Park, FL 32789 approached the podium and was sworn in. Mr. Harris said he did not dispute Officer Busch's findings. He informed the board that he lives in Jamaica part time. He stated that the paint cans in the photos were covered and full, not empty. He stated the plan is to redevelop the property. An application was submitted in December of 2023 but has been dormant while they work on other things.

He informed the board that ownership of the property has changed. It was in his and his father's names, but is now under another entity. The plan is to get the property cleaned up and address the issues in Officer Busch's report.

Mr. Johnson inquired about Mr. Harris' time spent out of the country and when he returned to Winter Park. Mr. Harris stated that he had been back for almost four months. He stated he is currently recovering from a broken foot that occurred in June.

Mr. Johnson then inquired how long Mr. Harris planned to stay in the city. Mr. Harris responded that he doesn't really make plans, that if something comes up in Jamaica he will go to address it and then return; he is "back and forth" most of the time. Mr. Johnson asked Mr. Harris if anyone lived in the house, Mr. Harris stated yes, then Mr. Johnson asked if Mr. Harris lived there. Mr. Harris said yes, and noted that the utilities were active.

Mr. Bond inquired how long Mr. Harris thought he needed to come into compliance. Mr. Harris stated 90 days would be enough time.

Mr. Mandelkern asked why Mr. Harris thought it would take that long. Mr. Harris responded that he is a contractor, and would have to pull his crews off of other projects to work the clean up into his schedules. Mr. Johnson asked if there were other projects in the area. Mr. Harris responded there is another project on the east side of town, but it is a priority to get that one resolved. He also noted there are other ongoing projects in east Central Florida.

Mr. Johnson asked Mr. Harris about his contractor status. Mr. Harris stated that he is a Builder, a General Contractor, and a Roofing Contractor; that he holds a few licenses.

Mr. Bond asked how large Mr. Harris' crew was. He answered there are 15 currently on the payroll. Mr. Bond questioned that Mr. Harris could not pull his crew to clean up the property within 10 days.

Mr. Johnson noted that a lot of what is on the property is debris, and asked Mr. Harris about securing a permit for a dumpster or using a pick-up truck to haul the items to a landfill. This is the Board's concern about the requested 90-day time period. Mr. Harris stated that although what is on the property looks like debris that it is actually equipment and materials that are stored for other projects.

Board member Steve Heller noted that the issue could be solved very easily by moving said materials to another site and pressure washing the residence. Mr. Heller didn't think the city would be amenable to the 90-day request. Mr. Harris responded that he did not disagree or dispute the methodology to address the conditions presented by the officer, it was just his ability to do so within the suggested time period. He noted that he could not do everything by himself, that he can move but can't lift anything too heavy due to his foot injury.

Board member Melissa Blaney asked Mr. Harris to confirm the last time he was in the country. Mr. Harris stated that he has been here for four months. Ms. Blaney noted that it was September, so he arrived sometime in May; Mr. Harris replied yes, more or less. Ms. Blaney noted that Mr. Harris would have seen the notices sent that the city had an issue with the condition of the property. Mr. Harris said the first notice he saw was the one posted on the property. Ms. Blaney noted that Officer Busch provided a photo of the notice that was posted on May 7<sup>th</sup>. She then noted that the concern was that it is the middle of hurricane season, so one of the issues is that regardless if what is on the property is garbage or building materials, it is shrapnel and would become projectiles. She asked Mr. Harris if there was no way to secure it, that 90 days was a long time, that September through November is the biggest part of hurricane season, and that the discussion is not just an unsightly issue but a safety issue for the surrounding residents and Mr. Harris' property. The concern is why Mr. Harris needs 90 days, but made no effort to clean up the property or contact the city acknowledging that he saw the notice and inform them of his injury until now. Ms. Blaney felt that Mr. Harris has already had 90 days to resolve the violations. Mr. Harris replied that it was not high on his list of priorities, and while understanding Ms. Blaney's concerns, he would not make the leap to say that anything in the yard could become a projectile. Mr. Harris noted that he has lived in Central Florida all of his life, and that none of the items in the yard in his estimation could become projectiles. He noted he has been through many hurricanes, even those that directly hit, but based on his experience as a contractor/builder and as a Central Florida resident he doesn't think Ms. Blaney's assessment is the case. As for the 90 days, he reiterated that the Board asked how much time he would need to clean up the property, he felt that was a reasonable time based on his situation. He didn't think he was offered time to comply because this was the first time he has appeared before the board, so the 90-day period is what he is requesting at this time.

Mr. Diez-Arguelles expressed disagreement with Mr. Harris' statement about the items not becoming projectiles. He expressed that he survived Hurricane Andrew, and that with a category 1 storm the items in the yard could fly into someone's window. Mr. Harris questioned what experience Mr. Diez-Arguelles based his comment on; Mr. Diez-Arguelles reiterated Hurricane Andrew. Mr. Harris noted that Andrew was a very different storm and hit South Florida, which is different wind zone. Mr. Diez-Arguelles attempted to respond to Mr. Harris, but Mr. Harris stopped him and stated that he did not talk over Mr. Diez-Arguelles when he was speaking.

Mr. Johnson began to speak. Ms. Blaney asked to add her experience as a licensed structural engineer in the State of Florida, and that in Winter Park the recent Building Codes require impact-resistant windows to repel projectiles. She stated that the items she sees in the photos of the yard do become projectiles.

Mr. Johnson then asked if anyone on the board had additional questions for Mr. Harris. Mr. Mandelkern asked Mr. Harris if he lived in the house. Mr. Harris responded yes. There were no more questions for the respondent; Mr. Johnson thanked him.

#### **Board Discussion:**

Mr. Johnson asked Mr. Hiatt what his thoughts were on the debris. Mr. Hiatt responded that he was in the Cutler Ridge/Homestead during Hurricane Andrew as well and saw some amazing things. He noted from the Building Department prospective that even with the threat of a storm, the Department receives multiple phone calls about construction sites and/or potential debris. His staff spends ample time going to construction sites telling the workers to secure their materials. He believes there is a real potential to cause damage on the property in question or outside of the property.

Mr. Mandelkern asked the city staff what they would accept as a reasonable time to have the property owner comply with the various code provisions and clean up the property. Division Manager, Officer Susanne Porras, responded a week to two weeks. Officer Porras believes that if Mr. Harris has the staff and equipment that he has stated because he works in construction that it should not be hard for him to set up one of his crews to remove the outside storage of materials.

Mr. Harris attempted to make a comment; Mr. Johnson declined and reminded Mr. Harris that the board was in discussion. Mr. Harris noted it was pertinent, and asked that he be told when he could make it.

Mr. Johnson asked the board for an appropriate resolution. Deputy City Attorney Rick Geller interjected that there may be another witness for the case. Officer Porras confirmed that Gigi Papa, of 1440 Hibiscus Avenue, Winter Park, FL 32789, who was in the audience, would like to speak. Discussion was paused.

Ms. Papa was sworn in. She noted that she does not know Mr. Harris, but she felt that if an individual comes before the Board seeking a resolution she thinks that should be considered.

Ms. Papa felt that Mr. Harris came to the hearing in good faith and is asking for time; she saw no reason that it shouldn't be given to him because "we want to work with residents", that Mr. Harris has an injury that he disclosed, and also that he may not have the funds to pay people to do it for him at this time. She hoped the board would consider his request and not ignore him.

Mr. Johnson noted that since the hearing was reopened to accommodate Ms. Papa that Mr. Harris could make his comment. Mr. Harris reiterated that the entity that owns the property has changed, and if a citation is to be made the new owner should be cited. Mr. Bond asked Mr. Harris who the new property owner was. Mr. Harris stated the new property owner is Atyrell Enterprises, LLC. Mr. Bond asked if Mr. Harris had any interest in the LLC. Mr. Harris responded he did have some, but was not authorized to speak on their behalf.

Mr. Johnson asked Mr. Harris if anyone lived at the property with him. Mr. Harris replied no.

Mr. Johnson noted that the Board Discussion would now continue. Mr. Geller responded to the legal issue of whether Mr. Harris would be responsible for code compliance if he no longer owns the property. Mr. Geller stated that, under the City Code [IPMC 101.2], tenants are responsible for maintaining compliance with the City Code even if they do not own the property. Ms. Blaney asked Mr. Geller to repeat his statement. Mr. Geller stated that a tenant is as equally responsible for maintaining compliance with the code as a property owner. He noted that, if a person lives there, they must comply with the code. He referenced Mr. Harris's testimony that he resides at the property.

Mr. Harris wished to rebut Mr. Geller's statement, and asked if a tenant would be cited for the property issues. Mr. Geller stated that the tenant is already cited. Mr. Johnson noted that Tyrell Harris Jr. and Tyrell Harris Sr. were the parties cited. Mr. Harris wished to note for the record that he objected to this.

Mr. Geller noted, if Mr. Johnson would allow more comment, there is a requirement in the Code [section 162.06] that when a property is conveyed that the selling property owner who receives the citation must give notice of the citation to to the person acquiring the property as well. Mr. Harris claimed that the city also has a duty to notify the owner. Mr. Johnson thanked Mr. Harris again; Mr. Harris restated that the city must notify the owner of record.

Mr. Mandelkern asked if the public record reflected the transfer in ownership. Mr. Geller and Officer Porras stated they just confirmed it does not. Mr. Harris stated that they have a recorded deed, that a quick-claim deed was filed and recorded. He noted that maybe it is taking some time for it to be processed by Orange County, but it is recorded and there is a time-stamped deed. Mr. Johnson directed Mr. Harris to have a seat, reiterating that public testimony is closed, and that the board would go into discussion. Mr. Harris refused to leave the podium and claimed that, if the city was giving additional testimony, so he thought he had the right to do so as well. Mr. Johnson told Mr. Harris that the subject of the closing of public comment was not arguable. Mr. Harris responded that, in all fairness he should be allowed to speak further, unless the board wants the hearing to be unfair towards him by allowing the city to make their case while he sits/stands silently. Mr. Harris then sat down.

Mr. Johnson then returned to the Board Discussion. He stated his concerns were the safety and interest of the neighborhood. He feels that 90 days is too long, but also that 14 days is too short. Mr. Boyer agreed with this statement, noting that some things can be put out for the trash pickup each week, and also some items could be stacked inside the carport or some other storage location. Mr. Johnson agreed, that the saw horse could be stacked up and the buckets could be moved. He noted he saw no purpose for the metal cabinet, and the old bicycle, but they could be put inside if Mr. Harris felt they were needed.

Mr. Mandelkern stated he was looking for a compromise between the 14 days the city requested, and the 90 days Mr. Harris requested to comply. There is no question about the violations, just how much time the property owner or tenant should be given to cure the violations. He agreed with Mr. Johnson and Mr. Boyer that 14 days was too short, and 90 days was too long. He proposed 30 days to come in to compliance. Mr. Johnson, Ms. Blaney, and Mr. Boyer agreed. Mr. Boyer noted that was four weekends to complete the work.

Mr. Johnson noted the staff recommended motion. Paul Mandelkern made the following motion:

From the evidence presented today, the property owner has been properly notified per regular and certified mail to satisfy Florida Statute Section 162 due process requirements, I move to find the Respondents, Tyrell Harris Jr. and Tyrell Harris Sr., Compliance Board Case #PM-24-0085, owners of 930 Cypress Avenue, Winter Park, FL 32789 in violation of Chapter 22, Sections 22-176 (adopting the IPMC, 2021 Edition), 22-177 (amending the IPMC), 302.1 Sanitation and Storage, and 304.2 Protective Treatment of Materials of the International Property Maintenance Code.

The Respondents are ordered to remove the accumulation of waste and building materials from the plain view from the public right of way and adjacent neighboring properties, remove the stains from the front exterior wall, and the awning and apply protective treatment within 30 days of this hearing date. Failure to comply with this order will result in fines of up to \$250.00 per day for each day the violation continues. The Respondent is further ordered to contact the City Safety & Code Compliance Officer and provide documentation of action taken by October 5, 2024.

Mr. Heller seconded the motion.

Before a vote was taken, Mr. Mandelkern asked Deputy City Attorney Geller a question regarding the motion and the issue of ownership. A transfer of the property was brought up during testimony, but the public record states contrary to that. Mr. Geller noted the motion could read "the property owner or tenant". He also noted that "and posting" should be added after "certified mail", and also noted that "Section 162" should be corrected to "Chapter 162."

Mr. Mandelkern thanked Mr. Geller, and offered the following amended motion:

From the evidence presented today, the property owner or tenant has been properly notified per regular and certified mail and posting to satisfy Florida Statute Chapter 162 due process requirements, I move to find the Respondents, Tyrell Harris Jr. and Tyrell Harris Sr., Compliance Board Case #PM-24-0085, owners of 930 Cypress Avenue, Winter Park, FL 32789 in violation of Chapter 22, Sections 22-176 (adopting the IPMC, 2021 Edition), 22-177 (amending the IPMC), 302.1 Sanitation and Storage, and 304.2 Protective Treatment of Materials of the International Property Maintenance Code.

The Respondents are ordered to remove the accumulation of waste and building materials from the plain view from the public right of way and adjacent neighboring properties, remove the stains from the front exterior wall, and the awning and apply protective treatment within 30 days of this hearing date. Failure to comply with this order will result in fines of up to \$250.00 per day for each day the violation continues. The Respondent is further ordered to contact the City Safety & Code Compliance Officer and provide documentation of action taken by October 5, 2024.

Mr. Harris again approached the podium attempting to respond to the motion. Mr. Johnson again told Mr. Harris that he could not speak because the public hearing was closed. Mr. Harris interrupted again noting he felt this was unfair; Mr. Johnson told Mr. Harris his objection was previously recorded. Mr. Harris stated that he was neither the owner nor a tenant on the property; that being a tenant required a lease. Mr. Geller noted to Mr. Johnson that the public hearing portion of the meeting was closed, that he was offering legal advice that the Board could consider whether the Mr. Harris contradicted his earlier testimony that he resided at the property. Mr. Harris again attempted to interrupt and refused to leave the podium; Mr. Geller reminded Mr. Johnson that it his prerogative to assert control over the hearing, that people cannot violate the rules of the hearing. Mr. Johnson sought a second to the amended motion; Mr. Harris again interrupted the proceedings to complain about his inability to give additional testimony after the hearing's public portion had closed.

Mr. Heller seconded the amended motion. Motion carried 7-0

**b. CCB# - PM-24-0035 290 South Park Avenue, Winter Park, FL 32789**

Office Porras made a request to the Board to table this case. The attorney for the owner reached out to the code compliance officer today and the city will be working with them to reach voluntary compliance.

**5. Non-Action Items**

None

**6. Staff Updates**

Officer Porras offered that the following cases, previously brought before the Board, have come into compliance:

- a. CCB# - LDC-23-0300 221 Holt Ave., #5, Winter Park, FL 32789
- b. CCB# - LDC-23-0373 221 Holt Ave., #2, Winter Park, FL 32789
- c. CCB# - LDC-24-0051 221 Holt Ave., #4, Winter Park, FL 32789
- d. CCB# - LDC-24-0039 961 Bonita Dr., Winter Park, FL 32789
- e. CCB# - LDC-24-0087 767 McIntyre Ave., Winter Park, FL 32789

In addition, the following case, for which a Notice of Hearing was issued and scheduled for this meeting, came into compliance:

LDC-24-0142 2218 Whitehall Dr., Winter Park, FL 32792

Mr. Johnson inquired about the violation for the Whitehall Drive case; Officer Porras confirmed it was for a trailer.

## **7. City Attorney Reports**

### **a. 1260 Whitesell Drive, Winter Park, FL 32789 – Foreclosure Update**

Mr. Geller offered an update on the property. A foreclosure complaint was filed on August 26, 2024. He noted the Clerk of the Courts is having computer issues delaying issuance of the summons. Once the summons is issued, a Process Server will attempt to deliver to Mr. Gary Moore. The city has not successfully located Mr. Moore. If he cannot be found, then the city will need to accomplish Service by Publication. When this happens, the defendant will have 30 days in which to respond.

## **8. Board Comments**

**None**

## **9. Upcoming Agenda Items**

Officer Porras informed the Board that there are four cases scheduled so far for October's meeting.

## **10. Adjournment**

Doug Bond made a motion to Adjourn at 3:57 PM. Seconded by Melissa Blaney.

Motion passed 7-0.

ATTEST:

*Susan Pruchnicki*

Approved by the board on  
/s/ Susan Pruchnicki, Board Secretary