



Code Compliance Board Regular Meeting Minutes

April 3, 2025, at 3:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Wayne Johnson, Douglas Bond, Paul Mandelkern, Carlos Diez-Arguelles,
Melissa Blaney (arrived at 3:04 PM)

Absent:

Steve Heller (Excused)
Tim Cordle

Legal Representative for the City:

Assistant City Attorney Richard Geller

Staff Present

Building Official Gary Hiatt, Asst. Building Official Ashley Ong, Planning & Zoning Director Allison McGillis, Water/Wastewater Asst. Mgr. Samuel Cruz, Code Compliance Division Manager Susanne Porras, Code Compliance Officer Christina Busch, Code Compliance Officer Phillip Wade, Code Compliance Officer Cristopher Gomez, 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 Regular Meeting minutes from March 6, 2025

Board Member Paul Mandelkern made a motion to approve the minutes as presented.
Board Member Douglas Bond seconded. Motion passed 5-0.

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#-BLDG-24-0037 2602 Amsden Rd., Winter Park, FL 32792

VIOLATION DESCRIPTION: Construction and/or alterations to a single - family dwelling and splitting the home into separate units. Renovations involving electrical, gas, mechanical, plumbing systems, and fencing addition within the already fenced-in backyard areas without a permit.

CODES CITED: Article II. – Building Code; Sec. 22-26. Short Title.; Sec. 22-27. – Codes Adopted by reference.; - Sec. 109.4 Work Commencing Before Permit Issuance of the City of Winter Park Land Development Code.

CORRECTIVE ACTION REQUIRED: Contact the building department to obtain all required permits or restore the property to its original use. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of a triple basic permit fee.

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 a citizen complaint. 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 December 19, 2024. Officer Busch pointed out the fencing panels around the pool area in her photograph, then presented an aerial photo of the property from a *Realtor.com* listing indicating that the fence was not present. Additional photos presented indicated where the backyard had been divided into three separate sections, exterior doors were installed, fence panels were moved, and interior walls were constructed to divide the home without permits being obtained. Comparison photos from *Realtor.com* indicated the original internal and external configurations of the home.

A Notice of Violation was posted on the property January 29, 2025. A Notice of Hearing was posted on the property March 19, 2025.

Officer Busch provided additional evidence from a previous short-term rental case on the property (Case LDC-24-0064). The different Airbnb listings offered 1-, 2-, and 3-bedroom suites with bathrooms and kitchens. This would indicate that plumbing and electrical work was also performed without permits.

Board Member Doug Bond confirmed with Officer Busch if there was an Airbnb violation. Officer Busch stated no. The violations were for no permits, and the short-term rental listings were presented to show how the interior and exterior were renovated to create separate units. Mr. Bond asked if the plumbing, electrical, and other remodeling work was determined by comparing the current photos to those of the real estate listing. Officer Busch responded that the inspection was conducted at the request of a resident and the comparison to the real estate listing confirms the unpermitted changes made to the property. Mr. Bond asked if the electricity bill was split or if there was only one bill for the property. Officer Busch responded it is all on one electrical box.

Board Member Melissa Blaney confirmed the zoning for the property is R-2, and asked Officer Busch if it could be a two-family home or if it had to be a single-family home. Planning and Zoning Director Allison McGillis approached the podium and identified herself. She addressed Ms. Blaney's question, noting that R-2 is for permanent single-family homes or duplexes, and that any other occupancy would require a conditional use permit, which was not received. Ms. McGillis stated that the owner could apply to convert the home into a duplex, but no permit has been applied for. Ms. Blaney stated she wanted to make sure that if it's not zoned for this use, the number of permits didn't matter. Ms. McGillis stated that R-2 allows for 10 units per acre, so with .3 acres they could technically have three units, but there are setbacks that need to be complied with, parking, impervious surface ratio, etc. but she didn't know that they had complied to have three units.

Board Member Paul Mandelkern asked Ms. McGillis that even if they had the permits they would still be in violation of the zoning. She stated that if an application was received for three units it would be flagged for conditional use. Ms. Blaney interjected that she thought it was two units. Officer Busch confirmed that there are three, one in the middle, and one on either side of the structure. The garage area is one unit, then the middle section, then a third unit to the right.

Board Member Carlos Diez-Arguelles asked if there was a shared bathroom, being that there are three units and only two bathrooms. Officer Busch stated that she was unable to verify this, as she only had access to the middle unit, the other units were locked. The Airbnb listings indicated that each unit had a bathroom, and the middle unit has two bathrooms.

Mr. Arguelles confirmed that the Airbnb listing has been removed, and asked Officer Busch if the units were rented out long-term. Officer Busch replied that she did not know.

Board Chair Wayne Johnson asked that aside from the listing being removed, the statute says a family dwelling cannot be split up into separate units. Mr. Johnson asked Officer Busch to confirm how she determined the separate units. Officer Busch stated that when the initial inspection was conducted on the home, a wall was in place to separate the space from another, and the presence of three exterior doors and three separate spaces created in the back yard. Mr. Johnson asked if one could walk between the units, if there was a door. Officer Busch stated she did not see a door. Mr. Johnson then asked if Officer Busch had any conversations with the property owner. Officer Busch said yes and that she has explained the requirements for compliance, however the owner does not seem to understand. It was clearly explained to him that the work that was done has to have permits.

Mr. Johnson asked if the owner acknowledged that there were separate units. Division Manager Susanne Porras responded to Mr. Johnson, noting that she was with Officer Busch when they met the owner at the property, and she was the one that explained the process to him. She stated the owner did say and the tenant at the time expressed that when they moved into the home they realized they had two neighbors within the structure.

Mr. Bond reminded everyone that the case was before the Board because of permits. He asked how many permits were required and what types they were, and noted the fees would be triple for each one. Building Official Gary Hiatt responded to Mr. Bond, noting the number of permits would be calculated by the total scope of work completed. Mr. Hiatt stated there would be a building permit, then sub-contractor permits for all the trades. Based on the evidence provided it is very likely that plumbing and electrical installations were made to make the units livable. Mr. Bond noted his knowledge was limited but offered an example that if he wished to renovate his home he would need a permit. Mr. Hiatt confirmed that a building permit would be the first step and sub permits would be issued based on the scope of work performed by other trades.

Mr. Bond confirmed that the Board would be setting fines for the building permit, but that the judgement could also include other permits as determined. Mr. Hiatt stated that the Board should require the building permit application be submitted, and the department would take it from there. Ms. McGillis added that if there are more than two units it needs to go through a public hearing process before the Planning and Zoning Board and the City Commission before a permit could be applied for. Under R-2, the only thing that does not require a public hearing is a single-family home or a duplex.

Ms. Blaney noted the issue with three units is not simple in that the owner cannot request a Mechanical permit. There are architectural issues, i.e. fire walls, fire sprinklers, how the owner has access to the units. She stated that this would likely not fall under the residential codes. Mr. Hiatt responded that a Building Permit needs to be applied for, and the other items will be reviewed by the Permit Department.

Mr. Mandelkern asked Mr. Hiatt if there was a penalty for not applying for the permit(s) in advance. Mr. Hiatt responded that the penalty for after-the-fact permitting is triple the normal fee based on the city ordinance, and that any fines determined by the Board would be in addition to that.

Mr. Johnson noted that the recommended action be that a permit be applied for or the property to be restored to its original use, and asked Mr. Hiatt what would be required to return the property to its original use. Mr. Hiatt stated that based on the photos and the exterior doors, that the building envelope was modified a permit would be required to review for wind mitigation, etc. Mr. Johnson confirmed that a permit is needed for either resolution.

Mr. Mandelkern asked Mr. Hiatt for his opinion about a reasonable time frame for a permit to be obtained. Mr. Hiatt stated that it should have been done before any work was performed, however, an application should be submitted for review within 30 days maximum.

Ms. Blaney asked about the ability to rent the property due to public safety issues with unpermitted work and inquired about liability. Mr. Hiatt stated that all liability belongs to the owner, anything that happens is the owner's responsibility, whether it is faulty construction or having too many people. It is up to them to rectify it through the permit process. Rental means nothing to the building department.

Ms. Blaney expressed concern that now that the city is aware of the violations if liability could be placed. Deputy City Attorney Richard Geller offered that the city has certain immunities, and he did not see how the city could be held liable for the property owner not pulling permits and what comes of that. The city's only involvement is to try and get compliance with the code. Ms. Blaney asked Mr. Geller if the renter acted in good faith but the owner did not, where is that line? Mr. Geller responded that the question was beyond the scope of the hearing, but Ms. Blaney added that based on her background if she were on a job site and saw something not right she could have shut it down. She asked if the board is on the comfortable side of that line if something comes back that they are doing everything they can. Mr. Geller responded yes, and that he did not believe that Florida Statute 162 would authorize the Board to issue some sort of eviction order for a tenant. Ms. Blaney stated she was not seeking eviction but to cease operation. Mr. Geller noted that a potential zoning violation is not before the Board and was not Noticed for this hearing. He offered that he would not advise the Board's decision to be based on any type of zoning violation. The decision should be based on the Notice of Violation, being the failure to obtain all required permits.

No one appeared on behalf of the respondent.

Board Discussion:

Mr. Bond noted the proposed order basically says a fine of \$250 per day after a certain time frame. He asked if the fine would apply to each permit required, or the whole amount? As an example, if five different permits were required, would the fine apply to all, or just the building permit? Ms. Blaney asked Mr. Bond to repeat what he said. Mr. Mandelkern stated the way he interpreted the proposed motion that the fine would apply to all permits. Ms. Blaney asked Mr. Hiatt to confirm that no permits would be provided until the application was reviewed and approved by the Building Department. Mr. Hiatt confirmed that the Respondent would apply for a Building permit, and it would move forward from there.

Mr. Mandelkern stated that he had a problem with the wording of the proposed motion, noting that "contact" should be changed to "apply". Mr. Johnson agreed and added that permits would also be necessary to return the property to its original condition.

Motion:

Paul Mandelkern offered the following motion:

From the evidence presented today, I move to find the Respondents, Grullon Lopez Investment LLC, Compliance Board Case #BLDG-24-0037, owners of 2602 Amsden Road, Winter Park, FL 32792 in violation of Article II. – Building Code; Sec. 22-26. Short Title.; Sec. 22-27. – Codes Adopted by reference.; - Sec. 109.4 Work Commencing Before Permit Issuance of the City of Winter Park Land Development 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 within 30 days of this hearing date to apply to the building department to obtain all required permits or restore the property to its original use after obtaining the necessary permits. 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 within said 30-day period.

Motion was seconded by Doug Bond. Motion passed unanimously, 5-0.

b. CCB#-LDC-24-0319 1946 Strathaven Rd., Winter Park, FL 32792

VIOLATION DESCRIPTION: Operating a rooming house in a residential single-family dwelling.

CODES CITED: Chapter 58, Section 58-71 (y) (3) (e) Prohibited Home Occupations and Section 58-95 Definitions of the City of Winter Park Land Development Code.

CORRECTIVE ACTION REQUIRED: Cease the illegal use of rooming house operations in a residential single-family dwelling.

Code Compliance Officer Christina Busch introduced herself 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 a citizen complaint. 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 October 28, 2024. The property is advertised on a website called PadSplit, where individual rooms are rented out. Officer Busch provided a screenshot of the advertisement indicating that rooms are available for weekly rental. Each room is identified by a color, and it is noted that the renter will be sharing the property with others.

Follow-up inspections were conducted on December 10, 2024, and December 16, 2024. The listings were still on the PadSplit site. A Notice of Violation was posted on the property on December 16, 2024.

A follow-up inspection was conducted January 6, 2025. The screenshot provided indicated that all the rooms were rented, which prevented displaying the full listing. The listing will still appear, and interested parties can click on a displayed link to be alerted when a room becomes available. It is therefore still considered to be advertised. A follow-up inspection was conducted on January 7, 2025; the listing is still on the website. A follow-up inspection was conducted on January 16, 2025. The listing was on the site and a different room was advertised. A follow-up inspection was conducted on January 27, 2025. The listing was on the site advertising one room as available. The listing again indicates that there are others renting and sharing common spaces. A follow-up inspection conducted on February 5, 2025, found the listing is available.

A follow-up inspection was conducted on February 14, 2025. The listing did not appear on this search date. A follow-up inspection on February 21, 2025, found the listing again, indicating the rooms were fully booked, with the ability to be alerted when a room became available. A follow-up inspection on February 28, 2025, found that the property is still fully booked, but the listing is still on the site.

A follow-up inspection on March 11, 2025, found the listing is still active, and the rooms fully booked. A Notice of Hearing was posted on the property on March 19, 2025. A follow-up inspection on March 20, 2025, found the listing is still active, but fully booked. On March 27, 2025, the listing is still active, and the rooms are fully booked. A follow-up inspection conducted today, April 3, 2025, found the listing is still active, and fully booked.

Officer Busch provided comparison photographs from PadSplit.com and Realtor.com from 2023 to identify the property since the listing only shows interior photos. She presented information explaining what PadSplit is (a co-living platform), how it works, and how it compares to other rentals. This is considered a rooming house; it does not fall under a standard six-month or one-year lease. The property is offered as affordable housing, rented on a weekly basis and for each room of the property. Each member rents a private, furnished room and shares common areas such as the kitchen, living room, and laundry facilities with other renters and may leave at any time. PadSplit offers the ability to move to another home offered for free if it was closer to the renter's current employment or if they changed employers.

Mr. Johnson stated that looking at the definitions of a rooming house, per the code it says a building of nine or less rooms which is not consistent with the definition of a hotel, or in which sleeping rooms were for hire with or without meals with the building having only one kitchen. He asked Office Busch if that was the issue here, that people are renting but there is only one kitchen. Officer Busch stated that different people rent out each room, but confirmed it is a single-family dwelling with only one kitchen.

Mr. Bond asked if part of the case was the weekly rental of rooms, or just the kitchen. Officer Busch reiterated that the website offers weekly rentals with the ability to leave at any time. Mr. Bond asked if it was like Airbnb language. Officer Busch said yes. Mr. Bond asked Officer Busch if he wanted to have roommates how it would differ from this and noted that he was confused. Ms. McGillis from Planning and Zoning approached the podium to respond. She stated it is a problem because the code says you cannot rent for less than one month, but also the city has a definition of a family, so you can't have more than three unrelated people living in a single house. If the property were operated as a Rooming House, a Bed and Breakfast, or other type of definition in a single-family zoned property it is a conditional use in and above itself which the owner didn't get. This property does not fit into these definitions.

Mr. Johnson noted the violation brought to this meeting was for a Rooming House, it doesn't appear to be for a short-term rental. Officer Busch confirmed that was correct.

No one appeared on behalf of the Respondent. Ms. Lynn Kang, who is a current resident of the property at 1946 Strathaven Rd., Winter Park, Florida 32792 approached the podium and identified herself. Ms. Kang stated that she found the PadSplit advertisement a few weeks ago. She stated she was in a terrible housemate situation that she needed to get out of, with plans to leave the State of Florida in approximately three months. She did not want to sign another lease and was looking for something within her budget while she finished some medical procedures in progress before she moved.

She found the listing, which was within the ward of her church so at least she could stay within her community in Winter Park. It looked like a nice home in a quiet neighborhood and was affordable. She noted that the Board was shown the rental fees during Officer Busch's presentation. She stated that at the time she signed on with PadSplit, she was required to commit to 12 weeks. If she found the house untenable, she could request another rooming. She stated she was currently living in the house with four other people (noting that there were previously five). She said she spent a lot of time scouring the PadSplit site because she was a member and had to go through a background check to get the membership. She stated that other members were disproportionately men of color, particularly African American. She said that everyone she has met while living at the property had been wonderful, respectful, and professional, holding a job and working towards their goals.

Ms. Kang pointed out that there is a housing crisis in America. She asked Officer Busch if the complaint came from a resident of the house, or a resident in the community. Officer Busch confirmed it was a community resident. Ms. Kang said she could easily identify the complainant, that they were hurling slurs from 1940 Strathaven Rd., and have been every single day since she has been there.

Ms. Kang recognized that there were violations at the property, and that she would be losing her housing again, but she wanted to put this information record. She stated that PadSplit is not perfect, but it is attempting to offer a solution to the housing crisis. She also stated that she has lived in Orlando for 10 years, and Winter Park has always been her community of preference because the city does things right. She said she came from Chicago and had seen what happened to all the public housing areas there and what happened to the people who were largely dependent upon public housing when they were moved into other neighborhoods.

Mr. Johnson asked Ms. Kang how much of her 12-week commitment remained. She stated she has eight weeks left. Mr. Bond asked how many people were living on the property. Ms. Kang replied five. Mr. Bond asked if Ms. Kang had witnessed anyone coming in or leaving on a weekly basis; she responded no but said that one resident was reported to PadSplit by the other tenants for being loud and he was given three weeks' notice to vacate the property.

Board Member Carlos Diez-Arguelles asked Ms. Kang if the owner lived on the property. She said no. It is her understanding that the owner is Art Lion, LLC. She said she checked SunBiz, and the LLC has a registered agent. The agent location changed from St. Petersburg, Florida to Indianapolis, Indiana in January of 2025.

BOARD DISCUSSION:

Mr. Mandelkern stated the first thing was to decide if there was a code violation or not, adding that in his view there was based on the evidence presented. That said, what timeframe should be allowed for the owner to continue being in violation of the code, realizing that there are people living there who are not responsible for violating the code.

Mr. Bond stated that under PadSplit, the people living there can move somewhere else based on their credits. Mr. Mandelkern noted that the point about affordable housing is well taken, but the Board's responsibility is to determine that there is a code violation. Mr. Johnson agreed with Mr. Mandelkern that under the definition of a rooming house and Ms. Kang's statement that there are four to five others living on the property is not related.

Mr. Mandelkern added that his understanding of the property's zoning is single-family, and non-related people occupying the property is a violation of the code. He acknowledged that non-related people living at the same property probably goes on quite a bit, but that is not relevant to this particular property that is violating the code.

Ms. Blaney offered that a two-step resolution was needed, one being the owner must stop advertising the property as a rooming house, the other determining the amount of time allowed for the tenants to vacate. Mr. Johnson noted that in past Airbnb cases the Board determined how long the person staying on the property paid to stay. Ms. Blaney stated that is what she didn't understand. Mr. Bond stated if Ms. Kang had 12 weeks of credit on the site, she could use what remains to relocate to another PadSplit property, most likely outside of Winter Park where it is not a violation.

Ms. Blaney asked the city if there had been problems with the property, and if there was only one complaint. Officer Busch responded that there was only one complaint received. Mr. Bond asked if the Board found a violation, then the complaint didn't matter. Ms. Blaney suggested the Board should require the owner to stop the advertising on PadSplit immediately as it is the main violation. The current tenants should be allowed to stay for two or three weeks to allow time to find another housing alternative. Mr. Bond recognized that Ms. Blaney was trying to find a cure for the current housing crisis, but that is not within the Board's authority. Mr. Johnson suggested 30 days per previous findings.

Mr. Mandelkern noted that only one tenant of the property is present, and the Board can't know what the other's timeframes are, so something reasonable needs to be offered. Mr. Bond suggested 45 days, but Mr. Mandelkern thought that was excessive, that 30 days would be reasonable. Mr. Bond offered that working and trying to find another place to live would be difficult, so 30-45 days might be more reasonable. He stated the issue at hand is that PadSplit and the owner are doing something illegal, and the tenants are going to suffer for it. Mr. Mandelkern agreed with the latter.

Ms. Blaney reminded the Board that in the case of an Airbnb the owner was being told they had to take down the advertisement within a set number of days; Mr. Johnson added that the fines were applied 30 days out. Ms. Blaney acknowledged that there was a certain amount of time for a reprieve so that someone currently residing there could find an alternative, but did not know what that time was. Mr. Bond suggested ceasing operation within 45 days to allow any current tenants to move out. Mr. Johnson noted the order should be split, one to cease illegal advertising within three days, and then decide on 30 or 45 days to cease illegal operation. Mr. Mandelkern confirmed that the order is sent via certified mail, so it should be to cease all advertising immediately upon receipt. Mr. Johnson suggested 35 days for the illegal operation. Mr. Mandelkern noted his concern about the people that are currently living in the house and allowing the owner to rent to new people until the end of the 30 days. Ms. Blaney noted that the order to immediately cease advertising will not allow the owner to rent to anyone new, and the tenancy would have to end within 45 days.

Mr. Geller referenced the receipt issue, noting he would be more comfortable if the Board were to require the owner to cease illegal advertising within a certain number of days of the order or as of the hearing date without conditioning it upon receipt of the order. He stated there are certain respondents that will evade the receipt, will not pick up the certified mail, etc. He added that the order can be posted on the property and that is deemed to be Notice. Officer Porras added that she was going to suggest that the order be posted on the property. Mr. Johnson favored the receipt and questioned posting the order if the owner is not there. Mr. Geller stated that it would still be sent via certified mail in addition to being posted on the property, but a definitive time should be set for the advertising to cease. Ms. Blaney stated that the city has been providing notices since October 2024, so the owner should not be surprised. She understood that proper notice must still be provided.

Officer Porras added that the owner had been in contact with Officer Busch, so they were aware of what was happening. Mr. Bond asked if anyone was at the meeting representing the owner, Mr. Johnson replied that no one responded when called upon.

Mr. Johnson asked the Board for a consensus on the 30 or 45 days allowed for the tenants to vacate. Ms. Blaney thought 60 days should be offered but agreed to 45 days. Mr. Mandelkern also agreed to 45 days.

MOTION:

Board Member Wayne Johnson proposed the following motion:

From the evidence presented today, I move to find the Respondent, ART LION LLC, Compliance Board Case #LDC-24-0319, owners of 1946 Strathaven Road, Winter Park, FL 32792 in violation of Chapter 58, Section 58-71 (y) (3) (e) Prohibited Home Occupations and Section 58-95 Definitions of the City of Winter Park Land Development Code.

The Respondent has been properly notified by 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 cease the advertising of the illegal use of rooming house on PadSplit or any other entity within seven days of this hearing date. The Respondent is further ordered to cease the illegal use of rooming house operations within 45 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 April 15, 2025.

Motioned seconded by Paul Mandelkern. Motion carried unanimously, 5-0.

c. CCB# - PM-25-0019 108 S. Park Ave., Winter Park, FL 32789

VIOLATION DESCRIPTION: Illicit discharge of solid waste into a storm drain behind the building along city property on Center Street outside of the designated Waste Pro containers.

CODES CITED: Chapter 102 - Utilities; Division 2 – Discharge Regulations – Sec. 102-112 (4) Prohibited Discharges – Generally of the City of Winter Park Code of Ordinances.

CORRECTIVE ACTION REQUIRED: Cease the illicit discharge of waters or solid waste into the storm drains along Center Street immediately. All trash shall be disposed of in the designated containers provided by Waste Pro.

Code Compliance Officer Christina Busch introduced herself and presented documentation that Bosphorous Turkish Cuisine has been verified as a tenant of 120 S. Morse Blvd., Winter Park, FL 32789 as verified per Orange County official records. The property was brought to our attention by a city employee. The Notice of Violation and Notice of Hearing were issued by regular and certified mail, hand delivered to employees of the establishment and posted at City Hall to meet Fla. Statute 162 due process requirements.

Officer Busch presented documentation from the Orange County Property Appraisers website confirming the location of the restaurant within the 120 E. Morse Blvd. address and showing the restaurant from the Park Avenue side of the building and assigned the 108 S. Park Avenue address.

The initial inspection was conducted on February 17, 2025, after receiving information from a city employee who was in the area. A photo showing the Center Street location behind the restaurant and a close-up photo of the storm drain with meat in the drain. A cost control sheet created by Joe Newman (Public Works, Streets Division) in the amount of \$257.60 was provided to document the cost incurred by the city to clean the storm drain.

Officer Busch introduced Sam Cruz, the Assistant Manager of Water and Wastewater. Mr. Cruz identified himself. He stated that he inspected the restaurant on February 17, 2025, and identified the protein products on the storm drain. He spoke to the manager of the restaurant about the illegal dumping and that it had to cease immediately. The manager responded that they were not aware of the illegal dumping into the storm drain.

Mr. Cruz contacted the restaurant owner, Mr. Doved Sexter, via e-mail and believed that he had corrected the problem. Photos taken by Mr. Cruz on February 19, 2025, during an inspection of the back area of the restaurant showed rice present in the grease trap.

Affidavits of Hand Delivery for the Notice of Violation on March 15, 2025, and the Notice of Hearing on March 21, 2025, were presented by Officer Busch. Next, Officer Busch presented to the Board a video from a previous violation, Code Compliance Case LDC-24-0459, showing an employee of the business cleaning out the kitchen directly into the storm drain. The video was taken and provided to Code Compliance by Barry Carson with the CRA and included in her presentation to show a trend.

Mr. Arguelles asked Officer Busch if the violation was for Bosphorus Turkish Cuisine, noting there are many restaurants located in the building. Officer Busch confirmed it was just for Bosphorus.

Ms. Blaney asked if this was a new case, referring to the video shown. Officer Busch replied that the case from last year was closed because there was no repeat action. A new case was opened in 2025 for the new violation of dumping meat in the storm drain.

Mr. Johnson asked if grease was being dumped in the storm drain. Officer Busch stated that it was food they were cleaning out of the kitchen. He then asked if this violation had been corrected. Officer Busch stated a repeat violation has not happened that she was aware of.

Mr. Cruz stepped in, noting that his employees took pictures of the correction. A pressure washer was used to clean the area, and the restaurant is compliant with his department. Mr. Johnson recognized that two violations had happened within six months. Officer Porras added that for the violation on February 17, 2025, the city cleaned up the area, not the restaurant, and referred to the Cost Control Sheet provided.

Mr. Bond asked if the restaurant was compliant, where the waste and grease was being disposed. Mr. Cruz replied that they have a container and a grease trap, and that the grease trap is pumped every month. Mr. Cruz added that for the record Chapter 102 from the Utilities Code - Illegal Discharge - is for all substances not biodegradable into the sewage system, and the city just wanted to stop the dumping.

Mr. Geller pointed out to the Board that the invoice was never paid, and it is within the Board's discretion to add the city's enforcement cost on top of any fines that may be issued. He saw no reason that the decision could not include an order to pay the incurred costs if they found the Respondent in violation.

Mr. Mandelkern asked who the legally correct respondent is, if it is the property owner or the restaurant. Mr. Geller stated that both the owner and any tenant is responsible for complying with the code. Mr. Mandelkern noted there would be two respondents; Mr. Geller noted that only Bosphorus Turkish Cuisine was cited in the case, and he did not know of anyone else that would have received a notice to be aware of the proceedings.

Mr. Mandelkern noted the property is owned by 120 Morse Blvd., LLC and assumed this was a separate entity from the restaurant owner. Officer Porras confirmed that 120 Morse Blvd., LLC owned the building, but the building was divided into retail and restaurant spaces. Mr. Mandelkern noted that per Mr. Geller the landlord was also responsible for the tenant's violation of the code. Officer Porras confirmed this. She noted that the building owner was not included because the violator was caught in the act of performing the violation, so the decision was made not to include the building owner in the case.

Mr. Johnson stated the provision says prohibited discharge is solid or viscus substances in quantities of such size causing obstruction to the flow of sewers or proper operation of sewage works, then asked Mr. Cruz if he knew what substances were present and if he felt they could cause obstruction. Mr. Cruz stated that he did not test the substance but felt comfortable in his knowledge of restaurant cleaning containing organics.

Respondent Doved Sexter of 547 Virginia Ave., Winter Park, FL 32789, approached the podium and identified himself as the owner of Bosphorus Turkish Cuisine since September of 2000. He offered points of clarity in that he does not own the building, and the violation references the wrong address. He stated that he never received a copy or service of the citation issued last year but that this year he did. He wasn't sure where the previous notice was sent to, and this was his first knowledge of it. He stated that he is "get along kind of people", that he wants to do things the right way and not cause issues. He stated that Mr. Cruz left his card when he met with the General Manager of the restaurant, and then he (Mr. Sexter) contacted Mr. Cruz seeking clarity and information, and was told there was a video. Mr. Sexter noted that he knew nothing about the video, or the date it was taken.

Mr. Sexter stated that he left messages for Officer Busch but did not receive a response or the video as requested. Mr. Sexter presented a t-shirt worn by the restaurant staff. He noted that in the video there was a person's name on the front of the shirt. The shirt he displayed only had the restaurant name on the back. He added that the restaurant has an overnight cleaning service that does all the work, not his employees.

Mr. Johnson asked Mr. Sexter if he knew what the substance in the drain was; he responded he did not. Mr. Sexter stated that there are constant problems with the compactors and dumpsters. He also stated that Bosphorus shares space with Croissant Gourmet, Rome's Flavours, and Bernie's, and they all utilize the back area.

Mr. Bond asked Mr. Sexter for his correct address since he claimed the violation was issued for the wrong address. Mr. Sexter said his address is 547 Virginia Avenue where the commissary and corporate offices are. Mr. Bond asked if Notice was received at the restaurant; Mr. Sexter did not know for certain, but that if mail was delivered to the restaurant it would be brought to the Virginia Avenue address by someone.

Mr. Johnson confirmed with Mr. Sexter that he was not aware of the 2024 violation. He stated yes that no notice was received and his first knowledge of it was at this hearing.

Officer Busch clarified that the address of the entire building is 120 E. Morse Blvd., but that 108 S. Park Ave. is the address of the specific unit that was cited.

Mr. Johnson asked for the last two pictures from Officer Busch's presentation to be displayed again. He noted a tag on a line as being labeled Croissant Gourmet. Mr. Cruz explained that it is a gas line, and the tag is there to identify the shut-off valve. Mr. Johnson asked about the other photograph. Mr. Cruz identified it as the grease container for Bosphorous, and noted a bin next to it used for laundry. The container was covered with grease from use. Mr. Cruz stated he ordered Mr. Sexter to clean and organize the area and he complied. Mr. Cruz stated he had pictures confirming the area was cleaned, but did not bring them to the hearing. Mr. Johnson asked Mr. Sexter when he complied with Mr. Cruz's order. Mr. Sexter replied on the same day. Mr. Sexter added that the company contracted for the grease container is required to maintain it, which clearly they were not. He also stated that other restaurants are seen using his dumpsters all the time, and that he did not know if other restaurants have grease containers.

Mr. Cruz responded that all restaurants are required to have grease containers, but that is an issue the tenants must address, not the city.

Mr. Bond asked Mr. Sexter if the dumping wasn't from his restaurant if he knew where it might be from. Mr. Sexter said no and added there was no reason for Bosphorous to dump into the drain when the container is located one step outside of the back door. Mr. Bond then asked about the photo that he could see rice in. Mr. Cruz stated it was a photo of rice in the grease container. Mr. Cruz added that the grease container was undersized for the seating capacity of the restaurant. Mr. Bond asked if the photo showed a violation. Mr. Cruz explained the photo was of a 4" PVC cleanout, that it is the top view if the cap on the pipe is removed. Mr. Cruz stated that he retrieves samples from the cleanout, and that the photo is not related to the violation.

Mr. Arguelles confirmed with Mr. Sexter that his employees do not clean the restaurant, that he has a service, then asked if the person in the video might have been someone from the cleaning crew. Mr. Sexter responded that it was possible, but the restaurant does everything to maintain the area. He mentioned that Supervisors visited the restaurant regularly, and cameras are installed at the back door. He noted that he could not find anything in a span of about 14 days of anyone walking over to the area, and that he would have owned the violation if he found confirming footage.

Officer Busch directed the Board to the slide displaying the Affidavits that the Notices that were hand-delivered to the restaurant.

BOARD DISCUSSION:

Mr. Bond asked if there was a problem with not having the building owner as a respondent. Mr. Johnson said no if they had the alleged direct actor, you don't need to "vicariously liable" a person. Mr. Bond asked the Board if they felt there was conclusive proof that Mr. Sexter's employees or subcontractors were putting grease and such in the drain. Mr. Johnson replied to that extent that if the cleaning company may have been responsible the Board cannot make the restaurant liable for it. Mr. Bond asked if the person in the video could have been from another shop or restaurant. Ms. Blaney expressed she thought the video was from the closed case, and didn't know how it could be applied to the open case. She stated she did not see anything definitive identifying Bosphorous as the violator.

Mr. Geller cautioned the Board to stick to the actual Notice of Violation that was served in 2025. There were some questions about the service of the 2024 violation and he was not sure it was relevant to the case before them. He noted that if there were to be a Massey Hearing then the Board would be allowed to consider previous violations, but the safe course is to focus on 2025.

Ms. Blaney confirmed that the current violation is the food debris in the storm drain. Mr. Mandelkern confirmed the case today is from February 17, 2025. Mr. Johnson noted that the city cleaned up the mess but has not received payment for it. Ms. Blaney asked how they could confirm the violator was Bosphorous. She stated that she did not see them dumping it, or that Bosphorous is the only restaurant that could have disposed of food in the storm drain. Mr. Bond stated that he could not identify the debris from the photo as food served by Bosphorous.

Mr. Bond asked if Bosphorous was Noticed if they would have to pay costs for the clean-up, and if they found the Respondent in violation could they include those costs in the order. Officer Porras stated they could, noting that the invoice presented was sent to Code Compliance by the city crew that did the cleaning on 2/17/25. It was never issued to or mailed to the restaurant; it was presented to reflect the cost incurred by the city for the clean-up of the violation. Mr. Johnson did not feel it could be assessed unless the restaurant had been asked to clean up beforehand. Mr. Bond asked if the city cleaned the mess because it was a health concern and would draw rats to the area. Mr. Johnson pointed out that Mr. Sexter took care of the violation from Mr. Cruz the same day, and Mr. Bond noted Mr. Sexter's strong willingness to correct the problem.

Mr. Mandelkern offered that the Board's decision had to be based on the preponderance of evidence presented, and the preponderance of evidence doesn't prove that Bosphorous Turkish Cuisine was responsible. Mr. Bond and Ms. Blaney concurred. Mr. Johnson offered that there was immediate compliance, so it is difficult finding someone in violation. Mr. Bond added that it would be helpful if there were city cameras to capture violators. Officer Porras responded that new cameras were just installed, and that she monitors them.

Mr. Arguelles questioned that there was no evidence that the area had been cleaned up. Mr. Bond referred to Mr. Cruz's testimony that it was, and he had pictures but did not bring them to the hearing, and Mr. Sexter's testimony that he complied with Mr. Cruz's violation the same day. In response, Mr. Sexter stated that he spoke to Mr. Cruz within minutes of receiving the violation and discussed the fact that the grease interceptor is undersized for the restaurant. Mr. Sexter volunteered to clean the container more frequently to maintain a good relationship with the city. Ms. Blaney asked when the conversation with Mr. Cruz took place. Mr. Sexter responded February 17 or 18. Mr. Cruz confirmed that he sent an email to Mr. Sexter on February 19, and they spoke by phone on February 20. Ms. Blaney confirmed with Mr. Cruz that since that time he had evidence that the area had been clean from his inspector. Pictures were taken, but Mr. Cruz did not bring them to the hearing. Mr. Cruz said that the Center Street area is a problem due to all the restaurants and businesses, but his department works hard to keep it clean because there are residents in the Center Street area as well. He noted the city must be proactive, as the Center Street sewer system is very old. Every six months the line is cleaned with a Vactor truck to prevent overflows and rat infestations.

Mr. Sexter stated that he felt singled out among the other restaurants and cafes located in the same building.

Ms. Blaney commented that Mr. Cruz's statement answered Mr. Arguelles' question about the area being cleaned, so she assumed this hearing was just for the storm drain dumping. Mr. Geller confirmed that the storm drain dumping is the case before the Board. He recognized the sentiment amongst the Board members and stated they could enter an order that the city failed to prove its case by a preponderance of evidence.

MOTION:

Paul Mandelkern offered the following motion:

From the evidence presented today, I move to find the Respondent, Bosphorous Turkish Cuisine, Complaint Board Case #PM-24-0019, tenants at 108 S. Park Ave., Winter Park, Florida that upon the preponderance of the evidence is not in violation of Chapter 102 - Utilities; Division 2 – Discharge Regulations – Sec. 102-112 (4) Prohibited Discharges – Generally of the City of Winter Park Code of Ordinances.

Motion seconded by Doug Bond. Motion carried unanimously with a 5-0 vote.

**d. CCB#-PM-24-0016 820 West 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.

Code Compliance Officer Phillip Wade introduced himself. Officer Wade provided the Board with an Affidavit of Non-Compliance for case PM-24-0016 at 820 W. Webster Ave., Winter Park, FL 32789. The case was presented on August 4, 2024, and the owner, Willie J. Clark was found in violation and was ordered to (a) repair or replace the dilapidated fence and (b) remove all unsightly articles from view of the public right of way and neighboring properties within 30 days of the hearing date. Failure to comply with the order could result in fines of up to \$250.00 per day, per violation, for each day the violation continues. The Respondent was further ordered to contact the Safety and Code Compliance Officer and provide documentation of action taken to bring the 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, October 24, 2024, November 7, 2024, November 14, 2024, November 18, 2024, November 26, 2024, December 9, 2024, December 19, 2024, December 23, 2024, January 6, 2025, January 10, 2025, January 14, 2025, January 27, 2025, February 10, 2025, February 11, 2025, February 18, 2025, March 5, 2025, March 6, 2025, and March 19, 2025.

The city gave proper notice of this Massey Hearing to the Respondent via Certified Mail and posting at City Hall to meet Fla. Statute Ch. 162 requirements.

Officer Wade presented photographic evidence from the follow-up inspections performed supporting the lack of compliance with the Board Order. The Amended Notice of Massey Hearing was posted on January 14, 2025. Photos from inspections conducted after the posting were presented as evidence that the condition of the property had not changed, nor had the fence been repaired by the March 6, 2025, Code Compliance Board Hearing.

An Amended Notice of Massey Hearing was posted at the property on March 21, 2025. A reinspection conducted on March 21, 2025, found slight improvement, however there were still unsightly articles stored in plain view and the fence repair had not been completed. A reinspection conducted on April 3, 2025, found unsightly articles stored in plain view and the fence repair was still not completed.

Mr. Mandelkern confirmed with Officer Wade at the last meeting of the Board the case was tabled, and Mr. Clark had stated that the debris would be cleaned up and the fence repaired. Mr. Mandelkern asked Officer Wade if Mr. Clark had communicated with him about any progress made. Officer Wade replied that Mr. Clark reached out to someone at the Building Department, and they forwarded Mr. Clark's message saying that the property had been cleaned, but a follow-up inspection found otherwise.

Mr. Johnson asked Officer Wade when he was notified; he responded April 1, 2025. Mr. Bond confirmed that the fence is still not in compliance with Officer Wade. Mr. Bond asked Officer Wade if Mr. Clark had any questions when they spoke, if perhaps Mr. Clark did not understand the requirements of the order. Officer Wade stated that he had not spoken to Mr. Clark, only with the person in the Building Department. Mr. Bond asked Officer Wade if he was aware of Mr. Clark speaking with anyone recently. Officer Wade replied that Mr. Clark had not reached out to him, that Mr. Clark had been instructed multiple times as to what needed to be done, he has been to numerous hearings, but nothing has been done to comply with the order.

Mr. Johnson stated that at the tabled hearing Mr. Clark was told to contact Officer Wade immediately if he took any action, and it was confirmed that Mr. Clark had a direct number to reach Officer Wade. Officer Wade stated that each notice posted includes his phone number, and Mr. Clark stated that he had Officer Wade's number at the March hearing.

Willie J. Clark, Jr. of 820 W. Webster St., Winter Park, FL 32789 appeared on behalf of the Respondent. Mr. Clark presented photographs he took on March 28, 2025, showing the property had been cleaned up before he went out of town. Upon his return, Mr. Clark's brother had placed more articles on the property. He stated this is an ongoing problem and was the reason he had not contacted Officer Wade.

Mr. Clark stated that the fence repair had to be completed from the inside due to the installation of a chain link fence on the property line by the church next door. He also stated that he did not have the funds to purchase the missing fence panel. Mr. Johnson asked Mr. Clark if he could not access the area to install the panel. Mr. Clark said he was ready to install the panel but then the church took up concrete and installed the chain link fence.

Mr. Geller noted that the photos Mr. Clark provided were now displayed for the public to view. Mr. Johnson confirmed with Mr. Clark that the photos provided were taken on March 28, 2025. Mr. Johnson asked Mr. Clark how long he was out of town; Mr. Clark responded just for the weekend. Mr. Johnson asked Mr. Clark if his father still lived in the house; he responded yes.

Mr. Mandelkern addressed Mr. Clark, noting that according to the minutes from the hearing on March 6, 2025, and his recollection that Mr. Clark stated that fence repair could be completed very quickly, even from the inside. Mr. Mandelkern asked Mr. Clark what was preventing him from fixing it. Mr. Clark stated a lack of funds. Mr. Johnson noted that he thought the panel had been purchased and just needed to be installed. Mr. Clark stated he did not have the panel; he had to purchase it.

Mr. Mandelkern read a passage from the minutes when Mr. Clark was asked how long it would take to repair the fence, and his response was that it could be fixed that afternoon, that you had to purchase, cut, and install the panel from the inside. When asked how much time would be needed to purchase and install the panel, Mr. Clark stated that it could be completed by Tuesday, March 11, 2025. Mr. Mandelkern asked Mr. Clark what changed since March 6, 2025. Mr. Clark stated he had to pay a medical bill.

BOARD DISCUSSION

Mr. Johnson stated that the property owner is liable although Mr. Clark Jr. states that his brother is responsible for the unsightly items. The fence was not repaired as promised to avoid this hearing.

Mr. Johnson noted that the motion contains two items, if the fence had been repaired and if the unsightly articles in plain view were removed. Mr. Johnson said it could be argued that he did remove the articles, but his brother placed more articles on the property if the Board believed his statement. Ms. Blaney suggested asking how long it would take to install the missing fence panel.

Mr. Johnson went on to note that the order sought a fine of \$250.00 per day, per violation, establishing a compliance date of 30 days from this hearing date.

Mr. Mandelkern asked Mr. Geller if the Board were to impose a fine under the Massey Order and if the respondent corrects the problem did the fine go away, or if the fine would have to be paid from the start date selected by the Board. Mr. Geller responded another Massey Hearing would be necessary, adding that the Board could set a date in the Order for the fines to begin accruing, i.e. 30 days from now or the next hearing date. The case will have to be brought back in another month to confirm the fence repair and the removal of the items in plain view. This would basically change the compliance deadline. He added that the Board has shown patience, but there is a limit to it.

Mr. Mandelkern asked if he was misunderstanding or if he didn't ask the question correctly. He rephrased the question, asking if the Board voted today to impose the fine, and assumes that it runs from this date, \$250.00 per day, if in two weeks or a month from today Mr. Clark corrects the violations and comes back to the city stating the problems have been corrected, can the Board chose to remove the fine and terminate the lien, or does he have to pay the fine no matter what. Mr. Geller stated that the order will not become a Lien until it is filed in public records, and that it will not be filed for 90 days. If Mr. Clark notifies the officer of action taken, the officer will inspect the property and prepare an Affidavit of Compliance. The case could be placed on the next agenda and presented to the Board as being compliant. He continued that the Board acts as the judge of facts, and it would be at their discretion to rescind the fines. Mr. Mandelkern confirmed that once it becomes a Lien, the Board no longer has that authority. Mr. Geller answered that it is possible that any reduction in the fine would go before the City Commission.

Mr. Bond stated that everyone here wants to bend over backward to not impose a fine, that the Board has provided many chances. He recognized that Mr. Clark does not have the means to pay it, but this needs to be the end, that the violations need to be resolved.

Ms. Blaney suggested they offer a couple of weeks as a grace period, then start the fines at \$10 or \$15 per day, so there is something there, not insignificant, but that you can't get blood from a stone. She thought that was where Mr. Mandelkern was trying to get to.

Mr. Bond mentioned the problem with Mr. Clark's brother. Ms. Blaney stated that the Board understood that and tried to make it clear to Mr. Clark that he needed to deal with that or get the authorities involved, but that is beyond the Board's purview. Mr. Bond suggested Mr. Clark should call the police to report the illegal dumping.

Ms. Blaney suggested offering Mr. Clark 10 or more days to comply and decide on a fine, but \$250.00 was too much. Mr. Bond acknowledged that some work has been done, but not enough. Mr. Mandelkern stated that the Board has been very lenient with Mr. Clark, so he was not in favor of indefinitely postponing a decision. The fine should be imposed with the understanding that if the violation is corrected Mr. Clark comes back to the Board to reconsider it. Ms. Blaney stated she had reached the same conclusion. Mr. Bond agreed that Mr. Mandelkern's suggestion was a good idea.

Mr. Mandelkern suggested a fine of \$100 per day, noting that he remained puzzled as to why Mr. Clark will not deal with his brother. Mr. Bond suggested that some of the articles could be sold for profit. Mr. Mandelkern responded that it seemed that the brother was trespassing on the property and reiterated that the Board has been very lenient but must be fair to other property owners that have come before the board and had fines imposed.

Mr. Johnson agreed with the \$100 fine. Ms. Blaney asked if that were \$100 per day, or \$100 per violation. Mr. Geller recommended separate fines for the fence and the illegal dumping. Ms. Blaney suggested \$50.00 per day per violation.

MOTION:

Mr. Johnson offered the following:

From the evidence presented today, I move to issue an Order finding the Respondent, Willie J. Clark, owner of 820 W. Webster Avenue, Winter Park, Florida (the "Subject Property"), in violation of the Order issued by the City's Code Compliance Board, dated August 1, 2024.

On August 1, 2024, this Board ordered the Respondent to either: Repair and or replace the dilapidated fence. Remove unsightly, discarded articles out of plain view from the public right of way and adjacent neighboring properties within 30 days of this hearing date.

As of the date of today's hearing, April 3rd, 2025, the Board finds by a preponderance of the evidence: (1) The Respondent has not completely repaired the fence. (2) The Respondent has not removed unsightly articles out of plain view from the public right-of-way.

The Board finds that Respondent received all required notice of the August 1, 2024, Order and of this hearing in accordance with Section 2-109 of the City Code and was given a full and fair opportunity to be heard.

In accordance with the requirements of *Massey v. Charlotte County*, 842 So. 2d 142 (Fla. 2d DCA 2003), the board hereby assesses a fine against Respondent in the sum of \$50.00 per day, per violation, running from April 3, 2025. In determining the amount of the fine, in accordance with Section 2-107 of the City Code and Florida Statutes § 162.09, the Board considered the gravity of the violations, any actions taken by the violator to correct the violation[s]; and any previous violations committed by the violator.

The Respondent, by the correction of any violations, should contact the city immediately to notify of corrections made and to inspect the property.

The lien recorded in connection with this order shall constitute a Lien against any real or personal property owned by the violator.

Mr. Mandelkern seconded the motion. The motion passed unanimously with a 5-0 vote.

Mr. Geller added that before Mr. Clark leaves, he wanted to note that he was correct in that the Code Compliance Board may reduce a fine pursuant to this section. If there is compliance and Mr. Clark can demonstrate that, at a subsequent hearing, the Board would be within their rights to make a reduction. Mr. Geller stated that he would caution the Board that if a Lien is filed then it goes out their hands. Everyone encouraged Mr. Clark to correct his violations soon. Mr. Mandelkern asked if Mr. Clark understood today's proceedings. Mr. Clark responded that he did. Mr. Johnson told Mr. Clark to contact Officer Wade.

6 Non-Action Items

None

7. Staff Updates

Officer Porras offered the following information to the Board:

- a. CCB# - LDC-25-0015 2131 Brookview Dr., Winter Park, FL 32792 (Boat parked in plain view) – Compliance was obtained.
- b. CCB# - LDC-23-0316 6 Isle of Sicily, Winter Park, FL 32789. This case was related to shoreline damage and tree removal. The city was informed on Tuesday that there is Homestead Exemption on the property now.

Mr. Geller noted that this was not a surprise. Mr. Mandelkern asked Officer Porras to repeat her report, meaning that the city could not foreclose on the property. Mr. Johnson confirmed that this exemption was not in effect when the fines were imposed. Mr. Geller offered that when the property is sold the city is in line behind superior lien holders (banks, etc.). Mr. Mandelkern noted that the fines accrued exceed the first mortgage on the property. Mr. Geller agreed but noted that the mortgagor will get there first if the property ever sells.

8. City Attorney Reports

Mr. Geller reported on the Gary Moore property on Whitesell Drive. He stated the foreclosure was put on hold as the city engaged in good faith settlement negotiations with Mr. Moore. Mr. Geller said he was informed that there was a builder/developer willing to acquire the property from Mr. Moore and resolve the probate issues that are entangling the property. For unknown reasons Mr. Moore did not accept the offer made, the settlement discussions ran aground, and the attorneys were instructed to proceed with the foreclosure. Mr. Geller's office has done that, and a Guardian Ad Litem was appointed by the court to represent the unknown heirs of Lucy Moore. The Guardian Ad Litem is required to investigate and try to find any heirs. They have 30 – 60 days to conduct this investigation and once completed foreclosure proceedings will begin immediately.

9. Board Comments:

None

10. Upcoming Agenda Items

Officer Porras stated there were five cases coming for next month. Mr. Johnson asked if there were any Tree cases; Officer Porras said no.

11. Adjournment

Doug Bond made a motion to Adjourn at 5:36 PM. Seconded by Paul Mandelkern. Motion passed 5-0.

ATTEST:

Approved by the board on May 1, 2025

/s/ Susan Pruchnicki, Board Secretary