



Code Compliance Board Minutes

July 7, 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 July 7, 2022, in the Commission Chambers, Winter Park, Florida.

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

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.

Election of Chair and Vice Chair

Motion made by Wayne Johnson, seconded by Douglas Bond to nominate Paul Mandelkern for Chairman. Paul Mandelkern accepted the nomination. Motion carried unanimously 6-0.

Motion made by Wayne Johnson, seconded by John Schmalz to nominate Todd Boyer for Vice Chairman. Todd Boyer accepted the nomination. Motion carried unanimously 6-0.

Swearing In of Witnesses

All witnesses were sworn in.

Consent Agenda

Paul Mandelkern requested to add Steven Broder's last name to the last paragraph in section "CCB # 22-256 475 Huntington Avenue, Winter Park, FL 32789" located on page 2 of the minutes. Mr. Mandelkern asked to add the letter "s" to the word "citizen" located on page 3 of the minutes.

Minutes from the May 5, 2022 Code Compliance Board were approved with corrections unanimously.

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

There were no general public comments.

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

CCB#s 22-611, 22-173 and 22-109 - 790 Douglas Avenue, Winter Park, FL 32789

Violations:

CCB# 22-611: Sanitation and storage of materials creating unsightly conditions for neighboring properties around the front yard, side yards, and porch area, including a toilet, buckets, tarps, plastic bins, and furniture.

CCB# 22-173: Disabled and wrecked vehicles stored on the property. Commercial vehicles (limousines) stored and parked in a residential zoning district.

CCB# 22-109: Dogs running at large. Multiple calls made to Winter Park Police Department by annoyed neighbors to retrieve owner's dogs from the streets and neighboring properties.

Codes Cited:

CCB# 22-611: Chapter 22, Sections 22-176 (adopting the International Property Maintenance Code, 2021 edition IPMC); 22-177 (amending the IPMC); IPMC Sec. 302.1 Sanitation and Storage of Materials.

CCB# 22-173: IPMC Sec. 302.8 (Disabled Vehicles). Chapter 58, Sec. 58-71(d)(1) (General Provisions for Residential Zoning Districts--Parking of Commercial Vehicles on Residential Zoning Districts).

CCB# 22-109: Chapter 18 - Animals, Article I - (Generally), Sections 18-1. (Definitions) and Section 18-10 (Running at Large).

A presentation of the property's history conditions was given by Safety & Code Compliance Manager, Susanne Porras.

Officer Porras presented photos of the cases and provided a brief timeline for each:

CCB# 22-611

- Inspections of the property occurred on March 3, 2022, March 30, 2022, April 20, 2022, June 15, 2022, and July 5, 2022.
- Photos of the various materials stored on the property were presented.
- Notice of Violation was mailed regular and certified mail on March 30, 2022, and posted on the property on March 31, 2022.
- Notice of Hearing was mailed regular and certified mail on June 21, 2022.

CCB# 22-173

- Inspections of the property occurred on January 31, 2022, February 4, 2022, June 15, 2022, and July 5, 2022.
- Photos of the wrecked vehicles and the limousines parked on the property were shown.
- Notice of Hearing was mailed regular and certified mail on June 21, 2022.

CCB# 22-109

- Notice of Hearing was mailed regular and certified mail on June 21, 2022.
- Two body cam videos, obtained from the Winter Park Police Department, taken on January 8, 2022 were played during the meeting. The recorded body cam videos show Officer Browning dispatched to retrieve the dogs belonging to a tenant residing at 790 Douglas Avenue.

Officer Browning used Lieutenant Roesner from the Winter Park Police Department's report to answer questions asked by the Board Members regarding police activity at this property. Officer Browning stated that since September 1, 2021 the Winter Park Police Department has been to 790 Douglas Avenue 23 times, 14 of those 23 calls were in January 2022. From those 14 calls made in January 2022, 8 were animal complaint related. 5 were for damaged vehicles or parking violations. Officer Browning explained that Cesar Namur, who is renting the property from Stark Trust, would frequently have "short-term roommates" who will stay for 1 or 2 weeks.

Discussion was held amongst Board Members, Officer Browning, and Officer Porras.

The following spoke on behalf of the Respondents:

Vivian Endlein, Trustee for Stark Trust, spoke on behalf of the Respondent. Vivian explained that the current tenant, Cesar Namur, is her brother who has been living at the property since 2016. Vivian Endlein has pleaded with Mr. Namur to maintain the property and control the dogs at the property, however, due to his mental illness, he refuses to make the necessary changes. Vivian Endlein stated that a judge has ordered Mr. Namur removed from the property. Mr. Namur has appealed that Order for Unlawful Detainer and the hearing date for the appeal of the Order is on July 18, 2022.

Upon Board Member questioning, Vivian Endlein explained that Cesar Namur is claiming to be one of the beneficiaries of Stark Trust and has requested an emergency hearing on July 18, 2022, which is prolonging the progress of correcting the violations.

Vivian Endlein apologized for the condition of the property and for the multiple dogs. She confirmed that Cesar Namur is not allowed to rent the rooms of the house to other individuals.

Vivian Endlein has requested for the Board to wait until after the hearing date on July 18, 2022, to start taking further action to bring the property to compliance. She stated that as soon as the judge makes his or her decision on July 18, 2022, it should take 2-3 days to clean the outside of the house.

The following offered public comment:

Mary Gall, 835 Douglas Avenue, emphasized the consistent problems with the house. She stated she sent a letter to Stark Trust and explained she did not receive a response from the owner of the property but rather a violent response from Cesar Namur. Mrs. Gall expressed her frustrations about having to contact Orange County Animal Control and the Winter Park Police Department since 2016 to report 790 Douglas Avenue. She stated that the property needs to be cleaned up and neighbors need to be apologized to.

Lindsay Eriksson, 791 Douglas Avenue, explained that it has been constant disruptions since she moved to her home in 2021. She described the items stored on the property and the number of vehicles parked both on the property and on the street near the property. Mrs. Eriksson expressed that the dogs were more aggressive than what was shown in Officer Browning's body cam video. She is mainly concerned with the tenants Cesar Namur has due to the explosive disruptions resulting from when he kicks his tenants out of the property. Mrs. Eriksson confirmed that Cesar Namur is still on the property and recently saw him walking on the street.

Trescelle Smith, 820 Douglas Avenue, shared her concerns regarding the dogs. She stated that the dogs at 790 Douglas Avenue are very aggressive and have greeted her at her front door several times. The dogs of the tenants at 790 Douglas Avenue frequently dig holes by the fence to escape or jump over the fence by using the various items stored in the backyard to jump on. Trescelle Smith stated there are rats that originate from the property the size of baby cats. She stated the violent nature of the tenants Cesar Namur rents to is concerning to her and her grandchildren especially since she already had to press charges against one of Mr. Namur's tenants for trespassing onto her property.

There were no additional public comments.

Chairman Mandelkern closed the public comment portion of the hearing for board discussion.

Further discussion transpired between Board Members, Officer Porras, and Assistant City Attorney Richard Geller.

Larry (Chris) Tabor made a motion that from the evidence presented today to find the Respondent, Stark Trust, Code Compliance Board Cases, #22-611, #22-173 and #22-109 owner of 790 Douglas Ave., Winter Park, FL 32789 in violation of Chapter 22, Sections 22-176 (adopting the International Property Maintenance Code, 2021 edition IPMC); 22-177 (amending the IPMC); IPMC Sec. 302.1 (Sanitation and Storage of Materials); IPMC Sec. 302.8 (Disabled Vehicles) Chapter 58, Sec. 58-71 (d)(1) General Provisions for Residential Zoning Districts - Parking of Commercial Vehicles on Residential Zoning Districts); Chapter 18 - Animals Article I - (Generally), Sections 18-1. (Definitions) and Section 18-10 (Running at Large) of the City of Winter Park Code of Ordinances and to declare the property a Public Nuisance.

The respondent is ordered to remove all unsightly, discarded articles and items stored outside, including the toilet, tarps, buckets, plastic bins, and furniture. To cease the parking and storage of disabled wrecked and commercial vehicles such as limousines on the property. To keep dogs in an enclosure or on a leash and under the owner's control at all times within 1 (one) day of this hearing date (July 8, 2022). 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 by July 8, 2022.

Wayne Johnson amended the motion to consider the County Court Hearing on July 18, 2022 in regards to the compliance deadlines in the original motion.

To clarify for the record, Wayne Johnson read into the record the amended motion: **The Respondent is ordered to remove all unsightly, discarded articles and items stored outside, including the toilet, tarps, buckets, plastic bins, and furniture. To cease the parking and storage of disabled wrecked and commercial vehicles such as limousines on the property. To keep dogs in an enclosure or on a leash and under the owner's control at all times within 1 (one) day of this hearing date (July 8, 2022). 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 by July 25, 2022. John Schmalz seconded the motion.

There was no further discussion on the motion. Upon a roll call vote, the motion passed 6-0.

Staff Updates

Compliances

The properties listed below have corrected the cited violations and are now in compliance.

- CCB# 22-256 475 Huntington Avenue, Winter Park, FL 32789
- CCB# 21-818 630 W. Swoope Avenue, Winter Park, FL 32789
- CCB# 22-446 540 N. Pennsylvania Avenue, Winter Park, FL 32789
- CCB# 22-439 343 Harris Avenue, Winter Park, FL 32789

Prior Case Reports

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

Assistant City Attorney Rick Geller informed the Board Members of the current unlawful detainer action brought by the City in the Orange County Circuit Court to remove the resident in the condemned house. The resident was defending the action on the basis that he had an application pending with the Florida Department of Economic Opportunity's ReBuild program to fund the repair and reconstruction of hurricane-damaged properties. However, the resident did not respond to Florida ReBuild and his application was deemed inactive. The City has contacted the Orange County Circuit Court to set up a Case Management conference scheduled for August 2, 2022, in which the City will provide updates to the Court and advise to schedule a final hearing for Unlawful Detainer action.

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 Florida Federation of Garden Clubs appealed that portion of the Code Board Order stating it must obtain the City's consent before holding events. It is currently in the Orange County Circuit Court awaiting a decision. Officer Porras reported that we have received no additional noise complaints.

CCB# 21-1430 2212 Azalea Place, Winter Park, FL 32789

Assistant City Attorney Rick Geller informed the Board Members that FG Schaub appealed the Code Board's Order to the Orange County Circuit Court. The City is in the process of preparing an answer brief to that appeal that is due on July 15, 2022.

Board Comments

No comments.

Board Comments

No upcoming agenda items mentioned.

Adjournment

There being no further business, Wayne Johnson made a motion to adjourn the meeting at 4:14 p.m. Todd Boyer seconded the motion and it passed unanimously.

Next meeting is August 4, 2022 at 3:00 p.m.

Approved by the Board 11/03/2022.

/s/ Neena Ramjit, Recording Secretary.