

CITY OF DeBARY
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, March 12, 2008
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: Chairman Don Pulver, Robert Rini,
Vice Chairman John Harvey Ms. Prysok, excused
Rick Dwyer Ms. Becker, unexcused
Ms. DeSantis - unexcused Mr. Bridges - excused

City Staff: Assistant City Attorney Gayle Owens,
Neighborhood Improvement Officer Dave Hooker
Staff Secretary Patricia Martin

AGENDA CHANGES

No changes to the agenda.

DISCLOSURE OF EX-PARTE COMMUNICATIONS

No ex-parte communications.

Witnesses Sworn In:

Staff Secretary Patricia Martin swore in all witnesses who intended to testify.

Approval of Minutes

Motion made by Mr. Harvey to approve February 13, 2008, Seconded by Mr.Rini motion passes, unanimously

CONSENT AGENDA:

- (1) Case No: 07-040-H Scott Gump
112 Mantanzas Road
Order of Compliance – 03/12/2008 - Fine amount \$0.00
- (2) Case No: 08-019-H Ruperto Martinez Jr.
238 Agua Vista Street
Order of Compliance – 03/12/2008 – Fine amount \$0.00

Motion to approve Consent Agenda by Mr. Dwyer. Seconded by Mr. Harvey. Motion passes unanimously.

OLD BUSINESS:

(1) Case# 07-301-H

Jonathan P. Gillaspie
220 DeLeon Road

Florida Building Code Section 105.1 – Permits

Code of Ordinance Chapter 14 Section 14-31 – Adopted

(Neighborhood Improvement Officer-Dave Hooker)

Mr. Hooker testified about room additions for which there are no permits or inspections and continuous disregard for compliance and stop work orders following numerous conversations between the resident, the building inspector and the code enforcement officer. Staff recommends that a fine of \$200 per day be imposed immediately on the property and continue to run until such time as the owner secures permits and final inspections or has removed the addition.

*Motion made by Mr. Dwyer to find the owner in non-compliance of the cited sections of code and to allow 10 days to apply for a construction permit. Failure to do so will result in a fine of \$200.00 per day to begin on the 23rd of March 2008 and continue until property is in full compliance. Additionally upon receipt of the required permits allow 90 days for completion of construction or return to Mr. Hooker to seek an extension of time from the Code Board. Failure to do so will result in a fine of \$200 per day to continue until property is in compliance. Seconded by Mr. Harvey– Motion passed 3-1. Mr. Dwyer, Mr. Rini and Mr. Harvey yes.
Mr. Pulver – Nay.*

NEW BUSINESS

(2) **Case No. 07-274-H** - Joseph D. & Darlene Moleski

237 Buena Vista

Staff recommends withdraw from agenda

(3) **07-286-H** - Jason Costello

223 Alta Vista Drive

(Neighborhood Improvement Officer – Dave Hooker)

Mr. Hooker testified about a boat being parked in the front yard, he also presented evidence pertaining to the case. Mr. Costello did not appear before the Code Board. Staff recommends Mr. Costello be found in non compliance and be given 10 days to come into compliance. Failure to do so will result in a fine of \$50 per day to begin on March 22, 2008 and continue until the property comes into compliance

Motion made by Mr. Dwyer to find the owner in non-compliance of the cited sections of code and give the owner 10 days to come into compliance. Failure to do so will result in a fine of \$50.00 to continue until the property is in full compliance. Seconded by Mr. Rini. Motion passed unanimously.

(4) **Case No. 07-308-H** Thomas Garrett

48 Dahlia Drive

Staff recommends withdraw from agenda

- (5) **Case No. 08-018-H** - Angel N & Aida N. Rodriguez.

204 Agua Vista Street

Staff recommends withdraw from agenda

- (6) **Case No. 07-018-H** - Allen Woodruff

54 S U.S. Hwy 17-92

(Neighborhood Improvement Officer – Dave Hooker)

Mr. Hooker presented on behalf of the property owner a request for reduction or waiver of fine/lien. Staff recommendation is that your recommendation be taken to City Council in a few weeks however staff strongly recommends that no reduction should take place due to staff time, attorney's fees, and monies spent on the case.

Mr. Woodruff testified on his own behalf and a lengthy discussion ensued.

Motion by Mr. Dwyer that Mr. Woodruff comes before the DeBary City Council to pursue Reduction or Abatement of the existing fine (\$42,250.00) from the Council with a recommendation from the DeBary Code Enforcement Board that after consideration of the ongoing cost to the of City of DeBary a reduction from the original lien amount to 50% or higher of the existing fine accrued be considered and implemented by the DeBary City Council. Seconded by Mr. Rini. Motion passed unanimously.

GOOD FOR THE ORGANIZATION

- A. As entertained by the Chairman – None
- B. As entertained by the Board – None
- C. As entertained by the Staff – None
- D. As determined by the City Attorney - None
- E. Tally Sheets - Accepted

ADJOURNMENT

The meeting adjourned at 7: 00 p.m.

**APPROVED April 9, 2008
CITY OF DeBARY
CODE ENFORCEMENT BOARD**

**W. Don Pulver
Chairman**