



Code Compliance Board Regular Meeting Minutes

December 4, 2025, at 3:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Doug Bond, Steve Heller, Wayne Johnson, Paul Mandelkern, Carlos Diez-Arguelles, Melissa Blaney

Absent:

Kristen Matt

Legal Representative for the City:

Assistant City Attorney Richard Geller

Staff Present

Building Official Gary Hiatt, Code Compliance Division Manager Susanne Porrás, Parks Services Manager Josh Nye, Urban Forestry Superintendent Jordan Hinrichsen, Code Compliance Officer Christina Busch, Code Compliance Officer Phillip Wade, Code Compliance Officer Cristopher Gomez, Board Secretary Susan Pruchnicki

1. Call to Order

- a. Roll Call
- b. Board Chair Wayne Johnson welcomed everyone and provided guidelines for all to follow during the meeting. He then 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 November 6, 2025

Board Member Paul Mandelkern made a motion to make one correction to the minutes as presented. Board Member Steve Heller seconded.

VOTE:

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

Motion passed 6-0.

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

None

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

a. CCB# PM-25-0117 920 Carver St., Winter Park, FL 32789

Code Compliance Officer Phillip Wade introduced himself and presented proof of ownership of the property per the Orange County official records. He stated that the property was brought to the city’s attention by a resident who filed a complaint by phone.

The Notice of Violation and the Notice of Hearing were issued via regular and certified mail and posted on the property and at City Hall to meet Florida Statute 162 due process requirements.

CODES CITED: Chapter 22, Sections 22-176 (adopting the International Property Maintenance Code, 2021 edition), 22-177 (amending the International Property Maintenance Code); Sec. 302.1 Sanitation & Storage of Materials; Sec. 302.7 Dilapidated Fences of the City of Winter Park Property Maintenance Code.

VIOLATION DESCRIPTION: Unsightly discarded articles of trash, debris, coolers, tables, bucket, storage container, pot, tires, and broken sports equipment stored in the front yard of the property. Dilapidated wood fence surrounding the property is not structurally sound, leaning, missing panels and is in need of repairs.

COMPLIANCE REQUIREMENT: Remove unsightly discarded articles from the front yard. Remove, repair and or replace the dilapidated wood fencing. Apply for a fence permit by contacting the City of Winter Park Building and Permitting Department.

Officer Wade certified that all photographic evidence provided is a true and accurate representation of the property.

The initial inspection was conducted on August 7, 2025, where he observed the dilapidated, not structurally sound fence surrounding the property which was leaning and missing panels. Follow-up inspections were conducted on August 12, 2025, where no changes were observed, and on September 20, 2025, where a portion of the fence panel been removed, but the rest remained dilapidated. A Notice of Violation was posted on the property on September 23, 2025.

Follow-up inspections were conducted on October 9, and October 14, 2025; no changes were observed. During a follow-up inspection conducted on October 23, 2025, unsightly, discarded articles consisting of coolers, a table, buckets, tires, broken sports equipment, and other trash and debris were observed in the front yard.

A follow-up inspection was conducted on October 31, 2025. There was no change to the fence. On November 10, 2025, a follow-up inspection found no changes. On November 11, 2025, an Amended Notice of Violation and a Notice of Hearing was posted on the property.

A follow-up inspection was conducted on November 17, 2025. No changes to the fence were observed, but some of the unsightly discarded articles had been removed from the front yard. On November 19, 2025, a second Amended Notice of Violation and a second Amended Notice of Hearing was posted on the property.

A follow-up inspection conducted on December 3, 2025, found no improvements to the fence and discarded items still stored in the front yard. A follow-up inspection conducted on December 4, 2025, found the front gate panel and a portion of the rear fence was removed but portions of the fence were still leaning, with panels remaining broken or missing, and unsightly articles were still being stored in the front yard.

Wayne Johnson asked Officer Wade about a photo from the December 4, 2025, inspection, specifically if the photo showed a new fence panel. Officer Wade responded that the panel was just leaning against the existing fence, and that the Respondent was told that he needed to apply for a permit before completing any work.

Respondent Comments

Mr. Daniel Edwards of 920 Carver St., Winter Park, FL 32789 approached the podium and identified himself as the son of the Respondent and caretaker of the property. Mr. Edwards stated that money to make the repairs was an issue, as well as time to come into compliance as he works three jobs. He informed the Board that he removed some trees prior to the hearing that were not on his property but were leaning over his property, making it look worse than it was. He stated that the trees were the cause of the damage to the fence.

Mr. Edwards agreed with Officer Wade that the property is an eyesore, and he is working to make the necessary improvements. He questioned the number of citations issued, and if there was something personal behind them. He apologized, stating he was a black man in America who is trying to Live and make a difference.

Mr. Johnson acknowledged the two new fence panels in the photo evidence provided. Mr. Edwards stated there were five new panels, and that he fixed the front of the fence. He stated that he did not know that he had to apply for a permit to make repairs but would do so while he was at City Hall.

Mr. Johnson asked Mr. Edwards how long he thought it would take to install the fence panels once his permit was issued. Mr. Edwards replied about two weeks. Mr. Johnson then noted that the regulations state that unsightly articles could not remain on the property for more than five days, and asked Mr. Edwards if he could clean them up within five days. Mr. Edwards stated he would work on cleaning up today.

Board Member Steve Heller asked if a permit was required to make repairs to the fence. Building Official Gary Hiatt responded that a permit is required to replace panels and cautioned that the entire fence needs to be addressed, not necessarily individual panels. In that process, Mr. Edwards would need a copy of a survey to show where the fence is, and the Zoning Department will approve the height and location. Mr. Hiatt noted that any of the Permit Techs would be happy to help Mr. Edwards with the process.

Board Discussion

Mr. Johnson stated that in the past the Board has given time to apply for a permit and then time after the permit is approved to get the work done. Mr. Heller agreed, noting that Mr. Edwards was making an effort and has been given the parameters.

Board Member Doug Bond asked Mr. Edwards if he had a survey of the property. Mr. Edwards responded he did not and asked what steps he needed to take to get one. Gary Hiatt responded, suggesting that when he went to the Permitting Office to ask someone in the Zoning Department what they would be willing to accept, if they would let him draw something or if they have a survey or something of that nature. Mr. Johnson added that this was to make sure that the fence is not being installed on the neighbor's property.

Mr. Johnson referred to the Staff Recommended Motion and recommended that it be divided to address the separate violations, then made the following motion:

From the evidence presented today, I move to find the Respondent, Mary Alice Edwards Estate, Code Compliance Board Case #PM-25-0117, owner of 920 Carver Street, Winter Park, FL 32789 in violation of Chapter 22, Sections 22-176 (adopting the International Property Maintenance Code, 2021 edition), 22-177 (amending the International Property Maintenance Code), 302.1 Sanitation & Storage Of Materials, 302.7 Dilapidated Fences 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 remove unsightly discarded articles from the front yard within five days of the hearing. The Respondent is also ordered to remove, repair and or replace the dilapidated wood fencing. Apply for a fence permit by contacting the City of Winter Park Building and Permitting Department within 14 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 Code Compliance Officer and provide documentation of action taken within five days of the completion of any fencing work.

Board Member Paul Mandelkern amended the motion, adding the paragraph stating the proper notice was given. Board Member Melissa Blaney seconded the amended motion.

VOTE:

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

Motion passed unanimously 6-0.

Mr. Johnson confirmed with Mr. Edwards that he understood what he needed to do, noting that if everything was done within the timeframes granted in the order, no fines would be imposed, but fines could be imposed if not. Mr. Edwards stated that he understood and would get everything done then thanked the Board.

b) CCB PM-24-0165 2245 Howard Dr., Winter Park, FL 32789

Officer Christina Busch approached the podium and identified herself and presented proof of ownership of the property per Orange County official records. She stated the case was brought to Code Compliance by the City of Winter Park Building Official, Gary Hiatt.

CODES CITED:

Chapter 22, Sections 22-176 (adopting the IPMC Code, 2021 edition), 22-177 (amending 2021 IPMC Code); Sec. 202 Nuisance (18), and (21); Sec. 304 Exterior Structure; Sec. 304.1 General and Sec. 304.1.1 Unsafe Conditions, (8) Roofing and Roofing Components of the City of Winter Park Property Maintenance Code.

The Notice of Violation and Notice of Hearing were issued via regular and certified mail and posted at the property and City Hall to meet Florida Statutes Chapter 162 and City Code Section 2-109 due process requirements.

VIOLATION DESCRIPTION:

Unightly torn tarp covered in mold and mildew being held down with concrete pavers on top of the roof of the building visible from the public right-of-way and adjacent neighboring properties. The roofing structure on the building has been compromised and is in need of repairs to support all nominal loads.

CORRECTIVE ACTION REQUIRED:

Remove all unsightly articles from the premises. make all necessary repairs to the roof structure. contact the City of Winter Park Building Department to obtain all required permits. All repairs shall be done according to current building standards and by a licensed contractor.

Officer Busch certified that all photographic evidence provided is a true and accurate representation of the property.

The initial inspection was conducted on October 11, 2024, confirming the unsightly tarp being held down by concrete pavers and the roofing structure on the back of the house falling. The Notice of Violation was posted on the property October 16, 2024.

A follow-up inspection was conducted on October 23, 2024. The damaged tarp had been removed, but no change to the roofing structure or the pavers was made. Follow-up inspections conducted on December 9, December 18, and December 26, 2024, and January 3, January 17, February 4, February 14, March 4, March 18, April 2, April 23, May 9, May 21, 2025, found no changes.

A follow-up inspection conducted on June 13, 2025, found that an additional tarp had been added to the roofing structure on top of the existing tarp with pavers to hold it down, but no change in the roofing structure was witnessed.

Follow-up inspections conducted on June 26, July 8, August 27, October 3, and November 3, 2025, found no changes. A follow-up inspection conducted on November 14, 2025, found the tarp had been secured on the south side of the property, but not the back, possibly due to the damage there. The pavers had been removed. On November 19, 2025, the Notice of Hearing was posted on the property.

A follow-up inspection on December 4, 2025, found the tarp on the back slightly secured, however, there was no change to the roofing structure.

Officer Busch stated that she has been working with the property owner for a while due to financial constraints and provided links to Orange County financial aid to assist the owner. Because of the constraints, but due to the severity of the roof damage, the property is unsafe for human habitation.

Mr. Johnson asked Officer Busch if there were any current permits; she responded no.

Mr. Mandelkern asked if it would be fair to say that during all of the follow-up inspections no progress had been made in repairing the roof. Officer Busch replied that no progress was made in repairing the roof, but progress was made by removing the pavers and securing the new tarp.

Mr. Johnson asked if the house was habitable. Gary Hiatt responded that the city has not had access to the inside of the property to make that determination; it has not been posted as unfit. Mr. Johnson wished to determine if a roofing permit or a demolition permit would be required. Mr. Hiatt replied that the city does not know the magnitude of the damage and if there are leaks or anything else that may have caused greater damage than in the overhang areas.

Melissa Blaney referenced the emails between Officer Busch and the Respondent, noting the last one from May, and asked if there had been any movement on it. Officer Busch replied that she has been in contact by phone with the owner, and he states that he is trying to get someone to repair the roof, but with the financial constraints it has been hard to find someone.

Doug Bond asked Mr. Hiatt how long the permit would usually take. Mr. Hiatt responded that for the roof alone, roof coverings, is a matter of three to five days, that those go very quickly. In this case, without knowing if there is structural damage and if the overhangs are all that need repair, or if there is damage inside, further under the tarps. He added the city could determine this with an inspection.

Ms. Blaney confirmed with Officer Busch that she can only see what is not covered by the tarp; Officer Busch replied yes. Ms. Blaney questioned if Officer Busch was assuming that the property only needs to be re-roofed. Officer Busch responded that it would come down to what the Building Department determined. Officer Porrás supported Officer Busch's response, that if the owner grants access to the structure then a better inspection can be conducted of the interior. Mr. Hiatt added that at this point the city is relying on the owner to have the assessment done and if there is structural damage to have that work scope included in the roofing permit.

RESPONDENT COMMENTS

Steve Otte of 2245 Howard Dr., Winter Park, FL 32789 approached the podium and identified himself as the owner of the property. He stated that Officer Busch gave a good description of the situation, conditions, and such. He apologized for the length of time this case has been dragging out, but it had been a burden because he lacked resources to make the repairs correctly. He explained that a series of things have happened to him over the past year, creating a perfect storm scenario. He stated that his 94-year-old mother has suffered a lot of debilitating medical conditions over that last 12-18 months that required him to be a part-time caretaker, and that he had his own health issues which has hindered him from performing at 100%. He stated that he has also had to make repairs to vehicles and appliances, further hindering his ability to address the roof repairs.

Mr. Otte acknowledged the possible resources that Officer Busch provided, and that he applied to Rebuild Together of Central Florida and left voicemails but has not received a response. He stated that he looked for other resources, but several were specifically for the City of Orlando, so he was not eligible. He stated that he also spoke with neighbors and friends to find another way. He stated that originally he hoped to make the repairs himself, that he purchased some lumber and with his brother's help planned to fix the roof. He stated that he ran into several roadblocks when trying to obtain a permit, that he was unsure about several items they asked for (valuation, etc.). He stated he tried to get help but got mixed responses – one told him he could not do the work himself, that he needed a certified builder, and another person explained that he could fill out the appropriate forms and contact someone if there were things he didn't understand. Mr. Otte stated that he asked Officer Busch if she knew anyone in permitting but recognized that it was a separate department. He stated that he did not have much success going that route and noted this was before he reached out for financial assistance.

Mr. Otte stated that he has recently secured financing through a family member and has been in contact with four roofing contractors who have inspected the damage, which only extends to the eave area of the house. He added that there is no internal damage because of the way the eaves were constructed.

Mr. Johnson interjected, asking Mr. Otte how long it would take him to select a roofer. Mr. Otte stated that he needed to read through the details of each quote to ensure he is making a smart decision. That said, he felt it would be one to two weeks. He stated that it is his intention to get everything done before Christmas, that the contractors are not that busy at this time of year, and the job should be completed in three to four days. He added that he is excited to get the violation resolved. Finally, Mr. Otte recognized the duration of the violation and that the Board could impose fines and asked for leniency to complete the work.

BOARD DISCUSSION

Mr. Johnson stated that this case was similar to the last one presented, and offered the following motion:

From the evidence presented today, I move to find the Respondent, Steven Gregory Severin Otte, Compliance Board Case #PM-24-0165, owner of 2245 Howard Dr., Winter Park, FL 32789 in violation of Chapter 22, Sections 22-176 (adopting the IPMC Code, 2021 edition), 22-177 (amending 2021 IPMC Code), Sec. 202 Nuisance (18), and (21); Sec. 304 Exterior Structure; Sec. 304.1 General and Sec. 304.1.1 Unsafe Conditions, (8) Roofing and Roofing Components of the City of Winter Park 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 required to remove all unsightly articles from the premises within five days of this hearing date. The Respondent is also required to apply for all required roofing permits within 14 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's Safety & Code Compliance Officer and provide documentation of correction with the roofing issue within five days of completion.

Paul Mandelkern seconded the motion.

VOTE:

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

Motion passed unanimously 6-0.

Mr. Johnson confirmed with Mr. Otte that he understood the order.

c) CCB#PM-25-0104 1321 Fairview Ave., Winter Park, FL 32789

Officer Porras addressed Mr. Johnson and shared with the Board that the property owner contacted Code Compliance via email and requested more time. She requested that the case be tabled for a future meeting.

Mr. Johnson moved for the case to be tabled until further notice. Mr. Heller seconded.

VOTE:

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

Motion passed unanimously 6-0.

d) CCB# TRP-2025-0168 125 W. Reading Way, Winter Park, FL 32789

Board Member Steve Heller addressed Mr. Johnson, stating that he was recusing himself from this case because the Respondents are his neighbors and he has discussed the case with them. Mr. Johnson thanked Mr. Heller, and Mr. Heller stepped down from the Dias.

Urban Forestry Superintendent Jorden Hinrichsen approached the podium and identified herself. She noted that this case was an Appeal for the denial of permit TRP-2025-0168 to remove a Live Oak tree. She confirmed the address and zoning for the property.

Ms. Hinrichsen stated that the permit was applied for by the homeowner on September 17, 2025, stating that the tree was too close to the pool area and to the home. The tree was assessed by city staff, and the permit was denied in October as the tree was determined to be in fair health and did not meet the criteria for removal. Ms. Hinrichsen noted to the Board that there was a previous tree removal application and denial when the home was under construction. At the time, the tree was 12" diameter at breast height and requested additionally with two other trees that were permitted at the time.

Ms. Hinrichsen provided a photograph of the Live Oak tree, now 14" diameter at breast height, stating it was assessed by J. J. Rodriguez-Torres, the City Arborist. His field notes stated the roots were solid, there was no root flare, the trunk sounded well, there were no possible voids, the crown was slightly compact due to previous crown competition, there was some mechanical damage on smaller limbs, and the tree appeared to have average foliage and vigor. Ms. Hinrichsen stated that in this case it was reasonable for the tree to have some minimal amount of damage due to construction. She stated that in spite of the efforts made to protect trees during construction they do get dinged.

Ms. Hinrichsen stated that the tree in question is six feet from the pool deck, 12 feet from the pool, and three feet from the house. She recognized that her presentation was missing the criteria for tree removal and apologized to the Board. She went on to explain that according to the city code, things considered for removal are the tree health, structure, location and site, efforts taken to have structures built away from a protected tree, and how reasonable it is to ask for those things. The city also considers other trees on the site and inspects and assesses the tree by qualified staff.

Ms. Hinrichsen provided that the staff recommendation was for the Board to review all apparent factors and uphold the denial.

Mr. Johnson asked about the health of the tree. Ms. Hinrichsen stated that according to field notes this tree has average foliage and vigor, and also the difference in diameter from 2023 to 2025 indicates that the tree is still growing normally. Mr. Johnson asked if Ms. Hinrichsen knew how old the tree was. She answered that there were many factors to consider, but a 14" diameter tree would be 10 or more years old. Mr. Johnson asked if the roots of the tree were causing any damage to the pool deck. Ms. Hinrichsen stated that it is anticipated for trees to get in the way of hardscapes in an urban setting, however, in this case because of the structure of the pool and the hardscape are relatively new, it can be postulated that roots were cut to make room for them so for now they are okay, but it is just a matter of when and depends largely on the distance of the tree from the hardscape, in this case six feet, and the growth of the tree. The Live Oak is a moderate growth tree but does have aggressive roots when it is growing. She offered that the Board had likely seen roots and trunk flares eating the curbs along the streets, but that doesn't happen right away.

Ms. Blaney inquired about a cutoff, what the city deemed as too close to any of the specific structures. Ms. Hinrichsen responded that it depends on the tree and the structure. In this case, she noted that she performed the review for the pool and the pool deck in 2023, so she could not say what her thought process was, but what that would be now is that the hardscape could incur a small amount of damage because they are cheaper to fix than, for instance, the pool itself which is further away from the tree. She stated it really does depend on the tree and the structure, and in this case it was deemed that the tree could stay, and the pool could be installed there.

Mr. Mandelkern asked if the assessment of the tree was performed by Mr. Torres, and if he was a City of Winter Park employee. Ms. Hinrichsen responded that he is the City Arborist and would normally have attended the meeting, but he was otherwise engaged. Mr. Mandelkern asked Ms. Hinrichsen if Mr. Torres was a licensed arborist. Ms. Hinrichsen responded yes that they are all certified through ISA and are also all tree risk assessment certified.

Mr. Bond asked if there was an estimation as to when the tree might start causing problems with the pool, noting that the pool had been there for approximately two years. Ms. Hinrichsen stated that it was something that could be mitigated now with root prunes and barriers, however, if left alone it could be a decade or two. She added it may not do anything to the pool; it might just grow around it. It would depend on what is in the soil in that region.

Mr. Geller stepped to the podium and offered a copy of the actual standard in the code that is supposed to be applied. He projected this information to the display screens for all to view, noting paragraph "C". This was intended for the PowerPoint but was omitted.

Mr. Johnson thanked Mr. Geller noting the information was helpful. Mr. Johnson noted that there was no active damage, and asked Ms. Hinrichsen if she felt there could be mitigation to which she replied yes.

RESPONDENT COMMENTS

Andrew Carmody approached the podium and stated he was there on behalf of the property owner who was out of the country. He stated they were asking to remove the tree to prevent future potential problems. He stated they were willing to add up to three trees on the property in other locations away from the pool and pool deck. Mr. Carmody stated he was not aware of where the piping for the pool is run underneath and how close that is to the root system that is under the pool deck. He restated that the purpose of removing the tree was to prevent future potential problems such as pulling up the pool deck or root trimming.

Mr. Johnson asked Mr. Carmody if he was involved when the home was originally built. Mr. Carmody responded no. Mr. Johnson confirmed that the request to remove the tree was to prevent future problems and asked Mr. Carmody if he was aware of any current issues. Mr. Carmody responded that there were some roots on the backside of the tree starting to poke through the surface that were noticed when performing maintenance on the property, so potentially when the pool was installed the roots were addressed at that time. At this point there is no picking up of the pavers on the pool deck, but in a matter of time it will happen. Mr. Johnson asked Mr. Carmody to verify the term "backside", if that was away from the pool. Mr. Carmody replied yes and added that there are Scrub Oaks and a big, beautiful Magnolia that are forcing the growth of the canopy towards the pool, noting this was visible from some of the photos Ms. Hinrichsen presented.

Mr. Bond asked Mr. Carmody if he had any special certifications or licenses. Mr. Carmody responded that he was not an arborist but was a landscaper.

BOARD DISCUSSION

Mr. Johnson appreciated the homeowner offering to plant three trees, but the standard needs to be considered first, and he did not see where they fit under the items. Ms. Blaney offered that in her opinion the city proved that the tree meets the criteria to stay. Mr. Johnson agreed that there was currently no visible damage and that it could be 10 – 20 years before damage occurred. Ms. Blaney asked how much room was between the pool deck and what looked like a wall on the property line, and if there was enough room to plant more trees. Ms. Hinrichsen pointed out to the Board that the photo presented was taken from the east side and then referenced the overhead view of the property and said there is room for planting. She noted there is a tree just east of the tree in question and then wide-open space. She said from the lens of the Urban Forestry Department it is, in this case, better to keep the tree that represents 10 years of growth than to simply replace caliper. The existing tree is closer to giving the ecological services that a mature tree gives. She then offered that the city wasn't necessarily thinking about spacing because they denied it. She reiterated that there is room for planting.

Mr. Diez-Arguelles asked about moving the tree. Ms. Hinrichsen said it is expensive and doesn't always necessarily work depending on the size. Mr. Johnson requested to see the prior photo of the existing tree. He then asked Mr. Carmody if the replacement trees would be like the three other trees in the photo. Mr. Carmody responded that they could plant whatever trees the city required, i.e. a shade tree or an understory tree. He noted there is also room in the front yard away from the driveway where a tree could be added, and that there is sufficient space in the area where the existing tree is, away from the Magnolia and the Oak trees that are behind the tree in question for planting.

Mr. Bond asked Mr. Carmody what his understanding was as to why the homeowner doesn't want the subject tree, if it was intrusion, possibly because of the pool or because it doesn't match the other trees or landscaping. Mr. Carmody replied it was intrusion to the pool, over time. Mr. Bond restated the 10–20-year period that would take. Ms. Blaney offered that damage to the pool deck would be obvious before it reached the pool. If the concern is for the pool itself, because it would be more expensive to repair, any damage would be visible to the pavers and root pruning could be performed. She acknowledged that she is not versed in trees, but it appeared that enough warning would be apparent, even if a couple of pavers popped up. Mr. Bond suggested that the real problem is that the owner is worried about leaves falling into the pool. Ms. Blaney offered that if you have a pool and a tree like this that would be something to contend with for about three months out of the year. Mr. Carmody stated that the leaf fall would still be an issue from the Scrub Oaks and the Magnolia tree, it was not really what they were dealing with.

Ms. Blaney stated that she did not believe the owner provided sufficient reasons for the Board to reverse Urban Forestry's decision. Mr. Diez-Arguelles noted that the photos provided did not allow a view of other existing trees.

Mr. Mandelkern addressed Mr. Geller. He stated that the code says when there is a tree appeal, the appeal must be in writing, stating the grounds for the appeal, and articulate in detail why the decision is incorrect. He then asked Mr. Geller if there was a written appeal. Mr. Geller responded that he did not have one in his agenda packet. Officer Porras asked Ms. Hinrichsen if the owner provided a written appeal. Ms. Hinrichsen replied that historically this was done via email, which was forwarded to Officer Porras.

Mr. Mandelkern stated he was trying to understand the property owner's basis for the appeal, rather than the Board trying to guess what their issue is. Mr. Geller agreed but said he did not receive that email.

Ms. Hinrichsen offered that from what Mr. Carmody had been saying the reason for the appeal is the same as the reason they listed for removal in the application. Mr. Mandelkern asked again if there was a written appeal. Ms. Hinrichsen replied not in writing, adding that when the owner responded there was no written reason.

Melissa Blaney offered the following motion:

From the evidence presented today, I move to uphold the denial of tree removal for the Live Oak (14 inches diameter-at-breast-height) as requested by the Respondents, Gerald Stay and Forrest McCullough, Compliance Board Case #25-003, in accordance with Chapter 58 (Land Development), Article V. (Environmental Protection Regulations), Division 6. (Tree Preservation and Protection). The property owner has not presented sufficient evidence to justify the removal of the tree under Section 58-284 (Tree Removal Permits), of the City of Winter Park Land Development Code.

The Code Compliance Board affirms the decision of the Urban Forestry Division as follows: the respondents are prohibited from removal of the aforementioned tree. Failure to comply with this order will result in a code violation.

Mr. Mandelkern asked Mr. Geller if the motion was sufficient to meet the standard of the city code. He then amended the motion to include that the property owner had not presented sufficient evidence to justify the removal of the tree.

A vote was taken to approve the amendment:

VOTE:

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

Motion passed unanimously 5-0.

Mr. Diez-Arguelles seconded the amended motion.

VOTE:

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

Motion passed unanimously 5-0.

e) CCB#TRP-2025-0171 652 Penn Pl., Winter Park, FL 32789

Superintendent Jorden Hinrichsen with Urban Forestry presented a Tree Permit Denial, Appeal #25-0002. Her presentation included confirming the Parcel ID, zoning, and location of the property. She provided an overhead showing the location of the tree in relation to the home, on the east side at the end of a cul-de-sac. The permit application was submitted in September 2025, with the stated reasons being declining health. The owner does want to plant a replacement.

The tree was assessed by staff, and denied October 9, 2025, on the basis of good health and condition. Ms. Hinrichsen added that there was a previous Tree Removal Permit application submitted in June 2025 that was also denied.

Ms. Hinrichsen displayed the criteria for removal for the Board. She stated that the appealed tree was a Southern Magnolia, 20" diameter at breast height. The tree was originally assessed by City Arborist JJ Rodriguez-Torres. According to field notes, Mr. Torres said the roots are solid with no evidence of significant decay at the base, the trunk sounded solid, and some wounds were present on the trunk. Ms. Hinrichsen stated that after the denial in June 2025, the city was told that the tree was pruned so there are newer wounds. At the time of assessment, the crown was of average vigor. She then offered a recommendation to the Board that they review all apparent factors and uphold the denial.

Ms. Blaney asked for a definition of "good wound response". Ms. Hinrichsen responded that when a tree is wounded its growth and earth's grow point are affected. She offered an example of seeing a "donut" around a wound, noting this is one of the walls. Trees have a mechanism that involves preventing decay from going up and down in the vascular system, outward in the vascular system, and through the rays within the wood. The fourth wall is the one visible from the outside where you see the tree growing around the wound to close it. That is what is being referred to in this case, saying that cuts have wind wood growing towards the center, and we also try to look inside the healing wounds for wetness and decay to see if the third wall is active.

Ms. Blaney asked if there was any change in diameter from the June permit, or if it had remained the same. Ms. Hinrichsen replied that it doesn't grow that fast, that in the span of time it would not have been significant. She stated that she did not think to check the original, but that she could look it up.

Mr. Johnson asked if there was any difference in criteria between a Southern Magnolia as opposed to a Live Oak. Ms. Hinrichsen responded no. She referenced that the criteria for a protected tree in the city is the same, including Southern Magnolia, Live Oaks, Sycamore, and Pine. She displayed the criteria again for the Board's information.

Mr. Mandelkern asked if the health of the tree is the only issue, that the owner says the tree is unhealthy and should be removed but the city says it is healthy is the reason for the appeal. Ms. Hinrichsen said she spoke with the owner, and it sounds like there is some landscaping they want to do but she did not go in to detail.

Mr. Johnson asked if the owner provided an arborist report regarding the health of the tree. Ms. Hinrichsen said no that the arborist works for the city, and we have his field notes, but no notes were received from another arborist unless they were included with the permit. She would have to check to verify.

RESPONDENT COMMENTS

Andy Swanson with Signature Landscape Contractors approached the podium stating he was there on behalf of property owner Linda Schofield and Joe Knight who is a Landscape Architect in Winter Park. He stated that the reason Mrs. Schofield wanted to ask the Board for their consideration and possibly removing this tree was due to the street canopy trees being tight and there is a wide spread of encroachment toward her home which is creating some shade in her front yard. This has caused the need to replace her yard three times with the need to do so again. Mr. Swanson offered a landscape plan showing front yard improvements to the Board.

Mr. Johnson asked Mr. Swanson how the tree affected the landscaping, if it killed the grass. Mr. Swanson replied that the way the property faces the front that the street trees reach toward the home so there was quite a bit of shade, and the Magnolia tree also provides some shade. As the Magnolia has grown the lower canopies died out due to the shade that exists on her property. He stated their hope was that the Board might consider the plan to relandscape the entire front yard based on the city street trees, on the canopy, and the lot size of the encroachment on her property and consider the removal of the Magnolia tree in her front yard.

Mr. Johnson then asked what replacement trees would be considered. Mr. Swanson stated that no replacement trees were planned for the front yard due to the crowding of the city street trees. Mr. Swanson also stated that there are 15 understory trees in the back yard, and two understory trees in the front yard, one on each side of the property. Mr. Swanson added that the canopy coverage and available planting space on the lot is the basis for the request. He noted that the city trees were Live Oaks, they are great, and they are healthy, and reiterated that they are reaching towards the owner's property. He stated that there is almost a category of overplanting that can happen in landscaping, offering Baldwin Park as an example.

Mr. Johnson asked Mr. Swanson about the plans, if they were as-is, or if they were proposed changes. Mr. Swanson answered proposed, then offered images showing the street trees.

Mr. Johnson asked Ms. Hinrichsen to address the canopy coverage portion of the code. Ms. Hinrichsen displayed an overhead view of the property showing the street trees and noted that usually when Magnolias are being encroached upon by other trees they do not like to be shaded, even though their profile on the IFS website says that they are okay with partial shade. She noted that the crown of the Magnolia was regular all the way around despite there being trees nearby. She said that she would not have thought the trees were near in her opinion. She also stated that she did not know what the trees were because the Magnolia tree itself was in the front and noted some space which was close to the house. She said if none of the other trees were canopy trees then the Magnolia is the only one and has approximately 20 years of growth. Mr. Johnson rephrased his question, asking if the canopy can kill the grass. Ms. Hinrichsen responded yes that it can happen with any tree where there is an urban canopy. She stated that if they could not use that as a basis for allowing removals in Urban Forestry they would have few trees.

Ms. Blaney asked Mr. Swanson if she heard him correctly that the Magnolia tree was not handling the shade well. Mr. Swanson stated that since the Magnolia was planted some of the lower branches have died from the shade. He explained that over time this can happen to any tree that does not get full sun all the way to the base. Ms. Blaney asked Mr. Swanson if he planted the tree, he responded no. Mr. Swanson offered that the property is in an HOA and has an impervious ratio issue for synthetic grass in the city. He stated this is a new code, and that there is new legislation from Governor DeSantis regarding that for municipalities. The owner's HOA does not allow for synthetic grass in the front yard, thus the reason for the appeal as she has replaced the front yard multiple times.

Mr. Swanson stated that the Magnolia tree is barren from eight feet down. His understanding is that the only part of the code that could apply is the canopy coverage for a lot size. Other than that, the code requires that there be a canopy tree in the front yard, but they are dealing with the encroachment of the street canopy trees.

BOARD DISCUSSION

Mr. Heller stated that none of the criteria were met, so this is a decision the Board will have to make on aesthetics to allow the owner to relandscape the yard. He noted that the Board has not been hearing tree appeals very long but based on the city's presentation there is no criteria to allow the removal. He asked if the canopy from the street trees could be trimmed back to allow more light onto the yard. Someone from the gallery responded that trimming has been done. He recognized what the homeowner was trying to do but did not see a reason to allow removal of the Magnolia tree.

Mr. Diez-Arguelles offered that the Live Oak trees on the city right-of-way were not full grown yet and that the one pictured on the left would grow even further. In his opinion, based on the photograph provided, the Live Oak trees would eventually kill the Magnolia tree and did not feel that the Magnolia would be missed if removed.

Ms. Blaney wished clarification if the Magnolia tree was killing the grass or if the Live Oaks were killing it. She stated if the grass was the predominant heartburn, it didn't sound like removing the Magnolia was going to solve that issue. She asked Mr. Swanson what the diameter of the Live Oak on the right side of the property was. Ms. Hinrichsen searched the city's tree inventory and found it was 20" but may have grown since then. Ms. Blaney stated that she didn't feel that removing the Magnolia would solve the issue because the dead grass is well beyond the canopy of the Magnolia tree.

Mr. Johnson asked if the owner, Linda Schofield, was present and sworn in at the beginning of the meeting, and if she wanted to testify. Mr. Johnson confirmed with her that the lawn has been replaced four times. Mr. Geller interjected, asking for Ms. Schofield to step to the podium so that her comments would be on the record. Ms. Schofield was sworn in by the Board Secretary, and identified herself as the owner of 652 Penn Pl., Winter Park, FL 32789. She stated that she has lived in the home for 13 years, and that the front yard had been sodded and re-sodded and needs to be done again. She stated that she had trimmed the Magnolia tree to try to help, and she paid to have the city trees trimmed every year. She stated that they are trimmed really well from the inside, so the light gets through them. She stated that the Magnolia tree had to be trimmed because of the leaf situation causing a hazard on the sidewalk just walking up to the house. The Magnolia shades the grass under it on the left side, and it won't grow despite various efforts made.

Mr. Johnson asked if an arborist report was provided for the Magnolia tree. Ms. Schofield responded that she had an arborist come to her home but didn't know if she had a report. She continued that Ms. Hinrichsen came out when underground lines were being installed and damage was caused to the roots of the Oak tree.

Mr. Johnson stated that he believed there was criteria if Ms. Scholfield had to replace her lawn every three years, however, as Ms. Blaney stated he did not believe that the Magnolia tree was the only cause. Ms. Blaney offered that she was not an arborist or a tree person but recognized that what Mr. Diez-Arguelles pointed out about the other tree growing to be sizeable. Mr. Diez-Arguelles added that he loves landscaping, but in this case there is just too much that there is competition between the trees, and the Oak trees will continue to grow towards the house no matter how much they are trimmed.

Mr. Johnson asked Mr. Diez-Arguelles if he wanted to make a motion. Mr. Diez-Arguelles declined but stated he would allow the Magnolia tree to be removed. Ms. Blaney added that she did not feel that the criteria for removal has been met. Mr. Johnson stated that he understood that but also thought the landscaping that the owner is doing should be considered. Mr. Diez-Arguelles suggested the Board allow the removal on the contingency that Signature does the landscaping as proposed on the plans submitted.

Mr. Johnson suggested tabling the case until Ms. Schofield obtained an arborist report. Mr. Heller stated that the owner was not contending that there was a problem with the tree, that it is healthy. Ms. Blaney asked if there was another location on the property to plant a tree of equivalent quality. Mr. Swanson returned to the podium and said there may be a possibility, referencing the rendered plan, that there is a green space in the backyard on the south side that could allow for the possibility of a canopy tree. Ms. Blaney asked if that was where the existing generator that Ms. Schofield mentioned was going to go, that is next to the pool equipment. Mr. Swanson did not respond.

Mr. Heller stated that he was leaning toward number two of the code because the canopy coverage is extreme and it will continue to grow out. He didn't think there was a lack of canopy coverage, and he understood the Magnolia was a healthy tree, but if the area was barren and there was nothing in the city right-of-way that he would lean towards leaving the Magnolia but with the Live Oaks being in the right-of-way and them continuing to grow he would consider allowing the removal of the Magnolia tree.

Mr. Johnson proposed the following Motion:

From the evidence presented today, I move to allow the removal for the southern Magnolia (20 inches diameter-at-breast height) as requested by the Respondents, Linda Schofield and Forrest McCullough, Compliance Board Case #25-002, in accordance with Chapter 58 (Land Development), Article V. (Environmental Protection Regulations), Division 6. (Tree Preservation and Protection), Section 58-284 {Tree Removal Permits), of the City of Winter Park Land Development Code. I find that number two, canopy coverage under Section 58-284 applies to the tree removal.

The decision of the Urban Forestry Division is reversed.

Motion seconded by Steve Heller.

VOTE:

| | |
|-----------------------|--------|
| Steve Heller | Yes |
| Kristen Matt | Absent |
| Wayne Johnson | Yes |
| Paul Mandelkern | No |
| Carlos Diez-Arguelles | Yes |
| Melissa Blaney | Yes |
| Doug Bond | No |

Motion passed 4-2.

The Board Chair granted a five-minute break before proceeding with the next agenda item.

Mr. Diez-Arguelles left the meeting at 4:15 pm due to a family emergency.

OTHER BUSINESS

CCB#LDC-24-0336 Atlantic Oasis Trust 1810 Barker Dr., Winter Park, FL 32789

Mr. Joseph Peckham, PLLC of 7025 CR 46A, Suite 1071-333, Lake Mary, FL 32746, representing Atlantic Oasis Trust and its principal trustee, Caitlyn Pyle, approached the podium and identified himself. He noted this was his third appearance in front of the Board.

Mr. Peckham described his motion as a relatively straightforward exercise, to place a status quo ante while the tendency of the appeal proceeds forward. He stated that he felt, to a certain extent, that some of the cases the Board heard earlier in the meeting presents his case in that his client is already facing a fine of \$12,500.00 for effectively how the property is being used. It is otherwise lawful behavior setting aside the dispute that they have with the city over the utilization. There are no allegations of garbage on the lawn, or the property being unsafe, it is simply who is inside the property is the basis for the finding by the Board that they are now appealing. He noted that the order that was issued on November 6, 2025, also provides for a continuing fine for his client being obliged to prove the empty set, to prove that there is nothing going on. That is something of an impossibility on her part. Mr. Peckham stated he was simply asking through their motion that while the appeal is pending that the fine be stayed and also that the continuing accrual also be stayed. He stated this is consistent with the underlying Massey case. The Massey case itself spells out that the homeowner has a significant interest in the fine not being imposed. Without a stay the fines continue to accrue during the pendency of the appeal. Section 162.09, explicitly the state to find imposed percentage part, can continue to accrue until the violator comes into compliance. The continuous accrual of fines may later be determined improper and constitutes an irreparable injury that cannot be adequately remedied after the fact.

Mr. Peckham continued that the Massey case recognizes that the owner has a substantial interest in these fines being stayed while the appeal is pending. He stated this is a straightforward consideration.

Mr. Peckham stated that he noted during another case being considered for substantial property damage that there was no fine imposed and the case was older than his clients'. He felt that in the balance of equity this would be the appropriate, not necessarily remedy, but just position until the case can be heard by the Circuit Court on appeal.

Mr. Bond asked Mr. Peckham if he was asking the Board to allow his client to violate the laws. Mr. Peckham responded it was their position that his client was not in violation of the law. Mr. Bond responded with a question that the fine is only harmful if you violate the law, noting that you only suffer a fine when you violate the law. Mr. Peckham responded that he did not understand Mr. Bond's question. Mr. Bond referred to number nine in Mr. Peckham's motion on page three that your client was going to suffer irreparable harm if the stay is not granted, but basically the harm is only going to be if your client violates the law. If the property is rented for less than 30 days the fines will be imposed.

Mr. Peckham stated that the order provides for a \$500.00 fine continuing daily until his client does something to convince the city that she/the Trust is no longer violating as interpreted by the city. He stated his point was that seeking to prove something is not happening is a near impossibility. He stated that he didn't know what the math was at this point, but that it would be significant as we are now approximately 30 days removed and by the face of the order the Trust technically could be in violation for another \$15,000.00 by the way the Board wrote the order.

Mr. Johnson stated he understood Mr. Peckham's argument but would need the city's response. He agreed that there would be irreparable harm if the city moved to put a lien on the property. Mr. Peckham responded that the city placed a lien on the property four days after the Massey Hearing.

Mr. Mandelkern asked a procedural question. He wanted to know if after the Board heard the city's response, they could ask Mr. Peckham questions. Mr. Johnson replied yes, and asked Mr. Geller for the city's response.

Mr. Geller began by reviewing what the Board's authority is in the situation. He stated that there was a timely appeal of the initial order. He said he received (he believed on Wednesday, December 3, 2025) a Notice of supplementing the Notice of Appeal to include the next order that was entered in November.

Mr. Geller stated the city code, Division 5, Section 2-103 talks about the Board's jurisdiction: "The Code Compliance Board shall have all of the powers and authority of a code enforcement board pursuant to Florida Statutes Chapter 162. Chapter 162 states 'an enforcement board may reduce a fine imposed pursuant to this section.'" If the Board wanted to, they could hold that the imposition of the fines is reduced to zero during the pendency of the appeal. He said that would be the equivalent to staying the fines, and the Board would have some jurisdiction to do that.

Mr. Geller offered the standard for a stay pending appeal. Citing *Lampert-Sacher v. Sacher* (120 So.3d 667) Florida First District Court of Appeals 2013 case, states a stay pending appeal is appropriate when an appellant shows "a likelihood of prevailing on appeal, irreparable harm to move if the motion is not granted or showing that a stay would be in the public interest." Mr. Geller stated that Mr. Peckham had to establish not only irreparable harm but also must establish a likelihood of prevailing on the appeal. Mr. Geller submitted that the movement here, Atlantic Oasis Trust, cannot do so. Mr. Geller said he did not believe that there has been or can be any showing that a stay would be in the public interest. He felt a stay would be contrary to the public interest. It is in the public interest to enforce the short-term rental ordinance to uphold the rule of law in the city, and not to allow defiance of our ordinance, as well as to preserve neighborhood tranquility.

Mr. Geller moved on to the two other items, both of which must be established. Irreparable harm where to the extent that there are monetary fines. He felt it was a longshot if an Appellate Court were to rule in favor of the Trust, certainly the fines can be reversed. He did not think there was irreparable harm in placing a lien on the property according to law. He said the city has very strictly complied with the law in this case.

Addressing the likelihood of prevailing on the merits, Mr. Geller suggested that there is a very, very low possibility of the Trust prevailing on appeal. The Board would have to determine, or the Court of Appeals, which is the Orange County Circuit Court, would have to find that the word "rental" is vague. He submitted that no one on the Board thought that the word "rental" was vague. The Court would have to determine that the ordinance was preempted, reminding the Board that he had a District Court of Appeals decision regarding the Miami 21 code, which was right on point that there was a recodification of a short-term rental prohibition where that provision got moved within Miami 21, just like it got moved in the city code, from (AA) to (Z). The city's short-term rental prohibition has been in the law since February 2010. The preemption statute did not take effect unless there was an ordinance adopted in 2011. There is virtually no chance because of the Miami 21 precedent that the trust will be able to establish on appeal that there is preemption.

Mr. Geller referenced the next statement in the motion referenced that the evidence was insufficient. He thought it highly unlikely that the Court of Appeal would find that you did not make your decisions based on competent, substantial evidence. You had eyewitness testimony from the mother of one of the residents who lives on the street and visited frequently and testified about the continuing short-term rentals even after the Board voted to prohibit them. He noted that the witness testified at both hearings. There was competent substantial evidence of multiple reviews on the Airbnb and VRBO sites showing multiple stays each month, including after the Board entered its order. There was competent, substantial evidence of continuing advertising, which under the Florida Statutes constitutes the property is a vacation rental. Mr. Geller suggested the standard for granting a stay pending appeal cannot be established. The city would ask this Board to deny the motion, and Mr. Peckham will take it up with the Court of Appeal from there.

Mr. Mandelkern asked Mr. Geller if the Board could reduce the fine to zero, would they be allowed to reduce the fine but still deny the stay as to the violation of the city code, or is it all or nothing. Mr. Geller responded that he believed the Board had inherent authority to modify any of its own orders, just like a judge would have that authority. Mr. Mandelkern responded that they aren't modifying an order, but granting a stay, so wanted to clarify if they can stay the fine but not stay the order, or does the Board have to stay both the violation and the fine. Mr. Geller stated the case law says the lower tribunal has enormous discretion as to what it does on a Motion for Stay. He thought if the Board wanted to split the decision it had the authority to do so.

Mr. Mandelkern then asked Mr. Geller if the Board denies the Motion to Stay if the property owner has the right to ask the appellate court, in this case the Circuit Court, to stay the Board order. Mr. Geller said that he was correct, and the rules of appellate procedure required Mr. Peckham to bring this motion to the Board before he is allowed to bring it to the Court of Appeals. Mr. Geller thought Mr. Peckham was "jumping through the hoops" by bringing it to the Board.

Ms. Blaney asked Mr. Geller for clarifications as she is not an attorney. She stated that Mr. Peckham requested the stay to stop the fines from accruing, and Mr. Geller said that it appeared to be part of it. Ms. Blaney asked if an appeal was submitted, can the owner continue to be in violation, which is causing the accrual of fines, so the owner has the ability to stop the accrual of the fine if she were to comply with the order. Mr. Geller said that was correct. Ms. Blaney stated that as long as the violation continues the fine will accrue, confirming that the stay would allow the owner to continue to violate the order. Mr. Geller responded that the request is to stay the original order of October 2, 2025, as well as the Massey order of November 6, 2025, imposing fines and liens.

Mr. Geller stated he recalled sending Mr. Peckham an email answering his question of how his client could show she was no longer in violation, and Mr. Geller provided a litany of ideas such as giving the code officer proof that there were no longer any stays or availabilities on the Airbnb and VRBO websites for less than 30 days. Mr. Geller stated that certainly could be done, that there would be a cessation of advertising for less than 30 days, and he felt that would go a long way. Mr. Geller stated that as of this date, he was told there had been no contact with the city code officer to establish compliance.

Mr. Peckham approached the podium again. He stated that he concurred with Mr. Geller about the broad power of the Code Board to amend its own orders. He took issue with the idea that if you stayed your own order that the city would continue to look into how the property is being used the way it did leading up to the initial violations alleged. He stated that it is not as if the city would be handcuffed in charging future violations, it is simply asking that while the pendency of appeal is ongoing his client does not suffer the chilling effect of a \$500.00 per day fine while she exercises her absolute rights. She does not have to petition for the right to appeal, she has the right to appeal. Mr. Peckham stated that as he pointed out to the Board the equities are pretty substantial, with no disrespect to any of the other cases heard today. The Board heard about garbage on the front lawn, dilapidated fences, and roofs in need of significant repair, and this Board sought not to impose any kind of fines. He stated this case was simply what is otherwise lawful use of a premises, but for the allegation of the 30-day limitation. He stated if the people that his client allows to stay on her property stayed 31 days there is no allegation of any violation whatsoever. He referenced no noise ordinance, no misuse of the property, that his clients' property was pristine, and the only thing she was accused of doing is violating the 30-day violation which they are challenging on two fronts. He noted that Mr. Geller properly identified one, but the other, plain language, is the 2022 City Commission repeal and replace of the ordinance. He explained the definition of repeal, and stated the Commission repealed the underlying ordinance and then replaced it, that it was not recodified or amended, that is, to the finding that is in the municipal code and how the ordinance exists today. He reiterated that this was also plain language, and that all they were asking was that his client be allowed to exercise her recognized rights by both the city's ordinance as well as the statute, and to pursue the appeal without the specter of the accruing fine at a maximum level during the pendency of the appeal. He also stated that there was no effort made to consider a lesser fine, it went right to the maximum when it was imposed.

Mr. Johnson addressed Mr. Peckham's reference to the previous cases heard during the meeting, noting that Mr. Peckham's client could do the easiest thing and just not advertise her property, to pull it off of Airbnb and VRBO and send an email to the city confirming, and the fines would be stopped at that time. Mr. Peckham responded there were two problems with that, assuming the ordinance is valid, and the city's interpretation is valid, which he was not conceding. The first being that his client is still free to advertise on both websites and rent her property for one month or longer; the second is that the calendaring system as he understands it is an all-or-nothing proposition as he understands it. As an example, he offered that when his client is in town that is one of the ways she can block the property when she is actually in her home, like she is now, and so be held accountable for using it as a calendaring system where she might otherwise be lawful, again with the city's interpretation, becomes an impossibility.

Mr. Johnson responded that Mr. Peckham was revisiting the original order. He stated that technically the Board can revisit the decision, but he was not inclined to. He stated it was just how do you stop the fines from accruing, which is what Mr. Peckham brought, and that's the way to stop. Mr. Peckham stated his primary interest before the Board at this hearing was to stop the fines from being an onerous situation for his client while she exercises her right of appeal.

Ms. Blaney addressed Mr. Peckham to confirm that his interest was for his client, that they were exercising her right to appeal, and stated that no one has suggested stopping the appeal. She stated the Board's point of contention was that his client had the ability, because the law currently stands on the books and is considered valid, considering any other person or violation, and also how Officer Busch monitors the listings and determines if a property is rentable for less than 30 days, to send proof of compliance and the fines will stop. Ms. Blaney stated that Mr. Peckham was asking the Board to allow his client to continue current practices. The Board was not saying she couldn't live in or rent her property within the scope of the ordinance; however, she is wanting to go outside of the scope while the appeal is considered.

Mr. Mandelkern asked if the violation were to stop today, then the fine does not continue to accrue. Mr. Geller responded that it was correct.

Mr. Geller asked for the Board's indulgence, that he wanted to read the email that he sent Mr. Peckham that he paraphrased before:

"Your client must submit to the code officer proof that she has set her VRBO, Airbnb, and any other vacation stay platforms for 30-night minimum stays, 28 nights allowed for February. Such documentation should establish that she has not set her minimum stays to change after business hours to less than one month. She can provide documentary proof of open calendar days to rent her house for an entire month, and not for less than one month. She can provide documentation from VRBO and Airbnb that blacked out months do not have reservations for less than one month. She can provide copies of rental agreements showing stays at least 30 nights for those months. The requirement to provide documentation to stop the accrual of fines is reasonable and appropriate in order to avoid or minimize disputes as to when a violator has achieved compliance. Your client can provide documentary proof, and the code officer will evaluate all evidence to her".

Mr. Mandelkern confirmed with Mr. Geller that if the documentary evidence was provided and confirmed that the fines would stop. Mr. Geller responded yes that the fine would cease to accrue. Ms. Blaney added that the fines would not have started if the October order, which provided ample time to correct the listings, had been complied with.

Mr. Bond agreed, stating the owner held the keys, and that he felt Mr. Peckham understood that. He asked Mr. Peckham why a response was not provided to Mr. Geller's email. Mr. Peckham responded that his client was intermittently unavailable because she spends a significant amount of time "glamping" in a RV in National Parks and whatnot, so she is not always in town or available for him to speak to her. Again, he asked the Board to consider the balance of equities, that if they take the position that his client has not complied that another \$15,000.00 in fines is added to the \$12,500.00 accrued after the first order, equaling \$27,500.00, is even close to reasonable compared to the other cases heard today. He submitted it is not that he is simply asking for status quo ante, not the rescission of the old order. He stated that it was obvious the Board was not of a mind to reconsider that when you notice it was not petitioned for. He was simply asking for his client be given an opportunity to exercise her appeal. He added that if the city finds new behaviors that suggest she is in violation, that should be the basis of a new charge.

Mr. Johnson asked Mr. Geller if the criteria for a stay contained the word "or". Mr. Geller read "a stay pending appeal is appropriate when an appellate shows a likelihood of prevailing on appeal and irreparable harm to movement if the motion is not granted, or a showing that a stay would be in the public interest." Mr. Johnson stated his only question was whether the city moved to foreclose on the lien but recognized that the city would need the Board's approval. Mr. Geller responded that the city has come to the Board for a recommendation in the past, and that it went to the City Commission because they would be authorizing the expenditure of attorney fees to pursue foreclosure.

Mr. Heller asked Mr. Peckham if he knew his client's intention was to continue to rent the property during the appeal process. Mr. Peckham responded that Mr. Heller was asking him to comment on something that would be a privileged conversation, and that he could not make a representation one way or the other without going into something he couldn't. Mr. Peckham asked the Board not to presume anything from his response, that Mr. Geller would confirm that he could not go into privileged conversations with his client.

Ms. Blaney asked Mr. Geller and Officer Busch if they could confirm that the property was still being rented for less than 30 days on VRBO or Airbnb. Officer Busch responded that as of December 3, 2025, at 9:30 PM the property was listed for a two-night minimum on both sites.

Mr. Heller stated that it was a two-way street in that Mr. Peckham was asking for something from the Board, but there was nothing being given back in return. He said they were trying to work this out, but he was finding it extremely difficult to understand where Mr. Peckham was coming from. Mr. Peckham responded that the argument spoke for itself, one being the appearance that the city wants to insert maximum economic pain, that appeals take a while, they don't happen quickly, and the Orange County courts are jammed. The other is that two decisions were made by the Board today that he would submit are far more serious violations of the city code, both of which were immediate public eyesores by any objective standard, were given more time, but his client who is using her property in a way that is otherwise perfectly lawful in the State of Florida but for the ordinance the city claims to be valid that he disputes, is facing a fine right now of \$27,500.00 and climbing. Mr. Peckham stated again that he felt the equities in this situation merit stopping the fine and allowing his client to pursue the appeal until such time as they hear from the Circuit Court. At that point, if the statute is valid and she has exhausted appeals then she obviously has to come into compliance. Mr. Heller responded that the Board understood and thought the Board probably would stop the fines if they knew, even if Mr. Peckham didn't believe that the ordinance says is valid, that he/his client were willing to meet the Board halfway they might be so inclined. He continued that it didn't seem to be the case, and that made the decision difficult. He stated that if the property continues to be rented, noting that he had seen how much it is listed for, that Mr. Peckham's client is making a lot of money and did not feel that the fines were much of a hardship. Mr. Peckham said he could not respond.

Ms. Blaney added that the difference in this case against the other cases presented at this meeting and in the past is that it takes longer to build a fence than it does to change an online listing. The Trust was given time to do that but chose not to, which is where the contention is coming from. The other individuals that came before the Board today were showing moving towards compliance, the Trust is not. She added that it was 5:34 pm, and she thought the horse had been beaten to death again.

Ms. Blaney offered the following motion:

The motion for the request to stay is denied.

Mr. Mandelkern seconded the motion.

VOTE:

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

Motion passed unanimously 5-0.

6. Non-Action Items

None

7. Staff Updates

Division Manager Susanne Porrás advised the Board of two cases that came into compliance prior to the hearing date:

- a. PM-25-0137 2718 Norris Ave., Winter Park, FL 32789 (Property Maintenance)
- b. PM-24-0119 2148 Blossom Ln., Winter Park, FL 32789 (Property Maintenance)

8. City Attorney Reports

None

9. Board Comments:

Mr. Mandelkern noted that a report is provided at every Board meeting showing the fines incurred and pointed out that the two liens on the property located at 6 Isle of Sicily combined now exceed the mortgage on the property and continued to accrue. Mr. Johnson responded that there was nothing the Board could do about it.

Ms. Blaney asked Mr. Geller if Mr. Peckham could come before the Board again, or if his next step is Circuit Court. Mr. Geller replied that Mr. Peckham would have to take his Motion for Stay to the Circuit Court at this point, he has fulfilled his exhaustion requirements. Mr. Johnson offered that Mr. Peckham could bring a motion to reconsider the October 2, 2025, order.

10. Upcoming Agenda Items

Division Manager Susanne Porras informed the Board of one case on the schedule for the January 8, 2026, meeting, brought by the Winter Park Police Department for Nuisance.

11. Adjournment

Board Member Melissa Blaney made a motion to adjourn. Doug Bond seconded.

VOTE:

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

Motion passed 5-0.

ATTEST:

Approved by the board on January 8, 2026

Susan Pruchnicki

/s/ Susan Pruchnicki, Board Secretary