

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

The Hearing of April 20<sup>th</sup>, 2004 was called to order at 4:31 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**

March 16<sup>th</sup>, 2004

Jay Crocker made a motion to approve the minutes as amended of the Hearing held on March 16<sup>th</sup>, 2004; seconded by Michael Slayton. Motion carried unanimously on roll call vote 7-0.

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

**OLD BUSINESS:**

**CASE NO:** CE-033-01-02H      Peter M. & Laura A. Moeller  
C/O Tom Griffin  
525 Byron Road  
Winter Park, FL 32792-3113

**Violation Location:**1305 Hill Street

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

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

**Ms. Kunkle reported the subject property was in compliance.  
Mike Slayton made a motion to find the subject property in compliance;  
seconded by Jay Crocker. Motion carried unanimously on roll call vote 7-0.**

**CASE NO:** 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. Kunkle reported the subject property was in compliance and the Board would need to make a determination the fine amount.**

**John Shelby made a motion to find the subject property in compliance and to reduce the fine to zero; seconded by Jay Crocker. Motion carried unanimously on roll call vote 7-0.**

**CASE NO:** 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. Hawk stated for the record no one is present to represent the 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 7-0.**

**CASE NO:** 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.

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

**Ms. Kunkle reported the subject property was in compliance.**

**Jay Crocker made a motion to find the subject property in compliance; seconded by Susan Ellis. Motion carried unanimously on roll call vote 7-0.**

**CASE NO:** 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.

**Dan Grisell was present and sworn for testimony.**

**Mr. Grisell stated he was seriously ill and out of work when the Dec. 12, 2003 incident occurred and didn't have knowledge of it until after the fact.**

**Ms. Carol Kerrigan stated this was a repeat offense and Mr. Grisell is ultimately in charge of his employees.**

**Chairwoman Maggie Hawk stated with a repeat violation she does not see how the fine can be reduced to zero.**

**Jay Crocker made a motion to find Mr. Grisell in violation and reduce the fine from \$3,900 to \$780 dollars; seconded by Carol Kerrigan. Motion carried unanimously on roll call vote 7-0.**

**CASE NO:** 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.

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

**Ms. Kunkle stated no permit has been issued and no one has contacted the staff and the subject property is still in violation.**

**Michael Slayton made a motion to impose the fine and authorize the City Attorney to record a lien on the property; seconded by John Shelby. Motion carried unanimously on roll call vote 7-0.**

**CASE NO:** C2004-0032D

Lee's Air Conditioning, Inc.  
4700 Maple Lane  
Edgewater, FL 32141

**Violation Location:** 527 Dora Street

- A. Permitting or causing to be permitted a structure to exist, which has not been maintained in a safe and sanitary condition in violation of §101.6 of the Standard Housing Code, 1997 Edition.

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

**Ms. Kunkle stated the City recommended continuing the case until the July 20<sup>th</sup>, 2004 Hearing since the owner has requested to appear before the Historic Preservation Commission and there is a 30-day advertising requirement.**

**Susan Ellis made a motion to continue the case until the July 20<sup>th</sup>, 2004 Hearing; seconded by John Shelby. Motion carried unanimously on roll call vote 7-0.**

**CASE NO:** CE2004-0141

Dianne Lynn  
536 Faulkner St.  
New Smyrna Beach, FL 32168

**Violation Location:** 536 Faulkner Street

- A. Permitting or causing to be permitted an accessory structure (shed) to be erected within the required side yard setback in violation of the R-4 Zoning District of the Land Development Regulations.

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

**Ms. Kunkle stated no one has contacted the staff and the subject property is still in violation.**

**Jay Crocker made a motion to impose the fine and authorize the City Attorney to record a lien on the property; seconded by John Shelby. Motion carried unanimously on roll call vote 7-0.**

**CASE NO:** CE2004-0184A      Carole S. LeBeau  
116 Lagoon Ct.  
New Smyrna Beach, FL 32169

**Violation Location:** 2310 S. Atlantic Avenue

- A. Permitting or causing to be permitted a structure to exist where the overhead span of open conductors does not have a vertical clearance of eight (8') feet or more above the surface of the roof in violation of §225-19. of the National Electrical code, 1996 Edition.

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

**Ms. Kunkle reported the subject property was in compliance.**

**Jay Crocker made a motion to find the subject property in compliance; seconded by John Shelby. Motion carried unanimously on roll call vote 7-0.**

**NEW BUSINESS:**

CE2004-0185D      Tony D. & Theresa Kelly  
1900 E. Gateway Drive  
New Smyrna Beach, FL 32168

**Violation Location:** 609 Dora Street

- A. Permitting or causing to be permitted a structure to exist that has not been maintained in a safe and sanitary condition in violation of §101.6 of the Standard Housing Code, 1997 Edition.

**Tony and Theresa Kelly were present and sworn for testimony.**

**Tony and Theresa Kelly stated they were in the process of getting a loan and working with a contractor and architect to renovate the property.**

**Ms. Kunkle stated the City recommended continuing the case until the July 20<sup>th</sup>, 2004 Hearing.**

**Michael Slayton made a motion to find the subject property in violation and continue the case until the July 20<sup>th</sup>, 2004 Hearing; seconded by John Shelby. Motion carried unanimously on roll call vote 7-0.**

**ADJOURNMENT:**

John Shelby made a motion to adjourn the meeting at 5:10 P.M.; seconded by Michael Slayton. 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