

1 TOWN OF PONCE INLET
2 **CODE ENFORCEMENT BOARD**
3 **HEARING MINUTES**
4 **January 27, 2020**

5
6 **1. CALL TO ORDER:** The meeting was called to order at 9:30 a.m. in the Council
7 Chambers, 4300 S. Atlantic Avenue, Ponce Inlet, Florida.

8
9 **2. PLEDGE OF ALLEGIANCE:** Mr. Villanella led the Pledge of Allegiance.

10
11 **3. ROLL CALL & DETERMINATION OF QUORUM:**

12 Board members present:

13 Mr. Hinson, Seat 1

14 Mr. Villanella, Chairman, Seat 2

15 Mr. Finch, Vice-Chairman, Seat 3

16 Mr. Michel, Seat 4

17 Ms. Cannon, Alternate 1

18 Ms. Bullock, Alternate 2

19
20 Board members absent:

21 Ms. DiCarlo, Seat 5

22
23 A quorum was established with six members present; Ms. DiCarlo was absent.

24
25 Staff present:

26 Mr. Cino, Code Board Attorney

27 Mr. Hooker, Code Compliance Manager

28 Ms. Hunt, Administrative Assistant

29 Mr. Smith, Town Attorney

30 Ms. Weiss, Permit Assistant

31
32 A. Oaths of Office: Attorney Cino administered the *Oaths* to Mr. Villanella, Ms.
33 Cannon, and Ms. Bullock.

34
35 B. Election of Chair and Vice-Chair - Mr. Hinson moved to nominate Joe Villanella
36 to serve as Chair and Pete Finch to serve as Vice-Chair; seconded by Mr. Michel. There were no
37 other nominations. The motion PASSED 5-0, consensus.

38
39 **4. ADOPTION OF THE AGENDA:**

40
41 Mr. Finch moved to adopt the agenda as presented; seconded by Mr. Villanella. The motion
42 PASSED 5-0, consensus.

43
44 **5. EX-PARTE COMMUNICATION:** Mr. Finch stated he had conversations with the
45 property owner in case 9-E. Attorney Cino confirmed that no conflicts exist.

47 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
48 *Oath* to witnesses.

49

50 **7. APPROVAL OF THE MINUTES:**

51 A. November 18, 2019 – Chairman Villanella asked if there were any changes; there
52 were none.

53

54 Mr. Hinson moved to approve the November 18, 2019 hearing minutes as presented; seconded by
55 Mr. Finch. The motion PASSED 5-0, with the following vote: Mr. Hinson yes; Mr. Villanella - yes;
56 Mr. Finch - yes; Mr. Michel - yes; Ms. Cannon - yes.

57

58 **8. OLD BUSINESS:**

59

60 A. Case #2019-659; property address: 4693 South Atlantic Avenue
61 Owner(s): William Kuczek (Living Trust)
62 Violation(s): Expired Building Permit
63

64 Mr. Hooker reviewed the history of the case and stated that the Board granted the owner(s) until
65 December 18th, 2019 to obtain a final inspection. He stated that as of today's date, no inspection
66 has been requested or performed, therefore the property is out of compliance a total of 41 days.
67 Mr. Villanella asked if there was anyone present to speak on this case; there was not.

68

69 Mr. Finch moved to find the property in non-compliance, impose a \$25 per day fine retroactive to
70 December 18, 2019 and assess the \$250 Administrative Fee; seconded by Mr. Michel. The motion
71 PASSED 5-0, with the following vote: Mr. Hinson yes; Mr. Villanella - yes; Mr. Finch - yes; Mr.
72 Michel - yes; Ms. Cannon - yes.

73

74 B. Case #2019-669; property address: 3 Kelly Bea Court
75 Owner(s): Larry & Kay Cotton
76 Violation(s): Expired Building Permit
77

78 Mr. Hooker reviewed the history of the case and stated that the Board continued this case to the
79 February hearing date. He stated that the State has been notified due to the contractor's lack of
80 actions and litigation is pending. He requested that this case be continued to the March 2020
81 hearing date. Mr. Villanella asked if there was anyone present to speak on this case; there was not.

82

83 The Board granted staff's request to continue this case to the March 2020 hearing date, 5-0 by
84 consensus.

85

86 **9. NEW BUSINESS:**

87

88 A. Case 2019-649; property address: 4687 South Atlantic Avenue
89 Owner(s): Thomas & Heather Patton
90 Alleged Violation(s): Expired permit(s)
91

92 Mr. Hooker provided testimony and evidence regarding an expired permit for earth
93 moving/grading. He confirmed that proper notice was conducted and that last week staff received
94 the requested engineering report and completed the final inspection. He stated the property was in
95 non-compliance but is now in compliance. Mr. Villanella asked if there was anyone present to

96 speak about this case. Shalesh Patel, Dredging & Marine Consultants (contractor), confirmed that
97 it provided the engineering report and requested the inspection, which did pass.
98

99 Mr. Villanella moved to find the property was in non-compliance, is now in compliance, to assess
100 the \$250 Administrative Fee; seconded by Ms. Cannon. The motion PASSED 5-0, with the
101 following vote: Mr. Hinson yes; Mr. Villanella - yes; Mr. Finch - yes; Mr. Michel - yes; Ms.
102 Cannon - yes.
103
104

- 105 B. Case 2019-647; property address: 4575 South Atlantic Avenue, #6510
106 Owner(s): Scott & Denise Carlson
107 Alleged Violation(s): Expired permit(s)
108

109 Mr. Hooker provided testimony and evidence including photos and documents depicting an
110 expired permit. He confirmed proper notice was conducted and that on January 8, 2020, an
111 inspection was successfully performed. Mr. Villanella asked if there was anyone present to speak
112 about this case; there was not.
113

114 Mr. Finch moved to find the property was in non-compliance, is now in compliance, and assessed
115 the \$250 Administrative Fee; seconded by Ms. Cannon. The motion PASSED 5-0 with the
116 following vote: Mr. Hinson yes; Mr. Villanella - yes; Mr. Finch - yes; Mr. Michel - yes; Ms.
117 Cannon - yes.
118

- 119 C. Case 2019-653 property address: 4818 South Peninsula Drive
120 Owner(s): Albert & Cyndee Jarrell
121 Alleged Violation(s): Work Without Approved Permit(s)
122

123 Mr. Hooker provided testimony and evidence including photos and documents depicting
124 modifications to a boat dock and lift without proper permits and without proper inspections. He
125 confirmed proper notice was conducted. He stated the contractor, Max Dock & Seawall (Dean
126 Maxwell) is supposed to be submitting the remaining permit paperwork within the next week,
127 according to the owners. Mr. Villanella asked if there was anyone present to speak about this case;
128 there was not.
129

130 Mr. Villanella moved to find the property in non-compliance, grant the owners ten days from
131 today's date to submit required permit application paperwork, assess the \$250 Administrative Fee,
132 and to bring this case back at the next meeting for adjudication; seconded by Mr. Michel. The
133 motion PASSED 5-0, with the following vote: Mr. Hinson yes; Mr. Villanella - yes; Mr. Finch -
134 yes; Mr. Michel - yes; Ms. Cannon - yes.
135

- 136 D. Case 2019-650 property address: 4791 South Atlantic Avenue, #7
137 Owner(s): Randall Wilkins
138 Alleged Violation(s): Expired Permit(s)
139

140 Mr. Hooker provided testimony and evidence including photos and documents depicting failed
141 inspections and an expired permit. He confirmed proper notice was conducted and that the owners
142 are present. Mr. Hooker noted that on January 9, 2020, a final inspection was performed and
143 passed, bringing the property into compliance. Mr. Villanella invited the Wilkins to address the
144 Board. Ms. Wilkins noted that this is in the Costa Blanca townhomes which was heavily damaged

145 by the hurricane and she has been struggling with contractors and the insurance company ever
146 since. She stated that she did not receive the first notice because she is temporarily relocated due
147 to the inhabitability of her home. She stated her belief that this is the responsibility of the general
148 contractor, Paul Scott Contracting.

149
150 Mr. Villanella moved to find the property was in non-compliance, is now in compliance, and to
151 waive the \$250 Administrative Fee; seconded by Mr. Michel. The motion PASSED 5-0, with the
152 following vote: Mr. Hinson yes; Mr. Villanella - yes; Mr. Finch - yes; Mr. Michel - yes; Ms.
153 Cannon - yes.

154
155 E. Case 2019-742 property address: 105 Rains Drive
156 Owner(s): Mark & Josephine Nichols
157 Alleged Violation(s): Expired Permit(s)

158
159 Mr. Hooker provided testimony and evidence regarding failed inspections and an expired permit.
160 He confirmed proper notice was conducted and that the owners requested an inspection on January
161 17, 2020, which failed due to the use of incorrect tie-down straps and no other inspection requests
162 have been received or performed. Mr. Finch stated that the plans call for “cables”, which the
163 owners had to special order; once they are installed, the Nichols will request another inspection.
164 Mr. Villanella asked if there was anyone present to speak about this case; there was not.

165
166 Mr. Finch moved to find the property in non-compliance, grant thirty days to bring the property
167 into compliance, and to assess the \$250 Administrative Fee; seconded by Ms. Cannon. The motion
168 PASSED 5-0, with the following vote: Mr. Hinson yes; Mr. Villanella - yes; Mr. Finch - yes; Mr.
169 Michel - yes; Ms. Cannon - yes.

170
171 F. Case 2019-772 property address: 4 Daggett Circle
172 Owner(s): Reinvent Buildings, LLC
173 Alleged Violation(s): Work Without Permit(s)/Violation of Stop Work Order

174
175 Mr. Hooker provided testimony and evidence regarding renovations and other work being
176 performed without proper permits; and a violation of the subsequent Stop Work Order (SWO). He
177 confirmed proper notice was conducted. Mr. Hooker stated the Building Official posted a Stop
178 Work Order on December 19, 2019, and contractors were on site again on December 20, 2019. He
179 noted that later on the 20th of December, applications were submitted; and that the owners
180 requested an inspection on January 23, 2020, which failed. He added that no other inspection
181 requests have been received or performed. Mr. Villanella asked if there was anyone present to
182 speak about this case; Shawn Tennefoss, Reinvent representative, stated his crews were on site to
183 remediate mold issues; there was an active roof permit, and the only workers who were on site
184 after the SWO was posted were there to put “mud” on the walls. Mr. Hooker confirmed for the
185 Board that a Stop Work Order means “no work on site”.

186
187 Mr. Finch moved to find the property in non-compliance, grant thirty days to bring the property
188 into compliance, and to assess the \$250 Administrative Fee; seconded by Ms. Cannon. The motion
189 PASSED 5-0, with the following vote: Mr. Hinson yes; Mr. Villanella - yes; Mr. Finch - yes; Mr.
190 Michel - yes; Ms. Cannon - yes.

191
192 **10. ATTORNEY DISCUSSION:**

193 A. Annual Sunshine Law, Quasi-Judicial, and Ethics training – Attorney Cino
194 reviewed the training materials.

195
196 **11. BOARD/STAFF DISCUSSION –**

197 A. 2020 Hearing Dates: Board members discussed the proposed dates.

198
199 Mr. Finch moved to reschedule the November 23, 2020 hearing date to November 16, 2020 and to
200 cancel the December 28, 2020 hearing date; seconded by Ms. Cannon. The motion PASSED, 5-0
201 consensus.

202
203 B. Lis Pendens: Mr. Hooker asked if the Board wished to be advised if a property with
204 a Town-imposed Code Enforcement Lien had a *Lis pendens* filed on it.

205
206 Board agreed by consensus to request staff provide this information when applicable.

207
208 C. Volusia/Flagler Association of Code Enforcement: Mr. Hooker reported that the
209 next meeting of the VFACE is Wednesday, April 22nd in Daytona Beach and the topic of
210 “hoarding” will be discussed. He stated that he will provide meeting information as it gets closer.

211
212 Mr. Michel asked if anyone had seen the damage done to the Mangroves next to the Wilbur
213 Boathouse and asked if the location was within the Town’s jurisdiction. Mr. Hooker stated it is
214 unincorporated Volusia County, and that the contractor and homeowner had been reported to the
215 State.

216
217 **13. ADJOURNMENT:** The hearing was adjourned at 10:42 AM.

218
219 Respectfully submitted by,

220
221 Peg Hunt

222 Peg Hunt, Board Secretary