



**Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
May 22, 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.

8
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. Van Valkenburgh, Seat #2

15 Mr. Finch, Seat #3

16 Mr. Michel, Seat #4

17 Ms. Cannon, Seat #5

18 Mr. Young, Alternate Seat #2

19
20 A quorum was established with five members present.

21
22 **Staff Members Present:**

23 Attorney Smith, Town Attorney

24 Attorney Cino, Code Board Attorney

25 Mr. Hooker, Code Compliance Manager

26 Mr. Mincey, Rental Property Maintenance and Housing Inspector

27 Ms. Hunt, Deputy Clerk

28 Ms. Stewart, Assistant Deputy Clerk

29 Mr. Nieves, Administrative Assistant (Code Division)

30
31 **4. ADOPTION OF THE AGENDA:** Vice-Chair Cannon moved to adopt the agenda as
32 presented; seconded by Mr. Michel. The motion PASSED 5-0, consensus.

33
34 **5. DISCLOSURE OF EX-PARTE COMMUNICATION:** None disclosed.

35
36 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
37 *Oath* to the witnesses who intended to provide testimony.

38
39 **7. APPROVAL OF THE MINUTES:**

40
41 **A. April 24, 2023** – Chairman Finch asked if there were any changes; there were none.

42
43 Chairman Finch moved to adopt the minutes as presented; seconded by Vice Chair Cannon. The
44 motion PASSED 5-0, consensus.

45
46 **8. OLD BUSINESS:**

48 **A. Case # 2022-684; Property Address: 4620 Riverwalk Village Court #7302**
49 **Owner(s): Cynthia House & Rhonda Witwer**
50 **Violation(s): Expired Rental Permit**
51

52 Mr. Mincey reviewed the case history, noting that the case was presented to this board on April
53 24, 2023, which found the owners in violation of the cited sections of code. They were granted 14
54 days or until April 10, 2023, to comply with the adopted code. He reviewed steps taken to contact
55 the owners regarding the permitting process; as of today, there has been no contact with ownership
56 and the property remains in non-compliance. The dwelling has a current tenant with a lease from
57 September 1, 2020 to August 31, 2023. Staff is recommending an order of non-compliance, to
58 impose the \$250 administrative fee and granting 14 days or until June 5, 2023, to obtain the
59 required rental permit. Failure to do so will result in this case coming back to the Board on July
60 24, 2023, for further adjudication. Ms. Richards asked why the fee is not being assessed today as
61 it has been confirmed there is a tenant at the residence. Attorney Smith explained that by state
62 statute, time must be allowed to cure after the first order of the board. If it is not cured, fines will
63 begin to accrue, and be brought back to impose those fines. Chairman Finch asked if there was
64 anyone present to speak on this case; there was not.

65
66 The board found this property to be in non-compliance, assessed the \$250 administrative fee and
67 granted 14 days to obtain the required permit. The motion PASSED 5-0, with the following vote:
68 Ms. Richards – yes; Chairman Finch 83 - yes; Mr. Michel - yes; Vice-Chair Cannon – yes; Mr.
69 Van Valkenburgh - yes.
70

71 **B. Case # 2023-076; Property Address: 4734 South Atlantic Avenue**
72 **Owner(s): Aisha Moore**
73 **Violation(s): Property Maintenance Issues Involving Lot or Dwelling**
74

75 Mr. Hooker reviewed the case history, noting that the case was first presented to this board on
76 March 27, 2023, which found the owner in violation of the cited sections of code. She was granted
77 30 days or until April 26, 2023, to comply with the adopted code. He reviewed the six items that
78 needed to be completed. He explained what the property owner has completed and what must still
79 be done including a structural engineering inspection for stability of the dwelling. A home
80 inspection report was received on May 19, 2023, which was 22 days after the compliance date; it
81 was not the required structural engineering inspection report, having been completed by a home
82 inspector rather than a structural engineer. The remaining required repairs are the replacement of
83 the balconies; all other repairs have been completed.

84
85 Ms. Moore, 4734 South Atlantic Avenue, asked for two months to either sell the property or
86 complete the required repairs. She thought she had until today to complete the repairs. She was
87 unable to make any repairs before May due to her budget; she reviewed the repairs that have been
88 completed. A stability inspection was conducted by a home inspector; the decks are unstable and
89 have been roped off. The property is listed to be sold but offers were too low to be accepted. She
90 will have to accept a lower offer if it does not sell within the next two months. Estimates have been
91 received for the repairs; however, the front deck estimate was \$30,000 which she feels is excessive.
92 She plans to demolish the back decks. She is requesting two months for the opportunity to
93 hopefully break even on the property. She may be able to get a hard loan of \$100,000 to make the
94 final repairs but she does not feel she will be able to recoup that money from the sale of the
95 property. She wants to comply with the minimum requirements and avoid any fines.
96

97 Discussion between Ms. Moore and the Board ensued regarding when she bought the property,
98 what has been done to the property, what equity she has in her other properties, and what she is
99 asking for the property. Staff is requesting an order to impose a fine for failure of compliance by
100 April 26, 2023, of \$100 per day, retroactive to April 26, 2023, and reiterate the \$250 administrative
101 fee. A structural engineering inspection report is still required. Attorney Smith explained the Board
102 can issue an order to demolish the decks or to repair them. They continued to discuss the possible
103 sale of the property. Ms. Moore again requested two months to procure estimates on the remaining
104 repairs and/or to sell the property. Attorney Smith explained the board could table the item until
105 the July 24, 2023 hearing, to allow her time to remedy the violations; the Board can factor that into
106 any fines that may be imposed. She was directed to obtain estimates from licensed contractors, be
107 ready to apply for the required permits, get the property into compliance or sell the property to
108 someone who can make the required repairs; to bring back measurable action.

109
110 Mr. Van Valkenburgh moved to withhold imposition of fines or fees until the July 24, 2023, Code
111 Enforcement Board meeting, grant the owner a 60-day reprieve to allow time to develop a
112 measurable action plan, update on what repairs have been completed and a budget for any
113 remaining repairs; seconded by Mr. Michel. The motion PASSED 5-0, with the following vote:
114 Ms. Richards – yes; Chairman Finch 83 - yes; Mr. Michel - yes; Vice-Chair Cannon – yes; Mr.
115 Van Valkenburgh - yes.

116
117 **C. Case # 2023-101; Property Address: 4591 South Atlantic Avenue**
118 **Owner(s): RFM Properties LLC**
119 **c/o Corridor Legal Holdings – Reed Clary, Registered Agent**
120 **c/o VMD Asset Management – Harold Mills, Registered Agent**
121 **Violation(s): Property Maintenance Issues Involving Lot or Dwelling**
122

123 Mr. Hooker reviewed the case history, noting that the case was presented to this board on March
124 27, 2023, which found the owners in violation of the cited sections of code. The owner had 14
125 days or until April 10, 2023, to secure permits for the necessary repairs or demolition of the
126 property. Registered letters were issued to all registered agents regarding what transpired in the
127 last meeting. He spoke to Mr. Mills, Registered Agent, twice; his firm decided to demolish the
128 home, has hired a demolition company, and would acquire a permit prior to today's meeting;
129 however, no permit application has been submitted. Staff is requesting to impose fines for failure
130 to comply with the April 10, 2023, compliance date, order a \$250 fine for each of the four
131 violations totaling \$10,250 as of today; and assess the \$250 administrative fee. Attorney Smith
132 explained the \$10,250 is the accrued fine. Chairman Finch asked if there was anyone present to
133 testify on this case.

134
135 Ms. Sharone LeMieux, 4590 S Atlantic Avenue, stated she has lived across from this property for
136 21 years and full time for the past four years and has never seen anyone except the homeless come
137 and go from the property being discussed. The owner is absentee and does not maintain or visit
138 the property; she tried to find the owner herself and discovered the property is owned by an LLC.
139 It has been in this condition for the past four years; the hurricane exacerbated the condition by
140 removing parts of the roof. She is concerned about the condition of the property as it is beachside
141 and is adjacent to Winterhaven Park. She is concerned about this board delaying action while living
142 next door to an abandoned property that is inviting the homeless and criminal activity while
143 decreasing property values. Mr. Hooker explained that the owner has the right to appear before
144 Town Council to ask for an abatement of the lien.

146 Ms. Richards moved to impose fines of \$250 per violation per day, retroactive to the April 10,
147 2023, compliance date and continue to accrue until the property is brought into compliance; and
148 to assess the \$250 administrative fee; seconded by Mr. Michel. The motion PASSED 5-0, with the
149 following vote: Ms. Richards – yes; Chairman Finch - yes; Mr. Michel - yes; Vice-Chair Cannon
150 – yes; Mr. Van Valkenburgh - yes.

151

152 **9. NEW BUSINESS:**

153

154 **A. Case # 2023-144; Property Parcel: 6313-19-00-0590**

155 **Owner(s): CONFIDENTIAL – FLORIDA STATUTES 119.071**

156 **Alleged Violation(s): Work Without Permits**

157

158 Mr. Hooker provided evidence and testimony that the property owners have not applied for a
159 permit for the work conducted. The case was established on March 20, 2023, with a compliance
160 date of April 12, 2023, for interior work without permits. Staff requested that permits be obtained,
161 and final inspection be completed; a stop work order was imposed on March 20, 2023. The owner
162 is here to speak on her behalf.

163

164 The owner (confidential) stated her townhome sustained significant damage during Hurricane Ian.
165 The wind insurance company informed her at the end of November that much of the damage was
166 not caused by the hurricane; so she chose a public adjuster. She had to vacate the premises due to
167 the damage. She began cleaning out damaged materials. She has the documents from the public
168 adjuster and was told it could take up to 60 days from the time the estimate was submitted for the
169 insurance company to reply; her 60 days is May 23, 2023; however, it is still under review. She
170 has a summary of what they say is fair for the repairs. Her uncle suggested that they remove the
171 drywall by a licensed contractor, removed the carpet, and ordered a dumpster. She cannot have
172 any work done until she receives a reply from the wind insurance company. She is aware that the
173 repairs will need to be completed by a licensed contractor.

174

175 Mr. Ben Walker, 87 Jana Drive, the owner's uncle, noted there was water intrusion from the
176 hurricanes in the back of the home. Pictures were taken after the storm for the insurance company;
177 after a few weeks, they removed the drywall, insulation and carpet before mold began to grow,
178 and so that the owner could continue to live at the property. He did not realize a dumpster is only
179 allowed in conjunction with a building permit. Mr. Hooker replied that a permit is required for any
180 work being done to the interior by a licensed contractor. Attorney Smith explained that a single-
181 family homeowner can apply for a permit as an owner-builder, but a multi-unit townhome owner
182 must have a licensed contractor apply for the permit. He noted they are not looking to impose a
183 fine at this time but to allow the owner time to cure the violation.

184

185 Chairman Finch moved to find the property in non-compliance, allow 60 days to secure a building
186 permit and to bring this back at the July 24, 2023, meeting for further adjudication if necessary;
187 seconded by Vice-Chair Cannon. The motion PASSED 5-0, with the following vote: Chairman
188 Finch - yes; Mr. Michel - yes; Vice-Chair Cannon – yes; Ms. Richards – yes; Mr. Van Valkenburgh
189 - yes.

190

191 **B. Case # 2023-201; Property Address: 97 Maura Terrace**

192 **Owner(s): Barney & Susan Brookshire**

193 **Alleged Violation(s): Work Without Permits**

194

195 Mr. Hooker stated he is combining Case #2023-01 and Case #2023-218 as they have the same
196 address and ownership. He provided evidence and testimony that the property owners have not
197 applied for a building permit; both cases have the same violation for working without a permit.
198 The first case was established on April 20, 2023, with a compliance date of May 12, 2023, for an
199 interior remodel without permits. He spoke with Ms. Brookshire and explained a permit is required
200 for this work; she indicated she would apply for the permit; as of today, no permit has been secured
201 for this work. Case #2023-218 includes the same items presented in the previous case; he provided
202 evidence and testimony that the property owners have not applied for a work permit. This case was
203 also established on April 20, 2023, with a compliance date of May 12, 2023; this violation includes
204 a fence being installed without permits. A stop work order was posted for both violations. As of
205 today, no permit has been applied for in either case. Staff is requesting two separate orders; an
206 order of non-compliance with the \$250 administrative fee for each case, totaling \$500; and
207 granting the owners 14 days, or until June 5, 2023, to bring the property into compliance. Failure
208 to do so will result in bringing this case back at the July 24, 2023 meeting for further adjudication.
209 Mr. Van Valkenburgh asked if work halted after the stop work order was issued; Mr. Hooker
210 replied no, the fence is completed. Mr. Van Valkenburgh asked if the interior work was ongoing.
211 Mr. Hooker replied he has not been inside the property since the photos were taken; the electrical
212 was going to be moved but he does not know where that work stands. A permit would be required
213 for moving the wall, the electrical work, and the fence and could be included in one permit. Mr.
214 Van Valkenburgh asked if the homeowners could apply for the permit. Mr. Hooker replied yes.

215
216 Chairman Finch moved to find the property in non-compliance, granted the owner 14 days or until
217 June 5, 2023 to bring the property in compliance, assess the \$250 administrative fee, and bring
218 back to the July 24, 2023 meeting for further adjudication if necessary; seconded by Vice-Chair
219 Cannon. The motion PASSED 5-0, with the following vote: Ms. Richards - yes; Mr. Michel - yes;
220 Vice-Chair Cannon – yes; Ms. Richards – yes; Mr. Van Valkenburgh - yes.

221
222 **C. Case # 2023-218; Property Address: 97 Maura Terrace**
223 **Owner(s): Barney & Susan Brookshire**
224 **Alleged Violation(s): Work Without Permits**
225

226 This item was discussed under the previous agenda item.
227

228 Vice Chair Cannon moved to find the property in non-compliance, granted the owner 14 days or
229 until June 5, 2023 to bring the property in compliance, assess the \$250 administrative fee, and
230 bring back to the July 24, 2023 meeting for further adjudication if necessary; seconded by Ms.
231 Richards. The motion PASSED 5-0, with the following vote: Ms. Richards - yes; Mr. Michel - yes;
232 Vice-Chair Cannon – yes; Ms. Richards – yes; Mr. Van Valkenburgh - yes.

233
234 **10. ATTORNEY DISCUSSION:** Attorney Cino reminded members that this is a quasi-
235 judicial board.

236
237 **11. BOARD/STAFF DISCUSSION:**
238

239 Mr. Villanella, 46 Jana Drive, referred to permits for removing drywall; he wants this on the record
240 so he can reference it in his community of Sea Gull Landing. Most units are four-plexes so
241 removing and/or replacing drywall requires a permit. Attorney Smith explained the number of
242 units in a building has nothing to do with requiring a permit but whether a contractor must apply
243 for the permit or the homeowner; but it does require a permit.

244 **12. ADJOURNMENT:** The hearing was adjourned at 11:12 a.m.

245

246 Respectfully submitted by,

247

248 *Draft*

249 Debbie Stewart

250 Assistant Deputy Clerk

DRAFT