

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Monday, November 17, 2014 at 300 P.M.

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 3:04 p.m. on Monday, November 17, 2014. Code Compliance Inspectors 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

A. APPROVAL OF MINUTES OF PREVIOUS CODE HEARING

October 20, 2014 Code/Fire Hearing – The minutes of 10/20/14 were not discussed.

IV. PUBLIC COMMENTS

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.

V. CODE CASES

Clerk Idalia Gutierrez noted the following cases were in compliance.

COMPLIED

- | | | |
|---------|----------|-----------------------|
| 1. C#: | 14050016 | 250 Basin Dr |
| 2. C#: | 14100002 | 230 Basin Dr |
| 3. C#: | 14100003 | 230 Basin Dr |
| 4. C#: | 14100005 | 3250 Oleander Way |
| 5. C#: | 14100011 | 4400 N Ocean Dr |
| 6. C#: | 14100016 | 1931 Waters Edge |
| 15. C#: | 14100006 | 4400 N Ocean Dr |
| 16. C#: | 14100012 | 256 E Commercial Blvd |
| 17. C#: | 14100014 | 255 Hibiscus Ave |

Special Magistrate Clerk Idalia Gutierrez called the first case to be heard.

OLD BUSINESS

ITEM #V.7

Case #: 14080007 – Building Code Violations
Property Owner: Florida Asset Resolution Group LLC
Address/Folio: 297 Tropic Way
Code Section(s): Florida Building Code Section 105. Section 105.1 Required.

ITEM #V.8

Case #: 14080010 – Property Maintenance
Property Owner: Florida Asset Resolution Group LLC
Address/Folio: 297 Tropic Way
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

Code Compliance Inspector Carmen Sanchez testified that both cases were continued from the last hearing. The violations are the damaged seawall and the chain link fence erected without a permit. Ms. Sanchez said she checked with the Building Department last Friday regarding the permit for Case #14080010 for the damaged seawall and found there are inspections that still need to be done. For case #14080007 regarding the chain link fence erected without a permit, no permit application has been submitted. The Special Magistrate clarified that a permitted fence is allowed to be there because the seawall is being repaired. Ms. Sanchez said she has a letter written by a neighbor, also signed by other neighbors, and requested it be submitted for evidence. The document was shown to Mr. Seiler, attorney for the property owner. Mr. Seiler objected to the letter as hearsay and requested a copy of it. Ms. Sanchez provided him with a copy of the letter. Mr. Seiler said his client just received possession of this property in July and these violations predate the July date. The reference in the letter to three years of eyesores has nothing to do with his client. The Special Magistrate entered the letter into evidence and noted the objection.

Mr. Seiler said the Special Magistrate was copied on an e-mail stating the permit was ready for pick up weeks ago. Mr. Seiler said the delay was not caused by his client but was caused by the Town when they advised his client the permit was not ready for pick up. Mr. Seiler has an e-mail from the seawall vendor dated November 10, 2014 stating the seawall is repaired with a new raised cap. He also has a follow-up e-mail stating the seawall is completed. Now he was told by the Town that some inspections were not done. As far as he knows, the seawall was repaired on November 10, 2014. Ms. Sanchez said there have been inspections but more inspections are needed. Ms. Sanchez said they did take action in reference to the seawall but the work must be completed. There is also the issue of the chain link fence and no attempt has been made to obtain a permit.

The Special Magistrate said there is a disparity between Mr. Seiler's records showing the seawall is done and the Town's records showing it is not finished. The Special Magistrate said that they still need a retroactive after-the-fact permit for the chain link fence. Ms. Sanchez answered the Special Magistrate that the Administrative Costs for the first hearing have been paid. Ms. Sanchez is not suggesting imposing fines today but is requesting a comply-by date. She suggested December 12, 2014 as the date for both. The chain link fence on the outside of the property needs an after-the-fact permit and the repaired/completed seawall has to pass all the inspections.

The Special Magistrate ordered the Respondent to comply by December 12, 2014 or a \$150/day fine will be imposed for each of the violations (needs a retroactive after-the-fact permit for the chain link fence and the seawall needs to pass all required inspections).

The Special Magistrate said that at the last hearing, Bud Bentley recognized an error on the Town's behalf and he will consider any delay caused by the Town and take it into account before entering a final fine. The Special Magistrate said that if both items are in compliance, there would be no reason to bring this agenda item back to the December 15, 2014 hearing. Mr. Seiler was advised that he could speak with Jake in the Building Department. (Mr. Seiler returned after the next case was heard and said for the record that he spoke with Jake. They put in for a final inspection tomorrow for the seawall. At the hearing, they then discussed getting the permit for the temporary fence.).

NEW BUSINESS

ITEM #V.10

***TAKEN OUT OF SEQUENCE**

Case #: 14090012 – Nuisance/Paint

Property Owner: Saley, Lawrence P.

Address/Folio: 4636 Bougainvilla Dr

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(13)

Code Compliance Inspector Carmen Sanchez testified that the property owner is present and would like to request a continuance. Ms. Sanchez answered the Special Magistrate that she has no objection to a continuance but was unsure how long he would request. Mr. Saley testified that the paint on his house is peeling and looks terrible. He had someone paint the house two years ago. He said that on the south side and where the sun really hits the building, it looks terrible. He was waiting for better painting weather, especially after the rainy season. He further explained why he needs good weather to paint. The paint people he has quotes from would not be able to start until February. The Special Magistrate asked for pictures. Carmen Sanchez showed the pictures to Mr. Saley and then gave them to the Special Magistrate for the file. After looking at the pictures, the Special Magistrate said this is not that big of a project. He told Mr. Saley that he could not wait for perfect weather to paint this house.

The Special Magistrate ordered to comply by December 12, 2014 or provide proof that the work has started. He recommended Mr. Salay use a reputable painter who can begin before February 2015. The Special Magistrate ordered a daily fine of \$200/day starting December 12, 2014 until the work is done. An Administrative Fee of \$50 was imposed and is to be paid by December 12, 2014.

The Special Magistrate explained that they do not want to impose a fine but this must be taken care of. People are complaining about the way the house looks and this situation must be fixed. He said that Mr. Saley also admitted that the house looks terrible.

ITEM #V.11

Case #: 14090015 – Business Tax

Property Owner: EGOA Realty LLC

Address/Folio: 4208 N Ocean Dr

Code Section(s): Chapter 12 – Licenses Sec 12-2(a) Required.

Chapter 30 – Unified Land Development Regulations Section 30-509(a)

ITEM #V.12

Case #: 14090016 – Business Tax
Property Owner: EGOA Realty LLC
Address/Folio: 4220 N Ocean Dr
Code Section(s): Chapter 12 – Licenses Sec 12-2(a) Required.
Chapter 30 – Unified Land Development Regulations Section 30-509(a)

Code Compliance Inspector Carmen Sanchez testified that the property is a hotel/motel. The Notices were sent and service was obtained. The two properties do not have a current business tax receipt (BTR). Also, the sign on the hotel was changed without a zoning permit. On August 21, 2014, they received a courtesy notice. She met with Mr. William Weger on September 8, 2014 and explained the violations. The violations were not taken care of and on September 23, 2014 she issued a Notice of Violation Hearing. She has a picture of the new sign and the previous sign, showing that it was changed. She also has an e-mail from the BTR Department stating they do not have their BTR. Ms. Sanchez showed the pictures to Mr. Weger. She answered the Special Magistrate that there were sign application permits submitted last Friday which have not been issued. She has the same pictures for the second property and showed them to Mr. Weger. The documentation for both properties was given to the Special Magistrate and he accepted it into evidence without objection as the Town's Composite Exhibit. It was clarified that both properties have the same two violations.

Mr. William Weger testified that he is the hotel manager. He said they paid for and filed applications for both the zoning sign permits and the BTRs. He explained they just replaced the fiber glass inserts for the signs and the sign itself did not have any physical changes. The company who did this did not let him know that permits were required for this type of work. The owners of the property are international business owners/travelers and getting the notarized forms for the permit application took some time. In regard to the BTRs, the Notice was sent to the previous owners who did not provide them to the new owners. He experienced the same delay with getting notarized signatures from the international owners. They are actively working to get this all finalized. Ms. Sanchez said they had notice since August 2014 and have recently applied for the permit for the signs and for the BTRs. She answered the Special Magistrate that the Administrative Fees would be \$150/case.

The Special Magistrate ordered an Administrative Fee of \$150 for each case totaling \$300 be paid by December 12, 2014. He further ordered both the BTRs and the permit for the signs to be obtained by December 12, 2014 or bring this case back to the December 15, 2014 hearing. If they are still out of compliance on December 12, 2014, a daily fine of \$75/violation/case is imposed starting December 12, 2014. He suggested that a power of attorney be obtained from the owners to avoid delay in addressing matters such as these.

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

Case #: 14090007 – Building Code Violations
Property Owner: EJMP3 LLC
Address/Folio: 4146 Seagrape Dr
Code Section(s): Florida Building Code Section 105. Section 105.1 Required.

Code Compliance Inspector Carmen Sanchez testified she has a 30-day continuance request from the property owner. She does not have any objection and she submitted it for the record.

The Special Magistrate ordered continuance of the case for 30 days. The Special Magistrate Clerk verified that thirty days is past the December hearing date and this agenda item will be continued to the January 26, 2015 hearing.

ITEM #V.13

Case #: 14090018 – Building Code Violations
Property Owner: Anglin Fam TR, % James Alan Demko
Address/Folio: 2 E Commercial Blvd
Code Section(s): Florida Building Code Section 105. Section 105.1 Required.

Code Compliance Inspector Carmen Sanchez asked if case #14030015 at 4400 N Ocean Drive could also be called at this time. She explained that she has one extension request and one continuance request from Mr. Spiro Marchelos for these cases. She also has a copy of a subpoena showing that Mr. Marchelos has to attend court all this week. Mr. Marchelos asked Ms. Sanchez to present the requests to the Special Magistrate. Ms. Sanchez gave the Special Magistrate the continuance request, the extension request, and a copy of the subpoena.

CERTIFICATION OF LIEN

ITEM #V.22

***TAKEN OUT OF SEQUENCE**

Case #: 14030015 – Nuisance
Property Owner: Fisherman's Pier Inc.
Address/Folio: 4400 N Ocean Dr
Code Section(s): Chapter 20 – Utilities Section 20-22(a)(3)
Chapter 6 – Building and Building Regulations Section 6-37(1)(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)
Chapter 6 – Building and Building Regulations Section 6-41(b)

Code Compliance Inspector Carmen Sanchez said that for case #14090018 at 2 Commercial Boulevard, the violation is for air conditioning units replaced without a permit. Mr. Marchelos is requesting a continuance for a couple of weeks.

For case #14030015 at 4400 N Ocean Drive, Ms. Sanchez said the date to comply was yesterday. Mr. Marchelos is requesting a thirty day extension for this case. Ms. Sanchez informed the Special Magistrate that they applied for the permits which are ready to be picked up. Ms. Sanchez answered the Special Magistrate Clerk that this case was a certification of lien, so it is now a request for an extension on the final order. The Special Magistrate clarified that a 30-day extension would be past the December hearing date. It would have to be heard at the January 26, 2015 hearing.

The Special Magistrate ordered that the date be changed to comply per the Final Order for Case #14030015 for 4400 N Ocean Drive to January 23, 2015 and the case will be heard at the January 26, 2015 hearing.

For case #14090018, 2 E Commercial Boulevard, the Special Magistrate ordered continuance of the case to the December 15, 2014 hearing.

NEW BUSINESS

ITEM #V.14

Case #: 14100001 – Sign Violations
Property Owner: Anglin Fam TR, % James A. Demko
Address/Folio: 14 E Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-505(b)

Code Compliance Inspector Carmen Sanchez testified that Anglin Fam TR is the property owner. The property is in compliance but it is a recurring violation and she would like to request a findings-of-the-fact for having an illegal sign. They had an A-frame sign on the right-of-way. She gave a copy of the picture of the sign to the Special Magistrate. Ms. Sanchez is requesting an Administrative Fee of \$50.

The Special Magistrate ordered an Administrative Fee of \$50 to be paid by December 12, 2014 and a fine of \$250/day for any future signs of any kind in the roadway or on the sidewalk. He instructed Ms. Sanchez to document as evidence any future sign violation with a photo and date.

ITEM #V.18

Case #: 14100015 – Nuisance
Property Owner: Chase Home Finance LLC
Address/Folio: 255 Hibiscus Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-38(b)

Code Compliance Inspector Carmen Sanchez testified that this is a single-family home. The Notice was sent certified mail and service was obtained. The violation is for stagnant water in the pool. She said that there is also a previous case #13110013 for the previous owner. On October 23, 2014 she sent a Notice of Violation/Notice of Hearing to the property owner of record for the violations she mentioned. The property manager told Ms. Sanchez she is aware of the situation. She said the pool would be cleaned as soon as possible. On October 24, 2014 and November 14, 2014, Ms. Sanchez took pictures of the property that accurately depict the condition of the property. She requests they be entered into evidence. She also has an e-mail from a resident. Ms. Sanchez is requesting seven (7) days to comply, if possible, and an Administrative Fee of \$150. She answered the Special Magistrate that the pool is not accessible to the public because there is a 6-foot wall around it. However, you could open the gate. After looking through the pictures, Ms. Sanchez explained to the Special Magistrate that the grass was cut and the debris was picked up. Those pictures were for a second case that came into compliance. The pool is still pending. The Special Magistrate accepted all the documentation into evidence as Town's Composite Exhibit (with photos and neighbor's complaint e-mail).

The Special Magistrate ordered compliance within seven (7), November 24, 2014, or a fine of \$200/day will be imposed. He also ordered an Administrative Fee of \$150 to be paid by December 12, 2014.

The Special Magistrate asked Inspector Sanchez to let the property manager know about his order.

ITEM #V.19

Case #: 14090019 – Permits Required Violations
Property Owner: ISOM Properties LLC
Address/Folio: 1900 S. Ocean Blvd #6F
Code Section(s): Florida Building Code Section 105. Section 105.1 Required.

Code Compliance Inspector Sharon Foster testified that this case was continued from last month's hearing. On September 10, 2014, Ms. Foster inspected unit 6F. Notice was sent via certified mail and service was obtained. The violation is work without permit. There were a new bathtub and drywall installed in the master bathroom. In the second bathroom, the walls by the shower and ceiling are gutted and pipes and installation were exposed. In the kitchen, the sink was removed and it looked like new drywall was installed. She was in contact with the property owner. As of October 30, 2014, they received a permit to do the work. As of today, there have been no calls for inspections. The property owner was to attend the hearing today but did not show. Ms. Foster is requesting an Administrative Fee of \$150 and pictures were submitted for the file.

The Special Magistrate ordered an Administrative Fee of \$150 for this hearing to be paid by December 12, 2014. He further ordered full compliance with a certificate of occupancy (CO) by December 12, 2014 or a fine of \$200/day will be imposed. The Special Magistrate said that if not in compliance by December 12th, this agenda item will be brought back to the December 15, 2014 hearing.

The Special Magistrate instructed Ms. Foster to inform the property manager if they are actively working towards compliance, he would consider extending the compliance time at the next hearing.

While looking through the file, the Special Magistrate Clerk returned Ms. Foster's pictures as she already had them in the file from the last hearing. Also from the last hearing, the \$150 Administrative Fees due November 17, 2014 were not paid.

The Special Magistrate changed the due date for the \$150 Administrative Fees from November 17th to December 12th. The Special Magistrate then added the previous hearing's \$150 Administrative Fee to the \$150 Administrative Fee for this hearing and amended his order for Administrative Fee to be a total of \$300 due December 12, 2014 and the rest of the order remained the same (full compliance with a CO by December 12, 2014 or a fine of \$200/day will be imposed.).

CERTIFICATION OF LIEN

ITEM #V.20

Case #: 14090017 – Property Maintenance
Property Owner: Grassano, Cindy K Grassano, Nicholas R
Address/Folio: 2020 Waters Edge
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)

The above case was called but Code Compliance Inspector Sharon Foster testified on case #14100007 below. Then Ms. Foster returned to case #14090017 because it was the last case to be heard.

Code Compliance Inspector Sharon Foster testified that she is requesting a continuance to the next hearing of December 15, 2014 due to the fact that the day to comply is today, November 17, 2014. She would like to give the opportunity to comply before the Town will certify.

The Special Magistrate ordered to continue this case (#14090017) to the December 15, 2014 hearing.

ITEM #V.21

Case #: 14100007 – Property Maintenance

Property Owner: Woodrum, Faythe P H/E Woodrum, Timothy P & Dawn M

Address/Folio: 1936 Waters Edge

Code Section(s): Chapter 20 – Utilities Section 20-22(a)(3)

Chapter 6 – Building and Building Regulations Section 6-37(1)(a)

Chapter 6 – Building and Building Regulations Section 6-41(a)(1)

Chapter 6 – Building and Building Regulations Section 6-41(a)(2)

Chapter 6 – Building and Building Regulations Section 6-41(b)

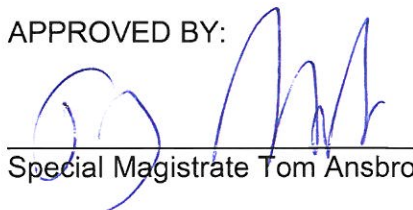
Code Compliance Inspector Sharon Foster testified that fines started running today, November 17, 2014, for one day at \$250/day for one violation. The property is not in compliance. The fine amount is \$250 with \$150 Administrative Fee from the previous hearing. She is requesting an additional \$100 Administrative Fee for today's hearing. The total amount to be certified as a lien is \$500.

The Special Magistrate ordered the certification of lien in the amount of \$500.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on November 17, 2014 at approximately 3:54 p.m.

APPROVED BY:



Special Magistrate Tom Ansbro

ATTEST:



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