

MINUTES OF THE CITIZENS CODE ENFORCEMENT BOARD  
HEARING HELD AT 4:30 P.M.  
JANUARY 17<sup>TH</sup>, 2006  
UTILITIES COMMISSION, 3<sup>RD</sup> FLOOR, DEBERRY ROOM, 200 CANAL STREET  
NEW SMYRNA BEACH, FLORIDA

The Hearing of January 17<sup>th</sup>, 2006 was called to order at 4:31 p.m. Answering to roll call:

Maggie Hawk (Chairperson)  
John Shelby (Vice Chairperson)  
Michael E. Slayton  
Jay Crocker  
Elliott Hoffman  
Susan Ellis  
Carol Kerrigan

Also present were Code Enforcement Supervisor Lynne Kunkle, Code Enforcement Officer Barbara Bobelak and Administrative Specialist Inga Campbell.

**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.

**Jay Crocker stated he had mentioned to Dan Troian that his case was coming back before the Code Enforcement Board but that was the extent of the conversation.**

**APPROVAL OF MINUTES**

November 15<sup>th</sup>, 2005

November 21<sup>st</sup>, 2005

**Elliott Hoffman made a motion to approve the minutes as written; seconded by Carol Kerrigan. Motion passed unanimously on roll call vote 7-0.**

**SWEARING OF CITY STAFF:**

**Regina Lynne Kunkle, Code Enforcement Supervisor and Barbara Jo Bobelak, Code Enforcement Officer were sworn for testimony.**

**OLD BUSINESS:**

**C2005-0344: Daniel C. & Michelle W. Troian**

**[Served]**

Violation of §74.147. of the City Code of Ordinances by permitting the operation of a business without paying the required occupational tax for all rental units listed:

310 Lincoln Avenue, 102 N. Pine Street, 1100 Dougherty Street, 1502 S. Riverside Drive, 1110 Live Oak Street, 708 Palmetto Street, 213 Kirkland Drive, 808 Maralyn Avenue, 1405 Southard Avenue, 405 S. Cooper Street (Duplex), 406 Lincoln Avenue, 202 Turnbull Bay Road, 1500 S. Riverside Drive, 1105 Palmetto Street, 1003 Live Oak Street, 409 Magnolia Street (Duplex), 520 S. Peninsula Avenue, 1424 Southard Avenue, 1411 Southard Avenue, 1702 S. Riverside Drive.

October 18, 2005: The Board continued this case until of November 15, 2005.

November 15, 2005: The Board continued this case until January 17, 2006.

**Chairperson Hawk referred to the Code Enforcement Update Status Sheet stating this case was in compliance.**

**Michael Slayton made a motion finding this case in compliance; seconded by Jay Crocker. Motion passed unanimously on roll call vote 7-0.**

**C2005-0571: TT of NSB, Inc. C/O New Smyrna Chrysler Jeep Dodge [Served]**

Violation of §604.05 I. and §604.051 B. (8) by failing to maintain the landscaped areas and irrigation systems in perpetuity and by permitting nine (9) replacement trees to die within the first year of planting at 1300 N. Dixie Freeway.

November 15, 2005: The Board found this case in violation and continued this case until January 17, 2006.

**Chris Riley was sworn for testimony.**

**Mr. Riley stated the dead trees were replaced in November 2005. Mr. Riley stated the trees do not look very lively to him; however, the landscaper guarantees him it is because of the time of year and the weather.**

**Ms. Kunkle stated several of the trees look a little doubtful but majority of the trees look great. Ms. Kunkle stated the City recommends the Board continue this case until April 18<sup>th</sup>, 2006 because it could be the time of year.**

**Susan Ellis made a motion to continue this case until April 18<sup>th</sup>, 2006; seconded by Carol Kerrigan. Motion passed unanimously on roll call vote 7-0.**

**NEW BUSINESS:**

**ADJOURNMENT:**

**Jay Crocker made a motion to adjourn; seconded by John Shelby. All agreed and the Board adjourned at 4:38 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:

Inga Campbell  
Administrative Specialist  
% City Hall  
210 Sams Avenue  
New Smyrna Beach, FL 32168-9985  
Telephone: 386.424.2265  
Fax: 386.424.2143