

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Monday, February 24, 2014 at 5:00 P.M.

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at 5:04 p.m. on Monday, February 24, 2014. Town Planner Linda Connors and Code Compliance Officer Tuchette Torres 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 – JANUARY 27, 2014

January 27, 2014 Code Compliance Hearing – The minutes of 01/27/14 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 continued:

CONTINUED until the June 19, 2014 Hearing

1. C#: 13120005 3230 Seaward Dr.

CONTINUED until the March 17, 2014 Hearing

11. C#: 13110019 1900 S Ocean Blvd #3A

Idalia Gutierrez announced the first case to be heard.

ITEM #IV.5

***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)i 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 Officer Tuchette Torres testified that the Special Magistrate gave a split order for this property at a previous Hearing. One order was for the parking lot and the landscaping and the other was for advertising of the parking lot for use by patrons other than the pier patrons. For the advertising of the parking lot offering parking to the public to use the lot, which is confined only to use by the patrons of the pier, fines started running on November 20, 2013 at \$250/day. The property was brought into compliance on January 13, 2014. The fine ran for 55 days for a total of \$13,750. For the parking lot and the landscaping, fines started running on February 7, 2014 at \$150/day. It was out of compliance for eight days totaling \$1,200. There was a \$200 Administrative Fee. On February 6, 2014 they did apply for a permit for the parking lot. It was denied by the Building Department and no comments have been resubmitted. Town Planner Linda Connors testified that the applicant was working with the Town on the parking lot. While it was still non-conforming, there was a vast improvement and she wanted the Special Magistrate to know the applicant was working on it.

William Beggs, attorney for the applicant, testified he was not at the last hearing but it was his understanding there were no witnesses to give testimony and it was continued. Mr. Beggs wanted to know where there was an order not allowing for a sign advertising \$5 parking. The sign was not illegal if there was parking for other than the businesses. A fine of \$13,000 should require testimony and evidence. His client found out about this hearing this morning. There was a problem receiving mail from the Town. It was mailed to a family trust and not directly to the attorney or his client. They did not finish the parking lot by February 16th, but they have been in the process. There has been no bad faith on the part of his client. Town Planner Linda Connors said they were required to send notification from the information they get from Broward County. Her witness, from the last time this item was heard, was not able to come this evening. She was agreeable to continue this item to the March meeting so all witnesses could be present. She summarized that one case was in reference to the site plan for restriping the parking lot. The other case was specific to the signage on the property. The signage issue was where there was a little difference of opinion. The Special Magistrate recalled the last time this was heard that the sign was misleading because the parking was only allowed to be used by the patrons of the pier. The sign allowed other people to think they could park there even if they were not patrons of the pier. The Special Magistrate ordered this item continued to the March 17, 2014 hearing to try to get conclusions on these issues. The fines would continue to accrue until there was resolution. Depending on the situation, the Special Magistrate explained that he had the authority to reduce or abate the fine before a lien was imposed. Mr. Beggs asked the Special Magistrate for an extension to comply with the Order for Jo-Jo's lot. Town Planner Linda Connors said that we were now talking about two different parking lots and wanted to just keep this on the pier parking lot. She answered that the Jo-Jo's parking lot was not before the Special Magistrate tonight.

ITEM #IV.8

***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)

Code Compliance Officer Tuchette Torres asked if this could be continued to the next Hearing. The applicant or anyone representing the applicant was not present. **The Special Magistrate so ordered for the March 17, 2014 hearing.**

ITEM #IV.9

Case #: 14010011 – Permits Required Violations
Property Owner: Mangano, Paula LE Paula Mangano Rev Liv Tr
Address/Folio: 4137 Bougainvillea Dr.
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that she inspected the property on January 15, 2014. Notice was given through personal service and the Affidavit of Personal Service was in the file. The bathroom sink was replaced in unit 2. She took pictures on January 15, 2014 of the property that accurately depict the condition and she asked for them to be entered into evidence. For the record, she was requesting an Administrative Fee of \$150. She gave the background of this case. Originally there was a case in reference to the parking lot which was not up before the Special Magistrate tonight. There was a tenant who lived at this property. The property was cited for not having a Business Tax Receipt (a "BTR"). The tenant at that time called to speak with Inspector Foster who was not here tonight to testify. Officer Torres went with Inspector Foster to inspect the property. The tenant showed the sink which was a salon sink. He also said he did something to the ceiling. The sink and the ceiling were the conditions before the Special Magistrate tonight. There was some civil action going on between the Mangano family and the tenant who was no longer on the property. She submitted the pictures and a letter from Mr. Mangano to the Special Magistrate. She showed a copy of the permit application to Mr. Mangano who had no objections to any of the evidence which was accepted without objection into evidence by the Special Magistrate as the Town's Composite Exhibit.

Charles Mangano who gave his address as the property address, said he was part of the trust. This was a commercial property. He wrote an answer to all the items in question but the Special Magistrate recently got it. Mr. Mangano explained that the ceiling tiles were decorative tiles not attached to the ceiling. The original ceiling was still there. The decorative tiles were torn down and thrown away, so that was finished. Officer Torres said that she would need a Building Inspector to testify on this issue. Mr. Mangano then spoke about the piping under the building but Officer Torres said that had nothing to do with unit 2. Inspector Mike would have to testify on that issue, as Officer Torres was not a building inspector. Without the proper people here to testify on the ceiling tiles and the piping, **the Special Magistrate continued these two issues to the March 17, 2014 Hearing. He suggested to Mr. Mangano to work with Staff in the interim to come to some sort of conclusion. The parking lot would be discussed March 17th as well.** Mr. Mangano asked to state something for the record tonight and the Special Magistrate allowed it. Mr. Mangano said that the parking lot was put in by Lauderdale-By-The-Sea and the only thing he did was put in the stripes. **The Special Magistrate answered Mr. Mangano that the fines would keep running until issues were resolved but he had the authority to take the fines away, if Mr. Mangano was correct. The Town could even ask for reduced fines or abatement.** The Special Magistrate said the Town is looking for compliance, not to fine citizens. For the record, Officer Torres said Chico is a Building Inspector. She asked if Mr. Mangano or his sister, who was present this evening, or both could

meet at the property with Chico and Officer Torres to try to get some of these issues resolved. **This case was continued until the March 17, 2014 meeting.**

ITEM #IV.3

***TAKEN OUT OF SEQUENCE**

Case #: 13090020 – Permits Required Violations
Property Owner: Lumels, Jack
Address/Folio: 4013 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-241(a)(1) a & b
Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that Mr. Razdolsky, who was present for the owner, has Power of Attorney and would be asking for more time. Officer Torres said that they have a permit and were working to get everything done. She has no objection to an extension of time. Mark Razdolsky submitted the Power of Attorney. They demolished everything and rebuilt inside with rough plumbing and electrical signed off. They need a continuance until June 2014 to finish everything. Items of decorative nature need more time to be obtained. Officer Torres answered the Special Magistrate that they should recall this in April to see the progress. If they were progressing and needed more time, then she would be favorable to it. **The Special Magistrate ordered this agenda item reset for the April 21, 2014 hearing.**

ITEM #IV.2

***TAKEN OUT OF SEQUENCE**

Case #: 13050020 – Building Code Violations
Property Owner: Pro Costa Enterprises LP
Address/Folio: 4209 Seagrape Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-313(K)(1)
Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that they complied today. The fines started to run on September 17, 2013. The fine is \$64,000 plus \$250 Administrative Fees for a total of \$64,250. Attorney David Coven appeared on behalf of the owner. He stated that former Code Compliance Officer Michael Torres said that they did not need a permit and they were in compliance with the Town. They subsequently were informed differently and got a permit. He felt that fines would be out of the question because they were told they were in compliance and when they found out that they weren't, they applied for a permit. Officer Torres answered the Special Magistrate that the Administrative Fee was paid. She said that the Town was looking for compliance and because of mis-communication, she was not looking for the fines. **The Special Magistrate waived the fines, mitigated to zero, because they were cooperative and came into compliance.**

ITEM #IV.4

***TAKEN OUT OF SEQUENCE**

Case #: 13110013 – Nuisance
Property Owner: Santomassino, Rose
Address/Folio: 255 Hibiscus Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(1)(a)
Chapter 6 – Building and Building Regulations Section 6-38(1)
Chapter 6 – Building and Building Regulations Section 6-38(2)
Chapter 6 – Building and Building Regulations Section 6-41(a)(l)

Code Compliance Officer Tuchette Torres testified that on November 6, 2013, she inspected the property. Notice was sent on November 13, 2013 via certified mail and service was not obtained. She posted the Notice and the Affidavit of Posting was in the file. The fascia board had rotten wood and was in disrepair. The property was not being maintained. The pool has stagnant water. There was trash in the rear of the property and there was tree debris. On November 6, 2013, December 3, 2013 and February 24, 2014, Officer Torres took pictures of the property that accurately depict the condition of the property and requested they be entered into evidence. None of the items were in compliance and an Administrative Fee of \$150 was requested. She also gave the Special Magistrate a copy of assignment of bid and final summary judgment of the mortgage foreclosure. She received an e-mail from Emily Odak who represented the bank. Ms. Odak stated that the house was being foreclosed but the previous owner's attorney was delaying it with different motions. Therefore, the bank did not own the property so they could not start to work on it. Officer Torres would like a final order because she was unsure when the bank would take this property over. She answered the Special Magistrate that the pool was not accessible by children. She reviewed the case stating she spoke with the son in the past. The owner was his elderly mother who would not open the door. **The Special Magistrate ordered 30 days to comply or a \$150/day fine. He also ordered \$150 as an Administrative Fee.**

ITEM #IV.6

*TAKEN OUT OF SEQUENCE

Case #: 13120004 – Permits Required Violations
Property Owner: 230 Tropical Shores Development LLC
Address/Folio: 4149 Seagrape Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that on November 5, 2013, she inspected the property. Notice was sent via certified mail and service was obtained. The violation was that new wooden fence panels were installed from another property in front of the wooden fence without a permit. A permit must be obtained. On November 5, 2013 and January 27, 2014 she took pictures that accurately depict the condition of the property and asked for them to be entered into evidence. They applied for a permit but they failed inspection and no corrections were made. She was requesting \$150 Administrative Fee. She was in contact with the property owner and one of the representatives from 230 Tropical Shores Development LLC. She answered the Special Magistrate that it failed inspection because the owner hired a handyman who did not put in the correct materials. **The Special Magistrate ordered 21 days to comply or a \$75/day fine. He also ordered \$150 as an Administrative Fee.**

ITEM #IV.7

Case #: 13120016 – Inoperative Vehicles
Property Owner: Loguercio, Stephen T Loguercio, Elizabeth Rev Liv Tr
Address/Folio: 4552 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(12)

Code Compliance Officer Tuchette Torres testified that this was a repeat violation case. On December 19, 2013, she inspected the property. Notice was sent certified mail and service was not obtained. The property was posted and the Affidavit of Posting was in the file. There was a van on the property with an expired tag. There was another case in which another vehicle was stored on the property with an expired tag. On December 19, 2013, January 22, 2014 and February 24, 2014 she took pictures that accurately depict the condition of the property and she requested they be entered into evidence. She was requesting \$150 as an Administrative Fee. Usually in repeat cases, Officer Torres asked for a \$500/day fine but because of the

circumstances, she was asking for a \$100/day fine starting from December 19, 2013. The fine would be \$6,800. From today's picture, you could see not only the van but also a white Oldsmobile that has no tag. The Special Magistrate accepted the pictures into evidence as Town's Composite Exhibit. Officer Torres said that normally this owner came to these meetings but he was not here this evening. **The Special Magistrate gave the owner 30 days to comply, if not a fine of \$100/day retroactive to December 19, 2013 plus \$150 Administrative Fee was assessed. When the thirty days were up, if the owner did not comply, Ms. Torres asked for the lien to be certified. (Note: this case was recalled at the end of the meeting. See below.)**

ITEM #IV.10

*TAKEN OUT OF SEQUENCE

Case #: 14010019 – Citizen Complaints
Property Owner: North Pointe Investments LLC
Address/Folio: 4116 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-38(2)

Code Compliance Officer Tuchette Torres testified that someone was supposed to be at the hearing tonight but was not in attendance. The property was the old Holiday Inn. On January 17, 2014, she inspected the property. Notice was sent certified mail and service was not obtained. The property was posted and the Affidavit of Posting was in the file. This was a repeat violation. The pool had stagnant water. Officer Torres took pictures on January 27, 2014 and February 21, 2014 which accurately depict the condition of the property and she requested they be entered into evidence. The property came into compliance on February 21, 2014 and Ms. Torres was requesting \$250 Administrative Fee. Officer Torres said she was told that the Notice stated Wednesday, February 24th instead of Monday, February 24th. She spoke to Ken who does their property maintenance and told him the date and time were correct only the day was incorrect and it was supposed to be Monday. That is why she thought someone would be here tonight. Officer Torres wrote an e-mail on February 21st that stated that the pool was inspected and it was in compliance but since it was a repeat violation, she would present the case on Monday and ask for \$500/day fine for the days out of compliance for a fine of \$13,000. She requested the e-mail be entered into evidence as well. For the record, she stated she received a complaint from Caribe about the pool. She was asking the Special Magistrate to impose a fine of \$13,000 plus \$250 as an Administrative Fee. The Special Magistrate entered all the evidence into the record as the Town's Composite Exhibit. **The Special Magistrate ordered fifteen (15) days for them to come in with their payment.**

As Steve Loguercio came in to be heard, case #13120016 was recalled.

ITEM #IV.7

Case #: 13120016 – Inoperative Vehicles
Property Owner: Loguercio, Stephen T Loguercio, Elizabeth Rev Liv Tr
Address/Folio: 4552 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(12)

The Special Magistrate swore in Steve Loguercio. Mr. Loguercio said he went to court today regarding his license. The court postponed it for another three weeks. The case was being dismissed and he should be able to get his license. The van was his mother's. Mr. Loguercio answered the Special Magistrate that you can't get a tag without insurance and you can't get insurance without a license. In three weeks he goes back to court. Ms. Torres said that tonight's previous order gave him 30 days to comply. Because of the new evidence, she would like to give him until the May hearing. Then we could revisit any fines. She asked him if he

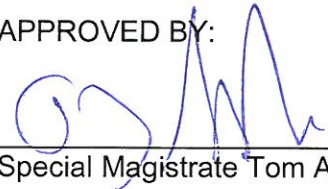
could pay the \$150 Administrative Fee that was assessed tonight. **The Special Magistrate reduced the Administrative Fee to \$50 and gave Mr. Loguercio until the May 19th hearing to pay it. The Special Magistrate stopped the fines from running and would address the fine on his property at the May 19, 2014 hearing.**

V. FIRE CASES

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on February 24, 2014 at 5:52 p.m.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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