



Code Compliance Board Regular Meeting Minutes

March 6, 2025 at 3:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Steve Heller, Wayne Johnson, Paul Mandelkern, Melissa Blaney

Absent:

Doug Bond (Excused)
Carlos Diez-Arguelles (Excused)
Tim Cordle

Legal Representative for the City:

Assistant City Attorney Richard Geller

Staff Present

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 February 6, 2025 Regular Meeting

Board Member Paul Mandelkern made a motion to approve the minutes as presented. Board Chair Wayne Johnson seconded. Motion passed 4-0.

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#-OVR-24-0024 2906 Sandwell Dr., Winter Park, FL 32789

Violation Description: Grass and weeds over 12 inches on the property.

CODES CITED: Chapter 22, Section 302.4 Weeds and Overgrowth, Section 302.4.1 Clearing Overgrowth of the International Property Maintenance Code.

CORRECTIVE ACTION REQUIRED: Remove or mow all overgrowth, tall weeds and grass; cut and edge along sidewalk and right-of-ways.

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 violation was brought to our attention via city management. Notices of Violation and Hearing were issued by regular and certified mail, and posted on the property and at City Hall to meet Florida Statutes Chapter 162 due process requirements.

Officer Busch presented photos and a timeline of inspections beginning March 8, 2024. Follow-up inspections were performed on March 13, 2024. A Notice of Violation was issued and posted on the property. March 22, 2024, no improvements were observed, and the first contractor work order was issued on March 25, 2024. A lien was placed on the property for \$474.98. April 3, 2024, the property had been mowed by the contractor. June 24, 2024, property was found to be overgrown again. The second Contractor Work Order was issued on June 25, 2024. A second lien was placed on the property for \$538.00. July 1, 2024, the property was mowed by the contractor. August 19, 2024, the property was overgrown again. The third Contractor Work Order was issued on August 19, 2024, and a third lien was placed on the property for \$538.00. August 26, 2024, the property was mowed by the contractor. October 14, 2024, the property is again found to be overgrown. The fourth Contractor Work Order was issued and the fourth lien was placed for \$1,136.93. October 23, 2024, the lawn was mowed by the contractor. Total fees due to the city for mowing services is \$2,687.91.

A follow-up inspection was conducted on November 14, 2024. Once again, the property was overgrown. January 31, 2025, the property was overgrown. An Amended Notice of Hearing was issued on February 18, 2025 and posted on the property. A follow-up inspection was performed today, March 6, 2025, and again the property is overgrown.

Board Member Melissa Blaney asked Officer Busch if there was any contact with the owner. Officer Busch replied no. Ms. Blaney asked if the house was occupied, Officer Busch replied no, it is vacant.

Board Member Paul Mandelkern asked for confirmation that the city's contractor has maintained the property four times, and that, upon the fifth inspection, it is still overgrown. Officer Busch replied yes. Mr. Mandelkern also requested confirmation that there are four charges for the city contractor that have not been paid. Officer Busch stated yes, and that the City placed four liens against the property.

Mr. Mandelkern then asked what the city is asking the Board to do. Division Manager Susanne Porras responded that the city wants the case adjudicated and apply a daily fine on top of the liens since Respondents have not maintained the property for the last two years. We have performed maintenance in the past that the owners obviously refuse to maintain. Mr. Mandelkern confirmed that the Board is being asked to impose a fine on top of the four liens filed on the property. Officer Porras responded yes, that is correct.

Mr. Mandelkern confirmed again with Officer Busch that the property owners have not been responsive at all. Officer Busch responded that no one has reached out to her. Mr. Mandelkern asked if there was any evidence that the owner maintained the property between the inspections. Officer Busch stated that she has not witnessed any maintenance done by the owner, at least where the overgrowth is concerned.

Board Member Steve Heller asked why the fourth mowing was more expensive than the earlier ones. Officer Busch responded that the fourth mowing was performed by a different contractor that the city is no longer using. Officer Porras added that the fees charged were higher, and that every time the city services a property an administrative fee is incurred and added to the invoiced amount, which increases with each mowing. The first administrative fee is \$150.00, and this fee doubles with each additional service performed. Mr. Heller thanked Officer Porras for the explanation.

Board Member Melissa Blaney asked if the city has any confirmation that the owners are aware of the situation. She noted that in the information provided there is an argument as to who holds the deed to the property, that there is documentation that a third person filed a fraudulent deed. Officer Busch responded that there is confirmation from USPS via a signature that the last Amended Notice of Hearing was received, and she believed this was the case for the Notice of Violation sent as well. Ms. Blaney asked if the mailing address was the property in question. Officer Busch responded that, per the Orange County Property Appraisers website the mailing address for the property is 2964 De Brocy Way, Winter Park, FL 32792-4506. Assistant City Attorney Richard Geller added that the posting is deemed to provide notice to whoever truly owns the property, and

that the Board does not need to consider the allegations regarding the validity of the deed and so forth. The violation is as to the property itself, and as of right now, to the two people who claim to own it, Mr. Cuppy and Ms. Bell.

Board Member Wayne Johnson asked when the fourth mowing was completed. Officer Busch responded that the fourth contractor work order was issued on October 14, 2024, the invoice from the contractor was dated October 21, 2024, and she followed up on October 23, 2024 to confirm the work was completed.

Ms. Blaney asked Officer Busch to confirm the total amount owed to the city for maintenance. Officer Busch stated \$2,687.91. Ms. Blaney asked if in the motion the this should be included, and that the fine would be above and beyond this amount. Assistant City Attorney Richard Geller offered that he thought it would be prudent to mention it. Ms. Blaney asked how this should be worded in the motion. Mr. Geller offered that the motion should state that the fine is in addition to any outstanding liens for maintenance on the property that have been recorded in the public records.

No one appeared on behalf of the Respondents.

Board Discussion:

Ms. Blaney and Mr. Heller both offered that this case was pretty straightforward, that the property owners were using the city as their lawn maintenance service. Ms. Blaney stated that the proposed \$250.00 per day fine seemed reasonable. Mr. Geller interjected that the proposed motion says "up to \$250.00," and so if there is an additional event of non-compliance, the case would come back for a Massey Hearing, at which time the Board would impose fines. The instant motion should establish a compliance date that the Respondents would be bound to.

Ms. Blaney acknowledged Mr. Geller's input, then suggested 10 days to come into compliance. Mr. Mandelkern noted that looking at the history here, the board has to impose a date by which they must cut and maintain the yard, but asked if the Board has the authority to require future compliance. Mr. Geller responded that is what the Board is doing. This is from today's date or a date established by the Board going forward, that they must comply.

Mr. Heller submitted that the violator would not have to cut the grass 10 days from now. Mr. Geller noted that would be required by the date established by the board. Mr. Heller asked that the city would not consider another violation unless the overgrowth reached the minimum 12" in height? Mr. Johnson noted that the order would require the respondent to provide proof to the city that the mowing was completed. As an example, if the grass was cut in five days and proof was provided, they would be in compliance.

Ms. Blaney clarified that what she understood Mr. Mandelkern to ask was what if they would be responsible to comply by and beyond the date set in respondent does comply, then falls out of compliance at a later date, does the case re-start? Mr. Geller responded no, absolutely not. If that were to happen then a *Massey* Hearing would be the next step. If they were found in non-compliance a third time, the board could increase the fines determined at the first *Massey* Hearing, up to \$500.00. Ms. Blaney and Mr. Mandelkern thanked Mr. Geller for the clarification that the respondent the order.

Ms. Blaney confirmed with Officer Busch that there is not a current contractor work order for the property to be mowed. Ms. Blaney confirmed that the most recent photo presented indicated that the property is currently overgrown.

Officer Porras made the Board aware that the city code requires that a new case be started every year when the violation is for overgrowth. A new case was started in January for 2025. Mr. Geller opined that because this is a 2024 case, and the board would be establishing a compliance date for the 2024 case that would be for perpetuity, the city would not have to proceed on a parallel track with a different case number, which could cause confusion. Mr. Johnson agreed, and noted that the Board would not want to adjudicate the respondent under 2025 case number.

Ms. Blaney asked if the respondent were in compliance for a year, then fell out of compliance, if then a new case would begin or not. Mr. Geller responded no, this is indefinite. Ms. Blaney confirmed that if the respondent fell out of line again, then the case would come back to them. Mr. Geller said yes.

Mr. Mandelkern stated he was trying to avoid the case coming back every month for a new hearing. Mr. Geller offered the example that the case comes back for a *Massey* Hearing, the fine will be \$250.00 per day. After that, if the city had to maintain the property again, the case would come back as a second *Massey* Hearing, asking for an increase in the daily fine to \$500.00 per day; it would be in the city's prerogative. Mr. Mandelkern stated that once they hold the *Massey* Hearing, the Board is done, but fines could be increased. Mr. Geller said this is correct, that the respondent would have to establish evidence of compliance.

Motion:

Wayne Johnson offered the following motion:

From the evidence presented today, I move to find the Respondents, Joseph A. Cuppy and Marie L. Bell, Compliance Board Case #OVR-24-0024, owners of 2906 Sandwell Drive, Winter Park, FL 32792 in violation of Chapter 22, Section 302.4 Weeds and Overgrowth, Section 302.4.1 Clearing Overgrowth of the International Property Maintenance Code.

The Respondents have been properly notified per regular and certified mail and posting to satisfy Florida Statutes chapter 162 and City Code section 2-109 due process requirements.

The respondents are ordered to remove or mow all overgrowth, tall weeds and grass; cut and edge along sidewalk and right-of-way at the subject property within 10 days of this hearing date. Failure to comply with this order will result in fines of \$250.00 per day, with repeat violations of up to \$500.00 per day, for each day the violation continues, in addition to any outstanding liens properly recorded. The Respondents are further ordered to contact the City Safety & Code Compliance Officer and provide documentation of action taken within 15 days of this hearing date.

Paul Mandelkern seconded the motion. Motion carried with a 4-0 vote.

b. CCB#-PM-24-0119 2148 Blossom Ln., Winter Park, FL 32789

VIOLATION DESCRIPTION: Unsecured vacant home, open rear door and garage door. The garage door is not properly maintained or in good repair. Garage door has openings exposing the structure to rain and other elements.

CODES CITED: Chapter 22, Sections 22-176 (adopting the IPMC, 2021 edition), 22-177 (amending the IPMC), Sec. 202 (1), (2); Sec. 301.2 Responsibility; Sec. 304.1.1 (3) Unsafe Conditions; and Sec. 304.15 Doors of the International Property Maintenance Code.

CORRECTIVE ACTION REQUIRED: Secure the vacant property, garage door and all other doors on the property. Repair or replace garage door of all holes and cracks. Contact the building department to obtain all required permits. All repairs shall be performed by a licensed contractor and according to current building standards.

Office Wade introduced himself and presented documentation of the property location, zoning, and ownership as verified per Orange County official records. The property was brought to our attention by self-observation. The Notice of Violation and Notice of Hearing were issued by regular and certified mail, posted on the property, and at City Hall to meet Fla. Statute 162 due process requirements.

The initial inspection was conducted on July 17, 2024. The garage door was broken and missing panels, not properly maintained or in good repair. Follow up inspections were conducted on July 20, 2024, August 21, 2024, and August 27, 2024; no improvements had been made. On August 27, 2024 a Notice of Violation was posted on the property. Follow up inspections were conducted on August 30, 2024, September 4, 2024, and October 11, 2024; no improvements were observed. On October 11, 2024 a Notice of Hearing was posted on the property.

A follow-up inspection was conducted on October 18, 2024; no improvements were observed. A follow up inspection conducted on October 22, 2024 found the rear door of the property was unsecured. A follow up inspection on October 24, 2024 found the garage door was further damaged (one panel was hanging). On November 11, 2024, the hanging panel was gone. On November 18, 2024, November 21, 2024, and November 26, 2024, no improvements were observed. On November 26, 2024 there was no change to the garage door, and the rear door was still unsecured. An Amended Notice of Violation and an Amended Notice of Hearing were posted on the property November 26, 2024.

A follow-up inspection was conducted on December 27, 2024, no improvements had been made. A second Amended Notice of Hearing was posted on the property. Follow up inspections were made on January 8, 2025, January 10, 2025, January 14, 2025, January 27, 2025, February 11, 2025, and February 18, 2025; no improvements were seen. On February 18, 2025 an inspection found no changes. A second Amended Notice of Violation and a fourth Amended Notice of Hearing were posted on the property.

Mr. Mandelkern asked Officer Wade if the home was vacant, and if there was any communication between the city and the respondent. Officer Wade replied that he spoke to the owner's son (the owner passed away). The house went through probate. He stated that the probate was completed. He also stated that the estate does not have money to repair the property. Mr. Mandelkern confirmed that Officer Wade made numerous inspections of the property. He asked if there was a reason that Officer Wade kept returning, if he expected some repairs would be made. Officer Wade stated this was correct. Mr. Mandelkern asked how the property came to the attention of the city, if there was a complaint filed. Officer Wade stated it was self-observation.

Ms. Blaney inquired if there were any permits issued. She noted there were two documents attached to a window, and asked Officer Wade if he knew what they were for. Officer Wade stated they were for the probate, and that there were no permits.

Mr. Johnson noted that the recommended motion says that repairs must be done by a licensed contractor. He asked Chief Building Official Gary Hiatt what the time frame would be to issue permits if they were applied for. Mr. Hiatt responded that all permits are dependent upon the documents submitted, but this would be a quick turnaround as far as issuing the permit.

Mr. Heller noted that it does seem like the estate can't afford to do the repairs. He asked Officer Wade if he felt that the son was telling him the truth. Officer Wade stated that it depends, because there was also a realtor representing him that called and stated that they would try to repair the property so that it did not come to code board, but as shown no repairs have been made.

Mr. Geller interjected that in instances like this, if you were to impose fines at a *Massey* Hearing, those fines would start to accrue. Suspecting that the son would prefer to sell the property at some point, then at least the city would have a lien on the property for whatever fines had accrued by that point. That would be an incentive to get the repairs done to stop the fines.

Ms. Blaney asked if there was a timeframe that the city would let the violation continue. She asked Mr. Hiatt if at certain time the city would condemn the property, noting that it is not safe. Mr. Hiatt stated that his perspective is that the city is not going to go out and do anything because he doesn't think that is the city's role. He said he would be willing to consider if the son showed some effort in putting the property up for sale; he didn't think it would be on the market that long. He also stated that he sees no effort to sell or repair, thus going back to Mr. Geller's point to incentivize it somehow or another to get moving on the repairs or sale of the property. Ms. Blaney expressed concern about the property not selling quickly and sitting for another six months in its current condition. Mr. Hiatt stated that the city would come back to the Board before that for a *Massey* Hearing and impose the determined fines. He acknowledged that this case is a tough one, that if the respondent legitimately can't afford the repairs, then they should sell the property since the probate is cleared.

Mr. Johnson noted that the recommended motion asks for timeframes, i.e. obtaining permits within 30 days, and repairing within 60 days. He asked Mr. Hiatt if that would be a reasonable timeframe in his opinion. Mr. Hiatt responded that he believed that was reasonable, and may promulgate the son to at least do something to try to make repairs and/or to sell the property. Ms. Blaney asked if the order required permitting the repair, or providing proof that the property will be put on the market. Mr. Johnson stated that the board is not concerned about putting the property up for sale. Mr. Heller asked if the property were placed on the market if the repairs would still be required. Mr. Johnson replied yes. Mr. Geller added that by code, the estate is required to inform any prospective buyer of any code enforcement orders or fines that are assessed. Officer Porras offered that if a buyer was found, the city could come back to the board to reconsider the fines if there is a legitimate intention to purchase.

Mr. Johnson asked if there were any more questions for Officer Wade or the city. Ms. Blaney asked if the order needed to specify the repair to be permanent, or if a temporary repair such as installing plywood. Mr. Johnson reiterated that the recommended motion says the repair must be permitted and done by a licensed contractor. He acknowledged this could be modified by the board. Ms. Blaney offered that it needs to be specifically stated that the repair made is permanent, that being made by a licensed contractor doesn't necessarily mean a permanent repair. Mr. Johnson replied that the motion says to contact the Building Department to obtain all required permits; that's what he was asking Mr. Hiatt about. It also says that all repairs shall be performed by a licensed contractor. Mr. Hiatt responded that if the Respondent adheres to the order, then it would be a permanent repair because the city would not approve a temporary repair under the permit.

No one appeared on behalf of the Respondent.

BOARD DISCUSSION:

Mr. Johnson agreed that the repair should be permitted. Mr. Heller stated he did not think it needed to be a permanent repair given that the Respondent is experiencing financial hardship and he wants to get the property on the market and sell it. Additionally, the Respondent is in Dallas, TX, and is probably going through a lot of issues right now. Mr. Heller offered that getting the safety issue rectified should be the first step.

Mr. Mandelkern asked if a permit was required to repair the garage door. Mr. Hiatt stated if a repair was made to the existing door it would be fine without a permit. In his opinion this would be two-fold, to secure it within 30 days and permit it within 60 days or whatever the board deemed appropriate. Again, emphasis on if it goes up for sale, we could come back and say there is a contract. Mr. Mandelkern asked if the proposed motion says there has to obtain all required permits to repair the garage door and also the rear door, then is a permit required. Mr. Hiatt responded that it depends on what is being discussed. As far as a repair, if you put the permit stipulation on them and they come in with a work scope, we can determine this at that point in time. Contact will have been established with the Respondent and the city can establish if what they are doing is going to require a permit, just as we did in another recent case over a door slab and a window glass. He did not offer the names or address from this case, but noted that the contractor would end at a door slab, but to replace the glass no permit was needed and the city was able to advise them of that once contact was established. Mr. Mandelkern confirmed that Mr. Hiatt's response meant that the building department can determine whether permits are required or not. Mr. Hiatt confirmed that this was correct, but that in this case a permit would likely be required based on the evidence presented.

MOTION:

Paul Mandelkern proposed the following motion:

From the evidence presented today, I move to find the Respondent, Hinst Joan N. Estate, Compliance Board Case #PM-24-0119, owner of 2148 Blossom Lane, Winter Park, FL 32789 in violation of Chapter 22, Sections 22-176 (adopting the IPMC, 2021 edition), 22-177 (amending the IPMC), Sec. 202 (1), (12) Nuisance; Sec. 301.2 Responsibility; Sec. 304.1.1 (3) Unsafe Conditions; and Sec. 304.15 Doors of the International Property Maintenance Code.

The Respondent has been properly notified per regular and certified mail and posting to satisfy Florida Statutes chapter 162 and City Code section 2-109 due process requirements. The Respondent is ordered to secure the vacant property, garage door and all other doors on the property. Repair or replace garage door of all holes and cracks. Contact the Building department to obtain any permits that may be required. All repairs shall be performed by a licensed contractor and according to current building standards 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 45 days from the date of this hearing.

Steve Heller seconded the motion. Motion carried with a 4-0 vote.

**c. CCB#-PM-24-0016 820 W. Webster Ave., Winter Park, FL 32789
Massey Hearing**

VIOLATION DESCRIPTION: Severe conditions causing appreciable harm or material detriment to the aesthetic and/or property values of surrounding. Dilapidated wood fence surrounding the property is not structurally sound and is in need of repair. Unsightly discarded articles, white trash bags, debris, broken bicycles, grill, lawn mower, plastic containers, lawn equipment, leaf blower, trash cans, black trash bag, trolley, wheelbarrow, ladder, generator, crate, gas canister, vacuum, metal boxes, white cover, tarp, car parts stored on the property in plain view.

CODES CITED: Chapter 22, Sections 22-176 (adopting the International Property Maintenance Code, 2021 edition), 22-177 (amending the International Property Maintenance Code), Sections 202 (1), (2), (14) (b), (c) (16), (18) Nuisance, 302.7 Dilapidated Fences, 302.1 Sanitation & Storage of materials of the International Property Maintenance Code.

CORRECTIVE ACTION REQUIRED: Repair and/or replace dilapidated fencing. Remove unsightly discarded articles out of plain view from the public right-of-way and adjacent neighboring properties.

Office Wade introduced himself. He addressed Mr. Johnson and noted that he wanted to review the map and location of the properties with the Board members present. Officer Wade referred to the map presented for viewing and noted that the property, 820 W. Webster Ave. is outlined in red, and the property located at 800 W. Webster Ave. is outlined in green. This is presented to clarify discussions regarding ownership at the previous hearing in regard to property boundaries, and to address those questions. Mr. Johnson asked if the property outlined in green belongs to the church; Officer Wade responded this was correct. He again identified the property lines by the colored outline, and stated that the trash that was placed along 800 W. Webster Ave. on the property line was removed. The church approved the city to hire a contractor to remove the debris, and then the son of the owner of 820 W. Webster again placed more items and debris on the property owned by the church. Code Compliance contacted and cited the church, who removed the new trash from the property and extended the fence line. This will be evident in new photos to be presented.

Officer Wade presented an Affidavit of Non-Compliance for the case heard on August 1, 2024 for 820 W. Webster Ave. The owner, Willie J. Clark, was found in violation and was ordered to a) repair or replace the dilapidated fence and remove all debris, and b) remove all unsightly discarded articles so they are out of plain view of the public right-of-way and adjacent neighboring properties within 30 days of the hearing date. Failure to comply with the order will result in fines up to \$250.00 per day per violation for each day the violation continues. Furthermore, the Respondent was ordered to contact the City Safety & Code Compliance and provide documentation of actions taken to bring the subject property into compliance by August 31, 2024.

Reinspections were performed on September 4, 2024, September 6, 2024, September 14, 2024, October 2, 2024, October 11, 2024, October 18, 2024, November 18, 2024, November 26, 2024, December 9, 2024, December 19, 2024, January 6, 2025, January 10, 2025, January 14, 2025, January 27, 2025, February 10, 2025, February 11, 2025, February 18, 2025, and March 5, 2025.

The city gave proper notice of this Massey Hearing to the Respondent by posting at the property and at City Hall, and also by U. S. certified mail to meet Florida Statute 162 due process requirements.

Officer Wade reviewed the codes that were cited, provided a description of the violations, and corrective actions required. He then provided documentation confirming ownership of the property as per the Orange County Property Appraisers website. He reiterated that the discarded articles along the adjacent property's driveway has been resolved. He then displayed a copy of the Affidavit of Non-Compliance, and photos taken during the reinspections conducted. These photos documented that the fence had been replaced, but was still missing a panel, but also documented that unsightly articles still remained stored in plain view. Subsequent inspections found no improvements.

Mr. Johnson requested that Officer Wade indicate if the debris and unsightly articles were located on the church property or the violators property. Officer Wade responded that the debris and articles were all located on the owner's property, not the church property. He

noted that the photo being displayed from September 14, 2024, was regarding the missing fence panel, not the debris. Ms. Blaney asked if the fence was located on the property line; Officer Wade responded yes. Ms. Blaney then asked if anything outside the fence line was the church property; Officer Wade responded yes.

Officer Wade indicated that the Notice of the Massey Hearing was posted on October 11, 2024. Follow-up inspections still found debris and unsightly articles in the front yard, and the fence remained incomplete. Mr. Mandelkern noted he was confused about the photos from October 11, 2024. He asked if the photo displayed on the left showed a driveway between the two properties. Officer Wade responded yes, and that the driveway belongs to the church. Mr. Mandelkern then asked Officer Wade to confirm that the photo on the right was owned by the Respondent. Again, Officer Wade said yes.

Officer Wade proceeded to display photos from subsequent inspections indicating the conditions had not changed. Mr. Mandelkern asked if the photo taken on October 24, 2024, was taken from the driveway of the church property. Officer Wade responded no, that he was standing on the sidewalk. Mr. Mandelkern asked that the photo taken was of 820 W. Webster Ave., and that what is visible behind the fence is the Respondent's property. Officer Wade responded yes. Mr. Geller asked Officer Wade, just for clarity for the record, that the opening in the fence faces W. Webster Ave. Officer Wade stated that was correct.

Officer Wade continued his presentation, showing some items had been removed from the property but the fence remained incomplete on subsequent inspections. Ms. Blaney apologized for interrupting Officer Wade to ask Mr. Geller to confirm that the property shown was facing W. Webster Ave. Mr. Geller confirmed that this was the question he asked Officer Wade. Ms. Blaney thought the property was facing the church driveway on the side. Officer Wade stated that it was still visible from W. Webster Ave. Mr. Geller noted it was his understanding that the opening in the fence was along the side of the property with the church, but then thought he heard something differently, so he interjected to make sure everyone had a clear record. He stated that now he is hearing that the fence opening is as he originally understood it to be, along the church property and the subject property. Officer Wade responded that the fence is along the church property and the Respondent's property, but you can see the opening in the fence from W. Webster Ave. Mr. Geller then asked that insofar as there are articles that are in violation of the code, they are in the front yard, but if you can see such articles on the subject property through that opening then that would also be a violation and asked if the city was contending that. Officer Wade stated that the city was not citing for that violation as yet. This case is only regarding the front yard. Ms. Blaney noted that they still needed to repair the fence, Officer Wade said yes, that the repairs required were incomplete.

Mr. Mandelkern then asked that if the right-hand photograph displayed, taken on November 7, 2024, the only code violation was the gap in the fence. Officer Wade said yes. Then Mr. Mandelkern asked if the photo on the left-hand side was the owner's property and noted a large white rectangular item behind a vehicle. Officer Wade stated this was the church property, but that the item was removed from the front yard and placed it out on the church's property. Mr. Mandelkern apologized, noting that Officer Wade had been to the property and the Board had not. Officer Wade said that he understood the confusion.

Officer Wade continued his presentation, noting that during his reinspection on November 14, 2024, more unsightly and discarded items were stored in the front of the property. His inspection of November 18, 2024, noted that a cart had been removed, but other items remained. He also viewed trash and debris stored behind the trash bins, and the opening that remained in the fence.

The reinspection conducted on November 26, 2024 showed no change in the front yard or the fence. The reinspection conducted on December 9, 2024 found the grill had been removed from the front of the property, but other unsightly articles remained and the fence panel was still missing. No changes were found during the reinspections on December 19, 2024, and December 23, 2024; the debris was still stored behind the trash bins.

On January 6, 2025 an inspection found a washing machine and a trolley had been placed in the front yard, and other unsightly articles remained in front of the property. On January 10, 2025, no change was evident from the previous inspection. Mr. Mandelkern asked Officer Wade if the debris stored behind the trash bins in the photo was stored in the trash bins, if there wouldn't be a violation. Officer Wade said yes. Mr. Mandelkern then asked that the visible debris is the code violation. Officer Wade confirmed that was correct.

On January 14, 2025, an Amended Notice of Massey Hearing was posted on the property. The inspection found that the unsightly articles were removed from the front of the property. On January 27, 2025, the follow up inspection found unsightly articles of trash and debris had returned on the front of the property.

A follow-up inspection conducted on February 10, 2025 found that more unsightly articles were added to the front yard of the property. On February 11, 2025, the fence was still missing a panel, and you can see that the church cleaned up their property. On February 18, 2025, a follow up inspection found no change to the property. The inspection conducted on March 5, 2025 found no change to the property. Ms. Blaney asked if the green fence in the picture belonged to the church. Officer Wade said yes.

As of today, March 6, 2025, an inspection found no change to the front of the property and the fence still has a missing panel.

Mr. Johnson noted that at the prior hearing the board ordered repairs to a dilapidated fence. He confirmed with Officer Wade that the fence pictured was new, but that it was missing a panel. Ms. Blaney noted that the chain link fence installed by the church is right up against the property line. Officer Wade confirmed that it is right on the property line. Ms. Blaney asked Officer Wade if both fences were touching, Officer Wade responded yes. Mr. Geller asked for clarity that the chain link fence was installed by the church. Officer Wade responded yes, that the fence was installed after the city cited the church to clean up the property.

Mr. Johnson noted that in the prior order the Board said to repair or replace the dilapidated fence and remove the debris by August 31, 2024, and then asked Officer Wade if the Respondent contacted him to advise that the fence had been replaced. Officer Wade noted that the fence was replaced prior to the previous Massey Hearing, but that he was not contacted when it was done. Mr. Johnson asked if the respondent provided Officer Wade with a date that they replaced the fence. Officer Wade said no.

Officer Wade offered to review photos from the first presentation of the case if it would be helpful. Mr. Johnson asked for a photo taken prior to the first hearing to see what condition the fence was in. Office Wade retrieved several photos: a photo from April 16, 2024, showing the debris on the property; from April 26, 2024, depicting the dilapidated condition of the fence and the debris present in the front yard; a photo from May 4, 2024 indicating the condition of the fence prior to it being replaced and the debris present; a photo from May 10, 2024 showing the unsightly articles stored in the yard; and a photo from July 31, 2024. Ms. Blaney commented that it appeared that the fence was replaced in July of 2024. Officer Wade responded that it may have been replaced before then, he could not provide a specific date. Ms. Blaney offered that in the July photo displayed a new fence; Officer Wade stated yes. Ms. Blaney asked Mr. Johnson if he agreed, but also that he was curious because the original hearing was on August 1, 2024 where the repair or replacement of the fence was ordered, however this photo indicates that the fence was already replaced.

Ms. Blaney stated that she remembered the case, that the Respondent was the gentleman that needed time to work on the fence because he was doing it himself, and had started work on it. The major issue he was having was the debris. When it came to the first Massey Hearing, it came to light that there was an issue with who was actually responsible for the strip of land. Officer has provided evidence that the land in question belongs to the neighboring church. They have become involved and moved the fence line. It seems now, if she recalled correctly, at the last hearing Mr. Clark came with his father, the gentleman that owns the property at 820 W. Webster Ave. He still had the missing piece of fence to install and gave a reason for not installing it, but she didn't recall what it was. He had been working on the fence and the board was trying to provide him leeway in doing so because he was doing it on his own on the weekends as he could complete it.

Mr. Willie Clark Jr. of 820 W. Webster Ave. approached the podium He stated that he was still having an ongoing battle with his brother. He noted that the photos presented showed that the property had been cleaned up, and then got junky again. He stated that he thought this was the week that his brother told him that the debris would be cleared away from the area, leaving only the truck. he stated that since the church put their fence up, the front yard is the only area that he hasn't gotten to. He stated that he gets it cleaned up, goes to work, and when he returns his brother has brought more stuff and left it in the yard. This has happened time and time again, even though he's been asked not to. This week Mr. Clark, Jr. specified to his brother that once the area is cleaned again not to bring anything else or he would have to take further action. Mr. Clark, Jr. said he explained to his brother that he has to keep coming to these hearings because of the debris being left on the property. Mr. Clark, Jr. stated that he has been working on complying, and progress has been made.

Mr. Johnson interjected and asked Mr. Clark to identify himself for the record. Mr. Clark stated his name again, his address as 820 W. Webster Ave., Winter Park, FL 32789.

Mr. Johnson asked Mr. Clark if he recalled when he started repairing or removing the fence. Mr. Clark didn't remember, just that he got a notice and that is when he started working on it. He remarked that the work was shown in the July picture Officer Wade presented. He noted that he had been working on it for about 20 days after he received the notice, but couldn't remember the date. Mr. Johnson then asked about the missing fence panel, and the reason it had not been installed yet. Mr. Clark stated he has not had time to do it. He had planned to do it, but then the church put up their fence. He anticipated having the missing panel installed this week.

Mr. Johnson stated that at the prior hearing the ownership of the land was discussed. He asked if anyone had questions regarding that. Mr. Clark stated that now that the fence is up he knows who that right-of-way belongs to. Mr. Johnson noted that Mr. Clark was present during Officer Wade's presentation, and asked him if he disputed that the property outside of the fence was his. Mr. Clark said no. Mr. Johnson asked Officer Wade to display some of the pictures again just so he had a better understanding. Officer Wade displayed a photo from February 11, 2025. Mr. Johnson asked Mr. Clark if the trash cans in the photo were on his property. Mr. Clark said yes, that they were on the front of his property.

Mr. Mandelkern asked Mr. Clark if he lived in the house. Mr. Clark stated yes, that he lives there with his father at 820 W. Webster Ave. Mr. Mandelkern confirmed that it was Mr. Clark's brother who was dumping the debris in the yard.

Mr. Johnson reviewed the content of the Board Order issued for everyone's information. He then asked Mr. Clark if he had removed any of the debris immediately afterward. Mr. Clark responded yes, that they started removing it. Once it had been removed was when he started working on the fence. Mr. Clark added that he didn't come to or contact Officer Wade to let him know that he was working on the fence because he was doing it on the weekends, and the city offices aren't open then. He also noted that during the week he is busy and didn't have time to come to the city. Mr. Johnson clarified that Mr. Clark did not need to come to the city's offices, that Officer Porras and Officer Wade could have been reached by phone to let them know that you were working on the repairs.

Mr. Mandelkern asked Mr. Clark how long it would take him to close the gap in the fence. Mr. Clark responded that it could be fixed in an afternoon, that he just has to buy it, cut it, and install it. Mr. Mandelkern then asked how much time Mr. Clark thought he needed to purchase and install the panel. Mr. Clark stated that it should be completed by Tuesday, March 11th, and explained that he will have to install it from the inside.

Mr. Geller pointed out that it is within the Board's discretion to delay the accrual of fines on the fence from a certain point if they wanted to extend the compliance deadline.

There were no more questions for the Respondent; he returned to his seat.

BOARD DISCUSSION:

Mr. Heller acknowledged that he had missed several meetings due to an injury, and told Mr. Clark that it was nice to see him. Mr. Heller noted that Mr. Clark was obviously making an effort to comply, that there were restraints in his ability to complete the project, and the issues with his brother that he keeps coming back, and then stated that he saw a lot of progress. He stated he was inclined to allow a little more time for Mr. Clark to complete the necessary work. Ms. Blaney agreed.

Mr. Mandelkern agreed in not imposing fines for the fence. He stated that he couldn't know what would happen with Mr. Clark's brother, but that he was willing to extend more time to get that resolved.

Mr. Johnson told Mr. Clark that if the Board did provide more time, that Mr. Clark needed to contact Officer Wade immediately when he got anything done.

Mr. Mandelkern asked Mr. Geller if it was procedure to table the *Massey* Hearing, defer it, or what. Mr. Geller responded that the Board could make a motion to table until time certain, until next month, or you could impose fines, but say the onset of fines would be delayed to a date certain to give an opportunity to come into compliance before that deadline. Mr. Mandelkern asked if the Board followed the second path offered, another hearing would be necessary if he hasn't complied. Mr. Geller said that was correct.

Mr. Johnson asked Mr. Geller if they table the hearing and Mr. Clark completes the remaining work this weekend and contacts the city to let them know, then the case turns into a staff report for the next meeting. Ms. Blaney interjected that the remaining work includes cleaning up the debris.

MOTION:

Paul Mandelkern made a motion to table the *Massey* Hearing until the next Code Board Meeting on April 3, 2025. Mr. Heller seconded the motion. Motion carried with a 4-0 vote.

Mr. Mandelkern confirmed with Officer Wade that Mr. Clark knew how to reach him by phone, then reminded Mr. Clark to communicate with Officer Wade as much as possible, that he will provide guidance if needed.

6. Non-Action Items

None

7. Staff Updates

Officer Porras offered that the following cases, previously noticed and scheduled for this meeting, have come into compliance:

- a. CCB# - PM-24-0115 435 Holt Ave., Winter Park, FL 32789 (Abandoned Vehicle)
- b. CCB# - LDC-25-0106 655 W. Morse Blvd., Winter Park, FL (Non-Registered Hauler)

8. City Attorney Reports

None

9. Board Comments:

Mr. Heller noted that he had been following along with what was happening with the Tree Board, and it seems that the Code Board will be inheriting those cases. Officer Porras stated that was correct. She stated that this was done before, many years ago, and Code will be taking it back.

Mr. Mandelkern made a comment about the case at 6 Isle of Sicily because it always bothers him. He stated that if his math was correct, the total fines for both cases is \$3,186,000.00 and keeps compounding. He stated that if he recalled that exceeds the mortgage that is on the property, so he assumes, knowing very little about foreclosures, that the city's position is still the same, that it would not economically make sense because of the fact that there is bank mortgage on the property. Mr. Hiatt confirmed that was correct. Mr. Mandelkern acknowledged Mr. Hiatt's response.

Ms. Blaney asked what the Tree Board was. Mr. Hiatt responded that what the Board is now a parent of appeals of decisions of city staff. If they deny a tree removal, the appeal will come before this board. Cases will be presented, and the City Arborist will be present to go through it. You will basically decide if it was legitimate or illegitimate. If the Code Board denies it, Mr. Hiatt believes the case then goes to the City Commission, but he wasn't positive. The Board won't be the end-all, but the problem they were having with the Tree Board was a quorum. If a hearing was scheduled and there was not a quorum, they automatically got to remove the tree because the appeal wasn't being heard expeditiously. That said, we need you here as always, of course. Basically, it's just the appeals that will come before the Code Board, and Mr. Hiatt didn't recollect that many but there have been a few.

Mr. Geller added that the Board did such a good job on 6 Isle of Sicily, it just goes to show you, never do anything too well or you will be stuck with it forever. Mr. Mandelkern offered that he was on the Tree Board many years ago and the case were kind of interesting, that people would basically come in and ask for permission after they had done something.

Mr. Johnson inquired about the property at 1260 Whitesell Drive, Mr. Gary Moore, and the \$114,000.00 payment. Mr. Hiatt responded the case was still being reviewed for foreclosure action by City Administration for a decision, that a final move forward has not been decided yet.

Mr. Hiatt noted that, returning to tree violations, they would have come to the Code Board anyway as a code complaint, and the Board would assess fines accordingly.

10. Upcoming Agenda Items

11. Adjournment

Paul Mandelkern made a motion to Adjourn at 4:36 PM. Seconded by Melissa Blaney. Motion passed 4-0.

ATTEST:

Approved by the board on April 3, 2025

Susan Pruchnicki

/s/ Susan Pruchnicki, Board Secretary