

CITY OF DeBARY
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, September 9, 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
	Mary Shoup-Love	present
	Marcia Becker	absent - excused

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

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. Harvey to approve August 12, 2009 minutes, seconded by Mr. Rini. Motion passes unanimously.

CONSENT AGENDA:

- (1) **Case No. 07-236-H - Keith M. Head**
138 Floridana Dr.
Order of Compliance – 09/09/09 - Fine amount due \$50,400.00

- (2) **Case No. 09-138-H – Sean & Cheri Gowan**
239 Deleon Rd.
Order of Compliance – 09/09/09 - Fine amount due \$0.00

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

OLD BUSINESS:

Discussion ensued between the Assistant City Attorney, staff, and the board regarding procedural changes and recommendations to the board on how to proceed with case orders. It was decided by the board that the cases that remain in violation are to be brought back before the board as a status report under Old Business. The notification of this hearing will be on the original Order that is mailed certified mail.

- (1) **Case No. 09-159-H - Mitchel & Virginia Geier**
212 Yorkville Pl.

Neighborhood Improvement Officer – Dave Hooker

Mr. Hooker gave staff report on said property and stated the violation continues.

Motion made by Mr. Rini to confirm that compliance date has not been met and an Order of Imposing Fine / Lien may be issued. Seconded Mr. Dwyer. Motion passes unanimously.

NEW BUSINESS

- (1) **Case No. 09-194-H - Madaline Carter**
412 W. Highbanks Rd.

Neighborhood Improvement Officer – Dave Hooker

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

Motion made by Ms. Prysok to find the owner in non-compliance of the cited section of code. In addition the owner has 30 days to come into full compliance. Failure to do so will result in a fine of \$50 per day to be imposed. Seconded Mr. Harvey. Motion passes unanimously.

- (2) **Case No. 09-197-H - Valentina Garcia**
8 Valencia Rd.

Neighborhood Improvement Officer – Dave Hooker

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

Motion A made by Mr. Harvey to find the owner in non-compliance of the cited section of code pertaining to the trash and debris on the property. 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 Mr. Rini. Motion passes unanimously.

Motion B made by Mr. Harvey 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 of all aforementioned cited sections of code pertaining to the lot maintenance. Failure to do so will result in the City ordered 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. Seconded Mr. Koval. Motion passes unanimously.

- (3) **Case No. 09-208-H - Mark V. Pilarczyk**
21 Monroe Ave.

Neighborhood Improvement Officer – Dave Hooker

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

Motion made by Mr. Rini 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 of all aforementioned cited sections of code pertaining to the lot maintenance. Failure to do so will result in the City ordered 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. Seconded Mr. Koval. Motion passes unanimously.

- (4) **Case No. 09-214-H - Valentina Garcia**
235 DeBary Dr.

Neighborhood Improvement Officer – Dave Hooker

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

Motion made by Mr. Harvey 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 of all aforementioned cited sections of code pertaining to the lot maintenance. Failure to do so will result in the City ordered 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. Seconded Mr. Rini. Motion passes 6-1, Ms. Prysok opposed.

- (5) **Case No. 09-216-H - David McGill**
43 Matanzas Rd.

Neighborhood Improvement Officer – Dave Hooker

Mr. Hooker withdrew this case from the agenda.

- (6) **Case No. 09-217-H - Paul David & Elizabeth Dorton**
144 Delespine Dr.

Neighborhood Improvement Officer – Dave Hooker

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

Motion made by Mr. Koval 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 of all aforementioned

cited sections of code pertaining to the lot maintenance. Failure to do so will result in the City ordered 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. Seconded Mr. Rini. Motion passes 6-1, Ms. Prysok opposed.

(7) **Case No. 09-226-H - Donna Reynolds**

526 S. Pine Meadow Dr.

Neighborhood Improvement Officer – Dave Hooker

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

Motion made by Mr. Harvey to find the owner in non-compliance of the cited section of code. In addition the owner has 7 days to come into full compliance. Failure to do so will result in a fine of \$100 per day to be imposed. Seconded Ms. Prysok. Motion passes unanimously.

(5) **Case No. 07-236-H - Keith Head**

138 Floridana 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 violations sited. Keith Head was present and provided testimony on behalf the property. Discussion ensued between board members, Mr. Head, 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 administrative cost to include legal fees contingent on documentation from Realtor that short sale will be complete once waived. Seconded by Mr. Koval. Motion passes unanimously.

GOOD FOR THE ORGANIZATION

A. As entertained by the Chairman – clarification of the decision that the Board made in the procedural changes for the Orders.

B. As entertained by the Board – None

C. As entertained by the Staff – request made to state the name of the Board member making the motion and second so that it is read into record.

D. As determined by the City Attorney – None

E. Tally Sheets – Accepted

ADJOURNMENT

The meeting adjourned at 7:35 p.m.

**APPROVED October 14, 2009
CITY OF DeBARY
CODE ENFORCEMENT BOARD**

**Don Pulver
Chairman**