

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES

Town Commission Meeting Room
Monday, March 17, 2014 at 5:00 P.M.

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at 5:02 p.m. on Monday, March 17, 2014. Code Compliance Officers Carmen Sanchez and Sharon Foster were present at the hearing. Also present was Clerk Idalia Gutierrez to record the minutes of the hearing. Special Magistrate Tom Ansbro explained the procedures for the hearing.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to all those present who intended testifying.

III. OPENING STATEMENT

1. PREVIOUS HEARING MINUTES – FEBRUARY 24, 2014

February 24, 2014 Code/Fire Hearing – The minutes of 02/24/14 were not discussed.

The Special Magistrate briefly explained the new State law and asked for public comments at this time or when a case was called. No one from the public spoke now.

IV. CODE CASES

Clerk Idalia Gutierrez noted the following cases were either in compliance or continued:

COMPLIED

- | | | |
|---------|----------|-----------------------|
| 1. C#: | 14020007 | 3220 Fiesta Way |
| 2. C#: | 14020011 | 1620 E Terra Mar |
| 3. C#: | 14020026 | 107 E Commercial Blvd |
| 4. C#: | 14020027 | 112 E Commercial Blvd |
| 16. C#: | 14020005 | 4337 Seagrape Dr. |
| 18. C#: | 14020010 | 4146 Seagrape Dr. |
| 19. C#: | 14020012 | 4313 Bougainvilla Dr. |

CONTINUED until May 19, 2014 Hearing

- | | | |
|--------|----------|-------------------------|
| 5. C#: | 14020017 | 1480 S. Ocean Blvd #416 |
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CONTINUED until the April 21, 2014 Hearing

- | | | |
|---------|----------|-------------------------|
| 7. C#: | 13110019 | 1900 S. Ocean Blvd #3A |
| 8. C#: | 14010018 | 263 E. Commercial Blvd. |
| 15. C#: | 14020004 | 4421 Seagrape Dr. |
| 17. C#: | 14020008 | 1470 S Ocean Blvd |

Idalia Gutierrez announced the first case to be heard would be agenda item #9.

ITEM #IV.9***TAKEN OUT OF SEQUENCE**

Case #: 13110015 – Zoning Violations
Property Owner: Anglin Fam Tr Demko, M H Trstee
Address/Folio: 2 E Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-271.(2)ii 1-2 B-1 district – Business (2) Conditional uses.
Chapter 30 – Unified Land Development Regulations Section 30-261 (e)(1)
Chapter 30 – Unified Land Development Regulations Section 30-317(g)

Code Compliance Inspector Carmen Sanchez requested a special meeting on Thursday, March 20, 2014 at 4:30PM for this case. The Special Magistrate continued this case as requested.

ITEM #IV.10

Case #: 14010005 – Permits Required Violations
Property Owner: Karakaya Inc.
Address/Folio: 4608 N Ocean Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

ITEM #IV.11

Case #: 14010006 – Permits Required Violations
Property Owner: Karakaya Inc.
Address/Folio: 4600 N Ocean Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Carmen Sanchez said both these cases were here for certification of liens. There was some confusion with these items, so she met earlier today with the property owner's representative. She said that one case had a final order for thirty days and one case for sixty days. The property owner thought that he had more time with one of the cases but it was really running fines for case #14010005 (4608 N Ocean Dr). As of today, the fines were \$4,200. Ms. Sanchez said the property owner was working towards compliance by getting the permits. However, he was not compliant yet. Ms. Sanchez answered the Special Magistrate that she understood the confusion. **The Special Magistrate ordered a continuance for the May 19, 2014 hearing for both cases. However, the fines would continue to run as the work was not finished.** The owner's representative, Yedat Cokgoren, explained the situation and his confusion. He said that Mr. Morrell accepted the engineer's letter for the air conditioning on one case. Ms. Sanchez has to meet with the Building Official to see if he was in compliance on time with the one case (and there would be no fine). The other case started to run fines on February 25, 2014 and this was the case that he thought he was given more time. **The Special Magistrate informed Mr. Cokgoren that all of the permitted work had to be completed and inspected. Then the Special Magistrate would know the completion date. As of now, these two agenda items would be continued until the May 19th hearing with the fines continuing to run.**

ITEM #IV.6***TAKEN OUT OF SEQUENCE**

Case #: 13100011 – No Garbage/Trash Service
Property Owner: Sabatini Investments LLC
Address/Folio: 211 Commercial Blvd

Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1) – Required.

Code Compliance Officer Carmen Sanchez testified that this is also known as 215 Commercial Blvd. She presented to the Special Magistrate a letter provided by the owner. The Special Magistrate read the letter written by Bill Sand and accepted it into evidence. Ms. Sanchez said that it was regarding relief on the fines. She answered the Special Magistrate that everything was in compliance now. The owner ran 18 days of fines at \$10/day plus Administrative Fees of \$150. Mr. William Sand was present. **He was told by the Special Magistrate that the Town was willing to abate the \$180 fine but the Administrative Fees of \$150 must be paid. The Special Magistrate gave Mr. Sand until tomorrow, March 18, 2014, to pay the \$150 Administrative Fees.**

ITEM #IV.13

***TAKEN OUT OF SEQUENCE**

Case #: 14010011 – Permits Required Violations

Property Owner: Mangano.Paula LE Paula Mangano Rev Liv Tr

Address/Folio: 4137 Bougainvilla Dr.

Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

ITEM #IV.23

***TAKEN OUT OF SEQUENCE**

Case #: 13120001 – Permits Required Violations

Property Owner: Mangano.Paula LE Paula Mangano Rev Liv Tr

Address/Folio: 4137 Bougainvilla Dr.

Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Carmen Sanchez testified that case #14010011 is new business and case #13120001 is for certification of lien. She would start with case #14010011. The property was inspected on January 15, 2014. Notice was given to Mr. Mangano via personal service and the Affidavit of Personal Service was in the file. Service was signed by Charles Mangano on March 6, 2014. Mr. Mangano verified it was his signature. The property was in violation of work without permit for a bathroom sink and re-piping for plumbing of the entire building. The property has a permit for re-piping Unit 1 but the entire building was re-piped. Mr. Mangano answered that there were five units in the building. Ms. Sanchez said that the pictures taken on January 15th were turned in at the last hearing. She said that \$150 Administrative Fees were requested. The sink permit was obtained today, but no inspections were performed. Ms. Sanchez showed the owner information and the Affidavit of Service to Mr. Mangano. The Special Magistrate entered them into evidence without objection as the Town's Composite Exhibit. The Special Magistrate informed Mr. Mangano that he should not have sent him any information directly. It needed to be sent to the Town. Mr. Mangano said he would not send information to the Special Magistrate anymore. Mr. Mangano testified that they were not served papers. He said that the inspection by Officers Torres and Foster should not have authorized by the tenant who was evicted. Mr. Mangano explained that the plumber fixed broken pipes which were not marked for the different units. Carmelina Mangano explained that Charles Mangano is her brother and her mother was also in attendance. Carmelina Mangano does remodeling in the Town. There was a permit for Unit 1 and her plumber fixed the pipes but other pipes broke and he fixed them. They called the inspector who said they needed a permit for the extra piping they did. She pulled the rest of the permits today and the inspection would be Wednesday. Before the tenant was evicted, he did remodeling for the bathroom sink and called for an inspection. Sharon Foster, Code Enforcement Officer, testified regarding what the Manganos called the illegal inspection. Their tenant needed a business tax receipt in order to work. Officer Foster testified that she went with the Fire Marshall and the previous Code Officer, Tuchette Torres, to do the inspection for his business tax receipt. The tenant did not

want his business tax receipt being held up for the work that was being done. She answered the Special Magistrate that she was not aware that he was being evicted. He mentioned the air conditioning that was fixed and Ms. Torres noticed the new sink and that was when a citation was issued. Carmelina Mangano said that the tenant did not lease the backroom and should not have been there. There was tape to keep people out and then it was boarded up with plywood. Officer Foster stated she did not observe any tape. They opened the door and she was not aware that he did not have permission to be there. Mr. Mangano did not believe the Town did anything wrong. The Special Magistrate said that this hearing was not for punishment. It was just for compliance. Mr. Mangano explained all the confusion. He said they did pay for the after-the-fact permits but he submitted proof that Tuchette Torres withdrew this due to all the confusion. Code Officer Carmen Sanchez explained that Tuchette Torres withdrew only the ceiling and the drywall because they did not need a permit. They still need to get their final inspections for the re-piping and the sink. As this is a new case, there were no fines running. **The Special Magistrate said that he would give them until the May 19, 2014 hearing to resolve this new business agenda item. If it gets resolved, it would not come back to that Special Magistrate Hearing and there would be no fine. If it did not get resolved, a fine would be assessed for \$50/day. Administrative Fees of \$150 were imposed for payment by March 18, 2014.**

Ms. Sanchez said case #13120001 was already heard and has a final order. She read Tuchette Torres' notes into the record. The property ran fines for three days at \$100/day for a total of \$300 plus an Administrative Fee of \$150. She requested the Special Magistrate to certify the lien. Mr. Mangano explained why he painted the stripes and that he was doing this for many years. He was not aware that it required a permit. Ms. Sanchez testified that the final inspection was done on March 5, 2014. There seemed to be problems scheduling it. They were now in full compliance for this item. **The Special Magistrate gave them the benefit of the doubt and abated the \$300 fine. The lien would not be certified. The Special Magistrate reduced the \$150 Administrative Fee to \$50 to be paid by March 18, 2014.**

ITEM #IV.14

***TAKEN OUT OF SEQUENCE**

Case #: 14020001 – Nuisance

Property Owner: Sampo.Peter Louis Sampo.Kristen

Address/Folio: 4300 E Tradewinds Ave

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-8(b)

Code Compliance Officer Carmen Sanchez testified that the previous Code Officer, Tuchette Torres, inspected this property on January 21, 2014 and issued a Courtesy Notice. Then she issued a Notice of Violation on February 5, 2014 via certified mail. Service was not obtained. She posted the property and an Affidavit of Posting was in the file. The violation is that this construction site does not have fencing with screening material. Pictures were taken on January 21, January 31 and March 6, 2014. She was requesting Administrative Fees of \$100. For the record, she spoke with the property owner last week and explained the violation. He thought the problem was taken care of by the contractor. She was asking for a final order to comply by thirty days. Ms. Sanchez showed the pictures and records to Peter Sampo. She then submitted them into evidence to the Special Magistrate. The Special Magistrate accepted them into evidence without objection as Town's Composite Exhibit. Mr. Sampo testified that when the notices came in, he gave them to the contractor who said he would take care of it. Mr. Sampo assumed the contractor worked it out. The construction of the outside of the house should be finished in thirty days. He asked for thirty to forty-five days to come into compliance. He answered the Special Magistrate that he was unsure if the contractor applied for a permit for the temporary perimeter fencing. He would prefer not having to put in the temporary fence

since the outside construction was almost finished. However, the Special Magistrate said it affects the neighbors and the waterway and should be done. He informed Mr. Sampo that he could rent a fence instead of buying it. **The Special Magistrate ordered that the fence be installed within ten days, by March 27, 2014, or a fine of \$100/day would be imposed. If it was done timely, there would be no fine. A \$100 Administrative Fee was imposed and payable within ten days.**

ITEM #IV.12

***TAKEN OUT OF SEQUENCE**

Case #: 14010008 – Hotel Outreach
Property Owner: Florida Development Group Inc.
Address/Folio: 4660 N Ocean Dr.
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-317(d)
Chapter 30 – Unified Land Development Regulations Section 30-317(e)
Chapter 30 – Unified Land Development Regulations Section 30-317(f)
Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-36(2)
Chapter 6 – Building and Building Regulations Section 6-37(1)(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)
Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Carmen Sanchez testified that the previous Code Officer, Tuchette Torres, and the Fire Marshall inspected the property on December 9, 2013. The new property owners took ownership on December 13, 2013. Notice was sent via certified mail and service was obtained. The property has several violations and she read them into the record. On December 9, 2013, Ms. Torres took pictures that accurately depict the condition of the property. Ms. Sanchez was asking for them to be entered into evidence. An Administrative Fee of \$250 was requested. Mr. Ross Beckerman, attorney for the owners, was shown the pictures. Ms. Sanchez said that Ms. Torres and the Fire Marshall met on March 3, 2014 with Mr. Beckerman to discuss all of the violations. She answered the Special Magistrate that this is an occupied hotel. The Special Magistrate entered the pictures into evidence without objection as the Town's Composite Exhibit. For the record, Mr. Beckerman stated that his client was the successful bidder at a bankruptcy sale. They took title before the end of December 2013. He talked about the total reconstruction and rehabilitation his client was planning for this building. His client now has four hotels on El Mar Drive in Lauderdale-By-The-Sea. Contractors would be hired, permits would be obtained and the work would be done. They were not demolishing this building. They were also planning a parking structure. They were asking for additional time to comply for this massive rehab project and would do the life safety issues first. He was asking for an extra forty-five days. Ms. Sanchez answered that she would not object to the forty-five days. **The Special Magistrate ordered to give them until the May 19, 2014 hearing date and if anything was not done at that time, the Special Magistrate would impose a fine of \$100/day per violation. An Administrative Fee of \$250 was imposed by the Special Magistrate to be paid within thirty days.**

ITEM #IV.20

***TAKEN OUT OF SEQUENCE**

Case #: 14020020 – Business Tax
Property Owner: White Cap of Florida Inc
Address/Folio: 4353 N Ocean Dr
Code Section(s): Chapter 12 – Licenses Section 12-2(a) Required.

Chapter 12 – Licenses Section 12-2(b) Required.

Code Compliance Carmen Sanchez testified that on January 29, 2014, the previous Code Officer, Tuchette Torres, was notified by the License Department via e-mail that ownership of the mechanic shop has changed. The new owner did not have a Business Tax Receipt (BTR) with the Town to do business. Ms. Sanchez was requesting an Administrative Fee of \$100. Ms. Torres spoke to property owner Bob White who stated that he spoke with his tenants. As of today, no BTR has been obtained. **The Special Magistrate imposed a \$50/day fine if the BTR was not obtained within a week, March 24, 2014. He also imposed an Administrative Fee of \$100.**

ITEM #IV.21

Case #: 14020024 – Nuisance/overgrowth weeds & grass
Property Owner: Glynn.Raymond E & Glynn. Deborah F
Address/Folio: 297 Tropic Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-40(b) – Garbage.
Chapter 6 – Building and Building Regulations Section 6-41(a)(18) – Maintenance of exterior premises.

ITEM #IV.22

Case #: 14020025 – Building Code Violations
Property Owner: Glynn.Raymond E & Glynn. Deborah F
Address/Folio: 297 Tropic Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(a)
Chapter 6 – Building and Building Regulations Section 6-37(1)(a)
Chapter 6 – Building and Building Regulations Section 6-37(1)(b)

Code Compliance Officer Carmen Sanchez testified that case #14020024 is a repeat violation. On February 18, 2014, former Code Officer Tuchette Torres inspected the property. Notice was sent via certified mail and service was obtained. The property was also posted and the affidavit was in the file. The property is in repeat violation for overgrown weeds and grass. The previous case was #13090013. On February 18, 2014 and March 6, 2014 pictures were taken by Ms. Torres that accurately depict the condition of the property. The pictures were requested to be entered into evidence. None of the violations has been complied. Ms. Sanchez was asking for a Final Order of \$500/day from February 18, 2014 until today for a period of 28 days. She was also requesting an Administrative Fee of \$250. She answered the Special Magistrate that there was no contact with the owners who are in Washington. She requested that if they did not come into compliance within ten days, the Town could abate the violation. She answered the Special Magistrate that the Final Order last year was issued on October 21, 2013. There was compliance because the Town cut the overgrown weeds and grass. The property is a vacant, single-family home. She would have to do research to ensure current ownership of the property. She answered that the green card from certified mail came back signed but she could not tell who signed the card. The property was also posted. **The Special Magistrate suggested the Town try to reach out to the owner by phone. The Special Magistrate so ordered a fine of \$500/day starting February 18, 2014 plus an Administrative Fee of \$250. The Town would abate, if the property did not come into compliance within ten days and that would become a lien for the cost of the Town's work.**

Code Compliance Officer Carmen Sanchez said that for the second case #14020025, the previous Code Officer Tuchette Torres inspected the property on February 18, 2014. Notice

was not obtained but the property was posted. The Affidavit of Posting was in the file. Ms. Sanchez answered the Special Magistrate that the Town did not receive the green card or the mailing back. She explained all the violations. On February 18, 2014 and March 6, 2014, pictures were taken by Ms. Torres that accurately depict the condition of the property. The pictures were requested to be entered into evidence. None of the violations has been complied. She was requesting an Administrative Fee of \$250. The pictures were accepted by the Special Magistrate as the Town's Composite Exhibit. **The Special Magistrate ordered the Administrative Fee of \$250. He ordered fifteen days, April 1, 2014, to comply or a fine of \$200/day per violation. The Special Magistrate reminded Ms. Sanchez to try to have someone from the Town reach out to the owners of record.**

ITEM #IV.24

***TAKEN OUT OF SEQUENCE**

Case #: 13120012 – Building Code Violations
Property Owner: North Pointe Investments LLC
Address/Folio: 4116 N Ocean Dr
Code Section(s): Florida Building Code Section 109.6 Section 110.15 Building Safety Inspection Program

ITEM #IV.25

Case #: 13120018 – Citizen Complaints
Property Owner: North Pointe Investments LLC
Address/Folio: 4116 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-37(1)(b)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Code Compliance Officer Carmen Sanchez said these two cases are for certification of liens. **For the first case #13120012, the fines started running on February 25, 2014 at \$200/day. The violation has not been complied. The property is out of compliance for 25 days up until today. The amount is \$5,250.00 plus the \$250 Administrative Fee. The violation is not having a 40 year inspection. The Town was asking for certification of lien. The Special Magistrate so ordered.**

For the second case #13120018, Ms. Sanchez said the property was brought into compliance on February 10, 2014. There were no fines running. However, the Administrative Fee of \$250 needed to be certified. The Special Magistrate so ordered.

V. FIRE CASES

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on March 17, 2014 at 6:13 p.m.

ATTEST:


Idalia Gutierrez, Special Magistrate Clerk
Town of Lauderdale-By-The Sea, Florida

APPROVED BY:


Special Magistrate Tom Ansbro