



TOWN OF PONCE INLET
CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
November 23, 2015

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1. CALL TO ORDER: Following proper notice, Chairman Villanella called the meeting to order at 9:30 am in the Town Council Chambers, 4300 S. Atlantic Avenue, Ponce Inlet, Florida.

2. PLEDGE OF ALLEGIANCE: Chairman Villanella led the attendees in the *Pledge of Allegiance*.

3. ROLL CALL & DETERMINATION OF QUORUM:

<i>Board members present:</i>	<i>Board members absent:</i>
Mr. Hinson	Mr. Roth
Mr. Villanella	
Mr. Finch	
Ms. DiCarlo	
Mr. Michel	
Ms. Kellum	

Six Board members were present; Mr. Roth was absent.

Staff Members Present:

Attorney Cino, Code Board Attorney
Mr. Hooker, Code Enforcement Officer
Ms. Hunt, Recording Secretary
Attorney Smith, Town Attorney

DRAFT

4. ADOPTION OF THE AGENDA: Mr. Hinson made the motion to adopt the agenda as presented and Ms. DiCarlo seconded the motion. The motion PASSED 6-0, roll-call vote.

5. EX-PARTE COMMUNICATION: None

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

7. APPROVAL OF THE MINUTES:

a. October 26, 2015 – Ms. DiCarlo made the motion to approve the minutes of the October 26, 2015 meeting; Mr. Hinson seconded the motion. The motion PASSED 6-0, roll-call vote.

8. CONSENT AGENDA:

a. Case #40635; violation address: 4355 Candlewood Lane
Owner(s): Frederick Emerling, Jr.
Order of Compliance – as of October 27, 2015

Mr. Hooker stated the property is in compliance and the Town is requesting an Order of Compliance effective October 27, 2015 and to dismiss the case.

Chairman Villanella asked if there was anyone present to speak on behalf of the Respondents or to speak on this matter; there was not.

48 Ms. DiCarlo made the motion to find case #40635 is in compliance as of October 27,
49 2015 and to dismiss the case. Mr. Finch seconded the motion. The motion PASSED 6-
50 0, roll-call vote.

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52 **9. OLD BUSINESS:**

53 a) Case #39213; violation address: 4332 S. Atlantic Avenue

54 Owner(s): Ana Yeneic, et al

55 Status update: Mr. Hooker stated the property is secure and is being maintained;
56 no Board action is requested.

57

58 **10. NEW BUSINESS:**

59 a) Case #41059; violation address: 4704 S. Peninsula Drive

60 Owner(s): Sherrye & Terri Hester

61 Violation: Construction without permits or inspection approvals

62 Attorney Smith introduced the case. Mr. Hooker presented testimony and evidence
63 including photographs and miscellaneous correspondence. He reported that the
64 respondents have obtained a demolition permit for the unpermitted structure, for which
65 they have six months to complete. He said the Town is requesting an order finding non-
66 compliance and to dismiss the case.

67

68 Chairman Villanella asked if there was anyone present to speak on behalf of the
69 Respondents or to speak on this matter; there was not.

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71 Mr. Finch made the motion that based on the testimony and evidence presented
72 regarding case #41059, the property was in non-compliance, is now in compliance, and
73 to dismiss the case. Ms. DiCarlo seconded the motion. The motion PASSED 6-0, roll-
74 call vote.

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76 b) Case #41562; violation address: 4725 Montrose Avenue

77 Owner(s): Dennis Fogell

78 Violation: Property maintenance issues relating to lot and dwellings

79 Attorney Smith introduced the case. Mr. Hooker presented testimony and evidence,
80 including photographs and miscellaneous correspondence. He stated that he inspected
81 the property this morning and confirms that it is now in compliance. Mr. Hooker said the
82 Town is requesting an order finding the property was in non-compliance, is now in
83 compliance and to dismiss the case.

84

85 Chairman Villanella asked if there was anyone present to speak on behalf of the
86 Respondents or to speak on this matter. Mr. Dennis Fogell stated he was present and
87 apologized to the Board and staff for allowing the disrepair, and confirmed that the
88 repairs have been completed.

89

90 Mr. Finch made the motion that based on the testimony and evidence presented
91 regarding case #41562, the property was in non-compliance, is now in compliance and
92 dismiss the case. Mr. Michel seconded the motion. The motion PASSED 6-0, roll-call
93 vote.

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95 **11. ATTORNEY DISCUSSION:** Attorney Cino reviewed Attorney General Opinion
96 86-76, regarding "Setting fines; notices". He said this Board is doing things the right
97 way and within the statute. He noted that one of the issues brought up within this

98 opinion is whether a Board has the authority to set a fine at the same time an Order is
99 entered; according to this Opinion, the Board does not have that authority. However, a
100 Board may order the violator to pay a fine for each day the violation continues past the
101 compliance date (which is how this Code Board does it).

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103 **12. BOARD DISCUSSION:** Mr. Hooker reminded the Board that the December
104 meeting is cancelled, and that the annual board training will be held in January. Ms.
105 DiCarlo stated that it is helpful for the Chairperson to “formulate the motion” so board
106 members can make a clear and concise motion. She stated that the agenda packets
107 are better-organized and likes that each item is separated by colored paper and stapled
108 together. Chairperson Villanella stated that he makes a formulated motion to help, but
109 encourages board members to make their own motions. Attorney Cino said either way
110 is fine.

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112 **13. ADJOURNMENT:** With no further discussion, the meeting was adjourned at
113 10:00 am.

114
115 Respectfully submitted,

116
117 **DRAFT**
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Peg Hunt, Board Secretary