



**Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
January 23, 2023**

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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.

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9 **2. PLEDGE OF ALLEGIANCE:** Led by Chairman Finch.

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

12 **Board Members Present:**

13 Ms. Richards, Seat #1

14 Mr. VanValkenburgh, Seat #2

15 Mr. Finch, Seat #3

16 Mr. Michel, Seat #4

17 Ms. Cannon, Seat #5

18 Mr. Fuess, Alternate Seat #1

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20 A quorum was established with six members present.

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22 A. Oaths of Office: Attorney Smith administered the Oaths to Mr. VanValkenburgh,
23 Ms. Cannon, and Mr. Fuess.

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25 B. Election of Chair: Ms. Cannon moved to nominate Mr. Finch to serve as Chair;
26 seconded by Ms. Richards. There were no other nominations. The motion PASSED 5-0, with the
27 following vote: Ms. Richards – yes; Mr. VanValkenburgh – yes; Mr. Finch – yes; Mr. Michel –
28 yes; Ms. Cannon - yes.

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30 C. Election of Vice-Chair: Ms. Richards nominated Mr. Michel to serve as Vice-
31 Chair; the motion FAILED for a lack of a second. Chairman Finch nominated Ms. Cannon to
32 serve as Vice-Chair; seconded by Ms. Richards. There were no other nominations. The motion
33 PASSED 5-0, with the following vote: Ms. Richards – yes; Mr. VanValkenburgh – yes; Chairman
34 Finch – yes; Mr. Michel – yes; Ms. Cannon - yes.

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36 **Staff Members Present:**

37 Attorney Pascucci (for Attorney Cino), Code Board Attorney

38 Mr. Hooker, Code Compliance Manager

39 Ms. Hunt, Deputy Clerk

40 Attorney Smith, Town Attorney

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42 **4. ADOPTION OF THE AGENDA:** The agenda was adopted as presented; 5-0, consensus.

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44 **5. DISCLOSURE OF EX-PARTE COMMUNICATION:** None disclosed.

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46 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Pascucci administered the
47 *Oath.*

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7. APPROVAL OF THE MINUTES:

A. September 26, 2022 – Vice-Chair Cannon moved to approve the September 26, 2022 hearing minutes as presented; seconded by Ms. Richards. The motion PASSED by consensus, 5-0.

8. OLD BUSINESS: None.

9. NEW BUSINESS:

**A. Case # 2022-692; Property Address: 4601 South Atlantic Ave., #202
Owner(s): William & Ilana Westerman
Alleged Violation(s): Expired Rental Permit**

Mr. Hooker provided evidence and testimony that after numerous attempts to reach the property owners, they have still not renewed their rental permit nor clarified if it is no longer available for rent. This property has been a rental property since 2018. Mr. Hooker confirmed that the property is listed with a Management Company but as of today’s date, there has been no communication from the owners. Chairman Finch asked if there was anyone present to speak on this case; there was not.

Ms. Richards moved to find the property in Non-Compliance, granted the owners 14 days (until February 5th) to bring property into compliance, and assessed the \$250 Administrative Fee and bring back during the February 27th meeting if not in compliance; seconded by Mr. Michel. The motion PASSED 5-0, with the following vote: Ms. Richards – yes; Mr. VanValkenburgh - yes; Chairman Finch - yes; Mr. Michel - yes; Vice-Chair Cannon – yes.

**B. Case #2022-697; Property Address: 4495 South Atlantic Avenue, #206
Owners: Maria & Timothy Speller
Alleged Violation(s): Expired Rental Permit**

Mr. Hooker provided testimony and evidence of ownership and notification attempts to reach the property owners. There has been no communication from the owners regarding their rental permit nor clarified if it is no longer being offered for rent. This property is listed with a Management Company. Chairman Finch asked if there was anyone present to speak on this case; there was not.

Vice-Chair Cannon moved to find the property in Non-Compliance, granted the owners 14 days (until February 5th) to bring property into compliance, and assessed the \$250 Administrative Fee and bring back during the February 27th meeting if not in compliance; seconded by Ms. Richards. The motion PASSED 5-0, with the following vote: Ms. Richards – yes; Mr. VanValkenburgh - yes; Chairman Finch - yes; Mr. Michel - yes; Vice-Chair Cannon – yes.

**C. Case #2022-772; Property Address: 4786 South Atlantic Avenue, A-3
Owners: Luis & Damaris Delgado
Alleged Violation(s): Expired Rental Permit**

Mr. Hooker provided testimony and evidence of ownership and notification attempts to reach the property owners. There has been no communication from the owners regarding their rental permit nor clarified if it is no longer being offered for rent. Staff confirmed this property is not listed with

97 a Management Company. Chairman Finch asked if there was anyone present to speak on this case;
98 there was not. Chairman Finch asked why there was a difference in the dates of compliance noted
99 on the Notices of Violation as compared to the first two cases. Mr. Hooker explained that more
100 than 110 violation notices were issued and staff did not want to put all those cases on the same
101 agenda. Chairman Finch then asked if the ordinance does not require the owner to notify the Town
102 if they are not going to rent, correct? Mr. Hooker stated there is no provision in the ordinance,
103 however, the renewal notices and notification letters clearly outline the process; adding that this
104 property has been rented out for the past three years. Mr. Fuess noted that the Notice of Violation
105 was signed for at the violation property and do we know who that was? Mr. Hooker stated no, and
106 confirmed that notices are mailed in compliance with State statute and the signature shows that
107 this notice was personally received. Mr. Michel asked if checking on these types of cases falls
108 under the scope of work for Mr. Mincey? Mr. Hooker stated yes, and the workload has increased
109 significantly. Mr. VanValkenburgh asked if staff can inquire of the resident(s) to clarify if they are
110 renters; Mr. Hooker stated yes if personal contact is made.

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112 Ms. Richards moved to find the property in Non-Compliance, granted the owners 14 days (until
113 February 5th) to bring the property into compliance, and bring back during the February 27th
114 meeting if not in compliance, and assessed the \$250 Administrative Fee; seconded by Mr. Michel.
115 The motion PASSED 5-0, with the following vote: Ms. Richards – yes; Mr. VanValkenburgh - yes;
116 Chairman Finch - yes; Mr. Michel - yes; Vice-Chair Cannon – yes.

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118 **D. Case #2023-005; Property Address: 92 Buschman Drive**
119 **Owners: Jerry Phillips**
120 **Alleged Violation(s): Light Trespass**
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122 Mr. Hooker provided testimony and evidence of ownership and notification attempts to reach the
123 property owners. He stated that this is the second time that the property owner has been notified
124 of the violation of the light trespass ordinance due to the carriage light and flood light. The
125 respondent made “corrections” by removing the light or by keeping it off but the property is not in
126 compliance with the light trespass ordinance. Mr. Hooker noted that the Notices of Violation were
127 signed by a resident at the property and also at the PO Box in Port Orange. The spotlight was
128 removed over the weekend but the carriage light is still in violation. Chairman Finch asked if there
129 was anyone present to speak on this case. David Israel, 87 Calumet Avenue provided testimony
130 that this has been an on-going issue for more than a year and the light continues to shine into his
131 bedroom and rear yard. He noted that he has spoken with the owners in the past but they have not
132 responded to his repeated requests; the spotlight was recently removed, but the carriage light
133 continues to shine into his bedroom and rear yard. Jim Volz, 89 Calumet Avenue stated that this
134 is overkill, it is a B&B, and the lights are on all night. Mr. Michel asked if this property is zoned
135 for a B&B? Mr. Hooker clarified that it is a single-family residence with a main unit and a mother-
136 in-law suite; both units are covered under one rental permit.

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138 Mr. Michel moved to find the property in Non-Compliance, grant the owners 14 days (until
139 February 5th) to bring the property into compliance, assess the \$250 Administrative Fee, and bring
140 back to the February 27th meeting if not in compliance; seconded by Ms. Cannon. The motion
141 PASSED 5-0, with the following vote: Ms. Richards – yes; Mr. VanValkenburgh - yes; Chairman
142 Finch - yes; Mr. Michel - yes; Vice-Chair Cannon – yes.

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144 **E. Annual Boardmember Sunshine Law, Public Records, Quasi-Judicial**
145 **procedures, and Ethics Training** – Mr. Hooker stated that Attorney Cino has requested that the

146 training be postponed until he returns; there were no objections. Mr. Hooker asked that board
147 members bring the training materials with them to the February meeting.

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149 **10. ATTORNEY DISCUSSION:** None.

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151 **11. BOARD/STAFF DISCUSSION:** Chairman Finch clarified that the \$250 Administrative
152 Fee is a *fee* – not a fine, and wanted to make sure members were aware of that. Mr. Hooker
153 reviewed the Code Enforcement Activity for the calendar year 2022: 227 rental permit violations,
154 161 recreational vehicle violations, 155 work without permits, right-of-way and watering
155 violations; and two repeat violations. Since 2017, there has been a steady increase in compliance
156 rates; there has been a total of \$52,000 in liens placed against properties due to non-compliance.
157 Attorney Smith noted that although Code Enforcement staff does the lion share of work in getting
158 compliance, the Board should also take credit for its efficient handling of each case. Ms. Richards
159 asked if the Town forecloses on properties, Mr. Hooker stated yes, but the foreclosure process is a
160 lengthy and costly process and should only be used as a last resort. Mr. Fuess commended staff
161 for resolving many of the cases and stated it is a testament to the amount of work that is done
162 behind the scenes to attain compliance.

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164 **12. ADJOURNMENT:** The hearing was adjourned at 10:27 a.m.

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166 Respectfully submitted by,

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168 Peg Hunt

169 Peg Hunt

170 CMC/Deputy Clerk