



**MINUTES OF THE
ORANGE COUNTY NUISANCE ABATEMENT BOARD
OCTOBER 25, 2018
9:00 A.M.**

CALL TO ORDER:

Chairman Jeff DeFelice called the meeting to order at 9:03 a.m.

ROLL CALL:

Members Present:

Chairman Jeffrey R. DeFelice
Vice-Chairman Nicole C. Soltau-Woods
Shayla M. J. Mount
Gary E. Smith
Chris Roper
Blair K. Martlaro

Members Absent:

Robin D. Harris
Ali Akin Kurnaz
Kevin Olney

A Quorum was present.

Others Present:

Dan Mantzaris, Counselor to the Nuisance Abatement Board

Maritza Del Valle, Recording Secretary, Orange County Code Enforcement Division
Deborah Jenkins, Recording Secretary, Orange County Code Enforcement Division
Eric Dunlap, Assistant General Counsel, Orange County Sheriff's Office
Lieutenant Silas Apply, Orange County Sheriff's Office
Master Deputy Mark Davis, Orange County Sheriff's Office
Corporal William Vankirk, Orange County Sheriff's Office
Liza Pham, Orange County Sheriff's Office

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES OF THE JULY 26, 2018 NUISANCE ABATEMENT BOARD HEARING

A motion was made by Gary Smith, second by Shayla M.J. Mount, to approve the minutes of the July 26, 2018 Hearing. Motion carried unanimously.

OPENING STATEMENT: The reading of the Opening Statement was waived by Chairman Jeff DeFelice.

HEARINGS:

NEW CASES:

1. NAB2018-N004 **FIRST AMERICANA INVESTMENT, LLC**
2036 Americana Boulevard
Orlando, Florida

10/25/18: Eric Dunlap, Assistant General Counsel, Orange County Sheriff's Office, requested a continuance of the case until the next Hearing on December 13, 2018. The Respondent was not present.

Motion: Motion by Shayla M.J. Mount, second by Gary E. Smith, to grant the request to continue the case until the December 13, 2018 Nuisance Abatement Board Hearing.

OTHER BUSINESS:

2. NAB2017-N006 **K&A PROPERTY OF ORLANDO, LLC**
PARTY LIQUOR, et al
2200 Americana Boulevard
Orlando, Florida

NON-COMPLIANCE
NOTICE OF INTENT TO SEEK ADMINISTRATIVE SANCTIONS

10/25/18: Eric Dunlap, Assistant General Counsel, Orange County Sheriff's Office, requested a continuance of the case until the next Hearing on December 13, 2018. The Respondent was not present.

Motion: Motion by Shayla M.J. Mount, second by Gary E. Smith, to grant the request to continue the case until the December 13, 2018 Nuisance Abatement Board Hearing.

3. **NAB2018-N002 HOLDEN FOODMART, LLC
CITGO/RIGHT WAY FOOD
7301 S. Orange Blossom Trail
Orlando, Florida**

**NON-COMPLIANCE
REQUEST FOR ADDITIONAL FINES**

10/25/18: Eric Dunlap, Assistant General Counsel, Orange County Sheriff's Office, presented and submitted evidence as set forth in the NOTICE OF INTENT TO SEEK ADMINISTRATIVE SANCTIONS AND NOTICE OF HEARING. The Respondent was not present.

Order:

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that the Respondent comply with the following:

The NAB hereby incorporates the terms of the Second Consent Agreement into this order. Except to the extent they are expressly modified by the Second Consent Agreement, Respondent is also required to comply with all conditions set out in the Consent Agreement dated April 24, 2018 and the NAB's Findings of Fact, Conclusions of Law, and Order signed on April 26, 2018.

The NAB finds that Respondent continued to maintain an ongoing nuisance.

The NAB declares the property a Recurring Public Nuisance. The Respondent agrees to pay a fine in the amount of \$1,500 for failing to comply with the NAB's April 26, 2018 Order and the terms of the Consent Agreement. This fine shall be waived and will not be due if the Respondent remains in substantial compliance with the terms of this Order, the Second Consent Agreement, the NAB's April 26, 2018 Order, and the terms of the Consent Agreement dated April 24, 2018, for a continuous period of one year from the date of this agreement. If the Respondent maintains substantial compliance as determined by the Petitioner, the case will be closed without any further action required by the NAB.

If the Respondent fails to remain in substantial compliance with the terms of this Order, the Second Consent Agreement, the NAB's April 26, 2018 Order, and the terms of the Consent Agreement dated April 24, 2018 for a continuous period of one year from the date of this agreement, the Petitioner shall inform the NAB of the non-compliance and may request an Order imposing the \$1,500 fine and directing the Respondent to pay the fine within 30 days.

The NAB retains jurisdiction of the property for one year from the effective date of this Order.

Pursuant to Section 28-111, Orange County Code, a certified copy of this order shall be recorded in the public records of the county.

Motion:

Motion by Chairman Jeffrey DeFelice, second by Chris Roper that the Respondent is in violation of the NAB's prior Order and conditions of the Consent Agreement, that the activity on the property constitutes a recurring public nuisance and to adopt the Second Consent Agreement into an Order, as presented by the Orange County Sheriff's Office. Motion carried unanimously.

COMMENTS BY THE CHAIRMAN:

Dan Mantzaris, Counselor to the Nuisance Abatement Board spoke with the Board Members about the use of the link provided by the Sheriff's Office to access the case information electronically. The Board Members also provided feedback to the Sheriff's Office regarding their use of tablets during the Hearing.

Chairman Jeffrey DeFelice asked for a motion to adjourn.

DATE OF NEXT HEARING:

December 13, 2018 at 9:00 a.m. in the Orange County Commission Chambers located at 201 S. Rosalind Avenue, Orlando, Florida.

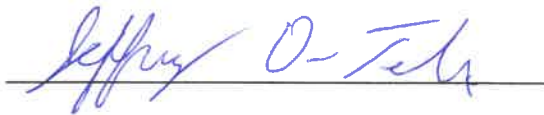
ADJOURNMENT:

Motion by Gary Smith, second by Chris Roper to adjourn the meeting at 9:27 a.m. Motion carried unanimously.

ATTEST:



Recording Secretary/Assistant



Chairman/Vice-Chairman

NOTE: This document may not include all details of the events taking place at this hearing. For full details, video recorded documentation is available.

Edited by: Deborah Jenkins
Reviewed by: Maritza Del Valle