

CITY OF DeBARY
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, January 17, 2007
6:00 P.M., Florence K. Little Town Hall
12 Colomba Road, DeBary, Florida

MINUTES

CALL TO ORDER

Chairman Don Pulver called the meeting to order at 6:00 P.M.

ROLL CALL

Present: Rick Dwyer, Chairman Don Pulver, Rosemary Obenland, Bob Rini, Marcia Becker, John Harvey

Absent: Robert Duncan (unexcused)

City Staff: Assistant City Attorney Dan Langley, Neighborhood Improvement Officer Dave Hooker and Staff Secretary Beth Painter

County Staff: Ginger Martin-Adair

AGENDA CHANGES

No changes to the agenda.

DISCLOSURE OF EX-PARTE COMMUNICATIONS

Chairman Don Pulver disclosed he had contact with Reading Edge Academy a month ago. Mr. Pulver did work for them. No reference to case but had contact.

Marcia Becker mentioned she sits on the church board that had interest in purchasing Larry Allen's trailer.

Approval of Minutes

The minutes of the regular Code Enforcement Board hearing of November 8, 2006 were presented for approval. Mr. Harvey moved to accept the minutes as presented. Mr. Rini seconded the motion. All members voted to approve the motion.

Consent Agenda

Motion to Approve Order of Compliance for Case No. DEB-05-050, DEB-06-061 and DEB-06-070 moved by Mr. Harvey. Mr. Rini seconded the motion. All members voted to approve the Motion.

Witnesses Sworn In:

Staff Secretary Beth Painter swore in all witnesses who intended to testify.

OLD BUSINESS:

1. **DEB-06-054 – Reading Edge Academy**
2975 Enterprise Road
(County Forester-Ginger Adair)

Ms. Adair gave an update on the site plan approval for landscaping. Ms. Adair expressed concerns of buffer issues in relation to the site plan and provided staff with a letter dated January 15, 2007 of the plan review of the conceptual landscape plan.

Motion of Non-Compliance made by Ms. Obenland. Seconded by Mr. Rini. Motion passed unanimously. Additional motion by Mr. Rini was made to have vegetation planted as approved by the site plan within 60 days. Seconded by Mr. Harvey. Motion passed unanimously.

2. **DEB-06-036 – SEDOR, Jennifer**
150 Homestead Avenue
(Neighborhood Improvement Officer-Dave Hooker)

Dave Hooker testified that administrative error occurred that effected the outcome of the last hearing on November 8, 2006. Mr. Hooker stated that the owner secured the permit the day of the hearing and that information was not relayed to the board. Staff's recommendation that the board amend the original order and since the permit has been finalized, give an order of compliance. *Motion was made by Ms. Obenland to amend the original order to a first amended order and to find the property in compliance. Seconded by Mr. Rini. Motion passed unanimously.*

3. **DEB-06-040- ALLEN, Larry**
25 Buckley Road
(Neighborhood Improvement Officer-Dave Hooker)

Dave Hooker testified that the construction trailer was still located on the property. No permit has been issued or any inspection approvals performed. Mr. Hooker indicated that there was an original order of non-compliance on September 13, 2006 and that the order from the board was that the property be in compliance no later than November 7, 2006. Lengthy discussion ensued. *A motion made by Mr. Rini to give the property owner 14 days to remove the construction trailer or a fine a \$50.00 per day to begin on the 15th day. Seconded by Ms. Oberland. Motion passed unanimously.*

NEW BUSINESS:

1. **DEB-06-003 – STAMM, Robert**

8 Sackett Road

(Neighborhood Improvement Officer-Dave Hooker)

Mr. Hooker testified that staff received several calls about his property having alleged code violations. Inoperable vehicles parking on grass, trash and debris throughout property, high grass and weeds etc. Mr. Hooker presented, as evidence, photographs of the property as well as other excerpts pertaining to the alleged violations. Mr. Stamm testified that he is working on removing the debris violations and is working towards compliance. *Motion made by Mr. Dwyer Order of Non-Compliance and give 7 days for the property to be in full compliance or a \$100.00 a day fine to be imposed until full compliance is achieved. Second by Mr. Rini. motion passed 5 to 1 (Ms. Becker opposed). An additional motion was made by Mr. Dwyer for removal of the addition to the shed or obtain proper permits for the addition within 60 days. Seconded by Rini. Motion passed unanimously.*

2. **DEB-06-009- DeBary Oil Inc.**

100 North US HWY 17-92

(Neighborhood Improvement Officer-Dave Hooker)

Mr. Hooker testified about property having several prohibited signs as well as a dumpster not enclosed. Mr. Hooker provided, as evidence, photographs and other excerpts pertaining to the alleged violations. Mr. Hooker also testified that the property was in full compliance as of January 10, 2007. A lengthy discussion ensued. *Motion from Ms. Becker to find the property in compliance and dismiss the case. Seconded by Mr. Rini. Passed 5 to 1 (Mr. Dwyer opposing).*

3. **DEB-06-011 ALLEN, Thomas**

167 South US HWY 17-92

(Neighborhood Improvement Officer)

Mr. Hooker advised the board that the property owner was out of town. Read an email communication from owner requesting a continuance of the case until the February 14, 2006 hearing. Board unimously agreed to continuance.

4. **DEB-06-012 WHEATLEY, Gregory**

225 Colomba Road

(Neighborhood Improvement Officer)

Mr. Hooker testified about outside storage of outdoor properties such as tool, boxes, shower doors, buckets and etc. and a canvas type carport which was installed without permit or inspection approvals. Mr. Hooker presented photograph as well as other excerpts, as evidence, of the alleged violations. *Motion by Mr. Rini to find the property in non-compliance and give the owner 14 days to bring property into compliance or a \$100.00 a day fine to start on the 15th day. Seconded by Mr. Dwyer. Motion passed unanimously.*

GOOD FOR THE ORGANIZATION

Chairman Pulver discussed in a meeting with staff about possibility of issuing minimal administrative costs to all cases if found in non compliance to reimburse the actual costs for the cases heard on agenda.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

**APPROVED: February 14, 2007
CITY OF DeBARY
CODE ENFORCEMENT BOARD**

Don Pulver, Chairman