

1 TOWN OF PONCE INLET
2 **CODE ENFORCEMENT BOARD**
3 **HEARING MINUTES**
4 **February 24, 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. DiCarlo, Seat 5

18 Ms. Cannon, Alternate 1

19 Ms. Bullock, Alternate 2

20
21 Board members absent:

22 None

23
24 A quorum was established with seven members present.

25
26 Staff present:

27 Mr. Cino, Code Board Attorney

28 Mr. Hooker, Code Compliance Manager

29 Ms. Hunt, Administrative Assistant

30 Mr. Smith, Town Attorney

31
32 A. Oath of Office: Attorney Cino administered the *Oath* to Ms. DiCarlo.

33
34 **4. ADOPTION OF THE AGENDA:**

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36 Ms. DiCarlo moved to adopt the agenda as presented; seconded by Mr. Hinson. The motion
37 PASSED 5-0, consensus.

38
39 **5. EX-PARTE COMMUNICATION:** None.

40
41 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
42 *Oath* to witnesses.

43
44 **7. APPROVAL OF THE MINUTES:**

45 A. January 27, 2020 – Chairman Villanella asked if there were any changes; there were
46 none.

48 Mr. Hinson moved to approve the January 27, 2020 hearing minutes as presented; seconded by
49 Mr. Finch. The motion PASSED 5-0, with the following vote: Mr. Hinson yes; Mr. Villanella - yes;
50 Mr. Finch - yes; Mr. Michel - yes; Ms. DiCarlo - yes.

51

52 **8. OLD BUSINESS:**

53

- 54 A. Case #2019-669; property address: 3 Kelly Bea Court
55 Owner(s): Larry & Kay Cotton
56 Violation(s): Expired Building Permit

57

58 Mr. Hooker reviewed the history of the case and stated that roof has been inspected and passed;
59 the contractor has been fined by the State, and the property is now in compliance. Mr. Villanella
60 asked if anyone was present to speak on this case; there was not.

61

62 Ms. DiCarlo moved to find the property in compliance and dismiss the case; seconded by Mr.
63 Michel. The motion PASSED 5-0, with the following vote: Mr. Hinson yes; Mr. Villanella - yes;
64 Mr. Finch - yes; Mr. Michel - yes; Ms. DiCarlo - yes.

65

- 66 B. Case #2019-653; property address: 4818 South Peninsula Drive
67 Owner(s): Albert & Cyndee Jarrell
68 Violation(s): Expired Building Permit

69

70 Mr. Hooker stated that a permit application has been submitted and is under staff review; he
71 requested this case be continued to the March 23rd hearing date. Mr. Villanella asked if there was
72 anyone present to speak on this case; there was not.

73

74 Mr. Finch moved to continue this case to the March 23, 2020 hearing date; seconded by Ms.
75 DiCarlo. The motion PASSED, 5-0 with the following vote: Mr. Hinson yes; Mr. Villanella - yes;
76 Mr. Finch - yes; Mr. Michel - yes; Ms. DiCarlo - yes.

77

- 78 C. Case #2019-436; property address: 70 Rains Court
79 Owner(s): Thomas & Janet McSharry
80 Violation(s): Work without permit

81

82 Mr. Hooker reviewed the history and noted that the wall and landscaping has been removed, and
83 the property is now in compliance. Mr. Villanella asked if there was anyone present to speak on
84 this case; there was not.

85

86 Mr. Finch moved to find the property was in non-compliance, is now in compliance, and dismiss
87 the case; seconded by Mrs. DiCarlo. The motion PASSED 5-0, with the following vote: Mr. Hinson
88 yes; Mr. Villanella - yes; Mr. Finch - yes; Mr. Michel - yes; Ms. DiCarlo - yes.

89

90 **9. NEW BUSINESS:**

91

- 92 A. Case 2019-773; property address: 4870 South Peninsula Drive
93 Owner(s): Nancy Nashed
94 Alleged Violation(s): Work without permit(s)
95 *REPEAT VIOLATION

96

97 Mr. Hooker provided testimony and evidence regarding a shed that was installed without permits
98 and within the setback area; and installation of a tent-type structure with no permits or inspections.
99 He stated that this owner is a repeat violator. Mr. Villanella asked if there was anyone present to
100 speak about this case. Colleen Miles, speaking on behalf of the owners, stated that the shed is a 36
101 square-foot Rubbermaid® prefab shed and has been relocated. She stated the owners did not know
102 that a permit was necessary as they are new to the country. She stated there are no utilities
103 connected to the shed; and the “tent-type” structure is actually an inflatable playhouse for the
104 children and is not intended to be a permanent structure. She added that the shed was moved after
105 the owners received notification from the Town and that she will be submitting permit paperwork
106 within the week. Mr. Hooker clarified that the husband is relatively new to the country, but Ms.
107 Nashed has been a Ponce Inlet resident for many years. He confirmed that the shed has been
108 relocated but requires tie-down cables and must be inspected. He reiterated that this is a repeat
109 violation and requested a fine of \$100 per day, retroactive to January 21st since the property is still
110 in non-compliance.

111
112 *Ms. DiCarlo moved to find the property in non-compliance, impose a \$100 per day fine retroactive*
113 *to January 21, 2020 and continuing until brought into compliance; Mr. Villanella seconded and*
114 *amended the motion to assess the \$250 Administrative Fee. Mr. Finch stated he was not*
115 *comfortable with a \$100 per day fine.*

116
117 *Mr. Finch moved to find the property in non-compliance, impose a \$50 per day fine, and assess*
118 *the \$250 Administrative Fee; seconded by Mrs. DiCarlo. Board discussion followed regarding the*
119 *daily fine; and noted that this is a repeat violation. Mr. Michel amended the motion to \$25 per day*
120 *fine, assess the \$250 Administrative Fee, and grant owners 30 days to bring property into*
121 *compliance; there was no second to this motion.*

122
123 *Mr. Finch restated his motion to find the property in non-compliance, impose a \$50 per day fine,*
124 *and assess the \$250 Administrative Fee; seconded by Mrs. DiCarlo. The motion PASSED 3-2, with*
125 *the following vote: Mr. Hinson - no; Mr. Villanella - yes; Mr. Finch - yes; Mr. Michel - no; Ms.*
126 *DiCarlo - yes.*

127
128 **10. ATTORNEY DISCUSSION:**
129 A. Circuit Court, 6th Judicial Court: Kenneth Brown v Pinellas County, FL – Attorney
130 Cino reviewed the case; there were no questions.

131
132 **11. BOARD/STAFF DISCUSSION –**
133 A. Mr. Hooker noted the next hearing date is March 23, 2020. Mr. Hinson asked board
134 members to lean-in to the microphones when speaking as it is difficult to hear what is being said.

135
136 **13. ADJOURNMENT:** The hearing was adjourned at 10:01 AM.

137
138 Respectfully submitted by,
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140 _____
141 Peg Hunt, Board Secretary