

MINUTES OF THE CITIZENS CODE ENFORCEMENT BOARD
HEARING HELD AT 4:30 P.M.
NOVEMBER 15TH, 2005
UTILITIES COMMISSION, 3RD FLOOR, DEBERRY ROOM, 200 CANAL STREET
NEW SMYRNA BEACH, FLORIDA

The Hearing of November 15th, 2005 was called to order at 4:35 p.m. Answering to roll call:

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

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

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

APPROVAL OF MINUTES

October 18th, 2005

Jay Crocker made a motion to approve the minutes as written; seconded by Susan Ellis. Motion passed unanimously on roll call vote 6-0.

OLD BUSINESS:

CASE NO: C2005-0082

Beverly A. Neff
574 Ronnoc Lane
New Smyrna Beach, FL 32168

Violation Location: 316 N. Orange Street

- A. Permitting or causing to be permitted the occupancy of dwelling units that does not comply with the requirements of the Standard Housing Code, 1997 edition in violation of §310 of the Standard Housing Code, 1997 Edition.
- B. Permitting or causing to be permitted the occupancy of dwelling units without the required sanitary facilities (kitchen sink, lavatory, tub or shower, and a water closet) being maintained in good working condition and every plumbing fixture and water and waste pipe maintained in good sanitary working condition free from defects and leaks in violation of §302.1 of the Standard Housing Code, 1997 Edition.
- C. Permitting or causing to be permitted the occupancy of dwelling units without the required heating facilities in violation of §302.5.1 of the Standard Housing Code, 1997 Edition.
- D. Permitting or causing to be permitted the occupancy of dwelling units without the required number of electric lights and outlets in violation of §303.4 of the Standard Housing Code, 1997 Edition.
- E. Permitting or causing to be permitted the occupancy of dwelling units without every electrical outlet and fixture, and all electrical wiring and equipment connected to a source of electric power in accordance with the electric code in violation of §304 of the Standard Housing Code, 1997 Edition.
- F. Permitting or causing to be permitted the occupancy of dwelling units in which the exterior walls have holes, breaks, loose or rotting boards which admits rain or dampness to the interior portion of the walls and occupied spaces of the building in violation of §305.2 of the Standard Housing Code, 1997 Edition.
- G. Permitting or causing to be permitted the occupancy of dwelling units in which the roof has defects that admits rain or causes dampness in the walls or interior portion of the building in violation of §305.3.1 of the Standard Housing Code, 1997 Edition.
- H. Permitting or causing to be permitted the occupancy of dwelling units in which the stairs and porches are so deteriorated that they are no longer safe to use and capable of supporting the load that normal use may be caused to be placed thereon in violation of §305.5 of the Standard Housing Code, 1997 Edition.
- I. Permitting or causing to be permitted the occupancy of dwelling units without the windows being substantially weather tight, watertight and rodent proof and in sound working condition and good repair in violation of §305.7 of the Standard Housing Code, 1997 Edition.
- J. Permitting or causing to be permitted the occupancy of dwelling units without the windows, required for light and ventilation, capable of being easily opened and secured in position by window hardware in violation of §305.10 of the Standard Housing Code, 1997 Edition.
- K. Permitting or causing to be permitted the occupancy of dwelling units which do not have central air conditioning systems or screens, stretched and fitted and maintained without open rips or tears, on all exterior openable windows

and doors used or required for ventilation in violation of §305.13.1 of the Standard Housing Code, 1997 Edition.

- L. Permitting or causing to be permitted a building containing occupied dwelling units with exterior wood surfaces that are not protected from the elements and decay by paint or the use of another protective covering or treatment and siding that has deteriorated to such a state that the exterior walls are no longer weather resistant and water tight in violation of §305.14 of the Standard Housing Code, 1997 Edition.
- M. Permitting or causing to be permitted the occupancy of dwelling units with floors, interior walls and ceilings so deteriorated they no longer are substantially rodent proof and in sound condition and good repair or capable of supporting the load which normal use may cause to be placed thereon in violation of §305.16.1 of the Standard Housing Code, 1997 Edition.
- N. Permitting or causing to be permitted the occupancy of dwelling units without every toilet, bathroom and kitchen floor surface being maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition in violation of §305.16.2 of the Standard Housing Code, 1997 Edition.

Chairperson Hawk noted for the record a letter had been received from Mark Hall, who is Ms. Neff's attorney, along with a check from Ms. Neff for \$2,400.00.

Ms. Bobelak confirmed this case is in compliance with the receipt of Ms. Neff's check.

Ms. Kunkle stated after inspection, Ms. Bobelak found the property in compliance on 11/10/05; therefore, the property was in violation for 24 days - charging \$100.00 per day - totaling \$2,400.00.

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

CASE NO: C2005-0578

Essie Mae Jackson
605 N. Duss Street
New Smyrna Beach, FL 32168

Violation Location: 605 N. Duss Street

- A. Permitting or causing to be permitted inoperable vehicles upon the subject property in violation of §307.4 of the Standard Housing Code, 1997 Edition.
- B. Permitting or causing to be permitted discarded and abandoned waste material upon the subject property in violation of §38-113. of the City Code of Ordinances.

Chairperson stated for the record that no one was present to represent this case.

Ms. Kunkle stated the property owner did not contact the City to determine compliance. Compliance of the property was found while doing inspections this morning (11/15/05); therefore, the exact date of compliance cannot be determined. The City recommends reducing this fine to zero dollars (\$0.00).

Carol Kerrigan made a motion finding this case in compliance and reducing the fine to zero dollars (\$0.00); seconded by Jay Crocker. Motion passed unanimously on roll call vote 6-0.

CASE NO: C2005-0344

Daniel C. & Michelle W. Troian
315 Due East
New Smyrna Beach, FL 32169

Violation Locations: 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

- A. Daniel and Michelle Troian failed to pay the required occupational tax to include all rental units listed above. Daniel and Michelle Troian were made aware of the violation on the 14th day of May 2005 as of the 21st day of September 2005 the said parties have not upgraded the occupational license in violation of §74.147. of the City Code of Ordinances.

Chairperson stated for the record that no one was present to represent this case.

Ms. Bobelak stated Mr. Troian met with the Fire Marshal today and had inspections of all the properties and application will continue through final processing. City Staff recommended continuing this case until the 17th day of January, 2006 hearing.

Susan Ellis made a motion to continue this case until the 17th day of January 2006 hearing; seconded by Carol Kerrigan. Motion passed unanimously on roll call vote 6-0.

NEW BUSINESS:

CASE NO: C2005-0571

**TT of NSB, Inc.
C/O New Smyrna Chrysler Jeep Dodge
1300 N Dixie Freeway
New Smyrna Beach, FL 32168**

Violation Location: 1300 N Dixie Freeway

- A. Permitting or causing to be permitted landscaped areas and irrigation systems that are not being maintained in perpetuity.**
- B. Permitting or causing to be permitted nine (9) replacement trees that were not maintained in good condition and died within the first year of planting.**

Chris Riley was present and sworn for testimony.

Mr. Riley stated he agreed with this violation.

Ms. Kunkle stated there were nine (9) replacement trees that died and need to be replaced. Ms. Kunkle stated the City would like to know what steps and how much time would be needed to come into compliance.

Mr. Riley stated he has hired a company to replace the dead trees by the 21st day of November 2005. Mr. Riley stated the nine (9) replacement trees would be 15-foot Live Oak trees. Mr. Riley stated the original company used would not return phone calls to replace their work.

Ms. Kunkle stated by Mr. Riley being present and having already made arrangements toward compliance, City Staff recommended continuing this case until the 17th day of January 2006.

John Shelby made a motion finding this case in violation and to continue this case until the 17th day of January 2006 hearing to come into compliance; seconded by Jay Crocker. Motion passed unanimously on roll call vote 6-0.

ADJOURNMENT:

Jay Crocker made a motion to adjourn; seconded by Susan Ellis. All agreed and the Board adjourned at 4:47 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