



Code Compliance Board Regular Meeting Minutes

June 5, 2025, at 4:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Wayne Johnson, Paul Mandelkern, Steve Heller, Kristen Matt, Carlos Diez-Arguelles,
Melissa Blaney

Absent:

Doug Bond (Excused)

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 Phillip Wade, Board Secretary Susan
Pruchnicki

1. Call to Order

The meeting was called to order at 4:00 PM.

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

2. Swearing in of Witnesses

There were no witnesses to be sworn in.

3. Consent Agenda

- a. Approve the Regular Meeting minutes from May 1, 2025

Board Member Paul Mandelkern requested a minor change to the minutes for clarification.
Board Member Steve Heller made a motion to approve the amended minutes; Board
Member Kristen Matt seconded.

Code Compliance
Board Minutes
May 1, 2025

VOTE:

Steve Heller	Yes
Kristen Matt	Yes
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Yes
Melissa Blaney	Yes
Doug Bond	Absent

Motion Passed 6-0.

4. Board Elections for 2025-2026

Steve Heller nominated Wayne Johnson to remain the Board Chair for the 2025-2026 period. Paul Mandelkern seconded.

VOTE:

Steve Heller	Yes
Kristen Matt	Yes
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Yes
Melissa Blaney	Yes
Doug Bond	Absent

Motion Passed 6-0

Wayne Johnson nominated Steve Heller to fill the Vice-Chair position for the 2025-2026 period.

VOTE:

Steve Heller	Yes
Kristen Matt	Yes
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Yes
Melissa Blaney	Yes
Doug Bond	Absent

Motion Passed 6-0

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

a. Ms. Kelly Price of 890 Georgia Ave., Winter Park, FL 32789 approached the podium and identified herself. Her appearance was to address a previous decision made by the Board regarding the property at 630 W. Swoope Ave., Winter Park, FL 32789. Ms. Price stated that there is activity at the address not becoming to the street or the city. Ms. Price requested that the Board review the minutes from the hearing and speak to other citizens in the neighborhood. Ms. Price stated the activity is devaluing her and other adjacent properties, is not safe for residents, and that the Winter Park Police Department has been involved. Ms. Price stated that the Board has not done enough to protect the citizens and property owners.

Mr. Johnson thanked Ms. Price and stated that he didn't remember the details of the previous hearing, but if the property is in violation a Massey Hearing would be conducted imposing fines. However, it is up to the city officers to review. Ms. Price stated that she intends to file a code compliance complaint seeking help.

b. Ruben Paige of 840 Carver St., Winter Park, FL 32789 approached the podium and introduced himself. Mr. Paige presented a Courtesy Notice issued for a trailer stored in plain view. He stated he has lived in Winter Park all his life and was not aware of any violations regarding storing a trailer in the yard if it is not interfering with traffic. Mr. Paige offered to let the owner of the trailer park it in his back yard, which is fenced in.

Mr. Johnson confirmed that a courtesy violation was issued. Mr. Paige stated that if the trailer was in his backyard and fenced in, he did not see a problem. Mr. Johnson noted that the courtesy violation was signed by Officer Phillip Wade, and that Mr. Paige needed to contact the city. Mr. Paige stated that he spoke with Officer Wade. Mr. Johnson stated that the city determines whether there is a violation, and if so a hearing will be scheduled which will be more formal than public comments. Mr. Paige requested a hearing to be scheduled. Mr. Johnson stated that Mr. Paige would receive proper notice regarding the date and time of the hearing.

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

None

7. Non-Action Items

None

8. Staff Updates

Office Porrás offered an update on Case PM-24-0085 for the property located at 930 Cypress Ave., Winter Park, FL. The property came into compliance on May 12, 2025. The daily fines were stopped; a fine assessment sheet and invoice was sent to the property owner in the amount of \$80,802.38. The fines were accrued from October 5, 2024, for one violation through January 8, 2025, and the other violation ran from January 9, 2025, through May 12, 2025. No notifications have been received from the company or any of the property owners.

9. City Attorney Reports

Rick Geller provided an update on Mr. Gary Moore and the property at 1260 Whitesell Dr. Foreclosure proceedings began, and a guardian-ad-litem was assigned to find any living relatives of the named owner, Lucy Moore. The guardian-ad-litem filed a report stating that no heirs or any others have an interest in the property. With this report, Mr. Jontz from Fishback-Dominick is preparing a motion for a summary judgement which will be filed with the Court. The city was providing updated cost information, which Mr. Jontz will incorporate into the motion. Mr. Geller expected the motion to be filed shortly. Mr. Moore will have 40 days in which to file any response under the Rules of civil Procedure. Mr. Mandelkern asked what remedy the city was requesting. Mr. Geller stated a judgement of foreclosure. Mr. Mandelkern asked if it would be a demolition; Mr. Geller reminded the board that demolition has already occurred. If the city gains ownership of the property through a foreclosure sale, it could transfer the property to someone who would develop it, rather than remain an empty lot that the city is maintaining.

Mr. Johnson inquired about fines due, recalling that payment was made, and if Mr. Moore was current. Officer Porrás responded no that a new case was opened in 2025, and that the city just performed a lot clearing service. Mr. Moore was recently billed. Ms. Porrás did not have the amount on hand but noted additional fees are being added to the original amounts because the lot is overgrown again.

Mr. Johnson asked Mr. Geller about the Board's responsibilities for hearing tree appeals. He stated that last month it appeared that not everything had been updated, and he and Mr. Mandelkern discussed whether the process was an appeal or a de novo hearing. Mr. Geller responded that you could have both where the tribunal that you're appealing can hold a de novo hearing. To the best of his recollection, that was the intent of the new code amendments was to have them come before you and they can put on evidence and the Board can determine whether the Urban Forestry people exceeded their authority or if they made a proper determination that a tree should or should not come down, noting that he did not have the facts at hand.

Mr. Mandelkern stated that what was confusing to him was because of what the city code says. The property owner did not file anything in writing and didn't specify exactly what the error was that the city arborist or the Urban Forestry Department had made. It was a brand-new hearing essentially rather than an appeal, which Mr. Mandelkern thought the Board was supposed to be dealing with.

Mr. Geller responded he thought there is language in the code that says the appellant is entitled to a de novo hearing, so merging the two together is what he believed the intent was, to give someone who is aggrieved by a decision of the Urban Forestry department the opportunity to come before this Board and put on evidence as to why a tree should be removed when the city said no, it should stay. It then becomes this Board's call as to whether they adhere to the standards that are set forth in the code.

Mr. Mandelkern noted the case was the first one they heard. Mr. Geller apologized that he was not present at the hearing. Mr. Mandelkern stated that Ms. Griffith did a good job, it just wasn't clear to the Board what their role was. It ended in tie votes, and the case was tabled.

Mr. Geller stated that he would attend the next hearing that involved a tree appeal case, and steer things to the extent the Board needs him to. He stated on a typical appeal where you do not have a de novo hearing, then the facts from the lower tribunal are locked into place, it goes to the appellate court, and the appellate court looks for an error of law or an error in the application of the law. In some cases where the appeal is by writ of certiorari, the court looks to whether the lower tribunal had competent substantial evidence to support the decision. That is what happens in code enforcement cases when they are appealed. There are different standards but may be atypical in that the idea is that it is an appeal, but they do get a de novo hearing.

Mr. Mandelkern then asked what the standard was, preponderance of the evidence, or clear and convincing evidence. Mr. Geller responded with a preponderance of evidence but will research it.

10. Board Comments:

None

11. Upcoming Agenda Items

Officer Porras noted there is another Urban Forestry Appeal. She also advised the Board that the meeting scheduled for July 10, 2025, conflicts with another meeting. She asked the Board for a consensus on moving the meeting back to the original date of July 3, 2025, right before the July 4th holiday, or cancelling and moving the agenda items to the August meeting. Mr. Diez-Arguelles, Mr. Mandelkern, Ms. Matt, and Ms. Blaney confirmed that they will be available, which meets the requirements for a quorum. Mr. Geller stated he will also be available.

Ms. Porras thanked everyone and stated that agenda preparations will be made for July 3, 2025, at 3:00 PM.

12. Adjournment

Mr. Mandelkern made a motion to adjourn. Ms. Blaney seconded.

VOTE:

Steve Heller	Yes
Kristen Matt	Yes
Wayne Johnson	Yes
Paul Mandelkern	Yes
Carlos Diez-Arguelles	Yes
Melissa Blaney	Yes
Doug Bond	Absent

Motion passed 6 -0.

ATTEST:

Approved by the board on July 3, 2025

Susan Pruchnicki

/s/ Susan Pruchnicki, Board Secretary