

**MINUTES OF THE CITIZEN CODE ENFORCEMENT BOARD
HEARING HELD 4:30 P.M.
JANUARY 20TH, 2004
CITY COMMISSION CHAMBERS, 210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA**

The Hearing of January 20th, 2004 was called to order at 4:35 p.m. Answering to roll call:

Maggie Hawk, Chair Person
John Shelby, Vice Chair Person
Michael Slayton
Jay Crocker
Susan Ellis
Elliott Hoffman
Carol Kerrigan

Also present were Code Enforcement Supervisor Regina Lynne Kunkle, Code Enforcement Officer Barbara Bobelak, City Attorney George Beazley and Cindy Steele, Administrative Specialist

APPROVAL OF MINUTES

November 18th, 2004

John Shelby made a motion to approve the minutes of the Hearing held on November 18th, 2004; seconded by Jay Crocker. Motion carried unanimously on roll call vote 7-0.

**Maggie Hawk – Y
John Shelby – Y
Michael Slayton – Y
Jay Crocker – Y
Elliott Hoffman – Y
Susan Ellis – Y
Carol Kerrigan - Y**

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

OLD BUSINESS:

CE-033-01-02H Peter M. & Laura A. Moeller
C/O Tom Griffin
525 Byron Road
Winter Park, FL 32792-3113

- A. Permitting or causing to be permitted construction without the required permit(s).

Matt Sabotka was present and sworn for testimony.

Mr. Sabotka reported Ms. Moeller had received a variance last week from the Board of Adjustment for additions to two bedrooms and a great room. Mr. Sabotka asked for an extension of two or three months.

Michael E. Slayton made a motion to continue this case for 3 months; seconded by Jay Crocker. Motion carried unanimously on roll call vote 7-0.

**John Shelby – Y
Michael Slayton – Y
Jay Crocker – Y
Elliott Hoffman – Y
Susan Ellis – Y
Carol Kerrigan – Y
Maggie Hawk – Y**

CE2003016C: Sammie L. & Lola Mae McRae, SR
359 Slayton Street
New Smyrna Beach, FL 32168

Violation Location: 360 Chisholm

- A. Permitting or causing to be permitted discarded and abandoned waste material to be upon the subject premises.
- B. Permitting or causing to be permitted the operation of a business without having paid the occupational license tax.
- C. Permitting or causing to be permitted an existing building that has not been maintained in a safe and sanitary condition.

Ms. Hawk stated for the record no one is present to represent this case.

Ms. Kunkle reported Mr. McRae has done a tremendous amount of work cleaning up his property.

Ms. Kunkle testified that Item “B” is in compliance.

Mr. Jay Crocker made a motion to find that Item ”B” is in compliance and then we find a violation with regards to Items “A and “C” and as it has been suggested before that they come into compliance by the 17th of February 2004, or there would be a \$50.00 fine per day per Item...that is \$50.00 per day for Item “A: and \$50.00 per day for Item “C”, for every day that they are in noncompliance after February 17th; seconded by Susan Ellis. Motion carried unanimously on roll call vote 7-0.

Michael Slayton – Y
Jay Crocker – Y
Elliott Hoffman – Y
Susan Ellis – Y
Carol Kerrigan – Y
Maggie Hawk – Y
John Shelby – Y

CE2003028P: Carol Baker
512 Duss Street
New Smyrna Beach, FL 32168

Violation Location: 423 Palm Street

- A. Permitting or causing to be permitted a dwelling unit to exist without sanitary facilities all maintained in good working condition and properly connected to an approved water and sewer system, and without every plumbing fixture and water and waste pipe properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions.
- B. Permitting or causing to be permitted a dwelling unit to exist without a supply of both cold and hot water connected to the kitchen sink, lavatory, and tub or shower.
- C. Permitting or causing to be permitted a dwelling unit to exist without heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120°f (49°c).
- D. Permitting or causing to be permitted a dwelling unit to exist without heating facilities which are properly installed, maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms.
- E. Permitting or causing to be permitted a dwelling unit to exist without a kitchen containing (1) food preparation surfaces impervious to water and free from defects which could trap food or liquid, (2) shelving, cabinets or drawers for the storage of food and cooking and eating utensils, (3) freestanding or permanently installed cookstove, and (4) mechanical refrigeration equipment for the storage of perishable foodstuffs.
- F. Permitting or causing to be permitted a dwelling unit to exist without adequate garbage disposal facilities or garbage storage containers.
- G. Permitting or causing to be permitted a dwelling unit to exist without an approved listed smoke detector.
- H. Permitting or causing to be permitted a dwelling unit to exist without (1) every habitable room or space containing two separate and remote receptacle outlets, (2) bedrooms having, in addition, at least one wall switch controlled lighting outlet, (3) the kitchen, having two separate and remote receptacle outlets and a wall or ceiling lighting outlet controlled by a wall switch, (4) every hall, water closet compartment, bathroom, laundry room or furnace room having at least one ceiling-

mounted or wall-mounted lighting outlet and (5) at least one receptacle outlet provided in the bathroom and laundry room.

- I. Permitting or causing to be permitted a dwelling unit to exist without exterior walls being free of holes, breaks, loose or rotting boards or timbers.
- J. Permitting or causing to be permitted a dwelling unit to exist with roofs that are not structurally sound and maintained in a safe manner without defects, which might admit rain or cause dampness in the walls or interior portion of the building.
- K. Permitting or causing to be permitted a dwelling unit to exist without the windows being substantially weathertight, watertight, rodent proof, and in sound working condition and good repair.
- L. Permitting or causing to be permitted a dwelling unit to exist without the window sashes being fully supplied with glass windowpanes or an approved substitute, which are without open cracks or holes.
- M. Permitting or causing to be permitted a dwelling unit to exist without the window sashes being properly fitted and weathertight within the window frame.
- N. Permitting or causing to be permitted a dwelling unit to exist without the windows required for light and ventilation for habitable rooms being capable of being easily opened and secured in position by window hardware.
- O. Permitting or causing to be permitted a dwelling unit to exist without the exterior door(s) being substantially weathertight, watertight, and rodent proof and in sound working condition and good repair.
- P. Permitting or causing to be permitted a dwelling unit to exist without the exterior door(s) being provided with properly installed hardware that is maintained to insure reasonable ease of operation to open, close and secure in an open or closed position.
- Q. Permitting or causing to be permitted a dwelling unit to exist without the exterior door frames being properly maintained and affixed with weather-stripping and thresholds as required to be substantially weather tight, watertight and rodent and insect resistant when the door is in a closed position.
- R. Permitting or causing to be permitted a dwelling unit to exist without exterior door jambs, headers and moldings securely attached to the structure, maintained in good condition without splitting or deterioration that would minimize the strength and security of the door in a closed position.
- S. Permitting or causing to be permitted a dwelling unit to exist without screens on all exterior openable windows and doors used or required for ventilation.
- T. Permitting or causing to be permitted a dwelling unit to exist without the required protective treatment on all exterior wood surfaces.
- U. Permitting or causing to be permitted a dwelling unit to exist with evidence of deterioration of structural elements rendering the structure unsound and incapable of carrying normal loads.

Ms. Carol Baker was present and sworn for testimony.

Ms. Baker reported she had run out of money and just needs a little more time to finish.

Ms. Kunkle reported there's been a lot of hard work and a definite improvement made but obtaining permits and scheduling inspections still have to be done by a licensed contractor.

Mr. Michael Slayton made a motion to continue this case until the February 17th, 2004 meeting; seconded by Jay Crocker. Motion carried unanimously on roll call vote 7-0.

**Jay Crocker – Y
Elliott Hoffman –Y
Susan Ellis – Y
Carol Kerrigan – Y
Maggie Hawk – Y
John Shelby – Y
Michael Slayton – Y**

CE2003033M: Sugar & Lena Tillman, Estates
720 Fairmont Road
Ormond Beach, FL 32114

Violation Location: 536 North Myrtle Avenue

- A. Permitting or causing to be permitted a dwelling unit to exist without sanitary facilities all maintained in good working condition and properly connected to an approved water and sewer system, and without every plumbing fixture and water and waste pipe properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions.
- B. Permitting or causing to be permitted a dwelling unit to exist without a supply of both cold and hot water connected to the kitchen sink, lavatory, and tub or shower.
- C. Permitting or causing to be permitted a dwelling unit to exist without heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120°f (49°c).
- D. Permitting or causing to be permitted a dwelling unit to exist without heating facilities which are properly installed, maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms.
- E. Permitting or causing to be permitted a dwelling unit to exist without a kitchen containing (1) food preparation surfaces impervious to water and free from defects which could trap food or liquid, (2) shelving, cabinets or drawers for the storage of food and cooking and eating utensils, (3) freestanding or permanently installed cookstove, and (4) mechanical refrigeration equipment for the storage of perishable foodstuffs.

- F. Permitting or causing to be permitted a dwelling unit to exist without adequate garbage disposal facilities or garbage storage containers.
- G. Permitting or causing to be permitted a dwelling unit to exist without an approved listed smoke detector.
- H. Permitting or causing to be permitted a dwelling unit to exist without (1) every habitable room or space containing two separate and remote receptacle outlets, (2) bedrooms having, in addition, at least one wall switch controlled lighting outlet, (3) the kitchen, having two separate and remote receptacle outlets and a wall or ceiling lighting outlet controlled by a wall switch, (4) every hall, water closet compartment, bathroom, laundry room or furnace room having at least one ceiling-mounted or wall-mounted lighting outlet and (5) at least one receptacle outlet provided in the bathroom and laundry room.
- I. Permitting or causing to be permitted a dwelling unit to exist without exterior walls being free of holes, breaks, loose or rotting boards or timbers.
- J. Permitting or causing to be permitted a dwelling unit to exist with roofs that are not structurally sound and maintained in a safe manner without defects, which might admit rain or cause dampness in the walls or interior portion of the building.
- K. Permitting or causing to be permitted a dwelling unit to exist without the windows being substantially weathertight, watertight, rodent proof, and in sound working condition and good repair.
- L. Permitting or causing to be permitted a dwelling unit to exist without the window sashes being fully supplied with glass windowpanes or an approved substitute, which are without open cracks or holes.
- M. Permitting or causing to be permitted a dwelling unit to exist without the window sashes being properly fitted and weathertight within the window frame.
- N. Permitting or causing to be permitted a dwelling unit to exist without the windows required for light and ventilation for habitable rooms being capable of being easily opened and secured in position by window hardware.
- O. Permitting or causing to be permitted a dwelling unit to exist without the exterior door(s) being substantially weathertight, watertight, and rodent proof and in sound working condition and good repair.
- P. Permitting or causing to be permitted a dwelling unit to exist without the exterior door(s) being provided with properly installed hardware that is maintained to insure reasonable ease of operation to open, close and secure in an open or closed position.
- Q. Permitting or causing to be permitted a dwelling unit to exist without the exterior door frames being properly maintained and affixed with weather-stripping and thresholds as required to be substantially weather tight, watertight and rodent and insect resistant when the door is in a closed position.
- R. Permitting or causing to be permitted a dwelling unit to exist without exterior door jambs, headers and moldings securely attached to the structure, maintained in good condition without splitting or deterioration that would minimize the strength and security of the door in a closed position.
- S. Permitting or causing to be permitted a dwelling unit to exist without screens on all exterior open able windows and doors used or required for ventilation.

- T. Permitting or causing to be permitted a dwelling unit to exist without the required protective treatment on all exterior wood surfaces.
- U. Permitting or causing to be permitted a dwelling unit to exist with evidence of deterioration of structural elements rendering the structure unsound and incapable of carrying normal loads.

Reginald Thomas Copeland, 10 Raintree, Port Orange, FL 32127, was sworn for testimony on behalf of this case.

Ms. Lynne Kunkle reported Mr. Copeland has been improving the house but does not have the authority to obtain the required permits.

Mr. George Beazley reported he had just received paperwork from Mr. Copeland's attorney.

Michael Slayton made a motion to continue the case until the February 17th, 2004 meeting; seconded by John Shelby. Motion carried unanimously on roll call vote 7-0.

**Elliott Hoffman – Y
Susan Ellis – Y
Carol Kerrigan – Y
Maggie Hawk – Y
John Shelby – Y
Michael Slayton – Y
Jay Crocker – Y**

CE2003041I Paul Meyerhoff
Intercoastal Waterway (Indian River)
South of the South Causeway
New Smyrna Beach, FL 32169

Violation Location: Intracoastal Waterway (Indian River) South of the South Causeway

- A. Permitting or causing to be permitted transient mooring within the City Limits.

Ms. Hawk stated for the record no one is present to represent this case.

Ms. Kunkle reported she had received a phone message from Mr. Meyerhoff and he intends to pull the boat out tomorrow.

Mr. Jay Crocker made a motion to continue the case until the February 17th, 2004 meeting; seconded by Mr. John Shelby. Motion carried on roll call vote 6-0 with Michael Slayton abstaining.

Susan Ellis – Y
Carol Kerrigan – Y
Maggie Hawk – Y
John Shelby – Y
Michael Slayton – Abstain
Jay Crocker – Y
Elliott Hoffman – Y

CE2003045A Dutchess Company
DBA: Holland House
Rene' & Nancy Gutierrez
203 South Atlantic Avenue
New Smyrna Beach, FL 32169

Violation Location: 203 South Atlantic Avenue

- A. Permitting or causing to be permitted the operation of a business (Holland House) without paying the City occupational license tax.

Ms. Hawk stated for the record no one is present to represent this case.

Ms. Kunkle stated she had drove by twice today and saw a closed sign in the window.

Mr. Jay Crocker made a motion to impose the fine of \$3,050 and authorize Mr. Beazley to record a lien; seconded by Mr. Michael Slayton. Motion carried unanimously on roll call vote 7-0.

Carol Kerrigan – Y
Maggie Hawk – Y
John Shelby – Y
Michael Slayton – Y
Jay Crocker – Y
Elliott Hoffman – Y
Susan Ellis – Y

NEW BUSINESS

CE2003051S Susan Hounsom
315 Flagler Avenue
New Smyrna Beach, FL 32169

Violation Location: 707 Sandpiper

- A. Permitting or causing to be permitted the installation of a new roof without meeting the attachment requirements (6 fasteners per shingle) or providing an 8” wide applied roofing cement up rakes on all gable end roof systems.

Ms. Susan Hounsom was present and sworn in for testimony.

Ms. Hounsom stated to the naked eye the roof looked finished. She stated she was unable to locate the roofer who did the roof and it is hard to find someone to finish someone else's work.

Mr. Michael Slayton made a motion to find the property in violation and continue the case until the February 17th, 2004 meeting; seconded by John Shelby. Motion carried unanimously on roll call vote 7-0.

**Maggie Hawk – Y
John Shelby – Y
Michael Slayton – Y
Jay Crocker – Y
Elliott Hoffman – Y
Susan Ellis – Y
Carol Kerrigan – Y**

CE2003052P Norman & Peggy LaForce
151 Gary Avenue
Oak Hill, FL 32759

Violation Location: 327 Palm

- A. Permitting or causing to be permitted the erection of a fence without the required building permit.

Mr. Norman LaForce was present and sworn in for testimony.

Mr. LaForce stated the city tore down his 15-foot fence when employees removed debris from a nearby dumping area. Mr. LaForce said he was told that a survey is needed.

Mr. Jay Crocker made a motion to find the property in violation and to continue this case until the March 16th, 2004 meeting; seconded by Michael E. Slayton. Motion carried unanimously on roll call vote 7-0.

The meeting was adjourned for a short recess at 6:10 p.m.

The meeting was called to order at 6:20 p.m.

**John Shelby – Y
Michael Slayton – Y
Jay Crocker – Y
Elliott Hoffman – Y**

Susan Ellis – Y
Carol Kerrigan – Y
Maggie Hawk – Y

CE2003053S Dan Grisell
1615 Pine Tree Drive
Edgewater, FL 32132

Violation Location: Vacant Lot on Saxon

- A. Permitting or causing to be permitted the cutting down of trees (14) without the required tree removal permit.

Ms. Hawk stated for the record no one is present to represent this case.

Ms. Kunkle reported Mr. Grisell has two separate charges to answer to regarding similar violations. Another case is schedule for February involving a historic oak.

Mr. John Shelby made a motion to continue this case until the February 17th, 2004 meeting; seconded by Mr. Jay Crocker. Motion carried unanimously on roll call vote 7-0.

Michael Slayton – Y
Jay Crocker – Y
Elliott Hoffman – Y
Susan Ellis – Y
Carol Kerrigan – Y
Maggie Hawk – Y
John Shelby – Y

CE2003054M Reginald Copeland
C/O Melvin C. & Elizabeth Copeland
10 Raintree Drive
Port Orange, FL 32127

Violation Location: 536 N. Myrtle Avenue

- A. Permitting or causing to be permitted the repair of a residential structure without the required permit.

Mr. Reginald Copeland was present to represent his case and was sworn for an earlier case.

Ms. Kunkle stated Mr. Copeland had ignored 3 stop orders that had been issued.

Mr. Copeland stated he takes full responsibility for not being clear on the protocol of the permitting process.

Mr. Jay Crocker made a motion to continue this case until the February 17th, 2004 meeting; seconded by Maggie Hawk. Motion carried on roll call vote 6-1 with Michael Slayton having the dissenting vote.

**Jay Crocker – Y
Elliott Hoffman – Y
Susan Ellis – Y
Carol Kerrigan – Y
Maggie Hawk – Y
John Shelby – Y
Michael Slayton – N**

ADJOURNMENT:

Michael Slayton made a motion to adjourn the meeting at 6:51 P.M.; seconded by Jay Crocker. Motion carried unanimously on roll call vote 7-0.

Pursuant to Florida Statutes 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 secretary of the Citizens Code Enforcement Board listed below prior to the Hearing:

Cindy Steele
Administrative Specialist
% City Hall
210 Sams Avenue
New Smyrna Beach, Fl 32168-9985
(386) 424-2265