

City of Layton

CODE ENFORCEMENT BOARD

HEARING

Friday, October 3, 2007

Layton, Florida

MINUTES

I. Chairman James Tynan called the meeting to order at 7:00 p.m. followed by the pledge to the flag. Philip “Skip” Haring, Administrative Assistant to the Mayor, gave the invocation.

II. ROLL CALL

Chairman James Tynan	Present
Charles “Sandy” Maclaren	Present
Al Greulich	Absent
Octavio Betancourt	Present
Thomas Dudderar	Present

Staff present were: Skip Haring, City Attorney Joshua Hauserman, City Clerk Marjorie Parmenter, and Attorney for the Code Enforcement Board Jack Bridges.

III. OATH OF OFFICE

The Oath of Office was taken by all Code Enforcement Board Members present: Chairman James Tynan, Charles Maclaren, Octavio Betancourt, and Thomas Dudderar. The oaths were witnessed by the City Clerk.

IV. CONSIDER AND TAKE ACTION ON A REQUEST TO DROP ALL FINES AND FEES INCURRED AS A RESULT OF NON-COMPLIANCE TO THE CITY OF LAYTON WASTEWATER ORDINANCE MADE BY:

LINDA G. LANGE	50 North Layton Drive
AILEEN M. HOWARD	100 North Layton Drive
WAYNE BUCHANAN	200 North Layton Drive

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Chairman Tynan made a motion to charge Linda G. Lange, Aileen M. Howard, and Wayne Buchanan \$ 2,848.30 each for reimbursement of legal fees incurred by the City of Layton as a result of their non-compliance with the City of Layton's Wastewater Ordinance. The motion was seconded. All voted YES.

The attorney for the Code Enforcement Board made a recommendation to the board that the respondents be allowed to comment.

Chairman Tynan made a motion to rescind the previous motion. The motion was seconded. All agreed. The previous motion was rescinded.

Linda G. Lange Ms. Lange read the letter previously submitted to the City requesting that all accumulated fines and fees be dropped. Ms. Lange was sworn in by Philip Haring. Ms. Lange gave a brief history of her family history with the City and the problems associated with wastewater hook-up on North Layton Drive, ranging from the question of North Layton Drive being a private drive or a public roadway, to problems with engineers, lawyers, the Department of Environmental Protection, and the Florida Keys Aqueduct Authority. Mr. Buchanan and Mrs. Howard both agreed to allow Linda Lange to speak on their behalf. The respondents stated that they had no witnesses present.

Chairman Tynan initiated a discussion about fines versus fees. It was decided by the Code Board to separate the fines and fees.

The Attorney for the Code Enforcement Board suggested that public comment be allowed. Two citizens made comments concerning wastewater hook-up within the City of Layton. Ms. Lange responded to comments.

Chairman Tynan made a motion that legal costs of \$ 2,848.30 apiece be assessed against each homeowner, with the understanding that financial arrangements for timely payments may be made with the City.

Wayne Buchanan was sworn in by Philip Haring. Mr. Buchanan stated that he will not pay the reimbursement for the legal fees incurred by the City regarding this case. Mr. Buchanan stated that he feels he is being discriminated against, and will seek legal council. Mr. Buchanan commented on issues related to wastewater hook-up to his residence.

Chairman Tynan amended his motion that legal costs of \$ 2,848.30 apiece be assessed against each homeowner on North Layton Drive, with the understanding that financial arrangements may be worked out with the City with mutual agreement between both parties.

The motion was seconded.

Roll Call was taken:

Chairman James Tynan	YES
Octavio Betancourt	YES
Charles “Sandy” Maclaren	YES
Thomas Dudderar	YES

The motion passed.

Chairman Tynan asked for comments concerning the fines.

Code Board Member Octavio Betancourt commented that Ms. Lange did respond to the Code Enforcement Board and made an effort to comply.

Mr. Betancourt made a motion to discount by one-third (1/3) the accumulated fines assessed to the residences on North Layton Drive. The motion died for lack of a second.

Thomas Dudderar made a motion to discount by fifty percent (50%) the accumulated fines assessed to the residences on North Layton Drive. The motion was seconded.

Roll Call was taken:

Chairman James Tynan	YES
Octavio Betancourt	YES
Charles “Sandy” Maclaren	NO
Thomas Dudderar	YES

The motion passed.

Ms. Lange made comments.

Chairman Tynan stated that the accumulated fines total \$33,300 per residence. The fifty percent reduction of fines totals \$16,650 per residence.

Chairman Tynan made a motion that Linda Lange, Aileen Howard, and Wayne Buchanan may make arrangements with the City of Layton to pay the fines of \$16,650 each and that liens against the individual properties will be filed by the City in the event that payments are not made within a reasonable amount of time.

Roll Call was taken:

Chairman James Tynan	YES
Octavio Betancourt	YES
Charles “Sandy” Maclaren	YES
Thomas Dudderar	YES

The motion passed.

V. CONSIDER AND TAKE ACTION ON REIMBURSEMENT TO THE CITY OF LAYTON OF ALL EXPENSES INCURRED CONCERNING CASE #2009-B08: JOHN AND JEAN MURPHY-144 BUTTONWOOD LANE.

The City of Layton received a letter dated September 29, 2008 from the Law Offices of William K. Crispin requesting a continuance of this case. The City had no objection to granting a continuance.

Chairman Tynan made a motion to grant a continuance for Case # 2009-B08 until Friday, November 14, 2008 at 7 p.m. at Layton City Hall. The motion was seconded.

Roll Call was taken:

Chairman James Tynan	YES
Octavio Betancourt	YES
Charles “Sandy” Maclaren	YES
Thomas Dudderar	YES

The motion passed.

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Chairman Tynan made a motion to adjourn the Code Enforcement Board Hearing. The motion was seconded. All were in favor. The City of Layton Code Enforcement Board Hearing of Friday, October 3, 2008 was adjourned at 8:20 p.m.

Respectfully submitted,
Marjorie Parmenter
City Clerk

This is to attest that these are the true minutes of the City of Layton Code Enforcement Board Hearing of Friday, October 3, 2008.

Respectfully submitted,

Marjorie Parmenter
City Clerk
City of Layton