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TOWN OF PONCE INLET
CODE ENFORCEMENT BOARD
HEARING MINUTES
July 27, 2020

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

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

3. ROLL CALL & DETERMINATION OF QUORUM:

A quorum was established with the following members present:

Mr. Hinson, Seat 1

Mr. Villanella, Chairman, Seat 2

Mr. Finch, Vice-Chairman, Seat 3

Mr. Michel, Seat 4

Ms. Cannon, Seat 5

Ms. Bullock, Alternate 1

There were no absences.

Staff present:

Mr. Cino, Code Board Attorney

Ms. Frazier, Senior Planner

Ms. Dean, Acting Board Secretary

Mr. Hooker, Code Compliance Manager

Ms. Hugler, Administrative Assistant

Mr. Smith, Town Attorney

Attorney Cino read into the record Governor DeSantis' *Executive Order 20-69* regarding physical presence requirements and quorums for meetings during the pandemic.

A. Oath of Office: Attorney Cino administered the *Oath of Office* to Ms. Cannon.

4. ADOPTION OF THE AGENDA: Chairman Villanella asked if there were any changes to the agenda; there were none.

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

5. EX-PARTE COMMUNICATION: None.

6. ADMINISTERING THE OATH TO WITNESSES: Attorney Cino administered the *Oath* to witnesses who were present to testify.

7. APPROVAL OF THE MINUTES:

47 A. February 24, 2020 – Chairman Villanella asked if there were any changes; there
48 were none.

49
50 Vice-Chair Finch moved to approve the February 24, 2020 hearing minutes as presented;
51 seconded by Mr. Hinson. The motion PASSED 5-0, with the following vote: Mr. Finch - yes; Mr.
52 Hinson yes; Mr. Villanella - yes; Mr. Michel - yes; Ms. Cannon - yes.

53
54 **8. OLD BUSINESS:**

55
56 A. Case #2019-773; property address: 4870 S. Peninsula Drive Court
57 Owner(s): Nancy Nashed
58 Violation(s): Expired Building Permit(s) - REPEAT VIOLATION
59

60 Mr. Hooker reviewed the history of the case and stated that the property was brought into
61 compliance on March 4, 2020 and incurred total fines of \$2,450. He stated that the Council denied
62 a request to abate/reduce the fine at its May 3, 2020 meeting. Mr. Villanella asked if anyone was
63 present to speak on this case; there was not.

64
65 Chairman Villanella moved to find the property in compliance and imposed the lien amount of
66 \$2,450; seconded by Mr. Michel. The motion PASSED 5-0, with the following vote: Mr. Hinson
67 yes; Mr. Villanella - yes; Mr. Finch - yes; Mr. Michel - yes; Ms. Cannon - yes.

68
69 B. Case #2019-653; property address: 4818 South Peninsula Drive
70 Owner(s): Albert & Cyndee Jarrell
71 Violation(s): Expired Building Permit
72

73 Mr. Hooker reviewed the history of the case and stated that the owners have requested thirty days
74 to bring the property into compliance. Mr. Villanella asked if there was anyone present to speak
75 on this case; there was not.

76
77 Mr. Michel moved to continue this case thirty days to the August 24, 2020 hearing date; seconded
78 by Ms. Cannon. The motion PASSED, 5-0 with the following vote: Mr. Hinson yes; Mr. Villanella
79 - yes; Mr. Finch - yes; Mr. Michel - yes; Ms. Cannon - yes.

80
81 **9. NEW BUSINESS:**

82
83 A. Case 2020-214; property address: 107 Rains Drive
84 Owner(s): Gregory Perpetua and Vic Spanos
85 Alleged Violation(s): Property maintenance issues related to lot or dwelling and
86 requirement of connection to sewer system
87

88 Mr. Hooker provided testimony and evidence regarding high grass, the dilapidated fence, and
89 failure to connect to the sanitary sewer system violations. Mr. Villanella asked if there was anyone
90 present to speak about this case. Gregory Perpetua, 10 Indian Springs Circle, Ormond Beach stated
91 the fence will be repaired in the next few days; all permits have been applied for, and a plumber
92 has been contacted to connect to the sewer. Mr. Michel asked how long it will take to repair the
93 fence. Mr. Perpetua stated within a few days at the most. Mr. Hooker noted that the fence can be
94 entirely removed or repaired; and noted that the sewer connection has not been done but the permit

95 has been issued. He asked that the property be found in non-compliance, set a compliance date,
96 and to assess the \$250 Administrative Fee.

97
98 Mr. Finch moved to find the property in non-compliance, grant owners seven days to fix the fence,
99 to report sewer connection status at the next meeting, and assess the \$250 Administrative Fee;
100 seconded by Mr. Hinson. The motion PASSED 5-0, with the following vote: Mr. Hinson - yes; Mr.
101 Villanella - yes; Mr. Finch - yes; Mr. Michel - yes; Ms. Cannon - yes.

102
103 B. Case 2020-243; property address: 107 Rains Drive
104 Owner(s): Gregory Perpetua and Vic Spanos
105 Alleged Violation(s): Work without permits or inspection approvals
106 REPEAT VIOLATION

107
108 Mr. Hooker provided testimony and evidence of bathroom remodeling work without permits. Mr.
109 Villanella asked if there was anyone present to speak about this case. Gregory Perpetua, 10 Indian
110 Springs Circle, Ormond Beach stated they did not realize they needed a permit for flooring,
111 painting or tiling. He stated that the permit applications have been submitted and the permit fees
112 have been paid. Mr. Hooker noted that there was ten days of non-compliance and asked for the
113 imposition of a fine for the ten days, and to assess the \$250 Administrative Fee.

114
115 Mr. Finch moved to find the property was in non-compliance, is now in compliance, to impose a
116 \$50 per day fine for the ten days and assess the \$250 Administrative Fee; seconded by Ms. Cannon.
117 The motion PASSED 5-0, with the following vote: Mr. Hinson - yes; Mr. Villanella - yes; Mr. Finch
118 - yes; Mr. Michel - yes; Ms. Cannon - yes.

119
120 C. Case 2020-080; property address: 132 Anchor Drive
121 Owner(s): Confidential
122 Alleged Violation(s): Work without permits or inspection approvals

123
124 Mr. Hooker provided testimony and evidence of the installation of a shed without securing proper
125 permits. He noted that on July 2nd staff confirmed the shed had been removed and requested the
126 property be found it was in non-compliance, is now in compliance, and to assess the \$250
127 Administrative Fee. Mr. Villanella asked if there was anyone present to speak about this case.
128 Confidential owner, 132 Anchor Drive stated that they were unaware they needed a permit and
129 after speaking with the building department, realized it was not going to be cost effective and
130 removed the shed. Mr. Finch asked how much time the town spent on this case. Mr. Hooker stated
131 it started in March and went into July.

132
133 Mr. Finch moved to find the property was in non-compliance, is now in compliance, to assess the
134 \$250 Administrative Fee and dismiss the case; seconded by Mr. Michel. The motion PASSED 5-0,
135 with the following vote: Mr. Hinson - yes; Mr. Villanella - yes; Mr. Finch - yes; Mr. Michel - yes;
136 Ms. Cannon - yes.

137
138 D. Case 2020-127; property address: 4545 S. Atlantic Avenue, #3301
139 Owner(s): Ward & Margaret Cole
140 Alleged Violation(s): Advertisement of rental property without rental permit

141
142 Mr. Hooker provided testimony and evidence of the advertisement of this property for rent without
143 the owners securing a rental permit. He explained that a permit is required for any property being

144 offered for rent or lease, regardless of whether or not it is actually rented or leased. He noted that
145 on July 1st, the owners obtained a rental permit. He requested the property be found it was in non-
146 compliance, is now in compliance, and to assess the \$250 Administrative Fee. Mr. Villanella asked
147 if there was anyone present to speak about this case; there was not.

148
149 Mr. Villanella moved to find the property was in non-compliance, is now in compliance, and to
150 assess the \$250 Administrative Fee; seconded by Ms. Cannon. The motion PASSED 5-0, with the
151 following vote: Mr. Hinson - yes; Mr. Villanella - yes; Mr. Finch - yes; Mr. Michel - yes; Ms.
152 Cannon - yes.

153
154 E. Case 2020-134; property address: 4738 Dixie Drive
155 Owner(s): Brett Marks
156 Alleged Violation(s): Advertisement of rental property without rental permit
157

158 Mr. Hooker provided testimony and evidence of the advertisement of this property for rent without
159 the owners securing a rental permit. He stated that the owner has not communicated with staff nor
160 obtained a permit; staff requests granting ten days for owner to obtain a permit, finding owner in
161 non-compliance, and to bring this case back at the next hearing for adjudication. Mr. Villanella
162 asked if there was anyone present to speak about this case; there was not.

163
164 Mr. Finch moved to find the property was in non-compliance and to assess the \$250 Administrative
165 Fee and bring the case back at next meeting for adjudication; seconded by Mr. Michel. The motion
166 PASSED 5-0, with the following vote: Mr. Hinson - yes; Mr. Villanella - yes; Mr. Finch - yes; Mr.
167 Michel - yes; Ms. Cannon - yes.

168
169 **10. ATTORNEY DISCUSSION:**
170 A. Servicemembers Civil Relief & Quasi-Judicial Proceedings: Legal Issue Paper by
171 Todd Hoagland, City of Cape Coral – Attorney Cino reviewed the information.
172

173 **11. BOARD/STAFF DISCUSSION –**
174 A. Mr. Hooker disseminated the 2020 edition of the Florida Commission on Ethic
175 pamphlets; he reviewed news and upcoming events of the Volusia/Flagler Association of Code
176 Enforcement. He suggested he may hold future virtual events such as “Coffee with Code
177 Enforcement” wherein residents can call in and ask questions.
178

179 **13. ADJOURNMENT:** The hearing was adjourned at 10:28 AM.
180

181 Respectfully submitted by,
182
183 _____
184 Peg Hunt, Board Secretary