

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

Town Commission Meeting Room
Thursday, January 15, 2015 at 1:00 P.M.

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 1:15 p.m. on Thursday, January 15, 2015. He explained that this was a Status Hearing on the Dolphin Harbor Inn. Town Attorney Alan Gabriel, BSO Sergeant LaGana, and Attorney Rose were present and spoke at the hearing. Also present was Clerk Idalia Gutierrez to record the minutes of the hearing.

II. SWEARING OF WITNESSES

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

III. OPENING STATEMENT

A. APPROVAL OF PREVIOUS MEETING MINUTES – November 3, 2014

The November 3, 2014 minutes were approved by the Special Magistrate as edited.

IV. PUBLIC COMMENTS

There were no public comments.

V. CODE CASES

1. Case No. 14050014 – 4245 N Ocean Dr

Clerk Idalia Gutierrez called the case to be heard.

ITEM #V.1

Case #: 14050014 – Nuisance

Property Owner: Firmrock Trading Ltd.

Address/Folio: 4245 N Ocean Dr.

Code Section(s): Chapter 14 – Offenses Section 14-90(b)

Town Attorney Alan Gabriel gave a status update. He said that the first Status Hearing was on November 3, 2014 and today is the second Status Hearing for Dolphin Harbor Inn. The Final Order was issued July 15, 2014. Mr. Gabriel explained that at the first Status Hearing, there were a few items that still remained. Also, a question remained about fees and costs that still exist in regard to the respondent and the Town. He said that because this is a continuing project, at the end of the Hearing the Town would request that the fees and costs be left up to the Town and the respondent for final determination. The Town would suggest the third Status Hearing would be sometime in April 2015. Town Attorney Gabriel said that Sergeant LaGana, Broward Sheriff Office (BSO), did the Security Survey Inspection Reports but was not available

at the last hearing. The sergeant did a re-inspection and a hard copy of that report dated January 14, 2015 was previously given to the Special Magistrate.

Sergeant LaGana testified that several improvements and recommendations have been implemented. As of yesterday, the property did a lot of work for the lighting but the initial recommendation for a photometric survey was not done. At this point, lighting on the property is sufficient but a little crude. The landscaping has all been trimmed back and seems to be okay. They removed the decorative rocks that were in the flower beds but they are still in piles on the property. Those rocks need to be removed from the site. Going back to lighting, the western portion of the property's lighting was permitted by the Town and was installed last week. Sergeant LaGana reported that nothing for the door lock systems has been done other than installing peep holes. The sergeant said that Mr. Russo has considered a number of options but has not made a decision. Half of the windows have been replaced with impact glass. The other half of the windows remains the same. Mr. Russo told the sergeant that there is laminate on the glass in the remaining windows. However, Sergeant LaGana said there is no documentation on that product. The remaining glass meets Dade County code but not for impact resistance. Sergeant LaGana said that since there have not been hotel burglaries by way of the windows, impact glass was recommended but not necessary. Signage is updated and completed for the property. Sergeant LaGana reported all signage as good. The hotel recordkeeping is fine in regard to rentals. Sergeant LaGana informed Mr. Russo that the closed circuit television warning signs do not have to be installed until the cameras are in. The sergeant reported that Mr. Russo has a number of estimates for the cameras but nothing has moved forward. The cove lighting, convex mirrors, etc. have been put in place.

Town Attorney Alan Gabriel addressed the outstanding issues. For the lighting, the recommendation is being withdrawn at this time recognizing that work was done. It may not be what we wanted but the Town is showing the lighting as completed. In regard to the door systems, the Town requests the compliance deadline be extended to February 15, 2015. Mr. Russo could suggest alternate door systems but they must be approved by BSO and be in compliance by February 15th or a fine to start on February 16, 2015. The security strike plates must also be done by February 15, 2015. Regarding the windows, Mr. Gabriel said the part that was completed satisfies the Town based upon the property's circumstances now. As long as there are no issues regarding break-ins due to this type of window, the Town does not require that he spend the money on upgrading to hurricane impact windows. It could be shown as complied at this time subject to circumstances changing. In regard to the warning signs, since the sergeant told Mr. Russo to wait until the cameras are installed, Mr. Gabriel asked the Special Magistrate to extend the compliance date to February 15, 2015. In regard to the installation of the video surveillance cameras, the Town was asking for a permit to be secured by February 15, 2015. The work is to be performed within 45 days of securing the permit. The Town requests the third Status Hearing to be held during the regular April Hearing which is April 20, 2015. If the property is in compliance and the money matters have been agreed to, then there would be no need for further discussion. If there are any outstanding issues, those issues would be brought in front of the Special Magistrate on April 20, 2015.

Attorney Rose, representing Mr. Russo, said that he is in agreement with the April 20, 2015 date with the hearing starting at 5:00 p.m. He asked that the date of installation for the warning signage be extended to match the installation of the video surveillance cameras. The Special Magistrate said he was concerned that the locks were not done. Discussion ensued and Mr. Gabriel said that the locks must be approved and completed by February 15, 2015.

The Special Magistrate ordered:

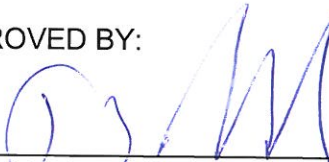
- Door systems with the locks and security strike plates are to meet the requirements of BSO and be installed by February 15, 2015 or a fine of \$25/day.
- Obtain permits for the security system's video surveillance cameras by February 15, 2015 with the camera installation completed within 45 days to include installation of the closed circuit television signs or a fine of \$25/day.
- Status Hearing on April 20, 2015 at the 5:00 p.m. regular code hearing for the purpose of verifying compliance.

Mr. Gabriel reminded that there also has to be an agreement for the outstanding costs and expenses or this money issue would come before the Special Magistrate on April 20th.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on January 15, 2015 at approximately 1:35 p.m.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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