



Code Compliance Board Minutes

December 1, 2022 at 3:00 p.m.

City Hall, Commission Chambers
401 S. Park Avenue, Winter Park, Florida

Call to Order

Chairman Mandelkern called the meeting of the City of Winter Park Code Compliance Board to order at 3:00 p.m. on December 1, 2022, in the Commission Chambers, Winter Park, Florida.

Code Compliance Board Members: Paul Mandelkern, John Schmalz, Wayne Johnson, Larry (Chris) Tabor, Todd Boyer, Douglas Bond, and Mark Van Valkenburgh were present.

Assistant City Attorney: Richard Geller from Fishback Dominick Law Firm.

Staff: Safety & Code Compliance Manager Susanne Porras, and Recording Secretary Neena Ramjit.

Chairman Mandelkern read the statement of purpose into the minutes.

Swearing In of Witnesses

All witnesses were sworn in by Chairman Mandelkern.

Consent Agenda

Motion made by Mark Van Valkenburgh and seconded by John Schmalz to approve the November 3, 2022 minutes.

Minutes from the November 3, 2022 Code Compliance Board were approved unanimously.

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

Chase Crowley, 182 Hart St SW, Palm Bay, FL 32908, participated in person. Mr. Crowley is a student from the University of Central Florida whose class is conducting a research project regarding citizen engagement and newsgathering habits of the citizens of Winter Park. Mr. Crowley left a contact email, robb.lauzon@ucf.edu for anyone interested in participating in the research project to email.

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

CCB# 22-449 701 Northwood Circle, Winter Park, FL 32789

Violation: The Property, a residential dwelling, is currently being rented, used, occupied on a short-term rental website for less than one month which is a violation of the City Code.

Code Cited: Chapter 58, Section 58-71 (aa) Short-term rental of residential dwellings of the City of Winter Park Land Development Code.

Neena Ramjit, Safety & Code Compliance Coordinator, presented the history of the alleged violations.

Officer Ramjit presented the Property' details and description according to records obtained from Orange County

Property Appraiser's office. She presented screenshots from advertised listings on March 8, 2022, April 7, 2022, May 11, 2022, June 10, 2022, July 6, 2022, August 4, 2022, September 27, 2022, and November 22, 2022. allowing rentals for less than a month. She gave the following timeline of the City's actions:

- Initial inspection of the Property occurred on March 8, 2022.
- Notice of Violation was issued on April 7, 2022.
- Notice of Hearing was issued on July 6, 2022.
- Amended Notice of Hearing was issued on August 9, 2022.
- Second Amended Notice of Hearing was issued on October 20, 2022.

December 1, 2022

Page 2

Board members, Officer Ramjit, and Assistant City Attorney Richard Geller discussed Officer Ramjit's contact with the Respondent. She presented an email she sent on November 18, 2022 to Respondent Keely A Chugg as evidence. The email included a scanned copy of the Second Amended Notice of Hearing that acted as an additional attempt to notify the Respondent of the hearing. Officer Ramjit clarified that there were no citizen complaints received regarding this property and this case originated from a report generated by the City's shortterm rental monitoring software stating that the property was rented for less than a month continuously.

Respondents did not appear at the meeting and did not send anyone to speak on their behalf.

No individuals appeared at the hearing to give public comment.

Chairman Mandelkern closed the public portion of the hearing for Board discussion.

Mark Van Valkenburgh made a motion that, from the evidence presented, the Board find the Respondents, Keely A Chugg and Richard F Pfeifer, Compliance Board Case #22-449, owners of 701 Northwood Circle, Winter Park, FL 32789 in violation of Chapter 58, Section 58-71 (aa) Short-term rental of residential dwellings of the City of Winter Park Land Development Code. The respondents are ordered to cease renting the dwelling for periods of less than one month within 7 days of the 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 December 10, 2022. John Schmalz seconded the motion.

Chairman Mandelkern raised the question of when the Findings of Fact, Conclusions of Law, and Order will be sent to the Respondent so the Board can take this into consideration when finalizing the dates in the Order. Assistant City of Attorney, Richard Geller, stated that Recording Secretary, Neena Ramjit, has already drafted Findings of Fact, Conclusions of Law, and an Order for review, which will shorten the time needed to send the document to the Respondent.

No further discussion on the original motion. Upon a Roll Call vote, the motion carried unanimously 7-0.

Staff Updates

Compliances

Safety and Code Compliance Manager, Susanne Porras, reported there are no compliances currently to report.

Prior Case Reports

CCB# 19-1411 1400 South Denning Drive, Winter Park, FL 32789

Assistant City Attorney Rick Geller updated the Board Members on the appeal pending in the Orange County Circuit Court. The City and the Florida Federation Garden Club filed a Joint Motion to Expedite the Appeal in the Circuit Court.

CCB#18-870 1260 Whitesell Drive, Winter Park, FL 32789

Assistant City Attorney Rick Geller informed the Board Members of the progress with the current unlawful detainer action brought by the City in the County Court of Orange County to remove the resident from the condemned house. Mr. Geller stated Mr. Moore, the resident, has refused the City's approaches to enter into a settlement agreement and the City's Public Works Department has not received an application for demolition. Mr. Geller expects to go to trial on January 12, 2023, in the County Court.

Board Comments

No comments.

Upcoming Agenda Items

December 1, 2022

Page 3

No upcoming agenda items mentioned.

Adjournment

There being no further business, Mark Van Valkenburgh made a motion to adjourn the meeting at 3:29 p.m. Douglas Bond seconded the motion and it passed unanimously.

Next meeting is January 5, 2023, at 3:00 p.m.

Approved by the board on February 02, 2023

/s/ Tatia Ghviniashvili, Board Coordinator