



**Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
July 24, 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. Van Valkenburgh, Seat #2

15 Mr. Finch, Seat #3

16 Mr. Michel, Seat #4

17 Ms. Cannon, Seat #5 – excused

18 Mr. Fuess, Alternate #1

19 Mr. Young, Alternate #2

20
21 A quorum was established with four members and two alternates present.

22
23 **Staff Members Present:**

24 Attorney Smith, Town Attorney

25 Attorney Cino, Code Board Attorney

26 Mr. Hooker, Code Compliance Manager

27 Ms. Stewart, Assistant Deputy Clerk

28 Mr. Nieves, Administrative Assistant (Code Division)

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

32
33 **5. DISCLOSURE OF EX-PARTE COMMUNICATION:** Mr. Fuess referred to Case
34 2023-144 and noted that he is the Sea Gull Landing HOA President where this property is located.
35 He has been aware of the situation but not the details; he has had general discussions with the
36 owner about the issue and referred her to the town. The property has no issues with the HOA, he
37 has no details of the matter, and it will not affect his vote.

38
39 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
40 *Oath* to the witnesses who intend to provide testimony.

41
42 **7. APPROVAL OF THE MINUTES:**

43
44 **A. May 22, 2023** – Chairman Finch asked if there were any changes; there were none.

45
46 Chairman Finch moved to approve the minutes as presented; seconded by Ms. Richards. The
47 motion PASSED 5-0, consensus.

48 **8. OLD BUSINESS:**

49

50 **A. Case # 2022-684; Property Address: 4620 Riverwalk Village Court #7302**

51 **Owner(s): Cynthia House & Rhonda Witwer**

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

53

54 Mr. Hooker reviewed the violations and noted that this case was presented to the board on May
55 22, 2023; the owner was found in violation of the cited sections of code and was granted 14 days
56 (on or before June 5, 2023) to obtain the required rental permit. Last month, Mr. Mincey presented
57 evidence confirming that the property has a long-term lease from September 1, 2020, through
58 August 31, 2023. The permit is still expired and there has been no contact with the property owners.
59 Staff is requesting to reiterate the order of non-compliance, impose a \$250 per day fine retroactive
60 to June 5, 2023, and impose the \$250 administrative fee. Chairman Finch noted that would be 49
61 days which totals to \$11,500 plus the \$250 administrative fee; he is not comfortable with that
62 amount. Mr. Hooker explained the \$500 permitting fee was due October 1, 2022; the lease is valid
63 for three years and the owner is collecting \$2,100 per month in rent according to the lease. It is a
64 non-homesteaded parcel; there are no encumbrances on the property and no mortgage or
65 outstanding liens. A new rental cycle begins soon, and the rental permit will be due again in
66 October; the owners have received a full year of rental income without a valid permit. They have
67 rented the property for three years and obtained the rental permit for the first two years but did not
68 for this year. Mr. Michel asked if there are any mitigating circumstances regarding this matter; Mr.
69 Hooker is not aware of any. The board discussed the case, the steps staff has taken, and what
70 recourse there is.

71

72 Ms. Richards moved to find this property to be in non-compliance, imposed a \$250 per day fine
73 retroactive to June 5, 2023 and assessed the \$250 administrative fee; seconded by Chairman
74 Finch. The motion FAILED 2-3, with the following vote: Ms. Richards – yes; Chairman Finch -
75 yes; Mr. Michel - no; Mr. Van Valkenburgh – no; Mr. Fuess - no.

76

77 Mr. Van Valkenburgh moved to find this property to be in non-compliance, imposed a \$25 per day
78 fine retroactive to June 5, 2023 and assessed the \$250 administrative fee; seconded by Mr. Michel.
79 The motion PASSED 3-2, with the following vote: Mr. Van Valkenburgh – yes; Mr. Michel - yes;
80 Chairman Finch – no; Ms. Richards – no; Mr. Fuess - yes.

81

82 **B. Case # 2023-076; Property Address: 4734 South Atlantic Avenue**

83 **Owner(s): Aisha Moore**

84 **Violation(s): Property Maintenance Issues Involving Lot or Dwelling**

85

86 Mr. Hooker noted this case was presented to the board on March 27, 2023; the property was found
87 to be in non-compliance and the owner was granted 30 days (on or before April 26, 2023) to
88 perform a general clean-up of the property including pressure-washing and painting the home, and
89 to obtain an engineer's report for the exterior decking. This case was brought back on May 22,
90 2023, and the board granted the owner additional time to provide the following: 1) budget on
91 repairs needed to correct the integrity of the balconies; 2) price from contractors solicited to
92 perform the work; and 3) provide an action plan. Ms. Moore provided the requested items last
93 week.

94

95 Ms. Moore provided an update of what she has done since the last hearing including the three
96 requested items. She has engaged a structural engineering architect who is preparing new deck

97 plans as well as other structural changes to the home, with an estimated timeline of 60 days for the
98 initial schematics. She then plans to receive quotes from general contractors to submit to the town
99 for a building permit. It will take an estimated 30-45 days to obtain the permits. She has received
100 a commitment of \$70,000 from her brother-in-law to pay for the deck replacement. All the exterior,
101 structural changes will be the first phase of work; interior work would occur later. Mr. Van
102 Valkenburgh asked if Ms. Moore has made any down payments to a contractor. Ms. Moore replied
103 no; she is unable to obtain a thorough estimate until she has the new deck plans. Mr. Van
104 Valkenburgh noted that the only action taken during the first 30 days after the May 22, 2023,
105 hearing was two phone calls and asked why there was a delay. Ms. Moore explained that the house
106 was on the market at that time, so she waited 30 days to see if an offer would be received; she
107 pulled the property from the market on July 6, 2023, and proceeded ahead with meeting the board's
108 requirements. The board discussed the case, and a timeline to grant for compliance. Ms. Moore
109 reviewed her timeline for securing a general contractor, the permitting process, with a date to begin
110 the repairs around November 20, 2023. Mr. Van Valkenburgh requested the September 25, 2023,
111 date for the permit application to be submitted added to Ms. Moore's timeline. Mr. Fuess
112 commented that he does not see any reference to roof repairs and noted other owners attended a
113 previous meeting regarding this case to complain of roof tiles being blown off. Mr. Hooker
114 clarified that when this case was originally presented in March, it was for a gamut of issues which
115 have been resolved to the minimum standards except for the deck which is being discussed today.
116 Ms. Moore added that the exterior needs significant work; the roof was patched per the code
117 enforcement violation, but the intent is to completely replace it during the full renovation. Her
118 focus now is to address any active violations. Mr. Van Valkenburgh asked for an update on what
119 repairs have been completed. Ms. Moore noted the minimum standard of exterior painting and
120 pressure washing; the roof has been patched; repairs to cracks in the columns have been made; and
121 yard clean-up. Ms. Moore asked if the deck has been secured and if it can withstand high winds.
122 Ms. Moore explained the decks have been roped off and the back deck has been blocked from
123 anyone going out onto it.

124
125 Mr. Van Valkenburgh moved to assess the \$250 administrative fee and \$100 per day fine on any
126 of the four presented timelines retroactive to the date not in compliance; to submit a permit by
127 September 25, 2023, and to provide an update at the August 28, 2023, meeting; seconded by Ms.
128 Richards. The motion PASSED 5-0, with the following vote: Mr. Van Valkenburgh – yes; Ms.
129 Richards – yes; Chairman Finch - yes; Mr. Michel - yes; Mr. Fuess – yes.

130
131 **C. Case # 2023-144; Property Parcel: 6313-19-00-0590**
132 **Owner(s): CONFIDENTIAL – FLORIDA STATUTES 119.071**
133 **Violation(s): Work Without Permits**
134

135 Mr. Hooker reviewed the case history, noting that the case was presented to this board on May 22,
136 2023; the property was found to be in violation and was granted 60 days (on or before July 21,
137 2023) to secure the building permit. As of Friday afternoon, the owner has applied for the required
138 permits and is in compliance with the board's order. Attorney Smith asked if the \$250
139 administrative fine was imposed; Mr. Hooker responded no, but it should be.

140
141 Chairman Finch moved that the property is now in compliance, and to dismiss the case; seconded
142 by Mr. Michel. Chairman Finch amended the motion to include imposing the \$250 administrative
143 fee; seconded by Mr. Michel. The motion PASSED 5-0, with the following vote: Chairman Finch
144 - yes; Mr. Michel - yes; Ms. Richards – yes; Mr. Van Valkenburgh – yes; Mr. Fuess - yes.

146 **D. Case # 2023-201; Property Address: 97 Maura Terrace**
147 **Owner(s): Barney & Susan Brookshire**
148 **Alleged Violation(s): Work Without Permits**
149

150 Mr. Hooker noted this case was presented to the board on May 22, 2023, where the property was
151 found to be in violation of the cited sections of town code for work without a permit. The owner
152 was granted 14 days (on or before June 5, 2023) to secure the required building permit. On July
153 20, 2023, the contractor submitted the application for work that was performed. Staff is requesting
154 the board to reiterate the original order on non-compliance and impose a fine of \$50 per day
155 retroactive to the June 5, 2023, compliance which is 45 days effective today, and impose the \$250
156 administrative fee. Mr. Fox is present to speak on behalf of Mr. Brookshire, the property owner.
157 Mr. Roger Fox, 634-D Roy Rogers Court, Taylorsville, NC, and Mr. Barney Brookshire, 97 Maura
158 Terrace, Ponce Inlet, introduced themselves. Mr. Hooker explained the permit application was
159 submitted on Friday, July 21, 2023, and is currently under review. Chairman Finch asked what the
160 delay was in applying for the permit. Mr. Fox explained that Mr. Brookshire's wife took care of
161 the move, and she did not allow him to see the mail. They are currently separated, and Mr.
162 Brookshire only received the notice last week; he only found out because his attorney reviewed
163 the property records and saw the liens placed on the property by the town. Mr. Brookshire has been
164 in North Carolina with him for security purposes. Mr. Hooker clarified that there have been no
165 fines assessed for this violation yet, only the \$250 administrative fee. Attorney Smith added that
166 this creates a cloud on the title for a potential buyer but is not a lien as fines have not been imposed.
167 Mr. Van Valkenburgh asked if all the required permits are in place. Mr. Hooker replied yes;
168 however, there are four other cases regarding this property; three of which involve permitting and
169 two of those have been addressed in this one application. Mr. Fox clarified that the work has been
170 done to the property, the contractor submitted everything to the wife; however, she did not apply
171 for permits or inform Mr. Brookshire of any violations. His understanding from the contractor is
172 that she received the notice and responded with a letter. Mr. Hooker explained the conversation he
173 had with whom he assumed was Mrs. Brookshire. He had noticed work being done and explained
174 to her that a permit was required and advised her of the town's rule on what required permits, such
175 as replacing or installing doors, fences, etc. Mrs. Brookshire stated to him that she would apply for
176 a permit; however, no permit application was received, thus the notice of violation and hearing
177 was sent. A week later a fence was being installed which is also a violation and will also be
178 addressed today. Mr. Hooker noted that since he has been communicating with Mr. Fox, the
179 progress has been made to secure permitting for the work that was performed.

180
181 Mr. Van Valkenburgh moved to assess the \$250 administrative fee, and to dissolve the case as
182 permits are in place; seconded by Mr. Michel. The motion PASSED 5-0, with the following vote:
183 Mr. Van Valkenburgh – yes; Mr. Michel – yes; Chairman Finch - yes; Ms. Richards – yes; Mr.
184 Fuess - yes.
185

186 **E. Case # 2023-218; Property Address: 97 Maura Terrace**
187 **Owner(s): Barney & Susan Brookshire**
188 **Alleged Violation(s): Work Without Permits**
189

190 Mr. Hooker stated this case was presented to the board on May 22, 2023, where the property was
191 found to be in violation of the cited sections of town code for work without a permit. The owner
192 was granted 14 days (on or before June 5, 2023) to secure the required building permit. As of
193 today, this permit application has not been submitted for a fence that was installed on the property.
194 He noted a survey is required for this permit, the lead time of which is six to eight weeks, and

195 stated why Mr. Fox has not applied yet for the permit on Mr. Brookshire's behalf. Mr. Van
196 Valkenburgh asked if the permit application would be accepted if the survey is pending. Mr.
197 Hooker explained no; they must have all the documentation for the review and approval. Mr. Fox
198 noted that he has receipts for the down payment of the survey that will be conducted by Slinger and
199 Associates. Mr. Van Valkenburgh commented that is a long time for a survey; Attorney Smith
200 noted that the timeframe is consistent with what other jurisdictions are experiencing.

201
202 Chairman Finch moved to find the property in non-compliance, assess the \$250 administrative fee
203 and bring Case #2023-218 back at the September 25, 2023 meeting for further adjudication;
204 seconded by Ms. Richards. The motion PASSED 5-0, with the following vote: Chairman Finch -
205 yes; Ms. Richards – yes; Mr. Van Valkenburgh – yes; Mr. Michel – yes; Mr. Fuess - yes.

206
207 **9. NEW BUSINESS:**

208
209 **A. Case # 2023-335; Property Address: 97 Maura Terrace**
210 **Owner(s): Barney & Susan Brookshire**
211 **Alleged Violation(s): Livestock where not permitted.**

212
213 Mr. Hooker requested Case #2023-335 be withdrawn.

214
215 **B. Case # 2023-431; Property Address: 97 Maura Terrace**
216 **Owner(s): Barney & Susan Brookshire**
217 **Alleged Violation(s): Work Without Permit**
218 **REPEAT VIOLATION**

219
220 Mr. Hooker stated this is a repeat violation; a similar case was presented to the board on May 22,
221 2023, and was found in violation. On June 29, 2023, staff noticed the exterior front door of the
222 home being installed without permits or inspection approval. Contact was attempted but to no
223 avail. Mr. Fox and Mr. Brookshire applied for this permit on Friday, July 21, 2023. He would like
224 to treat this case as a repeat offender and the administrative fee of \$250.00 should be imposed. Mr.
225 Van Valkenburgh asked if Mr. Brookshire has changed his address. Mr. Fox explained yes, mail
226 has been forwarded to his business in North Carolina. Mr. Van Valkenburgh asked what the
227 procedure is if there are future violations that would be noticed. Mr. Hooker explained the state
228 statute requires notice to be sent to any address according to the property appraiser's office and
229 tax rolls as well as any other addresses that are known; currently, 97 Maura Terrace is the only
230 known address. He will ensure that all future correspondence is sent to Mr. Brookshire's
231 forwarding address if it is provided.

232
233 Mr. Van Valkenburgh moved to impose the \$250 administrative fee, request Mr. Brookshire
234 provide a forwarding address and dismiss the case; seconded by Mr. Michel. The motion PASSED
235 4-1, with the following vote: Mr. Van Valkenburgh – yes; Mr. Michel - yes; Ms. Richards - no;
236 Chair Finch – yes; Mr. Fuess - yes.

237
238 **10. ATTORNEY DISCUSSION: - None.**

239
240 **11. BOARD/STAFF DISCUSSION:**

241
242 Mr. Hooker introduced Mr. John Hooker, Code Enforcement Officer, for Flagler Beach.

243

244 **12. ADJOURNMENT:** The hearing was adjourned at 10:47 a.m.
245 Respectfully submitted by,
246
247 Debbie Stewart
248 Debbie Stewart
249 Assistant Deputy Clerk