

**THE CITIZEN CODE ENFORCEMENT BOARD  
NOTICE OF HEARING  
TO BE HELD AT 4:30 P.M.  
OCTOBER 19, 2010  
CITY COMMISSION CHAMBERS, 210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA**

Members:

John Shelby (Chair)

Michael Slayton (Vice Chair)

P.J. (Pat) Arvidson

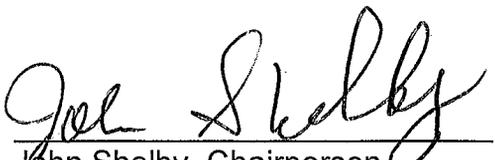
Keith Gerhartz

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, OCTOBER 19, 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



**VI. NEW BUSINESS:**

**C2010-0961**

**All Phases, LLC  
Michael Shane Miller  
837 E. 14<sup>th</sup> Avenue**

**(SERVED)**

- A) Permitting or causing to be permitted construction (pavers) without first obtaining the required permit in violation of §26-171. of the City Code of Ordinances.
- B) Permitting or causing to be permitted land clearing without first obtaining the required permit in violation of §604.02 B. (1) of the Land Development Regulations.

**C2010-1160**

**Cypress Stone & Landscape, LLC  
302 Buenos Aires**

**(SERVED)**

- A) Permitting or causing to be permitted construction without first obtaining the required permits in violation of §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. – 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.



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.**