

MINUTES OF THE CITIZENS CODE ENFORCEMENT BOARD
HEARING HELD AT 4:30 P.M.
JULY 17TH, 2007
UTILITIES COMMISSION, DEBERRY ROOM, 3RD FLOOR, 200 CANAL STREET,
NEW SMYRNA BEACH, FLORIDA

The Hearing of July 17th, 2007 was called to order at 4:40 p.m. Answering to roll call:

Michael E. Slayton, Chairperson

John Shelby, Vice Chairperson

Maggie Hawk

Jay Crocker (Absent)

Elliott Hoffman

Carol Kerrigan

Tom Wheeler

Also present were Code Enforcement Supervisor Lynne Kunkle, Code Enforcement Officer Barbara Bobelak, Assistant City Attorney Greg McDole.

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.

None.

APPROVAL OF MINUTES

April 17th, 2007

Maggie Hawk made a motion to approve the minutes as written; seconded by Elliott Hoffman. Motion passed unanimously on roll call vote 6-0.

SWEARING OF CITY STAFF:

Regina Lynne Kunkle, Code Enforcement Supervisor was sworn for testimony.

OLD BUSINESS:

None.

REQUEST FOR LIEN REDUCTION

C2006-0915: Bouchelle 401/403/405 Development, LLC

[Served]

Violation of §802.01 of the Land Development Regulations by permitting or causing to be permitted residentially zoned lots to be used for the storage of building materials and construction equipment without a current building permit in effect located on Bouchelle Island.

January 16th, 2007: The Board entered an Order giving Bouchelle 401 Development, LLC, Bouchelle 403 Development, LLC and 405 Bouchelle Development, LLC until the 20th day of February 2007 to come into compliance or face a fine of \$250.00 per day for each and every day the violation continued. A fine of \$250.00 per day started on the 21st day of February 2007 and totals \$500.00 (2 days).

Patricia Burns was present and sworn for testimony.

Ms. Burns testified that someone at City Hall representing the code enforcement office told her that as long as Bouchelle had submitted an application for a building permit to the building department that the code enforcement board would not fine the property owner.

Ms. Burns further testified that after the Board's hearing and realizing that this information was incorrect, Bouchelle Island was brought into compliance within two (2) days after that Board's hearing

Ms. Kunkle confirmed the compliance time for the Board.

John Shelby moved to reduce the fine of \$500.00 to \$250.00; seconded by Ms. Kerrigan. Motion carried on roll call vote unanimously 6-0.

NEW BUSINESS:

C2007-0397: Marlene Djusic

[Served]

In Compliance

Violation of §26.172. of the City Code of Ordinances by permitting or causing to be permitted the installation of an electrical panel without the required permits located at 2612-A N. Dixie Freeway and 2612-B N. Dixie Freeway.

Permit for 2612-B has been issued, pulled as owner/builder. Owner occupies this unit.

C2007-0463: George E., Karrol M., Bruce F. & Darlene J. Barry [Served]

In Compliance

Violation of §70-38. of the City Code of Ordinances by permitting or causing to be permitted an encroachment (storing construction equipment) upon the City right-of-way located at 803 E. 11th Avenue.

REPEAT BUSINESS:

None

DISCUSSION:

None

ADJOURNMENT:

Mr. Wheeler made a motion to adjourn; All agreed and the Board adjourned at 4:53 pm.

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:

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