



Code Compliance Board Minutes

August 1, 2019 at 3:00 pm

City Hall, Commission Chambers
Regular Meeting

Meeting Called to Order

Daniel McIntosh, Chairperson, called to order the regular meeting of the City of Winter Park Code Compliance Board at 3:00 pm, on August 1, 2019, in the Commission Chambers, Winter Park, Florida.

Roll Call

Those present were: Daniel McIntosh, Chairperson, Paul Mandelkern, Todd Boyer and Clay Roesch. Jennifer Frank arrived late and Daniel Butts, Kyle Sanders and Terry Rooth were absent.

Daniel McIntosh read statement of purpose into the minutes.

Approval of Minutes

Motion made by Paul Mandelkern; seconded by Clay Roesch to approve the June 7, 2018 minutes. Motion passed 5-0.

Swearing in of Witnesses

All witnesses were sworn in.

Compliances

CC#19-16 751 Palmer Avenue, Winter Park, FL 32789
Division 4, Section 58-242 (b) and (4); Soil Erosion and Sedimentation Control (Lakes/Public Works)

New Business

CC#19-356, 402 Kilshore Lane, Winter Park, FL 32789. Presentation of the alleged violation was given. Smitha Raphael, Winter Park Safety and Code Compliance Officer, Josh Nye, Winter Park Urban Forestry Arborist, Mark Pierre, Davey Tree Expert Company (utility line clearance tree contractor for the City) and Richard Geller, City Attorney. Respondent, Mr. Simpson spoke in regards to this case and addressed board member questions noting that the vines have been growing for several years.

The following offered public comment:

Michael Harrell, 475 Lakeview Avenue explained that his property abuts Mr. Simpson's property and that this overgrowth has been going on for several years. He noted that as of this date, the skunk vine and other invasive species is on Mr. Simpson's property and submitted several photographs for the record, which were stamped in as "evidence" by the recording secretary.

Jeff Adams, 439 Lakeview Avenue explained that he is an adjacent property owner and has to trim his fence line weekly from the overgrown invasive vines. He shared concerns with the health and safety of the neighbors due to the inhabitable pool, which breeds mosquitos and insects and attracts vermin.

William Bostwick, 449 Lakeview Avenue advised that the rear of his property abut Mr. Simpson's property. He explained that his fence is taking the brunt of it and due to the significant vine overgrowth; it is slowly disintegrating and requires weekly maintenance to keep it under control. A big concern is the empty pool, which is completely covered in vines, fills up with rainwater and attracts many mosquitos, costing him \$50 month year round for mosquito abatement.

Jeffrey Karsch, 475 Lakeview Avenue mentioned that the rear of his property abuts Mr. Simpson's property. He noted that seed or clippings spread this invasive vine. Mr. Karsh has bamboo growing in his back yard and these invasive vines are latching onto it, making it difficult to dispose of because it is so thick. Mr. Simpson was offered a minute to respond, in which he declined.

Board closed portion of hearing for discussion.

Upon questioning, Mr. Pierre with Davey Tree Expert Company addressed best practice methods for remediation and encouraged herbicide treatment in order to eradicate. Due to the significant overgrowth, Davey Tree Expert Company has been unable to enter and maintain the 5-foot utility easement.

From the evidence presented today, a motion was made by Clay Roesch and seconded by Jennifer Frank, that this Board is issuing a ruling finding the Respondent Carl H. Simpson, who is the owner of 402 Kilshore Lane, Winter Park, Florida 32789, Code Compliance Board Case #19-356 in violation of Chapter 58, Section 58-340 (Prohibited Plant Species) City of Winter Park ordinance. The Respondent is ordered to eradicate all invasive vines from the property grounds and along the fence within 7 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 that the non-compliance continues.

Motion amended by Daniel McIntosh and seconded by Clay Roesch, finding the Respondent Carl H. Simpson, who is the owner of 402 Kilshore Lane, Winter Park, Florida 32789, Code Compliance Board Case #19-356 in violation of Chapter 58, Section 58-340 (Prohibited Plant Species) City of Winter Park ordinance. The Respondent is ordered to eradicate all invasive vines from the property grounds, and along any fence, along any property line within 14 days of this hearing date. Failure to comply with this order will result in a fine of up to \$250.00 per day for each day that the property remains in non-compliance.

Motion passed 5-0.

Old Business

None.

Other Business

None.

Adjournment of Meeting: There being no further business, the Code Compliance Board meeting was adjourned at 4:03 pm.

Respectfully submitted,

Michelle Bernstein, Recording Secretary

Dan McIntosh, Chairman