



Code Compliance Board Meeting Minutes

February 02, 2023 at 3:00 p.m.

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

1) Call to Order

Chairman Paul Mandelkern called the meeting to order at 3:00 p.m.

a. Roll Call

Present: Paul Mandelkern, Larry (Chris) Tabor, Todd Boyer, Douglas Bond.

Absent: John Schmalz, Wayne Johnson, Mark Van Valkenburgh.

Assistant City Attorney J. Giffin Chumley from Fishback Dominick Law Firm.

Staff: Safety & Code Compliance Manager Susanne Porras; Board Coordinator Tatia Ghviniashvili.

b. Statement of Purpose

Chairman Paul Mandelkern read the statement of purpose into the minutes.

2) Swearing in of Witnesses

All witnesses were sworn in by Ms. Ghviniashvili.

3) Consent Agenda

a. Approve minutes of regular meeting December 1, 2022

Motion made by Larry (Chris) Tabor to approve the minutes as presented; seconded by Todd Boyer. Motion carried unanimously with a 4-0 vote.

4) Public Comments (for items not on the agenda):

There were no public comments.

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

a. New Case: **CCB# 22-921 1714 Westchester Avenue, Winter Park, FL 32789**

Violation: Unpermitted repeated estate sale events at this location exceeding the number of such sales allowed within a 6-month period, and allowable time per permit and the City Code.

Codes Cited: Article III. Garage Sales – General; Sec. 78-26 Definitions; Sec. 78-27 Permit; Sec. 78-28 Duration of Sale, Frequency; Sec. 78-29 - Sign; Sec. 78-30 Display of Sale Goods, Sec. 78-31- Parking of the City of Winter Park Code of Ordinances.

Susanne Porras, Safety & Compliance Manager, presented the history of the alleged violations, along with the property's details and description as obtained from the records of Orange County Property Appraiser's office. She presented photographs of the alleged estate sale events dating on **July 22, 2022, July 24, 2022, and December 30, 2022**, and offered a brief timeline:

- Property inspections were completed on the following dates: May 18, 2022, May 21, 2022, June 22, 2022, June 23, 2022, July 15, 2022, July 22, 2022, August 01, 2022, August 19, 2022, December 30, 2022, January 12, 2023, January 14, 2023, and January 17, 2023.
- Notice of Hearing was issued for the September 1, 2022 meeting, but the meeting was later canceled.
- Staff continued to monitor the property as needed.
- Secondary Notice of Hearing was issued on January 17, 2023 for this meeting.

The floor opened for discussion and Ms. Porras answered Board questions regarding the details of the case presented. Amended on March 03, 2023.

The following spoke on behalf of the Respondent:

Michael Tudor, 1714 Westchester Avenue, presented on his own behalf as the Respondent. He alleged some personal and financial hardships he had encountered in the past year, which included finding himself out of work due to an injury and being unable to provide for himself. He went on to describe some interactions he had with City staff and his neighbors- claiming that his neighbors did not have an issue with his estate sales. Mr. Tudor admitted to hosting the unpermitted estate sales listed above, for the sole purpose of raising enough money to purchase food and pay bills.

Chairman Mandelkern asked the Respondent a few clarifying questions, and the respondent answered appropriately.

The following offered public comment:

Larry Baker, 1651 Westchester Avenue, shared his concerns regarding the ongoing estate sales hosted by the Respondent. He claimed that the sales attract a large number of customers, and consequently, a large number of cars that cause traffic problems in the neighborhood. He asked the Board to enforce the City Codes appropriately and end the unpermitted estate sales. Amended on March 03, 2023.

Katie Steuck, 1701 Westchester Avenue, also raised concerns regarding the traffic caused by the estate sales. She alleged that the Respondent posts “no parking” signs along the south side of Westchester, which causes people to park exclusively on the north side. She stated that this is not only a nuisance to the neighborhood, but also a safety issue, because in the case of an emergency, first responders would not be able to access the street as needed. She also shared some photographs of a sign promoting an estate sale, along with three “no parking” signs dating back to December 02, 2021.

Sarah Desmond, 1666 Westchester Avenue, shared similar concerns to those of her neighbors who spoke above. She emphasized the disruptions and safety concerns associated with traffic caused by the estate sales, and also noted that there have been times where patrons of the sales were rude and caused damages to some of the flora in neighbors’ yards.

At the request of the Respondent, Chairman Mandelkern briefly reopened the case to allow the Respondent to make additional comment. The Respondent claimed that one of the individuals who gave public comment above, does not reside in the neighborhood and therefore should not be allowed to speak on the matter. Amended on March 03, 2023.

Chairman Mandelkern closed the public portion of the hearing, and the floor opened for a brief Board discussion. Amended on March 03, 2023.

Motion made by Todd Boyer to find the Respondent, Michael Tudor, Code Compliance Board Case #22-921, owner of 1714 Westchester Ave., Winter Park, FL 32789 in violation of Article III. Garage Sales- General; Sec. 78-26- Definitions; Sec. 78-27 – Permit; Sec. 78-28 – Duration of Sale, Frequency; Sec. 78-29- Sign; Sec. 78-30 – Display of Sale Goods and Sec. 78-31 – Parking, of the City of Winter Park Code of Ordinances. The Respondent is ordered to cease all unpermitted estate and garage sale activity that exceeds the allowable time per City Code effective immediately of this hearing date. Failure to comply with this order will result in fines up to \$250 per day, for each day the violation continues. The Respondent is further ordered to contact the Safety and Code Compliance Officer and provide documentation of action taken by 02/07/2023; seconded by Douglas Bond.

A brief discussion followed, and the Board agreed to remove the last sentence of the motion, indicating that there is no condition that needs to be corrected. In this case, the condition needs to cease from happening altogether. Amended on March 03, 2023.

Upon a roll call vote on the revised motion, Chairman Paul Mandelkern, Larry (Chris) Tabor, Todd Boyer, and Douglas Bond voted yes. Motion carried unanimously with a 4-0 vote. Amended on March 03, 2023.

6) Non-Action Items

There were no non-action items. Amended on March 03, 2023.

7) Staff Updates

- a. Compliances – **CCB#22-1087 1276 Richmond Rd.**
CCB#22-1086 1274 Richmond Rd.
CCB#22-449 701 Northwood Cir.

Ms. Porras gave a brief update on the cases listed above informing the Board that they are all in compliance. Amended on March 03, 2023.

8) Board Attorney Report

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

Mr. Chumley gave an update noting that an action for injunctive relief has been filed to allow the City to demolish that structure. Since the time of filing, a stipulated final judgment has been obtained with the property owner, who has agreed to demolish the property by March 04, and if not, the City will have the right to demolish the property themselves and charge that amount against the property.

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

Mr. Chumley noted that the City had made a motion to file a Surreply and is awaiting response from the judge.

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

Mr. Chumley provided an update noting that both parties involved (the City and the Florida Federation Garden Clubs) have filed a joint Motion to Expedite the appeal and have yet to receive a response from the Circuit Court.

9) Board Comments

There were no Board comments. Amended on March 03, 2023.

10) Upcoming Agenda Items

There are two confirmed cases for the March meeting (subject to change).

11) Adjournment

Douglas Bond made a motion to adjourn the meeting at 4:02 p.m.; seconded by Larry (Chris) Tabor. Motion carried unanimously with a 4-0 vote.

Next meeting is scheduled for March 02, 2023.

Minutes approved by the Board on March 02, 2023.

/s/ Tatia Ghviniashvili, Board Coordinator