

MINUTES OF THE CITIZENS CODE ENFORCEMENT BOARD  
HEARING  
HELD AT 4:30 P.M. – MAY 18, 2010  
COMMISSION CHAMBERS, 210 SAMS AVENUE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of May 18, 2010, was called to order at 4:30 p.m. Answering to roll call were:

John Shelby (Chair)

Keith Gerhartz

P.J. Arvidson

Ken Taylor

Katherine Cooley

Present were Code Enforcement Supervisor Lynne Kunkle; Code Enforcement Officer Barbara Bobelak; Assistant City Attorney Greg McDole; and Permit & License Technician Dorlisa Pogany. Megan Badgley, and Michael Slayton 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**

March 16, 2010

**Mr. Taylor made a motion to approve the minutes of the March 16, 2010 hearing as written; seconded by Ms. Arvidson. 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:**

**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 was sworn for testimony.

Ms. Baker stated that the work that was required by the Board had been completed, and inspected. Further Ms. Baker testified that additional repairs were found that needed to be addressed.

Mr. Gerhartz questioned if this new work was in relation to the Board's previous order, and requested a staff recommendation.

Officer Bobelak testified that the additional work is outside the scope of the Board's previous order and recommends finding Ms. Baker in compliance.

**Mr. Gerhartz made a motion to find Ms. Baker in compliance; seconded by Mr. Taylor. Motion passed unanimously upon roll call vote 5-0.**

**C2009-0729:**

**Upper Deck Bar & Grill**

**1414 S. Atlantic Avenue**

- A) Permitting or causing to be permitted the operation of a business (Upper Deck Bar & Grill) without a business license tax receipt in violation of the City Code of Ordinance Chapter 74 Taxation\* §74-141. Duration and expiration of licenses and delinquent licenses.
- B) Permitting or causing to be permitted the placement of signs on public property in violation of the Land Development Regulations §604.14 B. Prohibited signs.
- C) Permitting or causing to be permitted the installation of a sign without first obtaining the required permit in violation of the Land Development Regulations §604.14 D. Permits.

Danny Hunt was present and was sworn for testimony.

Mr. Hunt stipulated to the violation with an explanation to the Board.

**Ms. Arvidson made a motion to find the Upper Deck Bar and Grille in compliance and reduce the fine to zero dollars; seconded by Ms. Cooley. Motion passed unanimously upon roll call vote 5-0.**

**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.

Helen Elaine Pell was present and sworn for testimony.

Ms. Pell testified that she paid the contractor \$200.00 to pull permits at the start of the project, but that when she asked the contractor for the permit, he would not produce it.

Mrs. Pell stated that she is currently working with the city to get the permit, but has to appear before the Board of Adjustments for a variance. Further, Ms Pell testified that she received a letter from the Board of Adjustments stating that they moved the hearing to June 17, 2010.

Ms. Kunkle recommends finding Mrs. Pell in violation; continue the case to allow Ms. Pell time to meet with the Board of Adjustments to get the variance; and bringing the case back to the August 17, 2010 Hearing.

**Mr. Taylor made a motion to find Mr. and Mrs. Pell in violation and to continue this case to the August 17, 2010 Hearing; seconded by Mr. Gerhartz. Motion passed unanimously upon roll call vote 5-0.**

**C2010-0320: Michael & Lisa Moody 800 Conrad Drive**

Permitting or causing to be permitted storage of two (2) or more pieces of major recreational equipment upon the subject property in violation of the Land Development Regulations §802.00 Storage on Residential Lots.

Officer Bobelak stated this case is in compliance.

**Ms. Arvidson made a motion to find Michael and Lisa Moody in compliance; seconded by Ms. Cooley. Motion passed unanimously upon roll call vote 5-0.**

**VI. NEW BUSINESS:**

None

**VII. REPEAT BUSINESS:**

None

A motion was made to adjourn; Mr. Gerhartz interjected with a request for discussion. Discussion between the Board Members and code enforcement staff ensued regarding the City's Sign Ordinance and methods of enforcement.

**VIII. ADJOURNMENT:**

**Mr. Gerhartz made the motion to adjourn; seconded by Ms. Arvidson. All agreed and the hearing adjourned at 5:26 pm.**