THE CITIZEN CODE ENFORCEMENT BOARD
NOTICE OF HEARING
TO BE HELD AT 4:30 P.M.
AUGUST 17, 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, AUGUST 17, 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

John Shelby, Chairperson
Citizens Code Enforcement Board

I. ROLL CALL:

II. DISCLOSURE OF EX PARTE COMMUNICATIONS:

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

III. APPROVAL OF MINUTES:

July 20, 2010

IV. SWEARING OF CITY STAFF:

V. OLD BUSINESS:

C2010-0087: **Helen Elaine & Martin Pell** **(SERVED)**
In Compliance **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.

May 18, 2010: The Board found the subject property in violation and continued the case until the 17th day of August, 2010.

VI. NEW BUSINESS:

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. – JULY 20, 2010
ADMINISTRATIVE OFFICE BUILDING, CONFERENCE ROOM,
120 N. CAUSEWAY, NEW SMYRNA BEACH, FLORIDA

I. The Hearing of July 20, 2010, was called to order at 4:30 p.m. Answering to roll call were:

Michael Slayton (Vice Chair)

Ken Taylor

Megan Badgley

Patricia Arvidson

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 arrived at 4:38 PM. John Shelby and Keith Gerhartz 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. Slayton stated that there were none

III. APPROVAL OF MINUTES

May 18, 2010

Mr. Taylor made a motion to approve the minutes of the May 18, 2010 hearing as written; seconded by Ms. Arvidson. Motion carried unanimously on roll call vote 4-0.

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 pool and stated construction was close to completion. Mr. Dannehower testified that he met with LSI Landscaping regarding the tree replacement and the repair of the irrigation system. Mr. Dannehower testified that debris will need to be removed before the trees and mangroves can be planted.

Discussion between the board members and Mr. Dannehower ensued as to the length of time before completion of construction and tree replacement.

Ms. Arvidson asked staff for a recommendation.

Ms. Kunkle recommended the Board modify their order allowing an additional 60 days for Mr. Dannehower to complete his project.

Ms. Arvidson made a motion to modify the board's order by extending the compliance date to September 14, 2010; seconded by Mr. Taylor. Motion passed unanimously upon roll call 5-0.

C2010-0537: **Fences and Pavers By Design (Vadim Abuzov)** **1848 Renzulli Rd**

Permitting or causing to be permitted construction without first obtaining the required permit in violation of §26-172 of the City Code of Ordinances, titled Penalties for work commencting before permit issuance.

Mr. Abuzov was present and sworn for testimony.

Mr. Slayton asked Mr. Abuzov if he understands the violation that he received. Mr. Abuzov stated he did but said it was an emergency type repair and did not have time to apply for a permit.

Discussion ensued between the board member and Mr. Abuzov regarding the length of time for permit issuance; types of emergency repairs; the delay in obtaining a permit;

and obtaining a permit only after notification; and his past history of working without permits.

Mr. Slayton asked staff for a recommendation.

Officer Bobelak recommended fining Mr. Abuzov $250 for this violation and to establish a repeat fine amount for future violations.

Discussion between the board members ensued regarding the amount of the fine and whether or not to establish a fine for repeat offenses.

Mr. Slayton asked Mr. Abuzov if he understands that a fine for repeat violations may be imposed per day and could be greater than $250 per day. Mr. Abuzov stated he understands.

Ms. Badgley made a motion to find Mr. Abuzov in violation and impose a fine of $250 for this offense; seconded by Mr. Taylor. Motion passed upon roll call vote 3-2 with Ms. Arvidson and Ms. Cooley dissenting.

VI. NEW BUSINESS:

VII. REPEAT BUSINESS:

VIII. ADJOURNMENT:

Mr. Taylor made the motion to adjourn; seconded by Ms. Cooley. All agreed and the hearing adjourned at 5:00 pm.