

CITIZENS CODE ENFORCEMENT BOARD

NOTICE OF HEARING

JANUARY 15, 2008

Members:

Michael E. Slayton (Chairperson)

John Shelby (Vice Chairperson)

Jay Crocker

Elliott Hoffman

Carol Kerrigan

Vacant Seat

Vacant Seat

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of a hearing of the Citizens Code Enforcement Board, to be held on TUESDAY, JANUARY 15TH, 2008 at 4:30 P.M. in the **DEBERRY ROOM, 3RD FLOOR, UTILITIES COMMISSION, 200 CANAL STREET**, New Smyrna Beach, Florida, for consideration of the following:

Michael E. Slayton, Chairperson
Citizens Code Enforcement Board

ROLL CALL

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.

APPROVAL OF MINUTES

November 13th, 2007

SWEARING OF CITY STAFF:

OLD BUSINESS:

C2006-0139: Ocean Palms Beach Club, Inc.

[SERVED]

Violation of §303.1 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior of the buildings have not been maintained in good repair, is no longer structurally sound and sanitary and poses a threat to the public health, safety and welfare located at 2601 S Atlantic Avenue.

Violation of §303.2 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior wood surfaces of the buildings have not been protected from the elements and decay by painting or other protective covering or treatment located at 2601 S Atlantic Avenue.

Violation of §303.4 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted structural members have deteriorated and are no longer capable of supporting the imposed dead and live loads located at 2601 S Atlantic Avenue.

Violation of §303.5 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the foundation walls are no longer plumb and have open cracks located at 2601 S Atlantic Avenue.

Violation of §303.6 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior walls have not been kept free from holes, breaks, loose or rotting materials and maintained weatherproof and properly coated to prevent deterioration located at 2601 S Atlantic Avenue.

Violation of §303.7 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the roofs have not been maintained which causes the interior to be exposed to the elements including rain that is causing deterioration to the interior of the building located at 2601 S Atlantic Avenue.

Violation of §303.11 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior stairs and landing are no longer structurally sound located at 2601 S Atlantic Avenue.

Violation of §304.1 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the interior of the building is no longer structurally sound and unsanitary located at 2601 S Atlantic Avenue.

Violation of §304.3 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the interior surfaces, including windows and doors, are no longer in good, clean and sanitary condition located at 2601 S Atlantic Avenue.

July 18, 2006: The Board found Ocean Palms Beach Club, Inc. in violation and gave them 30-days to secure the buildings and grounds including but not limited to: roofs, decks, windows, fencing and balconies and continued this case to the August 15, 2006 hearing.

August 15, 2006: The Board continued this case to the October 17, 2006, hearing for review.

October 17, 2006: The Board continued this case to the January, 16, 2007, hearing for review.

January 16, 2007: The Board made a motion to give Ocean Palms Beach Club, Inc. until the February 20, 2007 hearing to secure the buildings and grounds including but limited to roofs, decks, windows, fencing, balconies, soffits and to contract with a professional pest control company to remove and treat vermin issues, as well as submit a report on their plan of action to either renovate or demolish the structure with representation from the City Building Department to provide and concur with the feasibility of the plan of action and a timeline to be completed or face a fine of \$250.00 per day for each and every day this property remains in violation.

February 20, 2007: The Board found the subject property had been brought into substantial compliance such that the \$250.00 per day fine would not be imposed. The Board referred the case to the Building Department for enforcement through the Unsafe or Dilapidated Structures Ordinance and the Building and Trades Board.

November 13, 2007: The Board gave Ocean Palms Beach Club, Inc. 3 weeks to obtain the permits or face a \$250.00 fine per day for each day they do not have the permit. The Board gave Ocean Palms Beach Club, Inc. 150 days from today to secure the violations or face a fine of \$150.00 per day for each and every day the violations exist.

C2006-0511: Anthony G. DeCamillis 402 Flagler Ave. [SERVED]

Permitting or causing to be permitted a vacant structure to exist, which has not been maintained in a clean, safe, secure and sanitary condition thereby adversely affecting the public health and safety in violation of §301.3 of the International Property Maintenance Code, 1998 Edition.

October 17, 2006: The Board continued this case to the 20th day of February, 2007.

February 20, 2007: The Board continued this case until the 15th day of May 2007.

November 13, 2007: The Board continued this case until the 15th day of January 2008.

**C2007-0234 Nancy W. Breiner, CO/TR 3401 S. Atlantic Avenue [SERVED]
Anna Kay Caulfield, CO/TR**

- (A) Permitting or causing to be permitted rubbish, sweepings, debris, trash, and waste material to be placed upon the streets, alleys, curbing or sidewalks causing a menace to traffic, either vehicular or pedestrian, and endangering the proper operation of the City's sewer or drainage system in violation of §66.36.(6) of the City Code of Ordinances.
- (B) Permitting or causing to be permitted the use of a vacant lot for parking without the required site plan approval and improvements in violation of § 303.01 of the Land Development Regulations.

October 16, 2007: The Board found item "A" in non-compliance and gave the property owners 30-days to correct the violations or face a fine of \$250.00 per day for each and every day the violation exists. The Board found item "B" in non-compliance and continued this item until the 15th day of January.

C2007-0396: Joey Price 605 Downing [SERVED]

Permitting or causing to be permitted a building to exist that has not been maintained in good repair, is no longer structurally sound and sanitary and poses a threat to the public health, safety and welfare in violation of §108.1.1 of the International Property Maintenance Code, 1998 Edition.

August 21, 2007: The Board found the property in non-compliance and to bring the case back to the hearing on the 16th day of October, 2007.

October 16, 2007: The Board continued this case until the 13th day of November.

November 13, 2007: The Board continued this case until the 15th day of January 2008.

NEW BUSINESS:

C2007-0003: Clariece Everett 507 N. Duss St. [POSTED]

Permitting or causing to be permitted a vacant structure to exist, which has not been maintained in a clean, safe, secure and sanitary condition thereby adversely affecting the public health and safety, in violation of §301.3 of the International Property Maintenance Code, 1998 Edition.

C2007-0590: Tamara L. Flippin 601 Conrad Drive [SERVED]

Permitting or causing to be permitted construction (windows and re-roof) without the required permits in violation of §26-171. of the City Code of Ordinances.

C2007-0817:

**Patricia H. Schlemmer &
Thomas Crosby**

533 Canal St. [SERVED]

Permitting or causing to be permitted vacant structures and premises thereof or vacant land to exist that has not been maintained in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect the public health or safety.

REPEAT BUSINESS:

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:

Claudia Soulie
Administrative Specialist
% City Hall
210 Sams Avenue
New Smyrna Beach, FL 32168-9985
Telephone: 386.424.2265
Fax: 386.424.2148