

**MINUTES OF THE CITIZEN CODE ENFORCEMENT BOARD
HEARING HELD 4:30 P.M.
FEBRUARY 17TH, 2004
CITY COMMISSION CHAMBERS, 210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA**

The Hearing of February 17th, 2004 was called to order at 4:38 p.m. Answering to roll call:

Maggie Hawk, Chair Person
John Shelby, Vice Chair Person
Michael Slayton
Jay Crocker- (absent)
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

January 20th, 2004
January 26th, 2004

John Shelby made a motion to approve the minutes of the Hearing held on January 20th, 2004; seconded by Susan Ellis. Motion carried unanimously on roll call vote 6-0.

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

OLD BUSINESS:

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 the subject property was in compliance.

Michael Slayton made a motion to find the subject property in compliance; seconded by John Shelby. Motion carried unanimously on roll call vote 6-0.

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.

Mr. Jay Crocker arrived at the Hearing at 4:40 PM.

Ms. Carol Baker was present and sworn for testimony.

Ms. Baker reported she had applied for the permit as owner/occupant.

Ms. Kunkle stated that Ms. Baker has been told repeatedly that she needs a general contractor, unless she lives in the house.

Ms. Baker stated she really needs a bigger home but if she has to do this to save her home she would move in.

Mr. Terrence Hilbert was present and sworn in for testimony. Mr. Hilbert stated he helped Ms. Baker apply for a permit as owner/occupant. Mr. Hilbert stated the house was not livable for Ms. Baker to occupy.

Mr. Rick McFadden, Chief Building Official was present and sworn for testimony. Mr. McFadden stated, "By state law if you are the owner/occupant you can do the work. If you are not occupying the house, work has to be done by a state licensed contractor. Mr. McFadden reported what he was looking for now is intent to occupy and it can't be leased or for sale.

Ms. Kunkle stated Ms. Baker would have to sign an owner-occupant affidavit that she will reside in the house or get a general contractor on the project if she plans to rent the renovated house.

Michael Slayton made a motion to give Ms. Baker until March 16, 2004 to bring the subject property into compliance or face a fine of \$100 dollars a day; seconded by John Shelby. Motion carried unanimously on roll call vote 7-0.

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.

Mr. Jay Crocker made a motion to consolidate Case: CE2003033M and Case: CE2003054M; seconded by John Shelby. Motion carried unanimously on roll call 7-0.

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

Ms. Kunkle reported that Mr. Copeland faces problems with the intended re-roofing that turned into structural amendments. The contractor was outside of the scope of the permit that was issued. Ms. Kunkle stated work has been going on the house without the proper City Permits.

Mr. McFadden stated the contractor was outside of his license. Mr. McFadden also stated work has been going on the house without the proper City Permits.

On Case CE2003033M, John Shelby made a motion to impose the fine and authorize the City Attorney to impose a lien; seconded by Michael Slayton. Motion carried on roll call vote 6-1 with Jay Crocker having the dissenting vote.

On Case CE2003054M, John Shelby made a motion to give Mr. Copeland until March 16, 2004 to obtain the needed work permits and to obtain adequate engineering requirements or face a \$100-a-day fine; seconded by Michael Slayton. Motion carried on roll call vote 6-1 with Jay Crocker having the dissenting vote.

CE2003037S: Beachside Realty of Volusia County, Inc.
Susan Hounsom
315 Flagler Avenue
New Smyrna Beach, FL 32169

Violation Location: 707 Sandpiper

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 reported she has spent the last three months trying to find someone to undo the roofer’s mess. She has finally located an agreeable roofer and a permit has been issue.

Ms. Kunkle recommended continuing the case until the April 20th, 2004 Hearing.

Mr. Michael Slayton made a motion to continue the case until the April 20th, 2004 Hearing; seconded by John Shelby. Motion carried unanimously on roll call vote 7-0.

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 this is a repeat offense and the City needs to get this company and others to stop cutting down trees in the City without permits.

Ms. Carol Kerrigan made a motion to fine Dan Grisell, owner of Crown Tree Service \$100-a-day beginning December 12, 2003; seconded by Mr. John Shelby. Motion carried unanimously on roll call vote 7-0.

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.

Combined with CASE # CE2003033M

CE20040052T Marilyn Bibbee
6240 Turtlemound Road
New Smyrna Beach, FL 32169

Violation Location: 3700 South Atlantic Avenue

- A. Permitting or causing to be permitted a business operation (management of rental property) without having paid the occupational license tax.

Ms. Kunkle stated the City was withdrawing the case.

ADJOURNMENT:

Maggie Hawk made a motion to adjourn the meeting at 6:06 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