

**THE CITIZEN CODE ENFORCEMENT BOARD  
NOTICE OF HEARING  
TO BE HELD AT 4:30 P.M.  
NOVEMBER 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  
Sylvan McElroy**

**THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of a hearing of the Citizens Code Enforcement Board, to be held on TUESDAY, November 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:**

September 20 , 2011

**IV. SWEARING OF CITY STAFF**

**V. OLD BUSINESS: NONE**

**VI. NEW BUSINESS:**

**C2011-0629:            That's Amore            103 S. Pine Street            Served**

A) Obstructing, restricting or preventing the use of portions of the City sidewalk in violation of §70-2. (a) of the City Code of Ordinances.

B) Operation of a business with an expired Business License Tax Receipt (Acct #: 5825) in violation of §74-146 of the City Code of Ordinances.

**VII. REPEAT BUSINESS:**

**C2011-0567:            Island Town Center            103 N. Causeway            Served**

Weeds and undergrowth upon the subject property in violation of Article IV Nuisances §38-111 of the City Code of Ordinances.

On the 20<sup>th</sup> day of October 2009 the Code Enforcement Board found the above captioned individual and/or entity in violation of Article IV Nuisances §38-111 of the City Code of Ordinances.

**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: 386.424.2143

Code Enforcement Board Agenda  
November 15, 2011  
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MINUTES OF THE CITIZENS CODE ENFORCEMENT BOARD  
HEARING  
HELD AT 4:30 P.M. – SEPTEMBER 20, 2011  
CITY COMMISSION CHAMBERS, CITY HALL,  
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of September 20, 2011, was called to order at 4:30 p.m. Answering to roll call were:

John Shelby (Chairman)  
Michael Slayton (Vice Chair)  
Beverly Palmer  
Megan Badgley

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

August 16, 2011

**Mr. Slayton made a motion to approve the minutes of the August 16, 2011 hearing as written; seconded by Ms. Badgley. Motion passed on roll call vote 4-0.**

IV. **SWEARING OF CITY STAFF**

Barbara Jo Bobelak, Code Enforcement Officer, and Michael Knotek, Chief Building Official were sworn in for testimony.

V. **OLD BUSINESS:**

**C2011-0199:** **McCharacter's Music Café & Sports Bar**  
**204 N. Dixie Freeway**

- A) Semi trailer that has been converted to a temporary stage in violation of §107 Temporary Structure and Uses of the Florida Building Code.



Officer Bobelak stated there were four signs in City right-of-way which have been removed. Officer Bobelak further stated the total number of days in violation was 13 days at \$200.00 per day per sign and recommends reducing the fine from \$10,400.00 to \$5,200.00.

Discussion ensued among Staff, the Board and KB Homes Representative regarding when Jacksonville Office was notified of violation, history of past violations, the number of days in violation, where first notification was accepted, date signs removed, who erected signs in right-of-way and amount of fine to assess.

**Ms. Palmer made a motion to impose a fine of \$5,200.00 for 4 signs erected for 13 days; seconded by Ms. Badgley. Motion carried unanimously upon roll call, 4-0.**

**VIII. ADJOURNMENT:**

**Mr. Slayton made the motion to adjourn; seconded by Ms. Palmer. All agreed and the hearing adjourned at 4:55 P.M.**