

# City of Layton

## CODE ENFORCEMENT BOARD HEARING

Friday, January 18, 2008

Layton, Florida

## MINUTES

I. Chairman James Tynan called the meeting to order at 7:02 p.m. followed by the pledge to the flag. Philip "Skip" Haring, Administrative Assistant to the Mayor, gave an invocation.

II. ROLL CALL

Roll Call was taken:

Chairman James Tynan	Present
Charles "Sandy" Maclaren	Present
Al Greulich	Present
Charles Dalton	Present
Octavio Betancourt	Present
Alternate Thomas Dudderar	Present (not Seated)
Alternate Raymond Monteleone	Present (not Seated)

Staff present: City Attorney Joshua Hauserman, City Code Enforcement Officer Howard MacBain, Administrative Assistant to the Mayor Skip Haring, and Code Enforcement Board Attorney Jack Bridges. In the absence on the City Clerk, Skip Haring will take the Minutes.

III. APPROVAL OF MINUTES

Charles Dalton moved to approve the minutes of the July 27, 2007 Code Enforcement Board hearing .

IV. Chairman Tynan proceeded to introduce the next item on the agenda concerning the City's request to Foreclose on the Gonzalo Perez and Maria Cabellero property on 127 Zane Gray Creek Drive. No one rose to represent Gonzalo Perez or Maria Cabellero. To date the fine is \$26,400 and cost are \$17,310 for a total of \$43,710. At this point Leslie L. Florez Attorney for Chase Bank asked to be heard and the Chair, with Board approval, invited him to testify. Attorney Florez stated that he represented the Chase Bank which holds a mortgage on the subject property in excess of \$400,000. Attorney Florez further stated that a purchase contract was properly signed and agreed to in December of 2007 with a closing date of January 31, 2008. The purchase price was stated to be \$750,000. Attorney Florez was working with the Buyer (Perez, not related to the seller) to provide a mortgage for the buyer if the

purchase contract was closed on January 31, 2008. Attorney Florez discussed the closing procedures and the need to have a specific dollar amount that would be required to settle the lien and than provide ample time for the buyer to comply with the City Wastewater Ordinance following the closing on the property. At this point Adrian Ferradaz, Attorney for the buyer, requested to be heard and the Chair, with Board approval, invited him to testify. Attorney Ferradaz confirmed the testimony of Attorney Florez and introduced the Buyers as Mr. and Mrs. Perez. Attorney Ferradaz stated that the buyer is aware of the need to connect to the City wastewater system and that Third Generation Plumbing has given the buyers a quote for the required work. During the testimony of the attorneys for the bank and the buyer numerous questions were asked by various members of the Board. The Board's Attorney advised the Board on several issues and the City Attorney commented as necessary. No action on the foreclosure was taken.

- V. At the recommendation of Board's Council the Chair requested and received by consensus permission to add an item to the agenda to consider action other than foreclosure on the property at 127 Zane Gray Creek Drive in view of the testimony presented by Attorneys Florez for the Chase Bank and Ferradaz for the Buyer.

The board then discussed the following motion made by the Chair and seconded by Maclaren to:

1. The City shall cease adding to the \$100 per day fine against the property owned by Gonzalo Perez and Maria Cabellero at 127 Zane Gray Creek Drive effective January 18, 2008 and thereby limit the fine to \$26,400, and,
2. Set enforcement and hearing costs as reported by the City Clerk at \$17,310 for a total lien against the property at 127 Zane Gray Creek Drive to be \$43,710, covering the fine and costs, and,
3. The fine and costs shall be paid to the City of Layton in the amount of \$43,710 as soon as possible after the January 31, 2008 closing, and,
4. After the January 31, 2008 closing on the property, the City Wastewater Connection Ordinance continues to apply to the property, however, the new owner is hereby granted a 60 (sixty) day grace period during which time the new owner shall comply with the City Wastewater Connection Ordinance, and,
5. Further, in the case that the property does not close on January 31, 2008, the Board shall re-institute the fine at \$100 per day and proceed immediately with the foreclosure of the property at 127 Zane Gray Creek Drive.

Roll Call was taken:

Chairman James Tynan	YES
Charles "Sandy" Maclaren	NO
Al Greulich	YES
Charles Dalton	YES
Octavio Betancourt	YES

- VI. The pending Wastewater Violations were discussed.
1. Lime Tree Bay Resort Violation #P07-147 and Little Italy Restaurant #P07-148 were briefly discussed and it was noted that the fine as of January 18, 2008 is \$13,400. A letter over the signature of Michael Kelleher, Project Manager for Lime Tree Bay Resort, LLC was received by the Board. Louise Ernst, Manager of Lime Tree Bay Resort was sworn in by Skip Haring. Louise testified that the Resort and the Restaurant were owned by two different groups and that she had no other updates other than the letter from Mr. Kelleher. No action was taken.
  2. The violations on North Layton Drive namely Violation #P07-139 Aileen Howard, Violation #P07-141 Linda Lange and Violation #P07-140 Wayne Buchanan were discussed by the Board. The fine to January 18, 2008 is \$11,400 on each property. Aileen Howard, Linda Lange and Wayne Buchanan were in attendance. Linda Lang was sworn in by Skip Haring. Ms. Lange presented testimony concerning actions being taken to complete the project and a time table was submitted to demonstrate the difficulty in complying with the Boards order. Board Member Greulich moved to have the fines eliminated. The motion failed for lack of a second. No action was taken.

During the discussion of the North Layton Drive properties Maria Cabellero one of the owners of the property at 127 Zane Gray Creek Drive arrived at the Hearing. The Chair acknowledged Ms. Cabellero and by consensus of the Board she was asked to testify. Ms. Cabellero was sworn in by Skip Haring. The Chair detailed the action taken by the Board earlier in the Hearing. Ms. Cabellero confirmed the earlier testimony by the attorneys for the bank and the buyer that there is a contract for Purchase in effect and that the closing date is January 31, 2008. Ms. Cabellero acknowledged the fine and costs pending on the property and the action taken by the Board. No further action was taken.

- VII. The meeting was adjourned at 8:50 p.m.

Respectfully submitted by Skip Haring