



TOWN OF PONCE INLET  
**CODE ENFORCEMENT BOARD**  
**REGULAR MEETING MINUTES**  
**September 26, 2016**

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

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

7  
8 **3. ROLL CALL & DETERMINATION OF QUORUM:**

9 Board members present: Board members absent:  
10 Mr. Hinson, Seat #1 None  
11 Mr. Villanella, Seat #2  
12 Mr. Finch, Seat #3  
13 Mr. Michel, Seat #4  
14 Ms. DiCarlo, Seat #5  
15

16 A quorum was established with all five board members present.

17  
18 Staff present: Police Dept. staff present:  
19 Attorney Cino, Code Board Attorney Officer Barnes  
20 Mr. Hooker, Code Enforcement Officer Officer Bines  
21 Ms. Hunt, Board Secretary Chief Fabrizio  
22 Attorney Smith, Town Attorney  
23

24 **4. ADOPTION OF THE AGENDA:** Chairman Villanella requested that item #7a  
25 (minutes date), be changed to July 25, 2016. Vice-Chairman Finch moved to approve  
26 the agenda as amended; seconded by Ms. DiCarlo. The motion was APPROVED 5-0,  
27 by consensus.  
28

29 **5. EX-PARTE COMMUNICATION:** Chairman Villanella noted that in regards to  
30 items #10-b (case #46683) and #10-c (case #46685) he is the HOA President for the  
31 subdivision. Attorney Cino asked Mr. Villanella if there were financial consequences to  
32 him personally if he discussed and voted on these items. Mr. Villanella said "no".  
33 Attorney Cino stated that Mr. Villanella has no conflict.  
34

35 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the  
36 *Oath.*  
37

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

39 a) July 25, 2016 – Mr. Hinson moved to approve the July 25, 2016 meeting  
40 minutes as presented; seconded by Chairman Villanella. The motion was APPROVED  
41 5-0, roll-call vote.  
42

43 **8. CONSENT AGENDA:**

44 a) Case #44834 – property address: 4318 Candlewood Lane  
45 Mr. Hooker stated that the owner has brought the property into compliance; therefore  
46 staff is requesting an Order of Compliance and to dismiss the case.  
47

48 Chairman Villanella opened Board comment – hearing none, he closed Board comment  
49 and opened public comment - hearing none, he closed public comment. Mr. Hinson  
50 moved to find that based on the testimony in case #44834, the property is in compliance  
51 and to dismiss the case; seconded by Ms. DiCarlo. The motion was APPROVED 5-0,  
52 roll-call vote.

53  
54 b) Case #44924 - property address: 62 Jana Drive  
55 Mr. Hooker stated that the property has been sold; the new owners have been in  
56 contact with staff regarding the alleged violations and permitting procedures. He said  
57 based on this information, staff is requesting an Order of Compliance and to dismiss the  
58 case. Chairman Villanella opened Board comment – hearing none, he closed Board  
59 comment and opened public comment - hearing none, he closed public comment. Ms.  
60 DiCarlo moved to find that based on the testimony in case #44924, the property is in  
61 compliance and to dismiss the case; seconded by Mr. Hinson. The motion was  
62 APPROVED 5-0, roll-call vote.

63  
64 **9. OLD BUSINESS:**  
65 c) Case #46271; property address: 1 Kelly Bea Court  
66 Owner(s): Paul and Amy Huovinen  
67 Alleged violation: construction without required permits or inspections (fence)

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69 Mr. Hooker reviewed the case, noting that this case was presented at the July meeting  
70 and the property remains in non-compliance. He reported that staff has been in contact  
71 with the owners and they have decided to cut the fence down to four feet in height. Mr.  
72 Hooker said staff is requesting an order of non-compliance and grant the owners 30  
73 days to modify the permit in order to bring the property into compliance. Chairman  
74 Villanella opened Board comment – hearing none, he closed Board comment and  
75 opened public comment - hearing none, he closed public comment.

76  
77 Mr. Hinson moved to find the property in non-compliance and to grant the owners until  
78 October 21<sup>st</sup>, 2016 to bring the property into compliance; seconded by Mr. Michel. The  
79 motion was APPROVED 5-0, roll-call vote.

80  
81 **10. NEW BUSINESS:**  
82 a) Case #44028; property address: 4469 S. Atlantic Avenue  
83 Owner(s): Thomas Michael O'Shaughnessy  
84 Alleged violation: rental permit regulations

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86 Mr. Hooker reviewed the alleged violations by providing testimony and evidence  
87 regarding this case; he stated the property remains in non-compliance based on current  
88 website listings, and acknowledged that the owner and his attorney are present.  
89 Attorney James Morris (for the respondent) addressed the Board and provided  
90 additional testimony and evidence (**Attachments #1, #2, and #3**). He noted that the  
91 citation issued by the Town, is based on website content. There was a lengthy  
92 discussion, re-direct, and closing arguments. Chairman Villanella asked “who loads the  
93 information on the VRBO website”? Mr. O'Shaughnessy stated that the property owner  
94 pays a fee to list with VRBO and the property owner controls the content. He noted that  
95 in order to “not be at the bottom of the rental property list and remain competitive (on  
96 the website), sometimes the property owner has to show a daily rental rate to make the  
97 top of the list”. Ms. DiCarlo asked, “if the property is homesteaded, are there limits on

98 how long you must actually live in the home”? Attorney Morris stated no, in fact his  
99 client has litigated this issue with the County and prevailed. Mr. O’Shaughnessy  
100 indicated that there are “screw-ups” with the VRBO website and sometimes the  
101 information shows incorrectly; he added that he recently changed his listing back to the  
102 way it was, indicating nightly rates, in order to put his property near the top of the  
103 website listings. Vice-Chairman Finch questioned that if the Town cannot prove “beyond  
104 a reasonable doubt ...” Attorney Smith interjected the “decision would be based upon  
105 the preponderance of evidence”; Vice-Chairman Finch continued, “it will be hard to  
106 prove this case”. Attorney Smith referred to section 3.18 of the Code of Ordinances and  
107 reiterated that it is the “advertising” that is the violation. Chairman Villanella closed  
108 Board comment and opened public comment; hearing none, he closed public comment.  
109 Mr. Michel moved to dismiss this case; seconded by Mr. Hinson. The motion was  
110 APPROVED 4-1, with the following votes: Mr. Michel – yes; Mr. Hinson – yes; Chairman  
111 Villanella – yes, Vice-Chairman Finch – yes; Ms. DiCarlo - no,  
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113 b) Case #46683; property address: 37 Seahaven Drive  
114 Owner(s): Conrad Genzanto, Jr.  
115 Alleged violation: determination of a “dangerous” dog  
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117 Mr. Hooker provided testimony and evidence, based on Ponce Inlet Police  
118 Department’s Incident Reports. He noted that the information for case #46683 and  
119 #46685 is identical. Attorney Smith said that although the information is the same, each  
120 case will be decided separately. Chairman Villanella asked Officer Barnes to provide  
121 testimony – Officer Barnes reported that she was dispatched to a dog bite call at 38 Sea  
122 Haven Drive and discovered Mr. Harvey holding his dog; both were injured and  
123 bleeding. She interviewed the victim, took photographs and documented the incident.  
124 She then requested a second officer to the scene, so that the other party could be  
125 interviewed. She noted that both parties provided proof of Rabies Vaccinations for each  
126 dog within days of the incident. Officer Bines testified that he spoke with the owner of  
127 the other dog, who indicated she was bitten on the toe. He confirmed that he  
128 interviewed the second victim, took photographs and documented the incident as per  
129 procedure. Chairman Villanella opened public comment:  
130

131 Conrad Genzanto, Jr., 37 Sea Haven Drive testified to the Board – he first requested  
132 that “Jr.” be added after his name; he apologized for Buddy’s actions and stated he was  
133 not outside when the altercation occurred. He said Buddy is his daughter’s dog who  
134 comes to visit on the weekends; she has had him for quite a while and he is very  
135 protective of her. He said she was drying him off in the garage after his bath when he  
136 got away from her. He said Buddy is always tied or on a leash and none of his  
137 neighbors have ever complained to him directly about the dog’s behavior. He said this  
138 has never happened before and noted that he has spoken with three residents about  
139 taunting Buddy when he is tied to the bumper of his truck.  
140

141 Mr. Harvey, 38 Sea Haven Drive testified to the board – he stated “the attack was  
142 unprovoked; the dog came charging from across the street and attacked his dog Louie”.  
143 He stated Buddy frequently charges at anyone walking down the street, even when tied  
144 to the truck bumper. He said there are several residents who have signed letters  
145 attesting to the same behavior. He added that his dog is a service dog and is trained to  
146 be non-aggressive and calm even when in high-stress situations. Mr. Harvey testified  
147 that Louie was bit three times, had numerous puncture wounds and now has a screw in

148 his elbow. He added that it's important to note that animals can't always control how  
149 they react – that's up to the owner. Mr. Michel asked if anyone went to the hospital. Mr.  
150 Harvey said he saw his own doctor, who recommended he get a tetanus shot and later  
151 prescribed antibiotics; he said Louie went to the emergency vet and then a surgeon. Mr.  
152 Hooker confirmed he had the documents showing Louie's expenses total \$3,879.

153  
154 Ms. Rebello, Jana Drive spoke in support of "Louie", noting that there were several  
155 neighbors present to attest to Louie's behavior and he's never displayed aggressive  
156 behavior towards people or animals. She noted that she did not witness the incident.  
157 Chairman Villanella closed public comment; and passed the gavel to Vice-Chairman  
158 Finch. Chairman Villanella moved to find, pursuant to section 10-123, item #1 and item  
159 #2, the dog in case #46683, known as Buddy be classified as a dangerous dog;  
160 seconded by Mr. Hinson. The motion was APPROVED 5-0, roll-call vote.

161  
162 c) Case #46685; property address: 38 Seahaven Drive  
163 Owner(s): Harry & Leslie Santamaria  
164 Alleged violation: determination of a "dangerous" dog  
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166 Vice-Chairman Finch moved, based on the testimony, evidence, and pursuant to  
167 section 10-123, to deny the dangerous dog classification in case #46685; seconded by  
168 Mr. Michel. The motion was APPROVED 5-0, roll-call vote.

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170 **11. ATTORNEY DISCUSSION:** Attorney Cino noted that information regarding  
171 Parliamentary Procedure was included in this month's agenda packet.

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173 **12. BOARD DISCUSSION:** Next meeting date is October 24, 2016.

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175 **13. ADJOURNMENT:** Chairman Villanella adjourned the meeting at 11:35 AM.

176  
177 Prepared and submitted by,

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181  
182 Peg Hunt, Town Board Secretary