

CITY OF DeBARY
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, March 14, 2007
6:00 P.M., Florence K. Little Town Hall
12 Colomba Road, DeBary, Florida

MINUTES

CALL TO ORDER

Vice Chairman, Mr. John Harvey called the meeting to order at 6:00 P.M.

ROLL CALL

Present: Mr. Robert Duncan, Mr. Rick Dwyer, Mr. John Harvey, Mr. Bob Rini, Ms. Marcia Becker, and Ms. Rosemary Obenland

Absent: Mr. Don Pulver (excused)

City Staff: Assistant City Attorney Mr. Dan Langley, Neighborhood Improvement Officer Mr. David Hooker and Staff Secretary Ms. Beth Painter

AGENDA CHANGES

No changes to the agenda.

DISCLOSURE OF EX-PARTE COMMUNICATIONS

None.

Approval of Minutes

The minutes of the regular Code Enforcement Board hearing of February 14, 2007 were presented for approval. Mr. Rini moved to accept the minutes as presented. Mr. Duncan 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 by Mr. Dwyer to Approve Order of Compliance for Case No. DEB-05-014 (Kerr), 06-007-H (Russ) and case number 07-008-H (Henry), Motion seconded by Mr. Duncan, all members voted to approve the Motion.

OLD BUSINESS:

1. Case No. DEB 05-036 – Robert Lyon
238 Colomba Road
(Request for reduction/abatement of lien)

Mr. Hooker testified that Mr. Lyon was not present for hearing. Mr. Hooker presented, as evidence, minutes from previous hearings and property activity from Volusia county records. *Motion made by Mr. Dwyer-Order to Not Reduce Fine. Seconded by Rini. Motion passed unanimously.*

NOTE:

Mr. Lyon arrived after his case was heard. At the end of the schedule hearing, the board voted to allow Mr. Lyon time to discuss his request for a reduction/abatement – a lengthy discussion ensued. Subsequently, the original motion stands.

2. Case No. 06-006-H - Michael & Elizabeth Beackman
119 Naranja Road

Mr. Hooker testified that staff received a complaint of a vacant home. Staff observed the property and noticed new door without permit and high grass and weeds. Mr. Hooker provided as evidence copies of Notice of Violation, Notice of Hearing as well as other excerpts pertaining to this case. A lengthy discussion ensued. *Motion made by Mr. Dwyer – to find the owner in violation of the aforementioned section of codes. Give the owner until April 2, 2007 to apply for permit. Failure to apply will result in a fine commencing on April 3, 2007 of \$100.00 per day. Furthermore, once the permit has been issued, the owner will be granted fifteen (15) days to obtain the final inspection approvals. Failure to do so, will result in an additional fine of \$100 per day until compliance has been achieved. – motion seconded by Mr. Rini, motioned passed unanimously.*

NEW BUSINESS:

3. Case No 07-015-H - Daniel R. Cook
245 Lago Vista Street

Mr. Hooker testified about staff receiving a complaint about property. Staff conducted an onsite inspection and observed inoperable vehicles, tall grass and weeds, and outdoor storage of personal property not pertaining to the construction of the home. Mr. Hooker, provided as evidence, photographs and other excerpts pertaining to alleged violation. Mr. Hooker advised that as of March 14, 2007 property is still not in compliance. Mr. Cook testified that he is working on being in compliance. A lengthy discussion ensued. *Motion made by Mr. Dwyer – to find the owner in violation of the aforementioned sections of code. The owner is required to remove all inoperable vehicles from the property, including the box van, remove all materials not associated with the construction of the home, as well as cut the grass within thirty (30) days – failure to do so will result in a lien of \$100 per day to start on the thirty-first (31st) day.*

Furthermore the owner is required to install the gates structure within sixty (60) days or an additional fine of \$100 per day will start on the sixty-first (61) day. Also if the property is not in full compliance after the sixty-first (61) day the lien amount will be increased to \$250 per day until full compliance has been achieved.

Motion seconded by Mr. Rini. Motion passed 5-1 (Ms. Becker opposed).

4. Case No. 07-018-H - Allen C. Woodruff

54 South US HWY 17-92

Mr. Hooker testified that an on site inspection was done January 9, 2007. At that time it was observed that there was a dumpster that was not enclosed, a vehicle with expired tags, outdoor storage of personal property, and an improper banner sign. Mr. Hooker, provided as evidence, photographs and other excerpts pertaining to alleged violation. Mr. Hooker also testified that as of March 14, 2007, additional vehicles with expired tags have been added to the property as well as additional trash and debris outside. Owner or any representative of property failed to appear. A lengthy discussion ensued. ***Motion made by Mr. Dwyer – To find the owner in violation of the aforementioned section of codes. The owner must remove the inoperable vehicles, enclose the dumpster, remove illegal banner sign, and achieve the general lot maintenance of the property within seven (7) days or a fine to be imposed of \$250 per day to start on the eighth(8) day. Motion seconded by Mr. Duncan. Motion passed 5-1 (Ms. Becker opposed).***

In a section motion, Mr. Dwyer motioned that the owner must apply for a permit for the work performed within thirty (30) days failure to do so will result in a fine of \$100 per day. Furthermore, once the permit has been issued the permit must be finalized within sixty (60) days or an additional fine of \$100 per day will be imposed. Motion seconded by Mr. Rini – Motion passed unanimously.

5. Case No. 07-022-H – Bette Jane Sandler

37 Plantation Road

Mr. Hooker testified that staff received a complaint on January 2, 2007. During an on site inspection it was observed that there was an inoperable vehicle in driveway. A re inspection was done on January 10, 2007 at which time staff noticed the backyard was overgrown, there was a porch that was falling down and outdoor storage of personal property. Mr. Hooker provided as evidence, photographs and other excerpts pertaining to alleged violation. Mr. Hooker testified that as of March 14, 2007, the vehicle has been removed. Ms. Sandler testified that she is working on being in compliance. A lengthy discussion ensued. ***Motion made by Mr. Dwyer – find the owner in violation of the aforementioned section of code, and to give the owner one hundred twenty (120) days to clear up the nuisance violations, (cut grass, repair fence and remove the trailer) or a fine of \$50 per day will be imposed. Motion seconded by Rini . Motion passed unanimously.***

In a second motion, Mr. Dwyer motioned that the owner must apply for a permit within ninety (90) days, failure to do so will result in a fine of \$50.00 per day. Furthermore, once the permit has been issued the permit must be finalized within ninety (90) days or a an additional fine of \$50.00 per day will be imposed for a total fine of \$100.00 per day. Motion seconded by Rini. Motion passed unanimously.

**6. Case No. DEB 05-014 – James Kerr
72 Alano Road**

Mr. Hooker testified this case started in November 2004. Mr. Hooker provided as evidence copies of documents pertaining to violation. Mr. Kerr was present to request a reduction in his fine/lien. A lengthy discussion ensued. *No recommendation was made.*

**7. Case No. DEB 06-040 - Larry J. Allen
10 Buckley Drive**

Mr. Hooker testified that a complaint was received in November 2005 about a construction trailer on the property without a permit. Staff conducted an on site inspection and confirmed the construction trailer. Mr. Hooker provided as evidence copies of documents pertaining to the violation. A lengthy discussion ensued. *Motion by Dwyer-Motion for no fine/lien reduction. Seconded by Rini. Motion passed 4 to 2. (Oberland and Harvey opposed).*

GOOD FOR THE ORGANIZATION

Board agreed to discuss Roberts Rule at next code board meeting of April 11, 2007.

ADJOURNMENT

The meeting adjourned at 8:22 p.m.

**APPROVED May 9, 2007
CITY OF DeBARY
CODE ENFORCEMENT BOARD**

John Harvey, Vice Chairman