

SPECIAL MEETING  
MINUTES OF THE CITIZENS CODE ENFORCEMENT BOARD  
HEARING HELD AT 8:30 A.M.  
DECEMBER 1<sup>st</sup>, 2004  
CITY COMMISSION CHAMBERS, 210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA

The Hearing of December 1<sup>st</sup>, 2004 was called to order at 8:30 a.m. Answering to roll call:

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

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

**APPROVAL OF MINUTES**

None

**OLD BUSINESS:**

**CASE NO:** C2004-0649

Michael J. Reed  
909 Canal Street  
New Smyrna Beach, Fl 32168

Violation Location: 909 Canal Street

- A. Permitting or causing to be permitted dirt bike activities on the subject property.
- B. Permitting or causing to be permitted the construction of ramps and the creation of a dirt bike track upon the subject property.
- C. Permitting or causing to be permitted ramps in the required side yard.

At the hearing of the 17<sup>th</sup> day of November 2004 the Board entered an Order to continue the case until the 18<sup>th</sup> day of January 2005.

**Michael J. Reed and his Attorney Mark Hall were present for testimony.**

**Mr. Hall questioned the Boards authority to rehear this case since it had been continued until the 18<sup>th</sup> day of January 2005.**

**Ms. Kunkle explained to the Board that John Shelby, Vice Chairperson, asked Mr. Reed, at the November 17, 2004 hearing, if he was willing to not ride the bikes for the 60-day period if the Board was to continue the case until January 2005. Mr. Reed indicated that he was. Further, Ms. Kunkle explained to the Board that this was why the case had been brought back for additional consideration and to ask the Board to amend their original Order to include this stipulation.**

**Frank Gummey, City Attorney was asked to advise the Board of what could be done and whether or not their Order could be amended and Mr. Gummey advised the Board that they could add the stipulation, but only if Mr. Reed agreed to it.**

**Attorney Mark Hall explained to the Board that this is a Mixed Use Zoning district and that his client's ultimate use would be a bike theme bed and breakfast and that in his opinion, this was some-what of a novelty track, and no different than a miniature golf course you used to find at the mom and pop type motels years ago.**

**Conversation ensued between Mr. Hall and the Board regarding the use of the bikes.**

**Michael Slayton made a motion to continue the case until January 18, 2005 provided Mr. Reed would agree not to ride the bikes. Motion seconded by John Shelby. Mr. Reed and the City both agreed to the stipulation. Motion carried unanimously on roll call vote 6-0.**

**DISCUSSION:**

**ADJOURNMENT:**

**John Shelby made a motion to adjourn the meeting at 9:00 am; seconded by Michael Slayton.**

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:

Amy Thomas  
Administrative Specialist  
% City Hall  
210 Sams Avenue  
New Smyrna Beach, FL 32168-9985  
Telephone: 386.424.2265  
Fax: 386.424.2143