

City of Layton

CODE ENFORCEMENT BOARD

HEARING

Friday, May 16, 2008

Layton, Florida

MINUTES

I. Chairman James Tynan called the meeting to order at 7:12 p.m. followed by the pledge to the flag. Philip "Skip" Haring, Administrative Assistant to the Mayor, gave the invocation.

II. ROLL CALL

Roll Call was taken:

Chairman James Tynan	Present
Charles "Sandy" Maclaren	Present
Al Greulich	Present
Charles Dalton	Present
Octavio Betancourt	Absent
Alternate Thomas Dudderar	Present and Seated
Alternate Raymond Monteleone	Absent

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

III. APPROVAL OF MINUTES

Chairman Tynan made a motion to approve the minutes of the Code Enforcement Board Hearing of January 18, 2008. The motion was seconded. All approved.

IV. REPORT ON RELEASE OF LIEN

The City Clerk reported that the Release of Order and Lien on the property located at 127 Zane Grey Creek Drive was filed and recorded on March 21, 2008, following payment of the \$43,710.00 fine.

V. WASTEWATER VIOLATIONS

Skip Haring asked that the Order against Lime Tree Bay Resort and Little Italy Restaurant be amended in order to separate the individual properties. Discussion ensued.

Chairman Tynan made a motion to amend the Order of July 27, 2007 separating the Lime Tree Bay and Little Italy properties, with all fines assessed being split, 50% each. The motion was seconded.

Roll Call was taken:

Thomas Dudderar	YES
Charles Dalton	YES
James Tynan	YES
Al Greulich	YES
Charles Maclaren	YES

The motion carried.

Alfredo Gonzalez was introduced as the attorney representing both Lime Tree Bay Resort and Little Italy Restaurant.

Chairman Tynan made a motion to continue the fines, as assessed, for Little Italy Restaurant and Lime Tree Bay Resort until a permit is issued for the wastewater hook-up, at which point the fines will be suspended for 60 days. Should the work continue beyond 60 days, from the issuance of the permit, fines will re-commence.

Discussion ensued concerning the time frame of the actual work.

Discussion ensued concerning whether or not fines are accruing, as the Findings of Fact and Order dated July 27, 2007 on line 4 states:

City of Layton Code Enforcement Board Hearing of Friday, May 16, 2008.

“Lime Tree Bay shall have until September 6, 2007 to submit plans for Lime Tree Bay Resort and Little Italy.” Plans submitted have not been approved by the City of Layton Building Department and no permits have been issued to date. Discussion centered on questions of submission of plans, approval of plans, and issuance of permits. Mr. Bridges asked that discussion be suspended, and a Special Closed Code Board Meeting be advertised in order that he may advise his clients non-publicly.

Chairman Tynan called for a recess at 7:53 p.m.

The meeting was again called to order at 8:17 p.m.

Linda Lange, of 50 North Layton Drive, was sworn in by Attorney Jack Bridges. Ms. Lange stated that she was also representing the two other homeowners on North Layton Drive: Aileen Howard, of 100 North Layton Drive, and Wayne Buchanan, of 200 North Layton Drive.

Ms. Lange, having submitted her permit application on May 9, 2008, presented signed, notarized permit applications from Mrs. Howard and Mr. Buchanan. The clerk stated that the Building Code Administrator will issue permits following receipt of engineered drawings detailing work as discussed with Ms. Lange and her engineer on May 9, 2008, a letter of approval from FKAA, and permit applications from a licensed plumber and a licensed electrician. A Notice of Commencement for each permitted property is required before the first inspection.

Chairman Tynan made a motion to suspend the fines on the North Layton Drive properties for 60 days upon issuance of wastewater permits. Fines will begin to accrue again on day 61 should the work not be completed within the 60 day time frame. The motion was seconded.

The City Attorney agreed to the motion, adding that costs and fees should not be included in the suspension.

Roll Call was taken:

Thomas Dudderar	YES
Charles Dalton	YES
James Tynan	YES
Al Greulich	YES
Charles Maclaren	YES

The motion carried.

Chairman Tynan made a motion to amend the previous motion to state that costs and fees are not included in the 60 day suspension of fines. The motion was seconded.

Roll Call was taken:

Thomas Dudderar	YES
Charles Dalton	YES
James Tynan	YES
Al Greulich	YES
Charles Maclaren	YES

The motion carried.

**Chairman Tynan called for a recess at 8:35 p.m.
The meeting was again called to order at 8:40 p.m.**

Representatives from Lime Tree Bay Resort and Little Italy Restaurant had no further comments.

Chairman Tynan made a motion to file liens against the Little Italy and Lime Tree Bay properties. The motion was seconded.

Roll Call was taken:

Thomas Dudderar	YES
Charles Dalton	YES
James Tynan	YES
Al Greulich	YES
Charles Maclaren	YES

The motion carried.

Page 5

City of Layton Code Enforcement Board Hearing of Friday, May 16, 2008.

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, May 16, 2008 was adjourned at 8:43 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, May 16, 2008.

Respectfully submitted,

Marjorie Parmenter
City Clerk
City of Layton