

**THE CITIZEN CODE ENFORCEMENT BOARD
NOTICE OF HEARING
TO BE HELD AT 4:30 P.M.
APRIL 20, 2010
CITY COMMISSION CHAMBERS, 210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA**

Members:

John Shelby (Chair)
Michael Slayton (Vice Chair)
P.J. (Pat) Arvidson
Keith Gerhartz
Ken Taylor
Katharine (Kathy) L. Cooley
Megan Badgley

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of a hearing of the Citizens Code Enforcement Board, to be held on TUESDAY, APRIL 20, 2010 at 4:30 P.M. in the City Commission Chamber, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida, for consideration of the following:



John Shelby, Chairperson
Citizens Code Enforcement Board

C2010-0010:

In compliance

**Brett & Lillie Bannister
534 N. Myrtle Avenue**

- A) Permitting or causing to be permitted weeds and undergrowth upon the subject property in violation of Article IV. Nuisances, §38-111. of the City Code of Ordinances.
- B) Permitting or causing to be permitted discarded and abandoned waste material upon the subject property in violation of Article IV. Nuisances, §38-113. of the City Code of Ordinances.

C2010-0087:

**Helen Elaine & Martin Pell
607 Downing Street**

Permitting or causing to be permitted construction without first obtaining the required permit in violation of Chapter 26 BUILDINGS AND BUILDING REGULATIONS, §26-172. of the City Code of Ordinances.

VII. REPEAT BUSINESS:

VIII. ADJOURNMENT:

Pursuant to Florida statute 286.0105, if an individual decides to appeal any decision made by the Citizens Code Enforcement Board with respect to any matter considered at this hearing, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings. In accordance with the Americans with Disabilities Act (ADA), persons needing assistance to participate in any of these proceedings should contact the Administrative Specialist of the Citizens Code Enforcement Board listed below prior to the hearing:

Administrative Specialist
% City Hall
210 Sams Avenue
New Smyrna Beach, FL 32168-9985
Telephone: 386.424.2137
Fax: 386.424.2206

MINUTES OF THE CITIZENS CODE ENFORCEMENT BOARD
HEARING
HELD AT 4:30 P.M. – MARCH 16, 2010
COMMISSION CHAMBERS, 210 SAMS AVENUE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of March 16, 2010, was called to order at 4:30 p.m. Answering to roll call were:

John Shelby (Chair)
Michael Slayton (Vice Chair)
Keith Gerhartz
Ken Taylor
Megan Badgley

Also present were Code Enforcement Supervisor Lynne Kunkle, Code Enforcement Officer Barbara Bobelak, Assistant City Attorney Greg McDole and Permit & License Technician Dorlisa Pogany. Katharine Cooley and Pat Arvidson were absent.

II. **DISCLOSURE OF EX PARTE COMMUNICATIONS:**

Members of the Citizens Code Enforcement Board were asked to please disclose, for the record, the substance of any ex parte communications that occurred prior to this public hearing.

Mr. Shelby stated that there were none

III. **APPROVAL OF MINUTES**

February 16, 2010

Mr. Slayton made a motion to approve the minutes of the February 16, 2010 hearing as written; seconded by Mr. Taylor. Motion carried unanimously on roll call vote 5-0.

IV. **SWEARING OF CITY STAFF**

Regina Lynne Kunkle, Code Enforcement Supervisor, and Barbara Jo Bobelak, Code Enforcement Officer, were sworn for testimony.

V. OLD BUSINESS:

C2007-0829: Gilbert L. Dannehower 137 Cunningham Dr

Permitting or causing to be permitted tree removal without the required tree removal permit in violation of §604.051 A. of the Land Development Regulations.

Mr. Dannehower was present and sworn for testimony.

Mr. Dannehower provided a photograph showing progress on the seawall. Mr. Dannehower testified that he needed approximately 30 days for completion on the seawall and an additional 30 days for the pool.

Mr. Gerhartz questioned if there was a requirement for replacement of trees for trees originally removed. Ms. Kunkle testified that the number of replacement trees was determined initially.

Mr. Shelby asked staff for a recommendation.

Ms. Kunkle recommended to extend the case for 90 days and modify the board's order.

Mr. Gerhartz made a motion to modify the board's order by extending the compliance date for ninety (90) days or until the July 20, 2010 hearing; seconded by Mr. Slayton. Motion passed upon roll call 4-1 with Mr. Taylor dissenting.

C2009-0575: Carol Baker 423 Palm Street

Permitting or causing to be permitted a residential structure to exist that has not been properly maintained in a safe and sanitary condition in violation of §101.6 of the Standard Housing Code 1997 Edition.

- Hole in roof admitting rain
- Hole in floor
- Electric wiring in electric panel box
- Heat/air unit
- Protective coating

Ms. Baker was present and sworn for testimony.

Ms. Baker stated the electrical work was not completed but will be completed by April 21, 2010 as per faxed letter from Mr. Leon Michaux, D G Meyer. Ms. Baker further

C2009-0831:

Fences By Design

574 Aeolian Drive

Permitting or causing to be permitted the installation of fencing without first obtaining the required permit in violation the City Code of Ordinances Chapter 26 BUILDINGS AND BUILDING REGULATIONS* §26.172.Penalties for work commencing before permit issuance.

Mr. Shelby asked for the record to reflect that no one was present to represent this case and asked staff for their recommendation.

Officer Bobelak testified that this case has been brought into compliance.

Mr. Slayton made a motion to find C2009-0831 in compliance; seconded by Ms. Badgley. Motion carried unanimously upon roll call vote 5-0.

VI. NEW BUSINESS:

VII. REPEAT BUSINESS:

VIII. ELECTION OF OFFICERS:

Chair

Vice Chair

Mr. Gerhartz nominated John Selby as Chairman. Mr. Taylor moved to close the nominations. The vote was unanimous (5-0).

Mr. Gerhartz nominated Mike Slayton as Vice Chairman. Mr. Taylor moved to close the nominations. The vote was unanimous (5-0).

IX. ADJOURNMENT:

Mr. Gerhartz made the motion to adjourn; seconded by Mr. Slayton. All agreed and the hearing adjourned at 4:53 pm.