



Meeting Date: April 21, 2016

Agenda Item: 7-B

Report to Town Council

Topic: Request for lien reduction 33 Inlet Harbor Road.

Recommended Motion: As determined by Council.

Summary: Please see attached staff report.

Requested by: Ms Joulani, Planning & Development Director

Approved by: Ms. Witt, Town Manager



MEMORANDUM

TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT
The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Jeaneen C. Witt, Town Manager
Through: Aref Joulani, Director, Planning & Development Department 
From: Robert Bailey, Chief Building Official ^{RB}
Date: March 28, 2015
Subject: Lien reduction request from code case
M & G Ponce Inlet, LLC
33 Inlet Harbor Road

MEETING DATE: April 21, 2014

Request:

Applicant is requesting a reduction of the lien imposed by the code enforcement board received from numerous attempts to gain compliance with the Florida Building and Florida Fire Codes during an annual fire safety inspection. The dates of the violations were April 21, 2015 through November 11, 2015, with October 19, 2015 through November 11, 2015 being days for imposition of fines from code board ruling for non-compliance of order.

Summary:

At the annual fire safety inspection, completed on April 21, 2015, the applicant received a checklist indicating the violation(s) to the Florida Building and Property Maintenance Code and Florida Fire Prevention Code and to request a re-inspection once the items were corrected. On June 23, 2015, staff completed a re-inspection which resulted in 19 of the 30 violations still needing correction. A Notice of Violation was mailed to the owner on August 20, 2015. A code board hearing was scheduled on September 28, 2015, with the owners being given an additional 20 days to come into compliance. On October 21, 2015, staff completed another re-inspection and it was noted that 9 of the 30 violations still needed correction.

The case was heard again by the code board on October 26, 2015, during which staff testified that 9 of the original 30 violations had not been corrected. The board voted to impose the fine of \$250.00/day until all the violations have been corrected. On November 11, 2015, staff completed a re-inspection and noted that all violations have been corrected. The total days of non-compliance were 23 days at \$250.00/day for a total of \$5750.00.

Conclusion:

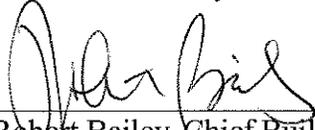
The ownership of the property failed to comply with the adopted codes to gain compliance in their annual fire safety inspection, to which there were several violations noted.

Jerry's pizza

Pg. 2

If the ownership had complied with the annual fire safety inspection as requested then this case could have been resolved with no further action. Unfortunately, this was not the case and additional staff and staff time resulted in three code board hearings with two attorneys from two different offices being paid for their services. This also includes mailings, multiple inspections and re-inspections and the additional time for meeting with the Director of Planning and the Fire Chief to determine a correct course of action.

Florida statutes 162.09(3) states "the lien runs in favor of the governing body", the Town Council. If Council desires to reduce the lien, then staff would request the reduced amount be paid within 30 days or the outstanding fine/lien be reverted to the original amount.



Robert Bailey Chief Building Official

3-28-16

Date



Town of Ponce Inlet

4300 South Atlantic Avenue
Ponce Inlet, Florida 32127
Phone: (386) 236-2150
Fax: (386) 322-6717
www.ponce-inlet.org

Requirements for Code Enforcement Fine/Lien Waiver or Reduction

1. Completed waiver/reduction request form. All blanks are to be filled in by applicant.
2. The Town Council will not consider a request for a waiver or reduction of a fine until the property is in compliance with the Order.
3. Written Explanation / Justification – The Code Enforcement Board’s procedures require that the Board consider certain criteria prior to reducing or waiving a fine/lien. Please provide an explanation in the space provided, or attached, how and why your request meets the following criteria:
 - A. Medical Hardship – Written documentation to be provided by applicant; examples are doctor bills, hospital bills, or any other documents that illustrate a medical hardship prevented the owner from correcting the violation.
 - B. Financial Hardship – Written documentation to be provided by applicant; examples are bank records, financial statements, or any other documents that illustrate a financial hardship prevented the owner from correcting the violation.
 - C. Mitigating Circumstances to include but not limited to the gravity of the violation, any actions taken to correct the violation, and technical irregularities, if any.
4. Request forms are required to be submitted at least two weeks prior to the scheduled Town Council meeting, which is the second Wednesday of every month. The Board’s recommendation will be provided to the City Council for final determination.
5. Requests will not be accepted without the above.

The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens the greatest value for their dollar.

and why your request meets the following criteria. This information will be submitted to the Ponce Inlet Town Council for final determination.

1. Financial Hardship

TO WHOM IT MAY CONCERN.

CAN'T RECALL EXACT DATES. AFTER OUR COURT DATE I WAS GIVING 20 DAYS TO FIX ALL MY INFRACTION. WITHIN THE 3 DAYS ALL WERE FIXED. WITH THE EXCEPTION OF THE TIKI HOTS, BECAUSE THE LIGHTS WERE REPLACED & COULDN'T BE SPRAYED DO TO THE FACT THEY HAD TO CHANGE COLORS, BEFORE APPLYING FIRE RETARDING SPRAY. I CONTACTED DEDERK TO TELL HIM ABOUT IT. HE RESPONDED VIA TEXT THAT THE CHIEF DOESN'T WANT INSPECTIONS TILL EVERYTHING IS DONE.

2. Medical Hardship

**Request for Reduction or Waiver of Fine / Lien
Code Enforcement Board**

CEB Case Number _____

Property Address with Fine / Lien _____

Owner's Name JERRY CIPOLLA

Mailing Address 33 INLET HARBOR

Nature of Violation 405 PREVENTION FIRE CODE

Date Fine Began OCT 19, Date Fine Ended NOV 11

Daily Amount of Fine Imposed 5750.⁰⁰ Total Amount of Fine 0

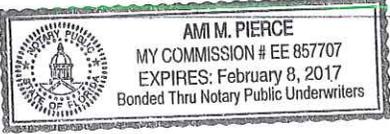
This request is to be presented at least two weeks prior to the Town of Ponce Inlet Code Enforcement Board Meeting on the fourth Monday of every other month. The Board's recommendation for the waiver / reduction request will be presented to the Town of Ponce Inlet Town Council for final determination.

I swear or affirm that the written or typed information for this request is true and correct.

JK *GA*
Signature of Owner and Date

Signed and sealed this 29 day of February, 2014, by (name of owner) Frank Cipolla who is personally known to _____

me or has produced _____ as identification.



AMI M. PIERCE
Notary Public, State of Florida

Written Explanation / Justification – The Town of Ponce Inlet's Code Enforcement Board procedures require written explanation and justification to request a waiver or reduction of the fine or lien. Please provide an explanation or justification, in the space below or attached, how

CN
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The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

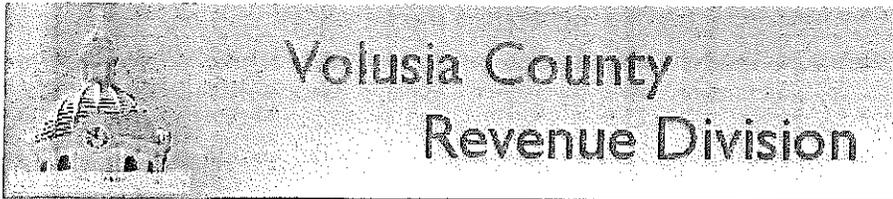
Last Updated: 08-11-2015 Today's Date: 8-12-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	30-16-34-00-02-0060	Mill Group	405 Ponce Inlet		
Short Parcel ID	6430-00-02-0060	2014 Final Millage Rate		22.39230	
Alternate Key	3772172	PC Code		21	
Parcel Status	Active Parcel	Date Created: 01 JAN 1982			
Owner Name	M & G PONCE INLET LLC	<input type="button" value="GO TO ADD'L OWNERS"/>			
Owner Name/Address 1					
Owner Address 2	1266 CHESSINGTON CIR				
Owner Address 3	LAKE MARY FL				
Owner Zip Code	32746				
Owner Percentage	100	Ownership Type			
Location Address	33 INLET HARBOR RD PONCE INLET 32127				

LEGAL DESCRIPTION	<input type="button" value="GO TO ADD'L LEGAL"/>
30-16-34 S 287.05 FT S OF INLET HARBOR BLVD 268.90 FT ON N/L	
MEAS TO C/L W OF O S BLVD & 433.93 FT ON S/L IN LOTS 2 & 4	

SALES HISTORY							<input type="button" value="GO TO ADD'L SALES"/>	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE	
1	6666	2723	12/2011	Quit Claim Deed	Unqualified Sale	Yes	351,000	
2	6666	2724	12/2011	Quit Claim Deed	Unqualified Sale	Yes	351,000	
3	6541	0304	11/2010	Warranty Deed	Unqualified Sale	Yes	100	

HISTORY OF VALUES										<input type="button" value="GO TO ADD'L HISTORY"/>		
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	345,778	42,446	32,982	421,206	421,206	421,206	421,206	0	421,206	421,206	0	421,206
2013	345,778	38,339	30,208	414,325	414,325	414,325	414,325	0	414,325	414,325	0	414,325

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
2100	RESTAURANT	No Data	No Data	82328.00	SQUARE FEET	6.00	100	70	100	100	345,778	
NEIGHBORHOOD CODE	C5550	COMMERCIAL-SOUTH OF SILVER BC										



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643000020060

Search

Search for: Property tax Business tax Property tax AND Business tax

[Advanced search](#)

M & G PONCE INLET LLC — Real Estate at 33 INLET HARBOR, PONCE INLET

Owner address

M & G PONCE INLET LLC
 1266 CHESSINGTON CIR
 LAKE MARY, FL 32746

2014 annual bill

PAID 2014-12-16 \$9,148.82
Effective 2014-12-15
Receipt #Lockbox-14-00060285

Account number **643000020060** / Alternate Key 3772172 [Parcel details](#)- [Full bill history](#)- [Property Appraiser](#)- [GIS](#)

PREPARED BY AND RETURN TO:
R. Edward Cooley, Esq.
1450 S.R. 434 West, Suite 200
Longwood, FL 32750

Parcel ID Number: 30-16-34-00-02-0060

QUIT CLAIM DEED

THIS QUIT CLAIM DEED Made and executed the 9 day of December, 2011 by MARIANO CIPOLLA, individually and as Trustee, and MARIA CIPOLLA, individually and as Trustees of THE MARIANO AND MARIA CIPOLLA FAMILY TRUST UNDER AGREEMENT DATED MARCH 11, 1995, hereinafter called the Grantors, to M & G PONCE INLET, LLC, with its permanent post office address at 1266 Chessington Circle, Lake Mary, FL 32746, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantors" include all the parties to this instrument, singular and plural, and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires)

WITNESSETH: That the first party, for and in consideration of the sum of \$10.00, in hand paid by the said second party, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate in Volusia County, State of Florida, to wit:

A 1/2 interest in that part of Government Lots 2 and 4, Section 30, Township 16 South, Range 34 East, Volusia County, Florida being more particularly described as follows:

Beginning at a point in the centerline of South Atlantic Avenue, as now occupied, said point being a distance of 1361.61 feet, S34°12'41"E along said centerline of South Atlantic Avenue from an Intersection with the North Line of said Government Lot 2, thence N89°08'21"W and parallel to the North line of said Lot 2, a distance of 268.90 feet; thence S00°53'08"W a distance of 234.74 feet; thence S89°05'26"E a distance of 433.93 feet to the centerline of South Atlantic Avenue, aforesaid; thence N34°12'41"W, along said centerline, 287.05 feet to the point of beginning.

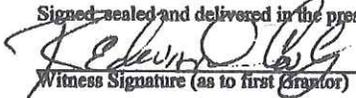
SUBJECT TO BASEMENTS AND RESTRICTIONS OF RECORD

THIS PROPERTY IS NOT NOW AND NEVER HAS BEEN THE HOMESTEAD OF GRANTOR OR ANYONE TO WHOM GRANTOR OWES A DUTY OF SUPPORT.

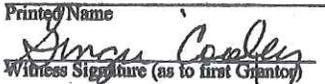
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anyway appertaining, and all the estate, right, title interest, lien equity and claim whatsoever of the of the said first party, either in law or equity to the only proper use, benefit and behoof of the said second party forever.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:


Witness Signature (as to first Grantor)

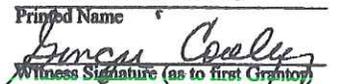
R. Edward Cooley
Printed Name


Witness Signature (as to first Grantor)

Ginger Cooley
Printed Name


Witness Signature (as to first Grantor)

R. Edward Cooley
Printed Name

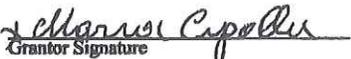

Witness Signature (as to first Grantor)

Ginger Cooley
Printed Name


Grantor Signature

MARIANO CIPOLLA, Individually and as Trustee
Printed Name

1266 Chessington Circle, Lake Mary, FL 32746
Post office address


Grantor Signature

MARIA CIPOLLA, Individually and as Trustee
Printed Name

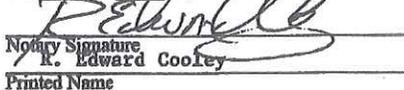
1266 Chessington Circle, Lake Mary, FL 32746
Post office address

STATE OF FLORIDA
COUNTY OF SEMINOLE

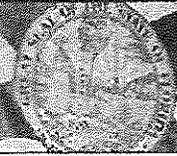
I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared MARIANO CIPOLLA and MARIA CIPOLLA, known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, and an oath was not taken. (Check one:) Said person(s) is/are personally known to me. ___ Said person(s) provided the following type of identification: _____

NOTARY RUBBER STAMP SEAL

Witness my hand and official seal in the County and State last aforesaid this _____ day of December, 2011


Notary Signature
R. Edward Cooley
Printed Name



FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS**Detail by Entity Name****Florida Limited Liability Company****M&G PONCE INLET, LLC****Filing Information**

Document Number	L11000127792
FEI/EIN Number	45-3780446
Date Filed	11/09/2011
Effective Date	11/09/2011
State	FL
Status	ACTIVE

Principal Address1266 CHESSINGTON CIRCLE
LAKE MARY, FL 32746**Mailing Address**1266 CHESSINGTON CIRCLE
LAKE MARY, FL 32746**Registered Agent Name & Address**CIPOLLA, MARIANO
1266 CHESSINGTON CIRCLE
LAKE MARY, FL 32746**Authorized Person(s) Detail****Name & Address**

Title MGRM

CIPOLLA, MARIANO
1266 CHESSINGTON CIRCLE
LAKE MARY, FL 32746

Title MGRM

CIPOLLA, GIROLAMO
753 PICKFAIR TERRACE
LAKE MARY, FL 32746**Annual Reports**

Report Year	Filed Date
2013	03/11/2013

NO Propane must be moved within 24 hrs Due to HAZARD. Pg 01 of 03

PONCE INLET FIRE/RESCUE DEPARTMENT * SAFETY INSPECTION DIVISION
4680 S. Peninsula Drive * Ponce Inlet, FL 32127
Phone 386-322-6708, ext. 333; Fax 386-304-7628

Inspection Date 04/11/15 Inspector D. George Re-inspection Date 60 DAYS

Business/Condo Name Jerry's Tiki Bar Address 33 Inlet Harbor RD

Owner _____ Manager _____

Phone # _____ Phone # (386) 760-2200

Occupancy Class: Business Mercantile Storage Assembly Residential

NOTICE OF FIRE SAFETY HAZARDS: You are hereby notified that an inspection of your premises has disclosed the following fire safety hazards/violations of the Town's Fire Prevention Code.

Items are Okay Items are not in Compliance.

- ~~NO~~ All buildings shall be provided with addresses that are legible from the street or roadway. NFPA 1, Ch. 10.13.1.1
- Current Occupational License per Town Ordinance (if required)?
- ~~NO~~ Are approved 3A40BC fire extinguishers provided, inspected, and maintained? NFPA 1 Ch. 13.6 & 13.6.6.8.3
- Fire Walls, stops and rated partitions shall be maintained. NFPA 1, Ch. 12.8
- No storage under stairs or exit closures. NFPA 1, Ch. 10.5 Or 19.1.2
- Self closing doors blocked open? NFPA 1 Ch 14.5.4
- Locks on inside doors (if provided) shall not require the use of key tools or special knowledge to open them. If required, does panic hardware function properly? NFPA 1 Ch 14.5.2 & 14.5.3
- Fire lanes must be maintained and accessible to emergency vehicles. NFPA 1, Ch 14.5.2 & 14.5.3
- ~~NO~~ Means of egress shall be clear of obstructions which would prevent its use. NFPA 1, Ch 14
- Is Knox Box, if required, provided with all keys? NFPA 1, Ch 10.12
- Are FDC Connections clearly marked and maintained? NFPA 25
- Install lighted EXIT sign if open during evening. NFPA 1, Ch 14.14.5
- EXIT signs shall be lit at all times building is occupied. NFPA 1, Ch 14
- ~~NO~~ Repair/Install emergency lighting system, if needed. NFPA 1, Ch 7.9
- ~~NO~~ Electrical wiring subject to damage shall be placed in conduit and maintained in good condition. NFPA 1, Ch 11.1
- Flexible cords shall not be used for fixed wiring. Use of multi-plug adaptors (cheaters) is prohibited. Use fused breaker strip. NFPA 1, Ch 11.1.5
- Each circuit breaker to be marked to its purpose, with no open breaker spaces allowed. NFPA 1, Ch 11.1
- ~~NO~~ 30" clearance shall be provided in front and on all sides of electrical panel for access. NFPA 1, Ch 11.1
- Remove all combustible and waste material. NFPA 1, Ch 10.5. or 19.1.21
- ~~NO~~ Storage of items shall be kept away from heating devices, and at least 18" below sprinkler heads, and 24" below ceiling level in non-sprinkled areas. NFPA 1, Ch 10.15 or 19.1.2
- ~~NO~~ Ceiling tiles shall be kept in place and in good repair, no broken, missing or tiles with holds in them are allowed. NFPA 1, Ch 12.8
- Automatic extinguishing systems in hoods shall be inspected by a Certified and Licensed Fire Equipment Company every six (6) months. NFPA 1, Ch 50.
- ~~NO~~ Hoods and other grease removal devices shall be cleaned at frequent intervals, to prevent grease buildup. NFPA 1, Ch 50.
- Is all gas piping/equipment piping in good shape and in accordance with NFPA 54, National Fuel Gas Code, or NFPA 58 for LPG?
- Are Fire Sprinkler Systems inspected yearly by a Certified Sprinkler Company? NFPA 1, Ch 13.3.1
- Are all records of inspection of the sprinkler system kept on hand? NFPA 1, Ch 13.3.1
- Are sprinkler systems monitored per requirements of the NFPA Life Safety Code, Ch 9.7.2?
- Fire Alarm Systems must be inspected by a Certified Alarm Company yearly, and records kept on same. NFPA 72
- Order to Comply: As such conditions found on this inspection are contrary to recognized codes and ordinances, you are required to correct such conditions upon receipt of this notice. A re-inspection will be done to determine if said violations have been corrected. Failure to comply may make you liable to the penalties provided for such violations.
- Back Flow Preventer connection (Ordinance 2005-03)
- Back Flow yearly test (obtain copy of yearly test report, to be forwarded to Public Works Department)

Re-inspected 06/13/15 NOT CORRECTED

Owner/Representative: [Signature]

Inspector: D. George

Top Copy - Office

Bottom Copy - Occupant

Jerry's Pizza 1 @ Hotmail.com

FIRE LOSS MANAGEMENT DIVISION
 4680 S. Peninsula Drive
 Ponce Inlet, FL 32127
 (386) 322-6720
 Fax (386) 304-7628



**PONCE INLET FIRE RESCUE
 FIRE INSPECTION REPORT**

Address of Property <u>33 Inlet Harbor</u>	Suite #	Type of Occupancy	Occup. Lic. #	Occupant Load	Date <u>04/21/15</u>
Building and/or Occupancy Name <u>Jerry's Tiki Bar</u>		Telephone No.	Elevator OK ERROR		Hazmat Info. Y/N
Name of Owner and/or Agent of Bus.	Alternate Emerg. No.	Name of Owner and/or Agent			Business Telephone No.
Home Address	(H) Telephone No. <u>386 760-2280</u> PGH or Cell No.	Address			(H) Telephone No.
					Page 1 of

THIS INSPECTION REVEALED: NO VIOLATIONS THE FOLLOWING VIOLATIONS

- REMARKS: Emergency Light by Front Door NOT working,
~~NO~~ Emergency Light over Kitchen Door (Rear exit) NOT working,
~~NO~~ Propane shall NOT be stored next to Electrical Panel. Min of 30" clearance in front of AND Along Side Required.
~~NO~~ Exposed Electrical wire by Ice Machines (outside).
~~NO~~ Self closer to Rear Kitchen Door NOT working.
~~NO~~ Pizza boxes next to oven.
~~NO~~ Hood System has excessive Grease on top and around.

THIS INSPECTION IS REQUIRED BY THE TOWN CODE OF ORDINANCES, CHAPTER 38 "FIRE PREVENTION AND INSPECTIONS" SECTION 38-72 LABELED "ANNUAL FIRE INSPECTIONS REQUIRED" IN AN EFFORT TO PREVENT THE LOSS OF LIFE OR PROPERTY. THE HAZARDS OR VIOLATIONS FOUND HEREIN ARE A VIOLATION OF FLORIDA FIRE PREVENTION OR TOWN CODES AND SHALL BE CORRECTED. A FOLLOW UP INSPECTION TO CHECK ON CORRECTIONS SHALL BE CONDUCTED PER SECTION 38.73 LABELED "REINSPECTIONS" AND A FEE CHARGED FOR THIS INSPECTION. IF SAID VIOLATIONS STILL EXIST A CODE VIOLATION WARNING SHALL BE ISSUED FOR EACH OUTSTANDING VIOLATION.

Reinspection	Compliance Yes <input type="checkbox"/> No <input type="checkbox"/>	Inspector <u>D. George</u>	Report Received By: (Please Print)
Date Warning Notice issued	Yes <input type="checkbox"/> No <input type="checkbox"/>	Signature of Inspector <u>[Signature]</u>	Signature <u>[Signature]</u>
Date	Yes <input type="checkbox"/> No <input type="checkbox"/>		

Top - Office Copy

Bottom - Occupant Copy

Basic Services:

The Basic Services to be provided by Flame Shield Consulting for the referenced project are as follows:

2. Testing and Certification Per NFPA

Identifying mark of an organization that is acceptable to the authority having jurisdiction and concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner. These coatings shall be applied in accordance with the manufacturer's direction. Fire retardant coating material shall be labeled to indicate conformance with the preceding requirements and shall include the manufacturer's instructions for application. All test reports will be submitted to the AHJ, one copy shall be left on site for review, a second copy will be held by Flame Shield Consulting.

3. Automatic Renewal of Contract (One Year Re-certification)

The services to be provided are: One -year re-certification (warranty) Per the NFPA Prepare and submit certification and test reports Per FBC and or (Fire Marshal). Automatic renewal of the contract with a thirty day written cancellation notice, once the letter has been received, Flame Shield Consulting Will notify Ponice Inlet and or (Fire Marshal) within twenty-four hours of cancellation. Jerry's Pizza will retain Flame Shield Consulting as a fire retardant consultant and application engineer for certification of the proposed project listed above. Treat all surfaces with (Fire Retardant yearly application).

BY EXECUTING THIS PROPOSAL, THE CLIENT HAS READ ALL OF THE TERMS AND CONDITIONS OF THIS PROPOSAL AND FULLY UNDERSTANDS THEIR CONTENTS. THE EXECUTION OF THIS PROPOSAL CONFIRMS THE CLIENT'S UNDERSTANDING AND ACCEPTANCE OF THOSE TERMS.

This agreement may be accepted by signing in the space below and returning a countersigned copy of this agreement, or by authorizing, directing or permitting Flame Shield Consulting to proceed with the Scope of Services.

SUBMITTED BY
FLAME SHIELD CONSULTING

24 Becket Lane
Palm Coast Florida, 32137
(386)597-1057
lvolgardsen@cfl.sh.com

Title: [Signature]
Date: 08/29/09

ACCEPTED BY

[Signature]
signature
Joe Palzerolo
Name (please type or print)



Please
Sign
Here

Title: Owner
Date: 9-2-09

Certificate of Application on Fire Retardant Coating & Testing

The undersigned certify that the following coatings were applied and tested as follows

Job Site Contact Information:	Flame Retardant Consultant & Application Engineer:
Job Site Name: <u>Jerry's Pizza</u>	Coatings: <u>2</u> Tested By: <u>Lee Volgardsen</u>
Job Site Address: <u>33 Inlet Harbor Road</u>	Method: <u>Flame Test</u> Smoke Developed: <u>110 Less</u>
State: <u>Florida</u> Zip: <u>32127</u>	Flame Spread: <u>25 Less</u> Fuel Contributed: <u>N/A</u>
Immediate Contact: <u>Frank Cipolla</u>	Product Type: <u>75-P</u> Coverage Required: <u>2</u>

Applications Engineer.

Flame Shield Consulting Inc... Herby certify and license a Fire Rating of: Class (A) Rating. The coatings were applied above required coverage, according to good trade practice, and certified by the manufacturer's recommended procedure. Applicator: [Signature] Date: 08/28/2009

Test By: NFPA Standard
 Method: Vertical
 Test Ratings: Class (A)
 Pass Or Fail: Pass

Notes: Tiki Hut application and certification with yearly certification needed

1. Coating Attribute:

Registered Flame Retardant: Flame Shield Product Type: FALOR SAFE. Should reapply every 1 Year(s) if required By: State, City, Local or Insurance.

Flame Spread: Pass
 Fuel Contributed: Pass
 Smoke Developed: Pass
 Pass Or Fail: Pass
 Required Yearly Certification YES NO

The coatings were applied at the above required coverage, according to the good trade practice, and certified by the manufacturers recommended procedure by Flame Shield Consulting Inc..

Tester: Lee Volgardsen First Coat: 1000
 Date: 08/28/2009 Second Coat: 1000
 Signature: [Signature] Third Coat: 1000

Retardant State Number: UPTIDM9. A member of the Wildlife fire management sector and the architects, engineers building officials section.

24 Becket Lane
 Palm Coast, Florida 32137
 www.flameshieldconsulting.com
 (386)597-1057



Fire Retardant Certification

Fire Retardant Yearly Certification

Contact Name: Frank Cipolla
Project: Jerry's Pizza (Tiki Huts Certification)
Project Address: 33 Inlet Harbor Road
City: Ponce Inlet State: FL Zip: 32127

Project Number: 082 -- 80933

Dear Mr. Frank Cipolla

Flame Shield Consulting has prepared this proposal at the request of Jerry's Pizza, Frank Cipolla. The services to be provided are One year re-certification (warranty) Per the NFPA. Prepare and submit certification and test reports to the City of Ponce Inlet, FL if required. Automatic renewal of the contract with a thirty day written cancellation notice, once the letter has been received, Flame Shield Consulting Will notify Ponce Inlet Fire Department (Fire Marshal) within twenty-four hours of cancellation. Jerry's Pizza, Frank Cipolla will retain Flame Shield Consulting as fire retardant consultant and application engineer for certification of the proposed project listed above. Treat all surfaces with Two coats of fire retardant fire poly wood application) that will be sprayed on (5) Tiki Huts approximately (2000 sq ft). Treat all surfaces For scope of work see basic services below.

Heavy Duty Commercial and Industrial Grade, Used for exterior and interior applications on-site spray on and pressure impregnation. Excellent for timbers, lumber, plywood, post, wood frames, electric poles, flooring, I beams, decking, soffits, thatched leaf roofs and straw, soft and hard woods, wafer board, yellow pine and many more. Good for paperboard boxes and fiber containers reduces ignition and smoke, Flame Safe FR 75-I penetrates and leaves an invisible coating and penetrate, superior shielding action against fire and flame, with-stands extreme weather and high heat, wood, urethane foam, boxboard and many other materials, forms an invisible barrier that inhibits ignition and flame spread, reduces smoke and no afterglow. Creates a chemical change and acts as a wood preservative. Weather rated exposed up to 5 years, interior indefinite. When Flame Safe is applied to materials, it provides the best possible protection from fire and flame, moist conditions, mildew, insect repellent with no discoloration or odor after application. Flame Safe is an exclusive water based liquid resin with no petroleum derivatives, no PBDE's, Safe non-toxic after application. Flame spread is less than 10 on wood surfaces, reduces smoke by 70% and higher. Also used for pressure impregnation.

75-I Fire Poly Wood application flame spread= 10 Smoke Develop= 22, Surface burning characteristics... ASTM E-84, UL 723, NFPA 255, NFPA 703, UBC 42-1, and ASTM E-108 Flash= 0 NFPA 30, NFPA 255, NFPA 703, UL 723, ASTM-E84, ASTM E-108, UBC 42-1, Flame Spread=10 Smoke Develop=22 Resist: Black Mold, Mildew & Fungi. Number of coats = 2, Rate per coat (ft2/gal) 360, Flash point= 0, clear liquid coating, no flash meet or exceed existing and current federal, state, industrial, national and local fire codes. Trade Secret Formula -Fire Poly MSDS=Phosphoric Acid 18%, Formaldehyde 2%. This is an aqueous based resin liquid coating and penetrate. Total Solids =49.1%, weight per gallon 9.5 lbs., specific gravity = 1.33, PH factor =6, Flash Point Non-flammable, Color =Blue tint clear at 78 degrees F. Slight haze at 50 degrees F. and lower, Volatility= no petroleum or lead, Fungus= anti-fungus, Bacteria=mildly resistant, Linear shrinkage=None, Moisture absorption=None, Corrosion=Mildly, Preservative=excellent, Pest resistant
Excellent. These chemicals comply with all United States Federal and state law. Mildly Toxic During Application Phase Only.

Retardant State Number UPT1044, A member of the Wildlife fire management section and the architects, engineers building officials section.

24 Becket Lane
Palm Coast, Florida 32137
www.flameshieldconsulting.com
(386)597-1057



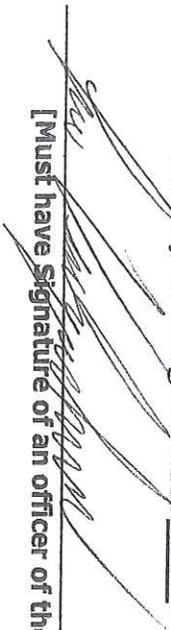
FLAME SHIELD
CONSULTING INCORPORATED

Organized under the laws of the state of Florida
Flame Shield Consulting Inc.

Jerry's Pizza (Frank Cipolla)

This Certifies that Flame Shield Consulting Inc. is issuing and certifying the above listed project, as registered Flame Retardant by An authorized license applications engineer. And is hereby certified

In Witness Whereof, the said Corporation has caused this Certificate to be signed by the duly authorized officer on the 28th day of August A.D. 2009.


[Must have Signature of an officer of the Corporation]



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, Florida 32127
Phone: (386)236-2182
Fax: (386) 322-6717

NOTICE OF HEARING

Date and Time of Notice of Hearing: August 20, 2015
9:30 AM
Method of Delivery: Via USPS Certified Mail

7013-1710-0001-7996-4844

August 20, 2015

9:04 AM

Delivery Date and Time
Notice of Hearing was Issued:

RE: CODE ENFORCEMENT BOARD – NOTICE OF HEARING – CASE NUMBER 40900
PROPERTY LOCATION: 33 INLET HARBOR RD

Dear M & G Ponce Inlet, LLC.
Mariano Cipolla, Registered Agent:

The Ponce Inlet Code Enforcement Board was created pursuant to Florida Statutes, Chapter 162 and Chapter 2, Article V of the Town's Code of Ordinances with the purpose of facilitating the enforcement of the town's code and rendering quick and fair decisions concerning violations of this code.

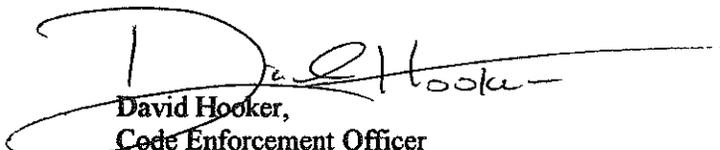
You are hereby notified that Case Number 40900 will be heard at a public hearing to be held at 9:30 am on Monday, September 28, 2015 before the Town of Ponce Inlet Code Enforcement Board, in the Council Chambers located at 4300 S Atlantic Avenue, Ponce Inlet, Florida.

You are hereby requested to appear before the Code Enforcement Board on Monday, September 28, 2015. Failure to attend this hearing shall be deemed as a waiver of the violator's right to contest the imposition of fines. You have the right to obtain an attorney at your own expense to represent you before the board should you desire.

If you wish to appeal any decision of the Board you will need a recorded copy of the proceedings, and, therefore, may need to ensure that a verbatim record of the proceedings, including all testimony and evidence, is made. The entire proceedings will be recorded. Should you desire, you may employ a court reporter, but it must be at your expense.

If you have any further questions, please contact the Code Enforcement office within five (5) days of receipt of this notice at (386) 236-2187.

Kind Regards,


David Hooker,
Code Enforcement Officer
/dh



Town of Ponce Inlet

4300 South Atlantic Avenue
Ponce Inlet, Florida 32127
Phone: (386) 236-2150
Fax: (386) 322-6717
www.ponce-inlet.org

NOTICE OF VIOLATION

M & G Ponce Inlet LLC.
C/O Mariano Ciplooa, Registered Agent
1266 Chessington Circle
Lake Mary, Florida 32746

August 20, 2015
Certified Return Receipt US Mail
7013-1710-0001-7996-4844

RE: 33 INLET HARBOR RD; Code Enforcement case #40900

Dear Marino & Girolamo Cipolla:

Please be advised that a code violation is hereby issued for the property at 33 Inlet Harbor Road in Ponce Inlet, Florida, having the parcel ID #6430-00-02-0060 and legally described as: 30-16-34 S 287.05 FT S OF INLET HARBOR BLVD 268.90 FT ON N/L MEAS TO C/L W OF O S BLVD & 433.93 FT ON S/L IN LOTS 2 & 4.

DESCRIPTION OF VIOLATION: MISCELLANEOUS, specifically, failure to correct violations from your annual fire inspection; Construction without permits and inspection approvals;

Therefore, you are hereby cited with the following violation(s) of the Ordinances and other technical codes that have been adopted by the Town of Ponce Inlet:

2010 Florida Building Code Section 105.1-Required

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

2010 Florida Building Code

Fuel Gas Code

401.2 Liquefied petroleum gas storage.

The storage system for liquefied petroleum gas shall be designed and installed in accordance with the International Fire Code and NFPA 58.

2010 Florida Building Code

Fuel Gas Code

407.2 Design and installation.

Piping shall be supported with metal pipe hooks, metal pipe straps, metal bands, metal brackets, metal hangers or building structural components, suitable for the size of *piping*, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration. *Piping* shall be anchored to prevent undue strains on connected *appliances* and shall not be supported by other *piping*. Pipe hangers and supports shall conform to the requirements of MSS SP-58 and shall be spaced in accordance with Section 415. Supports, hangers and anchors shall be installed so as not to interfere with the free expansion and contraction of the *piping* between anchors. All parts of the supporting *equipment* shall be designed and installed so they will not be disengaged by movement of the supported *piping*.

2008 National Electrical Code

Section 314.23 (A) – Surface Mounting

An enclosure mounted on a building or other surface shall be rigidly and securely fastened in place. If the surface does not provide rigid and secured support, additional support in accordance with other provisions of this section shall be provided.

2008 National Electrical Code

Section 314.28(B) & (C)

(B) Conductors in Pull or Junction Boxes.

In pull boxes or junction boxes having any dimension over 1.8 m (6 ft.), all conductors shall be cabled or racked up in an approved manner.

(C) Covers.

All pull boxes, junction boxes, and conduit bodies shall be provided with covers compatible with the box or conduit body construction and suitable for the conditions of use. Where used, metal covers shall comply with the grounding requirements of 250.110.

2008 National Electrical Code

Section 330-30 (A), (B) & (C) – Securing and Supporting.

(A). General.

Type MC cable shall be supported and secured by staples, cable ties, straps, hangers, or similar fittings or other approved means designed and installed so as not to damage the cables.

(B). Securing.

Unless otherwise provided, cables shall be secured at intervals not exceeding 1.8 m (6 ft). Cables containing four or fewer conductors sized no larger than 10 AWG shall be secured within 300 mm (12 in.) of every box, cabinet, fitting, or other cable termination.

(C). Supporting.

Unless otherwise provided, cables shall be secured at intervals not exceeding 1.8 m (6ft.). Horizontal runs of type MC cable installed in wooden or metal framing members or similar supporting means shall be considered supported and secured where such support does not exceed 1.8-m (6 ft.) intervals.

2008 National Electrical Code

Section 350.30 – Securing and Supporting.

LFMC shall be securely fastened in place and supported in accordance with 350.30 (A) and (B).

(A). Securely Fastened.

LFMC shall be securely fastened in place by an approved means within 300 mm (12 in.) of each box, cabinet, conduit body, or other conduit termination and shall be supported and secured at intervals not to exceed 1.4 m (4 ½ ft).

(B). Supports.

Horizontal runs of LFMC supported by openings through framing members at intervals not greater than 1.4 m (4 ½ ft.) and securely fastened within 300 mm (12 in.) of termination points shall be permitted.

2008 National Electrical Code

Section 408.7 – Unused Openings.

Unused openings for circuit breakers and switches shall be closed using identified closures, or other approved means that provide protection substantially equivalent to the wall of the enclosure.

2008 National Electrical Code

Section 410.22 – Outlet Boxes to be Covered.

In a completed installation, each outlet box shall be provided with a cover unless covered by means of a luminarie canopy, lampholder, receptacle, or similar device.

2008 National Electrical Code

Section 410.22 – Outlet Boxes to be Covered.

In a completed installation, each outlet box shall be provided with a cover unless covered by means of a luminarie canopy, lampholder, receptacle, or similar device.

2008 National Electrical Code

Section 410.56 (D) Splices and Taps.

No unnecessary splices or taps shall be made within or on a luminaire.

2008 National Electrical Code

Section 410.22 – Outlet Boxes to be Covered.

In a completed installation, each outlet box shall be provided with a cover unless covered by means of a luminarie canopy, lampholder, receptacle, or similar device.

2009 International Property Maintenance Code
Section 108 – Unsafe Structures and Equipment
108.1 General

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unsafe for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

2009 International Property Maintenance Code
Section 108 – Unsafe Structures and Equipment
108.1.2 - Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

2009 International Property Maintenance Code
Section 301 – General requirements
Section 301.2 - Responsibility

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner – occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Chapter. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

2009 International Property Maintenance Code
Section 302 – Exterior Property Areas
302.1 – Sanitation.

All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition

2009 International Property Maintenance Code
Section 304 – Exterior Structure
304.1 – General

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

You are requested to correct the aforementioned violations and bring the property into compliance by taking the following actions immediately:

1. Post Address numbers on building
2. Approved 4A 40 BC Fire Extinguisher must be certified
3. Repair emergency lighting
4. Repair electrical so no bare wires show
5. Maintain a 30 inch clearance in front and on all sides of electrical panel
6. Storage of boxes and other materials away from heating devices
7. Ceiling tiles shall be kept in good repair
8. Hoods and other grease removal devices shall be cleaned
9. Updated Certificate of application on Fire Retardant Coating & Testing
10. Secure permit for construction of deck

Please note that this case has been scheduled for a hearing before the Code Enforcement Board of the Town of Ponce Inlet, even if the violation(s) are corrected prior to the Board's hearing. Pursuant to Chapter 162.09(2)(a), Florida Statutes, "A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation."

If you have any questions regarding this matter, I can be reached at (386) 236-2187, weekdays from 8:00 a.m. until 4:30 p.m. or via e-mail at dhooker@ponce-inlet.org.

Kind Regards,



David Hooker
Code Enforcement Officer

CC:
Girolamo Cipolla
753 Pickfair Terrace
Lake Mary, Florida 32746
Cert # 7013-1710-0001-7996-4905

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MIG Ponce Inlet, LLC
 Girolamo Cipolla, MGRM
 753 Pickfair Terrace
 Lake Mary, FL 32746

2. Article Number

(Transfer from service label)

7013 1710 0001 7996 4905

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent
 Addressee
 B. Received by (Printed Name) Girolamo Cipolla C. Date of Delivery 8-25-15
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MIG Ponce Inlet, LLC
 MARIANO Cipolla, R.A.
 1266 Chessington Circle
 Lake Mary, FL 32746

2. Article Number

(Transfer from service label)

7013 1710 0001 7996 4844

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent
 Addressee
 B. Received by (Printed Name) Mariano Cipolla C. Date of Delivery 8/25/15
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

48 Attorney Smith provided a summary of this case and the Orders. Mr. Bailey provided a history
49 of the actions taken by staff and the Board. After a brief discussion, Ms. Richard testified that
50 the developer must obtain a construction and mitigation bond, which is based on 125% of the
51 total contracted project cost. The Bond ensures the developer will complete the project and if
52 not, then held financially responsible for completion of the project, including mitigation of the
53 tree and vegetation clearing. Ms. DiCarlo clarified that part of the amount of the bond is applied
54 to the vegetation restoration. Mr. Finch asked how long it will take for the Town to review the
55 bond. Mr. Bailey explained that the bond is sent to the Town's Engineer for review and
56 completeness. Mr. Michel asked if this was the same case that the Board heard a while back
57 regarding vegetation removal. Chairman Villanella said no, this is a different case. Ms. Richard
58 said that in addition to the bond, the Town is required to review the bond and the supporting
59 documents to confirm the cost of the project is accurate. Ms. DiCarlo asked if, part of the
60 motion, we ask for the Respondent "cease and desist"; Mr. Bailey said there is no work taking
61 place at this time. Mr. Roth asked what more the Town wants the Respondent to do - is this
62 punitive or a motivator fine? Atty. Smith said it's a combination of both, the Town has been
63 working with the Respondents, and the case keeps getting "continued", but they don't respond.
64 Mr. Roth said it seems the Town is being reasonable.

65
66 Chairman Villanella asked if there was anyone present to speak to the Board on behalf of the
67 Respondent; there was not.

68
69 Ms. DiCarlo made the motion to find the Respondent's failed to comply with this Board's
70 previous Order and to submit the Bond and Construction Cost breakdown by 4:30pm today in
71 order to comply with that Order; otherwise the Board will impose a fine of \$100 per day until the
72 Bond and Construction Cost breakdown have been submitted. Furthermore, the penalty will
73 cease upon receipt of bond, and Respondent will be given 48 hours to respond to a notification of
74 deficiencies before the penalties re-commence; the motion was seconded by Mr. Michel. The
75 motion PASSED 6-0 roll-call vote.

76
77 **9. NEW BUSINESS:**

78 a) Case #40318 Address: 7 Mar Azul South, Ponce Inlet FL 32127
79 Owner(s): Mark & Katherine Kinchla

80 **Violation: Rental of property without a rental permit**

81 Attorney Smith provided a brief summary. Mr. Hooker presented the case and evidence. He
82 stated that the owners have contacted staff and obtained a rental permit on September 21st. He
83 asked that the Respondents be found in non-compliance, are now in compliance and to dismiss
84 the case. Chairman Villanella asked if this was a short-term rental; Mr. Hooker said yes.
85 Attorney Smith recommended that the Order include that *the Town may prosecute this as a*
86 *repeat violation, should they violate the rules within five years.* Mr. Michel asked if the fee for a
87 rental permit is based on the rental value or is it a flat fee. Mr. Hooker stated that it is flat fee of
88 \$125.00 annually. Mr. Hinson made the motion to find Respondents were in non-compliance,
89 are now in compliance and to dismiss the case. Mr. Michel seconded the motion. The motion
90 PASSED 6-0, roll-call vote.

91
92 b) Case #40900 Address: 33 Inlet Harbor Road, Ponce Inlet FL 32127
93 Owner(s): M & G Ponce Inlet, LLC (Cipolla) – Jerry's Restaurant

94 **Violation: Construction without permit and property/safety maintenance issues**

95 Attorney Smith provided a brief summary. Mr. Hooker presented the case, outlining each
96 violation of the Florida Building Code (FBC), the National Electrical Code (NEC), and the
97 International Property Maintenance Code (IPMC); and included the evidence. Mr. Bailey

98 addressed the life/safety issues and referred to the annual fire inspection report dated April 21,
99 2015. He added that a follow-up inspection was performed on June 23, 2015 by the Fire
100 Marshal, Fire Chief, and himself (Chief Building Official/Certified Floodplain Manager) and
101 many of the violations had not been corrected.

102
103 Chairman Villanella asked if anyone was present on the Respondent's behalf regarding this case.
104 Mr. Frank Cipolla was present and was invited to address the Board. He stated that he was
105 unaware of some of the violations and others have since been corrected. He invited staff to come
106 to the property for a re-inspection. He also noted that the tiki hut roofs could not be sprayed with
107 fire retardant until after they had properly dried, otherwise the retardant chemicals will not
108 adhere properly. He said the company is coming this week to look at all the tiki roofs and will
109 determine when the retardant can be applied. Mr. Cipolla asked the Board and staff for leniency
110 while he corrects the last of the violations.

111
112 Mr. Hinson asked why it has taken since June 23, 2015 to correct the deficiencies. Mr. Bailey
113 said the owner must call staff to request a reinspection when the violations have been corrected,
114 which they did not do. Mr. Frank Cipolla said he will do whatever he needs to do to correct the
115 violations.

116
117 Mr. Roth made the motion to postpone any decision, direct staff to work with Respondent to
118 resolve communication issues, and give the Respondent thirty days to bring the property into
119 compliance. Chairman Villanella cautioned against granting any length of time to correct public
120 safety issues. Attorney Smith reiterated the requests of the Town. Mr. Hinson seconded the
121 motion. The motion FAILED 4-2 roll-call vote, with Mr. Hinson, Chairman Villanella, Mr.
122 Finch, and Ms. DiCarlo dissenting; Mr. Roth and Mr. Michel voted yes.

123
124 A brief Attorney and Board discussion ensued; the Respondent requested copies of the Fire
125 Inspection reports and photos. Mr. Bailey noted that the Town is requesting that *no electrical*
126 *service be available in the tiki huts until the fire retardant has been applied.*

127
128 Mr. Hinson made the motion to find the Respondent in non-compliance; allow twenty days to
129 bring the safety issues into compliance and thirty days to bring the non-safety issues into
130 compliance; and Mr. Roth seconded the motion. Mr. Hinson amended the motion to include "if
131 not in compliance as ordered, a fine of \$250/day may accrue". The amended motion was
132 seconded by Ms. DiCarlo. The motion PASSED 4-2 roll-call vote, with Chairman Villanella and
133 Mr. Roth dissenting.

134
135 c) Case #40334 Address: 4940 S. Peninsula Drive, Ponce Inlet FL 32127
136 Owner(s): Dean Maxwell & Marguerite Sanders
137 **Violation: Construction of floating dock without permit or inspection approvals**

138 Attorney Smith provided a summary and reviewed the Town's request. Mr. Hooker presented
139 the case, outlined the violations and reviewed the evidence. Mr. Hooker noted for the record that
140 Mr. Maxwell came to town hall to inquire about a certified letter and was promptly served at that
141 time. Mr. Bailey noted that staff became aware of the construction of a floating dock at the
142 property and upon investigation, discovered no permits or inspections were obtained.

143
144 Chairman Villanella asked if the Respondent (or a representative) was present. Mr. Joe Hopkins,
145 the Performance Group (Daytona Beach) addressed the Board on the Respondent's behalf. He
146 stated that this issue falls within the FL Dept of Environmental Protection (FDEP) jurisdiction as
147 well, and affects the submerged land lease. He stated that because of the jurisdictions involved,

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
A municipal corporation,

Petitioner,

vs.

CASE NO.: 40900

M&G PONCE INLET, LLC

Respondents/Owners.

FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER

This cause was heard on the 28th day of September, 2015 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondent and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. The property which is the subject of this code enforcement action is located at 33 Inlet Harbor Road, Ponce Inlet, Florida with Volusia County Property Tax ID 6430-00-02-0060 and is more particularly described as 30-16-34 S 287.05 FT S OF INLET HARBOR BLVD 268.90 FT ON N/L MEAS TO C/L W OF O S BLVD & 433.93 FT ON S/L IN LOTS 2 & 4.
2. On August 20, 2015, the Code Enforcement Officer served Respondent with a Notice of Violation citing the Respondents with violations of the:

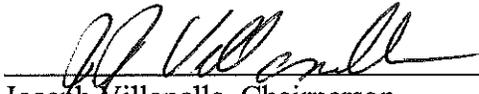
Florida Building Code Sections 105.1, 401.2 and 407.2;
National Electric Code Sections 314.23(A), 314.28(B)&(C), 330.30(A), (B) & (C), 350.30, 408.7, 410.22, 410.56(D), and 410.22; and
International Property Maintenance Code Sections 108.1, 108.1.2, 301.2, 302.1 and 304.1.
3. On August 20, 2015, the Code Enforcement Officer served Respondent with a Notice of Hearing.
4. Based on the evidence and testimony received, Respondent is found to be in violation of Sections 105.1, 401.2 and 407.2 of the Florida Building Code, Sections 314.23(A), 314.28(B)&(C), 330.30(A), (B) & (C), 350.30, 408.7, 410.22, 410.56(D) and 410.22 of the National Electric Code, and Sections 108.1, 108.1.2, 301.2, 302.1 and 304.1 of the International Property Maintenance Code.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

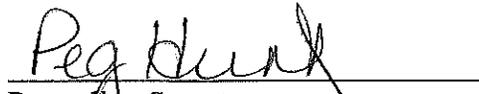
5. Respondent shall cure all safety hazards within twenty (20) days of the date of this Order.

6. Respondent shall cure all other violations, including the spraying of the tiki huts and obtaining an after-the-fact permit for the newly constructed deck, within thirty days of the date of this Order.
7. If Respondent fails to cure the violation within the time allowed herein, the Code Enforcement Board may consider at a subsequent hearing fines of up to \$250 per day in accordance with Chapter 162, Florida Statutes, for each day the Subject Property remains in non-compliance.
8. Any violation of the same Code sections by the Respondent within five years of the date of this Order may be prosecuted as a repeat violation.

ORDERED at Ponce Inlet, Volusia County, Florida on this 28 day of September, 2015.

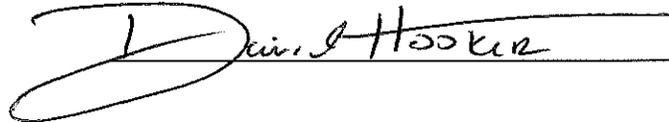

Joseph Willanella, Chairperson
Code Enforcement Board

ATTEST:


Recording Secretary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the 5th day of October 2015.



Print Name: David Hooker

PONCE INLET FIRE/RESCUE DEPARTMENT * SAFETY INSPECTION DIVISION
 4680 S. Peninsula Drive * Ponce Inlet, FL 32127
 Phone 386-322-6708, ext. 333; Fax 386-304-7628

Inspection Date 10/21/15 Inspector D. George Re-inspection Date _____

Business/Condo Name Jerry's Tiki Bar Address 33 Inlet Harbor Road

Owner _____ Manager _____

Phone # _____ Phone # (386) 760-2203

Occupancy Class: Business Mercantile Storage Assembly Residential

NOTICE OF FIRE SAFETY HAZARDS: You are hereby notified that an inspection of your premises has disclosed the following fire safety hazards/violations of the Town's Fire Prevention Code.

Items are Okay Items are *not* in Compliance.

- All buildings shall be provided with addresses that are legible from the street or roadway. NFPA 1, Ch. 10.13.1.1
- Current Occupational License per Town Ordinance (if required)?
- Are approved 3A40BC fire extinguishers provided, inspected, and maintained? NFPA 1 Ch. 13.6 & 13.6.6.8.3
- Fire Walls, stops and rated partitions shall be maintained. NFPA 1, Ch. 12.8
- No storage under stairs or exit closures. NFPA 1, Ch. 10.5 Or 19.1.2
- Self closing doors blocked open? NFPA 1 Ch 14.5.4
- Locks on inside doors (if provided) shall not require the use of key tools or special knowledge to open them. If required, does panic hardware function properly? NFPA 1 Ch 14.5.2 & 14.5.3
- Fire lanes must be maintained and accessible to emergency vehicles. NFPA 1, Ch 14.5.2 & 14.5.3
- Means of egress shall be clear of obstructions which would prevent its use. NFPA 1, Ch 14
- Is Knox Box, if required, provided with all keys? NFPA 1, Ch 10.12
- Are FDC Connections clearly marked and maintained? NFPA 25
- Install lighted EXIT sign if open during evening. NFPA 1, Ch 14.14.5
- EXIT signs shall be lit at all times building is occupied. NFPA 1, Ch 14
- Repair/Install emergency lighting system, if needed. NFPA 1, Ch 7.9
- Electrical wiring subject to damage shall be placed in conduit and maintained in good condition. NFPA 1, Ch 11.1
- Flexible cords shall not be used for fixed wiring. Use of multi-plug adaptors (cheaters) is prohibited. Use fused breaker strip. NFPA 1, Ch 11.1.5
- Each circuit breaker to be marked to its purpose, with no open breaker spaces allowed. NFPA 1, Ch 11.1
- 30" clearance shall be provided in front and on all sides of electrical panel for access. NFPA 1, Ch 11.1
- Remove all combustible and waste material. NFPA 1, Ch 10.5. or 19.1.21
- Storage of items shall be kept away from heating devices, and at least 18" below sprinkler heads, and 24" below ceiling level in non-sprinkled areas. NFPA 1, Ch 10.15 or 19.1.2
- Ceiling tiles shall be kept in place and in good repair, no broken, missing or tiles with holds in them are allowed. NFPA 1, Ch 12.8
- Automatic extinguishing systems in hoods shall be inspected by a Certified and Licensed Fire Equipment Company every six (6) months. NFPA 1, Ch 50.
- Hoods and other grease removal devices shall be cleaned at frequent intervals, to prevent grease buildup. NFPA 1, Ch 50.
- Is all gas piping/equipment piping in good shape and in accordance with NFPA 54, National Fuel Gas Code, or NFPA 58 for LPG?
- Are Fire Sprinkler Systems inspected yearly by a Certified Sprinkler Company? NFPA 1, Ch 13.3.1
- Are all records of inspection of the sprinkler system kept on hand? NFPA 1, Ch 13.3.1
- Are sprinkler systems monitored per requirements of the NFPA Life Safety Code, Ch 9.7.2?
- Fire Alarm Systems must be inspected by a Certified Alarm Company yearly, and records kept on same. NFPA 72
- Order to Comply: As such conditions found on this inspection are contrary to recognized codes and ordinances, you are required to correct such conditions upon receipt of this notice. A re-inspection will be done to determine if said violations have been corrected. Failure to comply may make you liable to the penalties provided for such violations.
- Back Flow Preventer connection (Ordinance 2005-03)
- Back Flow yearly test (obtain copy of yearly test report, to be forwarded to Public Works Department)

Owner/Representative: 

Inspector: D. George

Top Copy - Office

Bottom Copy - Occupant



**PONCE INLET FIRE RESCUE
FIRE INSPECTION REPORT**

Pg 02 of 02
FIRE LOSS MANAGEMENT DIVISION
4680 S. Peninsula Drive
Ponce Inlet, FL 32127
(386) 322-6720
Fax (386) 304-7628

Address of Property <i>3371 1st Harbor</i>	Suite #	Type of Occupancy <i>Assembly</i>	Occup. Lic. #	Occupant Load	Date <i>10/21/15</i>
Building and/or Occupancy Name		Telephone No.	Elevator <input type="checkbox"/> OK <input type="checkbox"/> ERROR		Hazmat Info. Y / N
Name of Owner and/or Agent of Bus.		Alternate Emerg. No.	Name of Owner and/or Agent		Business Telephone No.
Home Address		(H) Telephone No.	Address		(H) Telephone No.
		PGH or Cell No.			
					Page 1 of _____

THIS INSPECTION REVEALED: NO VIOLATIONS THE FOLLOWING VIOLATIONS

REMARKS:

- * Self Closer to Rear Kitchen Door NOT working
- * PIZZA BOXES NEXT TO OVEN, should be 24" DOWN from ceiling AND AT LEAST 24-36" AWAY from oven.
- * ABC Fire extinguisher needs to be installed by exit door (Near inside Bar)
- * Need Flame Resistance Certification for Tiki Huts.
- * OUTSIDE Stage has many Multi Plug ADAPTORS. Many ARE NOT ~~PROT~~ GROUNDED OR GFCI PROTECTED.
→ OBSERVED ON 10/21/15

THIS INSPECTION IS REQUIRED BY THE TOWN CODE OF ORDINANCES, CHAPTER 38 "FIRE PREVENTION AND INSPECTIONS" SECTION 38-72 LABELED "ANNUAL FIRE INSPECTIONS REQUIRED" IN AN EFFORT TO PREVENT THE LOSS OF LIFE OR PROPERTY. THE HAZARDS OR VIOLATIONS FOUND HEREIN ARE A VIOLATION OF FLORIDA FIRE PREVENTION OR TOWN CODES AND SHALL BE CORRECTED. A FOLLOW UP INSPECTION TO CHECK ON CORRECTIONS SHALL BE CONDUCTED PER SECTION 38.73 LABELED "REINSPECTIONS" AND A FEE CHARGED FOR THIS INSPECTION. IF SAID VIOLATIONS STILL EXIST A CODE VIOLATION WARNING SHALL BE ISSUED FOR EACH OUTSTANDING VIOLATION.

Reinspection	Compliance Yes <input type="checkbox"/> No <input type="checkbox"/>	Inspector <i>D. George</i>	Report Received By: (Please Print) <i>Maria Jaramillo</i>
Date	Warning Notice Issued Yes <input type="checkbox"/> No <input type="checkbox"/>	Signature of Inspector <i>[Signature]</i>	Signature <i>[Signature]</i>
Date			

Top - Office Copy

Bottom - Occupant Copy



MEMORANDUM
TOWN OF PONCE INLET FIRE RESCUE

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND
FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE
INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

TO: Dan Scales, Fire Chief
FROM: Lieutenant Derek George, Fire Marshal
DATE: October 21, 2015
SUBJECT: Jerry's Tiki Huts

Per your request, I performed a follow up fire inspection at Jerry's Tiki Bar, located at 33 Inlet Harbor Road. Jeni indicated that she spoke with Frank, co-owner of Jerry's Tiki Bar, on October 09, 2014 at approximately 4:00PM to set up a follow up fire inspection as requested by the Code Enforcement Board. Jeni indicated to me that she advised Frank that one of the owners needed to be present during the inspection.

The follow up fire inspection and meeting was scheduled for 1100hrs with Joe, co-owner of Jerry's Tiki Bar. Once I arrived, Joe was not present. The kitchen manager, Maria Jaramillo, called Joe and advised him that I was there. Joe indicated that he was unable to make our appointment.

I asked Joe, over the phone, if I could have his permission to conduct the fire inspection. Joe agreed and asked that I leave my findings with Ms. Jaramillo. After speaking with Joe, I telephonically contacted you regarding Joe and/or Franks absence. You indicated that I should go ahead and perform the inspection per Joe's request. You further indicated that the Code Enforcement Officer, David Hooker, would join me on site.

I performed my fire inspection and found violations that still had not been corrected (see inspection report dated 10/21/15). Code Enforcement Officer Dave Hooker and I went through the list of outstanding violations. He took a picture of exposed wiring on a fan under the southwest tiki hut.

While on site, I created an updated inspection report that only listed the outstanding violations. Ms. Jaramillo signed the new report acknowledging receipt of the report. In addition, I walked her around the business and explained exactly what needed to be performed to gain full compliance. She indicated that she understood the corrective action required and she thanked me for performing the inspection.

As a point of clarification, the following violations have not been corrected as of my inspection today:

- The address needs to be posted on the front of the business.
- A minimum of a 3A40BC fire extinguisher needs to be installed by the door next to the inside bar.
- Storage of items shall be kept 24" below ceiling level.
- Cardboard pizza boxes are too close to the oven. They should be 24-36" away from the oven.
- There are missing or cracked ceiling tiles. Missing tiles were also noted near the back door in the kitchen.
- The self closer on the rear kitchen door is not working.
- I need fire resistance certification for the tiki huts.

If you need any further information or if I can be of further assistance, please let me know.



TOWN OF PONCE INLET
CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
October 26, 2015

1
2 **1. CALL TO ORDER:** Following proper notice, Chairman Villanella called the meeting
3 to order at 9:34 a.m. in the Town Council Chambers, 4300 S. Atlantic Avenue, Ponce Inlet,
4 Florida.

5
6 **2. PLEDGE OF ALLEGIANCE:** Chairman Villanella led the attendees in the *Pledge of*
7 *Allegiance.*

8
9 **3. ROLL CALL & DETERMINATION OF QUORUM:**

10 *Board members present:* *Board members absent:*
11 Mr. Hinson None
12 Mr. Villanella
13 Mr. Finch
14 Mr. Roth
15 Ms. DiCarlo
16 Mr. Michel
17 Ms. Kellum

18 All seven Board members were present.

19
20 *Staff Members Present:*

21 Mr. Bailey, Chief Building Official/CFPM
22 Attorney Cino, Code Board Attorney
23 Mr. Hooker, Code Enforcement Officer
24 Ms. Hunt, Recording Secretary
25 Attorney Smith, Town Attorney

26
27 **4. ADOPTION OF THE AGENDA:** Ms. DiCarlo made the motion to adopt the agenda
28 as presented and Mr. Finch seconded the motion. The motion PASSED 7-0, roll-call vote.

29
30 **5. EX-PARTE COMMUNICATION:** None

31
32 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
33 *Oath* to all witnesses who were testifying at today's hearing.

34
35 **7. APPROVAL OF THE MINUTES:**

36 *a. September 28, 2015* – Ms. DiCarlo asked for a correction to lines 30 & 31 to read
37 “Ms. DiCarlo disclosed that she has knowledge that the property is being rented” in regards to
38 item 10A. Ms. Hunt noted the changes for the record. Mr. Finch made the motion to approve
39 the minutes of the September 28, 2015 meeting as amended and Mr. Michel seconded the motion.
40 The motion PASSED 7-0, roll-call vote.

41
42 **8. CONSENT AGENDA:**

43 *a. Case #33708, 4460 S. Atlantic Avenue*
44 *Owner(s): Steven Reynolds and Mike Newberry*
45 *Order of Compliance dated October 1, 2015*

46 Mr. Hooker stated that the Respondents complied with this Board's order dated September 28,
47 2015 and provided the Bond on October 1, 2015. He stated that the Town is requesting an Order

48 of Compliance dated October 1, 2015 and to dismiss the case. Mr. Hinson clarified that the
49 Board is being asked to find compliance with the bond only; Mr. Hooker confirmed.

50
51 Chairman Villanella asked if there was anyone present to speak on behalf of the Respondents or
52 to speak on this matter; there was not. Mr. Hinson made the motion to find case #33708 is in
53 compliance with the Order dated September 28, 2015 and to dismiss the case. Ms. DiCarlo
54 seconded the motion. The motion PASSED 7-0, roll-call vote.

55
56 **9. OLD BUSINESS:**

57 a) Case #40900; 33 Inlet Harbor Road

58 Owner(s): M&G Ponce Inlet, LLC (d/b/a Jerry's Restaurant and Tiki Bar)

59 Violation: Construction without permits and other Property Maintenance issues

60 Attorney Smith provided a summary of the case. Mr. Hooker reviewed the history of actions
61 taken by Town staff, this Board's Order from September 28, 2015, reviewed the evidence and
62 reiterated that the Board's Order granted the Respondents twenty days to correct all Life/Safety
63 violations (ended October 18th) and thirty days to correct all other violations (ends October 28th).
64 He reported that he and Fire Marshal Derek George inspected the property on October 21, 2015,
65 after the 20-days had passed, and found that nine life-safety violations still existed. He referred
66 to the memorandum from Fire Marshal Derek George to Fire Chief Dan Scales, dated October
67 21, 2015, listing the violations in detail. Mr. Roth asked if there had been any communication
68 between the owners and staff. Mr. Hooker reminded the Board that Mr. Frank Cipolla was
69 present at last month's meeting and in the meantime, phone calls (from Fire Marshal) and site
70 inspections (performed by Fire Marshal and Code Enforcement) were performed with the
71 owner's knowledge. He added that he personally has not had any verbal conversation with the
72 owner(s) since the last Code Board meeting, but the Board's Order and various Notices have
73 been mailed and delivered; to which there has been no response. Atty. Smith reminded the
74 Board that this was a two-part Order with two separate deadlines; the first Order was for the
75 life/safety issues, which expired October 18th.

76
77 Chairman Villanella asked if there was anyone present to speak on behalf of the Respondents or
78 to speak on this matter; there was not. Ms. DiCarlo made the motion that based on the testimony
79 and evidence presented regarding case #40900, a fine of \$250 per day be imposed, retroactive to
80 October 19, 2015, and fines will continue to accrue until the property is brought into
81 compliance. Ms. Kellum seconded the motion. The motion PASSED 7-0, roll-call vote.

82
83 b) Case #40334; 4940 S Peninsula Drive

84 Owner(s): Dean Maxwell/Marguerite Sanders (d/b/a Hidden Treasures Restaurant)

85 Violation(s): Construction of unpermitted floating dock

86 Attorney Smith reviewed the Order from the September 28, 2015 Code Enforcement Board
87 meeting and Mr. Hooker reviewed the case history and the evidence. Mr. Hooker noted that the
88 day after last month's Code Board meeting, Mr. Hopkins, Engineer, submitted certification that
89 the unpermitted dock is safe for use. There has been no response from the property owner(s)
90 regarding the permit applications, and October 12th was the compliance date set by this Board.
91 Chairman Villanella asked if there was anyone present to speak on behalf of the Respondents or
92 to speak on this matter; there was not. Ms. Kellum made the motion that based on the testimony
93 and evidence presented regarding case #40334, a fine of \$100 per day be imposed, retroactive to
94 October 13, 2015 and continuing to accrue daily until property is brought into compliance. Ms.
95 DiCarlo seconded the motion. The motion PASSED 7-0, roll-call vote.

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
A municipal corporation,

Petitioner,

vs.

CASE NO.: 40900

M&G PONCE INLET, LLC

Respondent/Owner.

ORDER IMPOSING FINE AND CREATING LIEN

This cause was heard on the 26th day of October, 2015 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondent and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

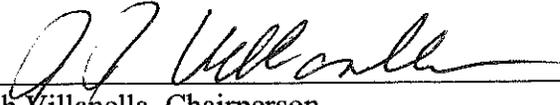
1. The property which is the subject of this code enforcement action is located at 33 Inlet Harbor Road, Ponce Inlet, Florida with Volusia County Property Tax ID 6430-00-02-0060 and is more particularly described as 30-16-34 S 287.05 FT S OF INLET HARBOR BLVD 268.90 FT ON N/L MEAS TO C/L W OF O S BLVD & 433.93 FT ON S/L IN LOTS 2 & 4.
2. On September 28, 2015, an Order was entered finding the Respondent in violation of the Town of Ponce Inlet Code of Ordinances and requiring Respondent to cure the certain violations on the property before October 18, 2015 and ordering the potential assessment of \$250.00 per day fine for each day thereafter the violation continued.
3. The Respondent did not cure the violation within the time allowed by the Code Enforcement Board.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

4. A fine of \$250.00 per day for each day the property remains in non-compliance with the Code Enforcement Board's Order is imposed in this case with such fine beginning on October 19, 2015 and continuing to accrue until Respondent has complied with Code Enforcement Board's Order of September 28, 2015. Upon recordation of a certified copy of this Order in the Public Records of Volusia County, Florida, this Order shall constitute a lien against the real and personal property of Respondents.

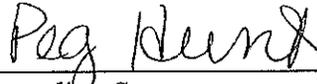
5. Any future violations of the same code sections by the same respondent on the subject property may be prosecuted as repeat violations.

ORDERED at Ponce Inlet, Volusia County, Florida on this 30th day of October, 2015.



Joseph Villanella, Chairperson
Code Enforcement Board

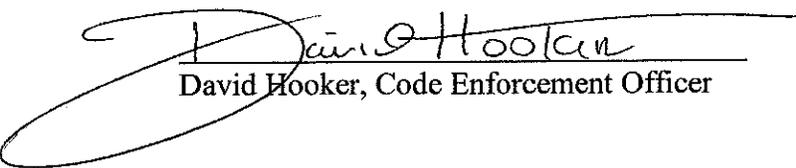
ATTEST:



Recording Secretary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the 30th day of OCTOBER 2015.



David Hooker, Code Enforcement Officer



TOWN OF PONCE INLET
CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
January 25, 2016

1
2 **1. CALL TO ORDER:** Following proper notice, Chairman Villanella called the
3 meeting to order at 9:31 am in the Town Council Chambers, 4300 S. Atlantic Avenue,
4 Ponce Inlet, Florida.

5
6 **2. PLEDGE OF ALLEGIANCE:** Chairman Villanella led the attendees in the
7 Pledge of Allegiance.

8
9 **3. ROLL CALL & DETERMINATION OF QUORUM:**

10 Board members present:	Board members absent:
11 Mr. Hinson	None
12 Mr. Villanella	
13 Mr. Finch	
14 Ms. DiCarlo	
15 Mr. Michel	
16 Ms. Kellum	
17 Mr. Irvin	

18 A quorum was established with seven Board members present.

19
20 Staff Members Present:

21 Mr. Bailey, Chief Building Official/CFPM
22 Attorney Cino, Code Board Attorney
23 Mr. Hooker, Code Enforcement Officer
24 Ms. Hunt, Board Secretary
25 Attorney Smith, Town Attorney

26
27 a. Oaths of Office – Attorney Cino administered the Oath of Office to Mr. Hinson
28 (re-appointed) and Mr. Irvin (new appointee).

29 b. Election of Chairperson – Mr. Hinson made the motion to re-elect Joe
30 Villanella as Chairperson; the motion was seconded by Ms. Kellum. The motion was
31 APPROVED 7-0, roll-call vote.

32 c. Election of Vice-Chairperson – Mr. Michel made the motion to elect Pete
33 Finch as Vice-Chairperson; the motion was seconded by Mr. Hinson. The motion
34 was APPROVED 7-0, roll-call vote.

35
36 **4. ADOPTION OF THE AGENDA:** Ms. DiCarlo made the motion to adopt the
37 agenda as presented and Ms. Kellum seconded the motion. The motion was
38 APPROVED 7-0, roll-call vote.

39
40 **5. EX-PARTE COMMUNICATION:** None

41
42 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
43 Oath to testifying witnesses.

44
45 **7. APPROVAL OF THE MINUTES:**

46 a. November 23, 2015 – Mr. Hinson made the motion to approve the minutes of
47 the November 23, 2015 meeting as presented; Ms. DiCarlo seconded the motion. The
48 motion was APPROVED 7-0, roll-call vote.
49

50 **8. CONSENT AGENDA:**

- 51 a. Case #40900; violation address: 33 Inlet Harbor Road
52 Owner(s): M&G Ponce Inlet, LLC
53 Order of Compliance – as of November 10, 2015
54

55 Mr. Hooker stated the property was brought into compliance on November 10, 2015 and
56 the Town is requesting an Order of Compliance and to dismiss the case. He noted that
57 a lien of \$5,750 is due.
58

59 Mr. Hinson made the motion to find case #40900 is in compliance as of November 10,
60 2015 and to dismiss the case. Ms. DiCarlo seconded the motion. The motion was
61 APPROVED 7-0, roll-call vote.
62

63 **9. OLD BUSINESS:**

- 64 a) Case #39213; violation address: 4332 S. Atlantic Avenue
65 Owner(s): Ana Yeneic, et al
66 Status update: Mr. Hooker stated the property is secure and is being maintained;
67 no Board action is requested. He noted that the estate is currently in probate. Ms.
68 DiCarlo asked if the pool lock has been installed; Mr. Hooker confirmed that the lock
69 was installed the same day as this Board's Order.
70

71 **10. NEW BUSINESS:**

- 72 a) Case #41629; violation address: 116 Anchor Drive
73 Owner(s): Jacqueline Draheim
74 Violation: Property maintenance issues relating to dwelling(s) or lot
75 Mr. Hooker provided testimony and evidence including photographs of the pool screen
76 enclosure. He reported that the Respondent has brought the property into compliance.
77 He said the Town is requesting an Order finding the property was in non-compliance, is
78 now in compliance and to dismiss the case.
79

80 Chairman Villanella opened public comment by asking if there was anyone present to
81 speak on this matter; there was not. Chairman Villanella closed public comment.
82

83 Ms. DiCarlo made the motion that based on the testimony and evidence presented
84 regarding case #46129, that an Order be issued finding the property was in non-
85 compliance, is now in compliance, and to dismiss the case. Ms. Kellum seconded the
86 motion. The motion PASSED 7-0, roll-call vote.
87

- 88 b) Case #42157; violation address: 64 Aurora Avenue
89 Owner(s): Harold & Jacqueline Knopp
90 Violation: Property maintenance issues relating to dwelling(s) or lot
91 Mr. Hooker presented testimony and evidence, including photographs of the mechanical
92 (A/C & Heating) unit in disrepair/disassembly. He stated that he has spoken with Mr.
93 Knopp, who would like to make the repairs, but due to family issues, is unable to do so.
94 Mr. Hooker said the Town is requesting an Order finding the property is in non-

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
A municipal corporation,

Petitioner,

vs.

CASE NO.: 40900

M&G PONCE INLET, LLC

Respondent/Owner.

ORDER IMPOSING FINE AND CREATING LIEN

This cause was heard on the 26th day of October, 2015 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondent and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. The property which is the subject of this code enforcement action is located at 33 Inlet Harbor Road, Ponce Inlet, Florida with Volusia County Property Tax ID 6430-00-02-0060 and is more particularly described as 30-16-34 S 287.05 FT S OF INLET HARBOR BLVD 268.90 FT ON N/L MEAS TO C/L W OF O S BLVD & 433.93 FT ON S/L IN LOTS 2 & 4.
2. On September 28, 2015, an Order was entered finding the Respondent in violation of the Town of Ponce Inlet Code of Ordinances and requiring Respondent to cure the certain violations on the property before October 18, 2015 and ordering the potential assessment of \$250.00 per day fine for each day thereafter the violation continued.
3. The Respondent did not cure the violation within the time allowed by the Code Enforcement Board.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

4. A fine of \$250.00 per day for each day the property remains in non-compliance with the Code Enforcement Board's Order is imposed in this case with such fine beginning on October 19, 2015 and continuing to accrue until Respondent has complied with Code Enforcement Board's Order of September 28, 2015. Upon recordation of a certified copy of this Order in the Public Records of Volusia County, Florida, this Order shall constitute a lien against the real and personal property of Respondents.

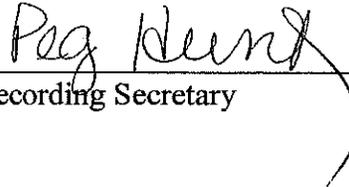
5. Any future violations of the same code sections by the same respondent on the subject property may be prosecuted as repeat violations.

ORDERED at Ponce Inlet, Volusia County, Florida on this 30th day of October, 2015.



Joseph Willanella, Chairperson
Code Enforcement Board

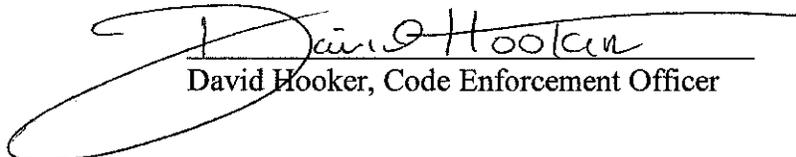
ATTEST:



Recording Secretary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the 30th day of OCTOBER 2015.



David Hooker, Code Enforcement Officer