

**CITY OF DeBARY**  
**REGULAR CODE ENFORCEMENT BOARD MEETING**  
**WEDNESDAY, August 12, 2009**  
**6:00 P.M., City Hall**  
**16 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 present  
V.C., John Harvey present  
Rick Dwyer present  
Nicholas Koval present  
Robert Rini present  
Gail Prysok present  
Marcia Becker present  
Mary Shoup-Love absent - excused

City Staff: Assistant City Attorney, Dan Langley  
Neighborhood Improvement Officer, Dave Hooker  
Staff Secretary, Shanna Hawkins

**AGENDA CHANGES**

None

**DISCLOSURE OF EX-PARTE COMMUNICATIONS**

None

**Witnesses Sworn In:**

Staff Secretary, Shanna Hawkins, swore in all witnesses who intended to testify.

**Approval of Minutes**

*Motion made by Mr. Dwyer to approve July 8, 2009 minutes as amended with the corrections necessary, seconded by Mr. Harvey. Motion passes 5-0, Mr. Rini & Ms. Becker abstained.*

**CONSENT AGENDA:**

- (1) Case No. 09-099-H - Peter A. Cloyd & Sheralyn R. Cloyd JTWRs  
140 Angeles Rd.  
**Order of Compliance – 08/12/09 - Fine amount due \$0.00**
- (2) Case No. 09-156-H – Park View Point River City Inc.

275 S US HWY 17-92

**Order of Compliance – 08/12/09 - Fine amount due \$0.00**

- (3) **Case No. 07-152-H - Jacques & Lissa Pierre-Paul**  
9 Smyrna Dr.  
**Order of Compliance – 08/12/09 - Fine amount due \$30,850.00**
- (4) **Case No. 08-079-H - Jacques & Lissa Pierre-Paul**  
9 Smyrna Dr.  
**Order of Compliance – 08/12/09 - Fine amount due \$104,000.00**
- (5) **Case No. 07-236-H - Keith Head**  
138 Floridana Dr.  
**Order of Compliance – 08/12/09 - Fine amount due \$50,400.00**

*Motion made by Mr. Dwyer to approve consent agenda, seconded by Mr. Harvey.  
Motion passes unanimously.*

**OLD BUSINESS:**

- (1) **Case No. 09-010-H - Andrew P. Gaffney**  
4 Sunset Dr.

**Neighborhood Improvement Officer – Dave Hooker**

Mr. Hooker gave staff report on said property and entered into evidence case file documents and pictures of the violation. Deborah Gaffney was present and presented testimony on behalf of the property. Discussion ensued between board members, staff and Ms. Gaffney.

*Motion made by Mr. Dwyer to find the owner in non-compliance of the cited section of code. In addition the owner has 60 days to come into full compliance. Failure to do so will result in a fine of \$50 per day to be imposed. Seconded Mr. Rini. Motion passes unanimously.*

**NEW BUSINESS**

- (1) **Case No. 09-138-H - Sean & Cheri Gowan**  
239 Deleon Rd.

**Neighborhood Improvement Officer – Dave Hooker**

Mr. Hooker gave staff report on said property and entered into evidence case file documents and pictures of the violation. No one was present to represent the property. Discussion ensued between board members and staff.

*Motion made by Mr. Dwyer to find the owner in non-compliance of the cited section of code. In addition the owner has 14 days to come into full compliance. Failure to do so will result in a fine of \$50 per day to be imposed. Seconded Ms. Becker. Motion passes unanimously.*

- (2) **Case No. 09-144-H - Stan & Nancy Nguyen**

409 Caddie Dr.

**Neighborhood Improvement Officer – Dave Hooker**

Mr. Hooker withdrew this case from the agenda.

(3) **Case No. 09-159-H - Mithcel & Virginia Geier**

212 Yorkville Pl.

**Neighborhood Improvement Officer – Dave Hooker**

Mr. Hooker gave staff report on said property and entered into evidence case file documents and pictures of the violation. No one was present to represent the property. Susan Layhey was present and offered testimony to the Board. Discussion ensued between board members, staff and attorney.

*Motion made by Mr. Dwyer to find the owner in non-compliance of the cited section of code and ordered the City Of DeBary to maintain the property in accordance to the aforementioned sections of code pertaining to the lot maintenance and a fine of \$200 is to be imposed each time the City maintains the property. As well as ordered the City Of DeBary to immediately pump the pool and leave drain open and secure the pool to meet the minimum safety requirements and assess the cost as a lien. Seconded by Ms. Becker. Motion passes 6-1, Ms. Prysok opposed.*

*Motion made by Mr. Dwyer to re-call previous motion. Seconded by Mr. Rini. Motion passes 6-1, Ms. Becker opposed.*

*Motion made by Mr. Dwyer to find the owner in non-compliance of the cited section of code. The City is hereby ordered to correct the safety issues with the maintenance of the pool, install a barrier around the pool to meet the minimum safety requirements, and maintain the property in accordance to the aforementioned sections of code pertaining to the lot maintenance and a fine of \$200 is to be imposed each time the City maintains the property. In addition the owner has 14 days to come into full compliance of all aforementioned cited sections of code. Failure to do so will result in a fine of \$50 per day to be imposed. Seconded Mr. Koval. Motion passes unanimously.*

(4) **Case No. 08-280-H - Jeffrey S. & Amanda Petracca**

56 Community Dr.

**Neighborhood Improvement Officer – Dave Hooker**

Mr. Hooker withdrew this case from the agenda.

(5) **Case No. 07-134-H - Timothy & Molly Hudson**

660 Summerhaven Dr.

**Neighborhood Improvement Officer – Dave Hooker**

Mr. Hooker gave staff report on said property and entered into evidence case file documents and pictures of the violations sited. Timothy Hudson Sr. was present and provided testimony on behalf the property. Discussion ensued between board members, Mr. Hudson and staff regards to the Request for Reduction or Waiver of Fine/Lien.

*Motion made by Ms. Becker to recommend that the Council approve the request for a reduction of fine /lien to administrative cost. Seconded by Mr. Dwyer. Motion passes unanimously.*

(6) **Case No. DEB 05-008-H - Donald C. Bauerle, Jr.**

**Case No. DEB 05-019-H** 488 Highbanks Rd.

**Case No. DEB 05-034-H**

**Neighborhood Improvement Officer – Dave Hooker**

Mr. Hooker gave staff report on said property and entered into evidence case file documents and pictures of the violations sited. Mark Watts with Cobb and Cole was present and provided testimony on behalf the property. Discussion ensued between board members, Mr. Watts, city attorney and staff regards to the Request for Reduction or Waiver of Fine/Lien.

*Motion made by Mr. Dwyer to recommend that the Council approve the request for a reduction of fine /lien to all legal and administrative cost. Seconded by Ms. Prysok. Motion passes unanimously.*

### **GOOD FOR THE ORGANIZATION**

**A. As entertained by the Chairman** – Requested that staff send a copy of the memo from the City’s attorney regarding policies and procedures to the Code Enforcement Board Members.

**B. As entertained by the Board** – Mr. Harvey had a discussion with staff regarding the By-Laws.

**C. As entertained by the Staff** –

1. Discussion of the special assessment liens for lot maintenance that were previously recorded with the County.
2. Staff indicated that when documents are sent to the County to be recorded it will detailed as to how it is recorded.

**D. As determined by the City Attorney** – None

**E. Tally Sheets** – Accepted

### **ADJOURNMENT**

The meeting adjourned at 7:41 p.m.

**APPROVED September 9, 2009  
CITY OF DeBARY  
CODE ENFORCEMENT BOARD**

**Don Pulver  
Chairman**