

MINUTES OF THE CITIZENS CODE ENFORCEMENT BOARD
HEARING HELD AT 4:30 P.M.
September 19TH, 2006
UTILITIES COMMISSION, 3RD FLOOR, DEBERRY ROOM, 200 CANAL STREET
NEW SMYRNA BEACH, FLORIDA

The Hearing of September 19, 2006 was called to order at 4:30 p.m. Answering to roll call:

Michael E. Slayton (Chairperson)

John Shelby (Vice Chairperson)

Maggie Hawk

Jay Crocker

Elliott Hoffman

Carol Kerrigan

Vacant Seat

Also present were Code Enforcement Supervisor Lynne Kunkle, Code Enforcement Officer Barbara Bobelak, and Kim Terwilliger, Community Redevelopment Supervisor.

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

July 18, 2006

August 15, 2006

Jay Crocker made a motion to approve both sets of minutes as written; seconded by Carol Kerrigan. Motion passed unanimously on roll call vote 6-0.

SWEARING OF CITY STAFF:

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

ADDENDUM:

OLD BUSINESS:

C2006-0098: Arthur J. Sullivan, Jr.

[Served]

Violation of §38-113 of the City Code of Ordinances by permitting or causing to be permitted discarded and abandoned building materials, boat motors, machinery, waste material and trailers upon the subject property located at 306 Winefred Avenue.

Violation of §70-38 of the City Code of Ordinances by permitting or causing to be permitted discarded and abandoned building materials, boat motors, machinery, waste material, trailers, recreational equipment and a vehicle in excess of one (1) ton rated capacity obstructing and encroaching upon a public street located at 306 Winefred Avenue.

Violation of §802.03 D. of the Land Development Regulations by permitting or causing to be permitted a truck in excess of one (1) ton rated capacity to be parked in a residentially zoned district (R2) located at 306 Winefred Avenue.

Violation of §802.04 of the Land Development Regulations by permitting or causing to be permitted the storage of more than two (2) pieces of recreational vehicles upon the subject property located at 306 Winefred Avenue.

March 21, 2006:

The Board continued this case until April 18, 2006.

April 18, 2006:

The Board found Mr. Sullivan in violation of §38-113 of the City Code of Ordinances and §70-38 of the City Code of Ordinances. The Board continued the case regarding §802.03 D. of the Land Development Regulations until July 18, 2006. The Board found Mr. Sullivan in compliance with §802.04 of the Land Development Regulations.

July 18, 2006:

The Board found Mr. Sullivan in violation of §38-113 and §70-38 of the City Code of Ordinances and §802.03 D. of the Land Development Regulations and gave him until August 15, 2006 to bring the property into compliance or face a fine of \$50.00 per day for each and every day the violations continue.

August 15, 2006: The Board continued this case until September 19, 2006.

Chairperson Slayton noted for the record that no one was present to speak on behalf of this case

Officer Bobelak testified that she and Ms. Kunkle visited the property earlier that morning and met a gentleman who explained that Mr. Sullivan is still up north due to a heart attack. Ms. Bobelak further explained that the gentleman said he is going to take care of the code violations, including the truck and waste material.

Staff's recommendation was to continue the case to the November Hearing, to allow for the clean-up.

Jay Crocker made a motion to continue this case to November 21, 2006; seconded by John Shelby. Motion carried unanimously on roll call vote 6-0.

C2006-0094: Jimmie Kaye Walker

[Served]

In Compliance
8.11.06

Violation of §74-146 of the City Code of Ordinances by permitting or causing to be permitted a business operation (Courtyard) without having paid the occupational license tax located at 501 S. Dixie Freeway.

Violation of Ordinance 1-91 of the Land Development Regulations by permitting or causing to be permitted the prohibited outdoor display and storage in a B-3 Zoning District located at 501 S. Dixie Freeway.

May 16, 2006: The Board continued this case until July 18, 2006.

July 18, 2006: The Board continued this case until September 19, 2006.

Chairperson Slayton noted for the record that no one was present to speak on behalf of this case.

John Shelby made a motion to find this case in compliance; seconded by Jay Crocker. Motion carried unanimously on roll call vote 6-0.

C2006-0518: Robert O. Cory

[Served]

Violation of §90-149 of the City Code Of Ordinances by permitting or causing to be permitted an abandoned vessel in the waterway located at the Intracoastal Waterway (Indian River) South of the South Causeway.

Chairperson Slayton noted for the record that no one was present to speak on

behalf of this case.

Ms. Kunkle testified that the certified mail had been signed and the receipt returned to the City.

Ms. Kunkle recommended that the Board authorize the City Attorney to record a lien and authorize the City to abate the nuisance.

Ms. Kunkle explained to the Board that the lien applies to all real and personal property, but that in researching the Property Appraiser's website, found no real property in Volusia County belonging to Mr. Robert Cory.

With further discussion between the Board and Ms. Kunkle it was determined that the boat may not be of any value due to the time it has been under water, and there may not be a way for the City to recover the cost of removal, unless the Port Authority reimburses the City for the Cost.

Jay Crocker made a motion authorizing the City of New Smyrna Beach to abate the nuisance; seconded by John Shelby. Motion carried unanimously on roll call vote 6-0.

NEW BUSINESS:

C2006-0171: Frog Adventures

[Served]

Violation of §26-171 of the City Code of Ordinances by permitting or causing to be permitted construction (installation of a fence) without the required permit located at 2004 N Dixie Freeway.

Ms. Bobelak withdrew the case because it is in compliance.

C2006-0342: SE Conference Association

[Served]

Violation of §108.1.3 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted a structure to exist that is unfit for human occupancy because of the degree to which the structure is in disrepair, is unsanitary, lacks ventilation, illumination, sanitary facilities, heating facilities and other essential equipment required by the International Property Maintenance Code located at 608 Washington Street.

Ms. Bobelak withdrew the case because it is in compliance

REPEAT BUSINESS:

DISCUSSION:

ADJOURNMENT:

Jay Crocker made a motion to adjourn; seconded by John Shelby. All agreed and the Board adjourned at 4:41 p.m.

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: 386.424.2242
Fax: 386.424.2143