



**Town of Ponce Inlet  
Code Enforcement Board  
Meeting Minutes  
February 27, 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.

10  
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

19  
20 A quorum was established with six members present.

21  
22 **Staff Members Present:**

23 Attorney Brackins, Town Attorney

24 Attorney Cino, Code Board Attorney

25 Mr. Hooker, Code Compliance Manager

26 Ms. Hunt, Deputy Clerk

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28 **4. ADOPTION OF THE AGENDA:** Chairman Finch moved to adopt the agenda as  
29 presented; seconded by Ms. Richards. The motion PASSED 5-0, consensus.

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

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33 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Pascucci administered the  
34 *Oath.*

35  
36 **7. APPROVAL OF THE MINUTES:**

37 **A. January 23, 2023** – Chairman Finch requested “Finch” be replaced with “Cannon”  
38 on line 84; and the word “line” be replaced with the word “lion” on line 157; there were no other  
39 changes.

40  
41 Chairperson Finch moved to approve the January 23, 2023 hearing minutes as amended;  
42 seconded by Mr. Michel. The motion PASSED 5-0, consensus.

43  
44 **8. OLD BUSINESS:**

45 **A. Case # 2022-692; Property Address: 4601 South Atlantic Ave., #202**

46 **Owner(s): William & Ilana Westerman**

47 **Violation(s): Expired Rental Permit**

48  
49 Mr. Hooker reported that the property has been brought into compliance. Chairman Finch asked if  
50 there was anyone present to speak on this case; there was not.

51  
52 Vice-Chair Cannon moved to find the property was in Non-Compliance, is now In Compliance,  
53 reiterated the \$250 Administrative Fee and dismissed the case; seconded by Ms. Richards. The  
54 motion PASSED 5-0, with the following vote: Ms. Richards – yes; Mr. VanValkenburgh - yes;  
55 Chairman Finch - yes; Mr. Michel - yes; Vice-Chair Cannon – yes.

56  
57 **B. Case #2022-697; Property Address: 4495 South Atlantic Avenue, #206**  
58 **Owners: Maria & Timothy Speller**  
59 **Violation(s): Expired Rental Permit**  
60

61 Mr. Hooker reported that the property remains in Non-Compliance and requested imposition of  
62 fines. Chairman Finch asked if there was anyone present to speak on this case; there was not.

63  
64 Ms. Richards moved to find the property remains in Non-Compliance, imposed a fine of \$50 per  
65 day retroactive to February 5<sup>th</sup>, 2023 and to continue accruing daily fines until property is brought  
66 into compliance, and reiterated \$250 Administrative Fee; seconded by Vice-Chair Cannon. The  
67 motion PASSED 5-0, with the following vote: Ms. Richards – yes; Mr. VanValkenburgh - yes;  
68 Chairman Finch - yes; Mr. Michel - yes; Vice-Chair Cannon – yes.

69  
70 **C. Case #2022-772; Property Address: 4786 South Atlantic Avenue, A-3**  
71 **Owners: Luis & Damaris Delgado**  
72 **Violation(s): Expired Rental Permit – ORDER RESCINDED**  
73

74 Mr. Hooker provided testimony and evidence that the property was actually In Compliance prior  
75 to the previous hearing date and therefore requested the Board issue an Order of Compliance and  
76 Rescind all fees associated with this case. Chairman Finch asked if there was anyone present to  
77 speak on this case; there was not.

78  
79 Vice-Chair Cannon moved to find was in Compliance prior to the compliance date and rescinded  
80 the \$250 Administrative Fee and associated Fines; seconded by Mr. Michel. The motion PASSED  
81 5-0, with the following vote: Ms. Richards – yes; Mr. VanValkenburgh - yes; Chairman Finch -  
82 yes; Mr. Michel - yes; Vice-Chair Cannon – yes.

83  
84 **D. Case #2023-005; Property Address: 92 Buschman Drive**  
85 **Owners: Jerry Phillips**  
86 **Violation(s): Light Trespass**  
87

88 Mr. Hooker reported that the property was brought into compliance on February 10<sup>th</sup>, 2023 which  
89 was six days after the Board’s compliance Order date; he showed photos of the carriage light  
90 wrapped in duct tape to reduce the glare and force the light downward; and noted that staff has  
91 been denied repeated requests to access the property. Chairman Finch asked if there was anyone  
92 present to speak on this case. David Israel, 87 Calumet Avenue provided testimony that this has  
93 been an on-going issue for more than a year and he requests the owners be fined for the past year.

94  
95 Chairman Finch moved to find the property was in Non-Compliance and in violation of the  
96 Board’s Order dated January 23, 2023 for six days and imposed a \$100 per day fine for those six

97 days, the property is now In-Compliance, reiterated the \$250 Administrative Fee, and dismissed  
98 the case; seconded by Vice-Chair Cannon. The motion PASSED 5-0, with the following vote: Ms.  
99 Richards – yes; Mr. VanValkenburgh - yes; Chairman Finch - yes; Mr. Michel - yes; Vice-Chair  
100 Cannon – yes.

101  
102 **9. NEW BUSINESS:**

- 103  
104 **A. Case # 2022-758; Property Address: 4505 South Atlantic Ave., #703**  
105 **Owner(s): Doris & Jerry Clark**  
106 **Alleged Violation(s): Expired Rental Permit**  
107

108 Mr. Hooker provided evidence and testimony that the property owners have not renewed their  
109 rental permit nor clarified if it is being offered for rent. This property has been a rental property  
110 since 2017. Mr. Hooker confirmed that there has been no contact with the property owners, that  
111 the property is under the management of a company, which refuses to provide staff with the rental  
112 information. Chairman Finch asked if there was anyone present to speak on this case; there was  
113 not.

114  
115 Chairman Finch moved to find the property in Non-Compliance, granted the owners 14 days (on  
116 or before March 13<sup>th</sup>) to bring the property into compliance, assessed the \$250 Administrative Fee  
117 and to bring the case back to the next hearing if not in compliance for further adjudication;  
118 seconded by Mr. Michel. The motion PASSED 5-0, with the following vote: Ms. Richards – yes;  
119 Mr. VanValkenburgh - yes; Chairman Finch - yes; Mr. Michel - yes; Vice-Chair Cannon – yes.

120  
121 **B. Annual Boardmember Training** – Attorney Cino reviewed Disclosure of Ex-  
122 Parte Communication; FL Sunshine Law; Public Records; Quasi-Judicial hearings; and Conflicts  
123 of Interest. Attorney Brackins reminded members that they cannot speak to each other about any  
124 cases that have come before the board or may come back to the board. He stated that if there is  
125 ever any doubt – then don't do it.

126  
127 **10. ATTORNEY DISCUSSION:** None.

128  
129 **11. BOARD/STAFF DISCUSSION:** Chairman Finch noted that Joe Villanella,  
130 Councilmember Seat #5 was present at today's meeting and thanked Mr. Villanella for his many  
131 years of service on the Code Enforcement Board, including ten as its Chairman. Councilmember  
132 Villanella thanked the members for their good work and staff for their support over the years. Mr.  
133 Hooker introduced Steve Nieves, Administrative Assistant for the Code Enforcement Division.

134  
135 **12. ADJOURNMENT:** The hearing was adjourned at 10:16 a.m.

136  
137 Respectfully submitted by,

138  
139 Peg Hunt

140 Peg Hunt

141 CMC/Deputy Clerk