

CITY OF DeBARY
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, February 14, 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, Bob Rini, Marcia Becker, John Harvey, Robert Duncan

Absent: Rosemary Obenland (unexcused)

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

AGENDA CHANGES

No changes to the agenda.

DISCLOSURE OF EX-PARTE COMMUNICATIONS

Robert Rini had a discussion after January's Code Board meeting with Mr. Allen about his displeasure in only receiving fourteen (14) days to comply when others were getting sixty (60) days.

Approval of Minutes

The minutes of the regular Code Enforcement Board hearing of January 17, 2007 were presented for approval. Mr. Rini moved to accept the minutes as presented. Mr. Harvey 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.

Consent Agenda

Motion to Approve Order of Compliance for Case No. DEB-06-041, DEB-06-055, DEB-06-056, DEB-06-057, DEB-06-058, DEB-06-059, DEB-06-060, DEB-05-036, 06-003-H, 06-012-H, moved by Mr. Rini. Mr. Duncan seconded the motion. All members voted to approve the Motion.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **06-011-H**– ALLEN, Thomas
167 South US HWY 17-92

(Neighborhood Improvement Officer-Dave Hooker)

Mr. Hooker testified that staff stopped by the property in November and noticed two (2) banner signs. He also testified that there was an unenclosed dumpster on city right of way. Mr. Hooker presented, as evidence, photographs of the property as well as other excerpts pertaining to the alleged violations. A lengthy discussion ensued. *Motion made by Mr. Dwyer - Order of Non Compliance and give 14 days to apply for a permit for the dumpster enclosure. Failure to apply will result in a fine commencing on day fifteen (15) of \$50.00 per day. Once the permit has been issued, the owner will have thirty (30) days to have a final inspection performed for the enclosure, failure to do so results in a fine of \$50.00 per day to continue on day thirty-one (31) until permit has been finalized. Seconded by Becker. Motion passed unanimously.*

2. **06-005-** H-DeBary Property Investments Inc.
1 S US Hwy 17-92

(Neighborhood Improvement Officer-Dave Hooker)

Mr. Hooker testified about property having several prohibited wind 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 is now in compliance except for ties on dumpster enclosure. Respondent conveyed to staff that this will be corrected by end of week. *Motion from Ms. Becker to find the property in compliance and dismiss the case. Seconded by Mr. Harvey. Motion passed 4 to 2 (Mr. Dwyer and Mr. Rini opposing).*

3. **06-006-H** –BEACKMAN, Michael & Elizabeth
119 Naranja Road

(Neighborhood Improvement Officer)

Mr. Hooker advised the board that Mr. & Mrs. Beackman are out of town and have requested a continuance of the case until the March 14, 2006 hearing. *Board unanimously agreed to continuance.*

4. **06-007-H RUSS, Clifford & Mindy**

114 Naranja Road

(Neighborhood Improvement Officer)

Mr. Hooker testified this case is being presented today as “not” a repeat violation. During an on site inspection, staff observed storage of personal items outside (mowers, tires, hand truck, 5 gallon water containers, shelving etc.) Mr. Hooker provided, as evidence, photographs and other excerpts pertaining to alleged violations. Mr. and Mrs. Russ testified property is now in compliance and provided photographs of property. Mr. Hooker will evaluate property February 15, 2007 to confirm property is now in compliance.

Motion by Mr. Dwyer to find the property in non-compliance and access fine of \$100.00 per day to begin February 15, 2007. Seconded by Mr. Harvey. Motion passed unanimously.

5. **06-008-H HALL, Dan**

146 Marsella Road

(Neighborhood Improvement Officer)

Mr. Hooker testified that during an on site inspection in mid December staff noticed that windows and exterior doors were being changed without permit. Mr. Hooker provided photographs as well as other excerpts pertaining to the case. Mr. Hooker advised the board that the property is now in compliance. A lengthy discussion ensued.

Motion by Ms. Becker to find the property in compliance and dismiss case. Seconded by Harvey. Motion passed 5 to 1 (Dwyer opposed)

6. **07-001-H FENDER, Michael & Gabriel**

20 Hibiscus Drive

(Neighborhood Improvement Officer)

Mr. Hooker testified that on site inspection was done beginning of November. At that time an inoperable vehicle was observed parked on the grass. Mr. Hooker, provided as evidence, photographs and other excerpts pertaining to alleged violation. Mr. Hooker advised property is in compliance as of February 14, 2007. Ms. Fender testified that vehicle has been removed from the property.

Motion by Ms. Becker to find the property in compliance and dismiss case. Seconded by Rini. Motion passed 4 to 2 (Dwyer and Pulver opposed)

7. **07-006-H DIGON, James & Sumiko**

181 S. Hwy 17-92

(Neighborhood Improvement Officer)

Mr. Hooker testified that during an on site inspection it was observed that there were many vehicles stored on property that are not road ready. Mr. Hooker, provided as evidence, photographs and other excerpts pertaining to alleged violations. Secretary for the business, Barbara Hasty, testified that they are working on being in compliance and request until May 1, 2007 to do so. A lengthy discussion ensued.

Motion by Mr. Dwyer to find the property in non compliance. Fine of \$50.00 per day per violation to begin on April 2, 2007. Additional fine of \$100.00 per day if any additional non road ready cars are added to the property. Seconded by Duncan. Motion passed unanimously.

8. **07-008-H HENRY, Thomas & Cheryl**
7 S. US Hwy 17-92 7A
(Neighborhood Improvement Officer)

Mr. Hooker testified that during daily rounds, he noticed improper signs on property. Mr. Hooker, provided as evidence, photographs and other excerpts pertaining to alleged violations. Mr. Hooker also testified that Ruthie Lee's is operating without an occupational license. Mr. Henry testified he will remove improper signs.

Motion by Mr. Duncan to find the property in non compliance and order property owner to remove TES sign by March 1, 2007. Fine of \$100.00 per day to begin March 2, 2007 if not removed. Seconded by Mr. Rini – Motion passed unanimously.

9. **05-036 LYON, Robert**
238 Colomba Road
(Neighborhood Improvement Officer)

Mr. Lyon testified it was his understanding that for hurricane repairs, permits were not necessary. He also testified that he did not enclose his carport. Mr. Hooker testified that case was originally heard November 9, 2005 giving owner until March 8, 2006 to comply. Mr. Lyon requested a reduction in the fine amount imposed March 9, 2006. A lengthy discussion ensued.

Board unanimously agreed to reschedule the matter until March 14, 2006.

GOOD FOR THE ORGANIZATION

Board agreed to discuss Roberts Rule at next code board meeting of March 14, 2007.

ADJOURNMENT

The meeting adjourned at 8:16 p.m.

APPROVED March 14, 2007
CITY OF DeBARY
CODE ENFORCEMENT BOARD

Don Pulver, Chairman