

**THE CITIZEN CODE ENFORCEMENT BOARD
NOTICE OF HEARING
TO BE HELD AT 4:30 P.M.
MARCH 15, 2011
CITY COMMISSION CHAMBERS, 210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA**

Members:

John Shelby (Chair)

Michael Slayton (Vice Chair)

P.J. (Pat) Arvidson

Katharine (Kathy) L. Cooley

Megan Badgley

Beverly Palmer

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of a hearing of the Citizens Code Enforcement Board, to be held on TUESDAY, March 15, 2011 at 4:30 P.M. in the City Commission Chamber, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida, for consideration of the following:



Michael Slayton, Vice 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:**

February 15 , 2010

IV. **SWEARING OF CITY STAFF**

V. **IMPOSE FINES:**

C2011-0023: John Burke 506 Old Minorcan Trail POSTED

Permitting or causing to be permitted weeds and undergrowth upon the subject property in violation of §38-112. of the City Code of Ordinances.

February 15, 2011: The Board gave Mr. Burke until the 28th day of February to bring the property into compliance or face a fine of \$25 per day for each and every day the violation exists. Fine totaling \$325.00 as of today.

C2011-0026: Tarpon IV, LLC 513 Josie Street SERVED

Permitting or causing to be permitted weeds and undergrowth upon the subject property in violation of §38-111. of the City Code of Ordinances.

February 15, 2011: The Board gave Tarpon IV, LLC until the 28th day of February to bring the property into compliance or face a fine of \$25 per day for each and every day the violation exists. Fine totaling \$325.00 as of today.

C2011-0027: Tarpon IV, LLC 545 Charlovix St. SERVED

Permitting or causing to be permitted weeds and undergrowth upon the subject property in violation of §38-111. of the City Code of Ordinances.

February 15, 2011: The Board gave Tarpon IV, LLC until the 28th day of February to bring the property into compliance or face a fine of \$25 per day for each and every day the violation exists. Fine totaling \$325.00 as of today.

VI. NEW BUSINESS:

**C2011-0029: Lost Lagoon Wings & Grill SERVED
515 N. Dixie Freeway**

Violation of §74-146. Of the City Code of Ordinances operation of a business with an expired Business License Tax Receipt. (Account #5886).

Violation of §604.10 G. of the Land Development Regulations exceeding the required number of parking spaces required by adding outdoor seating.

VII. REPEAT BUSINESS:

C2011-0055: KB Homes Gold Coast, LLC SERVED

**Violation Locations: SR 44 west of Jungle Rd.
SR 44 east of N. Glencoe Rd.
SR 44 east of Sugar Mill Dr.
Sugar Mill Drive
Pioneer Trail
W. Canal Street**

Violation of §604.14 B. of the Land Development Regulations placement of prohibited signs in the right-of-way.

On the 17th day of April, 2007, the Citizens Code Enforcement Board entered an Order finding that KB Homes Gold Coast, LLC, was in violation of §604.14 B. of the Land Development Regulations. It is further Order of this Board that KB Homes Gold Coast, LLC, pay a fine of Five Hundred Dollars (\$500.00) per sign for each and every day the repeat violation that occurs.

VIII. ELECTION OF OFFICERS:

Chairperson

Vice Chairperson

IX. 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: 386.424.2143

MINUTES OF THE CITIZENS CODE ENFORCEMENT BOARD
HEARING
HELD AT 4:30 P.M. – FEBRUARY 15, 2011
CITY COMMISSION CHAMBERS, CITY HALL,
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of February 15, 2011, was called to order at 4:35 p.m. Answering to roll call were:

John Shelby (Chairman)
Michael Slayton (Vice Chair)
Pat Arvidson
Beverly Palmer
Megan Badgley
Katharine Cooley

Also present were Code Enforcement Officer Barbara Bobelak, Assistant City Attorney Greg McDole. Chief Building Official Michael Knotek and Permit & License Technician Dorlisa Pogany. Ken Taylor was 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**

January 18, 2017

Ms. Arvidson made a motion to approve the minutes of the January 18, 2011 hearing as written; seconded by Ms. Badgley. Motion passed on roll call vote 6-0.

IV. **SWEARING OF CITY STAFF**

Barbara Jo Bobelak, Code Enforcement Officer, was sworn in for testimony.

V. OLD BUSINESS:

VI. NEW BUSINESS:

C2011-0023

John Burke

506 Old Minorcan Trail

Permitting or causing to be permitted weeds and undergrowth upon the subject property in violation of §38-112. of the City Code of Ordinances.

Mr. Shelby noted for the record that no one was present to represent this case.

Officer Bobelak presented pictures dated February 11, 2011 showing the property posted and the property has not been brought into compliance.

Discussion ensued among Staff and the Board Members regarding communication with property owners and if vacant land.

Mr. Shelby asked staff for a recommendation.

Officer Bobelak recommends the property be found in non-compliance as per §38.112. of the City Code of Ordinances and if not in compliance by February 28, 2011 to fine \$25 a day until the property comes into compliance.

Ms. Arvidson made the motion to find case C2011-1094 in non-compliance and if not brought into compliance by February 28, 2011 to fine \$25 per day until property is in compliance; seconded by Ms. Palmer. Motion carried unanimously upon roll call 6-0.

C2011-0026

Tarpon IV, LLC

513 Josie Street

C2011-0027

Tarpon IV, LLC

545 Charlovix Street

Permitting or causing to be permitted weeds and undergrowth upon the subject property in violation of §38-111. of the City Code of Ordinances.

(Staff recommended combining the two cases for hearing since each property has the same property owner and violations.)

Mr. Shelby noted for the record that no one was present to represent this case.

Mr. Shelby asked staff for a recommendation.

Officer Bobelak recommends that both properties be found in non-compliance as per §38.111. of the City Code of Ordinances and if not in compliance by February 28, 2011 to fine both properties \$25 a day until the properties come into compliance.

Ms. Arvidson made the motion to find case C2011-0026 and case C2011-0027 in non-compliance and if both properties are not brought into compliance by February 28, 2011 to fine each property \$25 per day until the properties are in compliance; seconded by Mr. Slayton. Motion carried unanimously upon roll call 6-0.

C2011-0032

**Robert V. Lasic &
Marlene Djusic**

2514 N. Dixie Freeway

- A) Permitting or causing to be permitted discarded and abandoned waste material upon the subject property in violation of §38-113. of the City Code of Ordinances.
- B) Permitting or causing to be permitted prohibited banner sign upon the subject property in violation of §604.14.B. of the Land Development Regulations.
- C) Permitting or causing to be permitted major recreational equipment to be used for living, sleeping, or housekeeping purposes in violation of §802.06. of the Land Development Regulations.

Officer Bobelak stated for the record this case was withdrawn.

VII. REPEAT BUSINESS:

NONE

VIII. COMMENTS FROM BOARD MEMBERS AND STAFF:

VIII. ADJOURNMENT:

Mr. Slayton made the motion to adjourn; seconded by Ms. Badgley. All agreed and the hearing adjourned at 4:47 P.M.