

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, August 24, 2023 at 5:00PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:10PM on Thursday, August 24, 2023 with Town Attorney Alan Gabriel, Fire Marshal Stephen Paine, Code Compliance Inspector Eric Villanueva, Code Compliance Inspector Sonya Lowe, Development Services Director Jhanelle Campbell, Building Official Simo Mansor, and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to everyone speaking today, other than lawyers.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing.

IV. PUBLIC COMMENTS

No one from the public wished to speak now on items not on the agenda.

V. CODE CASES

The cases were heard in the order they were typed. All discussions/actions in the matters were not limited to the case summaries typed below.

OLD BUSINESS

ITEM #V.16

***TAKEN OUT OF SEQUENCE**

Case #: 18020015 - Property Maintenance

Property Owner: Fishermans Pier Inc

Address/Folio: 2 E Commercial

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37 (a)(1).

Code Compliance Inspector Lowe testified that this was a Status Hearing. At the last hearing they attended (May 25, 2023), this agenda item was continued to today for structural planning, resubmittal of a timeline, the survey, and a schedule of time moving forward. David Atkisson, owner's representative for Fishermans Pier Inc., testified that the last time they were here, they were waiting on a survey and other items. A schedule was submitted previously which was up to this point in time. He said they received the survey last Friday and they hired Tyler Chappell to take over the second portion of the DEP Joint Coastal Construction Permit Application that would be submitted to the DEP. All the documentation they needed was provided besides the engineer's pile layout. Tyler Chappell would start working with him next week to provide the proper plans needed for the application. Mr. Atkisson's estimate was probably three or four weeks to

coordinate with Dane who was the PE they used originally. There would be another engineer to help him and Tyler would put it in a CAD format to send it to the DEP. After that three to four week period, it would be submitted (estimated time) and he would then confirm with the Building Department that it was submitted to the DEP. It should take about two or three months for the DEP (state agency) to respond with a string of comments. He also spoke about the Army Corps of Engineers (federal agency). As soon as they get the string of comments, they would notify the Town. He answered the Special Magistrate that the survey was of the pier and the layout of the pier. He spoke about the break in the pier and the need to get surveyors out there requiring McLaughlin to do a LiDAR survey with a drone for accuracy. However, they did not provide the Florida Coastal Construction Control Line which would be put on this week. Mr. Atkisson answered the Special Magistrate that the survey included everything (all the way into the parking area and the submerged areas).

Development Services Director Campbell testified that based on the timeline provided, the Town would like to request a Status Hearing in thirty days to determine if the permit was submitted to the state and federal agencies. If the proof was provided, then they would come back in another thirty days and request a sixty-day continuance. She answered the Special Magistrate and Mr. Atkisson regarding if a hearing in thirty days was necessary or could it just be some kind of written proof emailed to the Director (e.g., process number or proof that a certified letter was sent out for the permit submittal to the state and federal agencies). The Director explained that they just wanted to establish that the permits were submitted and if not, to have an explanation in thirty days as to why not. It was decided to have a Status Hearing in thirty days and they were to come with the proof that the application was sent to both the State and Federal agencies. The Special Magistrate ordered this agenda item to be continued to the next hearing for a status hearing and they were to come back with proof that the application was sent to both the State and Federal agencies and no costs were assessed for today's hearing.

FIRE CASES

ITEM #V.24

***TAKEN OUT OF SEQUENCE**

Case #: 23010015 - Building Code Violations

Property Owner: South Leisure By The Sea Association

Address/Folio: 234 Hibiscus Ave

Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

Code Compliance Inspector Lowe testified that service was achieved by the green card on file. They were at the May 2023 hearing and the agenda item was continued to today. This was for a forty-year inspection. As of today, they were running fines from June 21, 2023. Building Official Mansor answered the Special Magistrate that they did submit a forty-year report but it was denied because repairs were needed. He further answered that the report was not timely submitted. The fines would continue to run until we get something done. Inspector Lowe said they were to get a status update today from the new president, Cheryl Calcagni. Ms. Calcagni testified that they received three concrete bids and they would be presented to the owners at their meeting on Monday. After the papers were signed, they would move forward with starting the repairs. John Gabler, project manager for the engineering firm, testified about the scope of work for the concrete repairs. Bids were sent out and all the contractors know what they would be repairing. Once all the repairs were done, his firm would come back in and provide the updated inspection report. He answered the Special Magistrate's question regarding getting the work done and the Special Magistrate reminded that the fines would continue to run until compliant.

The Special Magistrate explained that once the case was complied, he had the ability to review the fines and possibly reduce them. This depended upon how well steps were taken to get this

into compliance. We would deal with this at the end. President Calcagni asked if once the contractor started working on the building, would the fines stop then and she was told that they run until the building was in compliance. Inspector Lowe said that the Town recommended a Status Hearing at the September 28, 2023 hearing. The Special Magistrate ordered a continuance to the September 28, 2023 hearing for a status hearing with no costs assessed for today's hearing.

SPECIAL SET / EMERGENCY CASES

ITEM #V.26

***TAKEN OUT OF SEQUENCE**

Case #: 21-1336

Property Owner: South Leisure By The Sea Association
Address/Folio: 234 Hibiscus Ave

Fire Marshal Stephen Paine testified that the only violation left on fire case 21-1336 was the railings. This has been a long issue and fines were running. The Special Magistrate said that his recollection was that the railings were installed improperly. Railings were to be reinstalled with notices alerting the residents and visitors regarding the situation. The Fire Marshal said that the hand rails were not installed according to the plan and there were some breaks in place. He said they were here to give an update and what the plans were for the railings. The Special Magistrate said that he was really concerned about railings as people (e.g., kids, the elderly, the disabled, etc.) use them to walk up and down. They must be safe for people or people must be put on notice that they did not work and not to use them.

President Calcagni said they did get a new bid. The original company did want to come back to re-install the railings but at a cost of another \$20,000. She would bring the new bid in front of the owners at their meeting on Monday. She answered the Special Magistrate that there were no hand railings onsite now as they were all removed. Fire Marshal Paine explained that this was in regard to the grab rails put in improperly that broke while in place. He answered the Special Magistrate that people could grab hold of the baluster now but because of the way the code was written, there also had to be grab rails installed as well. This was what needed to be redone now. He felt they were not manufactured correctly and fractured in place. They were removed because they were doing more harm than good. The Special Magistrate was answered that there were signs in several languages posted now warning of the situation. John Gabler said this was all under the current, existing open permit. He felt that this was not a very good contractor who was trying, even now, to get more money out of the client. They clarified that even though this building had two cases heard tonight, the fines for each case were running separately. The fines for this case would stop running when the case was complied. The Fire Marshal recommended that they come back to the next hearing to see if this was complied or not. The Special Magistrate said the Town did not want to impose fines and would prefer that this was resolved for safety and to stop the fines from running. John Gabler asked about passing fines onto the contractor for their faulty work and the Special Magistrate explained that it would have to be a civil matter between the HOA and the contractor. The Special Magistrate ordered continuance to the September 28, 2023 hearing for a Status Hearing with no costs assessed for tonight's hearing.

ITEM #V.27

Case #: 23-1378

Property Owner: Silvio & Anae Serafini
Address/Folio: 4404 Bougainvillea Dr.

Fire Marshal Stephen Paine testified that this was Delacaseas Café & Catering LLC. There was an inspection done on July 31, 2023 and different violations of the Fire Prevention Code were

found. He read these violations into the record. He said Paul Mangiardi, café owner, was here to request thirty days to come into compliance otherwise he agreed to pay a fine of \$250/day until all the violations were complied. The café owner testified that he agreed to get things done or pay the \$250/day fine until complied. The Special Magistrate ordered a Final Order to come into compliance on the violations read into the record by the Fire Marshal by thirty days from tonight or on the 31st day, a fine of \$250/day would be imposed until there was complete compliance with no costs assessed for tonight's hearing and come back to the September 28, 2023 hearing if necessary.

Town Attorney Alan Gabriel departed at approximately 5:36PM.

ITEM #V.28

Case #: 23-1377

Property Owner: 4051 N Ocean Dr LLC

Address/Folio: 4105 N Ocean Dr 1-7

For the record, there was no one in attendance to represent the property owner. Fire Marshal Stephen Paine testified that this is a seven-unit, two-story apartment building. The Town was going to request giving them sixty days as they submitted a demo plan today to demolish the second floor catwalk which was deemed unsafe by a structural engineer. The building was vacated Monday and the power was secured. There was no one living in the building. The building was posted unsafe. The Fire Marshal had pictures that he would like to add to the record. He answered the Special Magistrate that the catwalk was an exit way for the people to come down the stairs. This would also address the railings that were there. They submitted plans today to get the work started on the second floor. This was the original construction.

The Fire Marshal explained that this was found by a building safety inspection. They were going to repair but the engineer came back in and looked at it again. He said the repairs could not be done as it had to be demolished and rebuilt. The Special Magistrate accepted the photos into the file as Composite Exhibit. He accepted the Fire Marshal's recommendation as long as no one was living in the building. The Fire Marshal said that people were not there but they were aware of what was happening. The Special Magistrate ordered a Final Order giving sixty days to come into compliance or a fine of \$250/day would be imposed with no costs assessed for tonight's hearing and come back to the October 26, 2023 hearing if necessary.

FIRE CASES

ITEM #V.25

Case #: 23-1379

Property Owner: Oceanwalk Villas Condo

Address/Folio: 1900 Oceanwalk Lane

Special Magistrate Clerk Megan Small said that this was continued to the September 28, 2023 hearing and the Special Magistrate would order the continuance.

Fire Marshal Stephen Paine departed at approximately 5:42PM.

OLD BUSINESS

ITEM #V.12

***TAKEN OUT OF SEQUENCE**

Case #: 23040001 – Permits Required Violations

Property Owner: JJTA Real Properties LLC

Address/Folio: 260 Allenwood Dr

Code Section(s): Florida Building Code FBC BCA Section 105.1. Permits. Required

For the record, there was no one in attendance to represent the property owner. Code Compliance Inspector Villaneuva testified that this was for work without permit for interior renovation which was found during a Business Tax Receipt inspection and fines were running. They did have a permit in process. He recommended giving them thirty days until the next hearing with the fines continuing to run and if not compliant, then to certify the lien on the property next month. The Special Magistrate ordered continuance to the September 28, 2023 hearing with the fines still running and assessed cost which was corrected later on to be in the amount of \$50 for today's hearing due immediately or payable by September 27, 2023.

ITEM #V.13

Case #: 23060001 – Building Code Violations
Property Owner: Piccadilly USA Inc.
Address/Folio: 1600 S Ocean Blvd 1804
Code Section(s): Florida Building Code Section 105.1. Permits. Required

For the record, there was no one in attendance to represent the property owner. Code Compliance Inspector Villaneuva testified that this was for work without permits. There was a permit in process and he requested the fines to continue to run. He recommended giving them thirty days coming back to the next hearing and if not compliant, they would certify the lien plus \$50 hearing cost for today. The Special Magistrate ordered continuance to the September 28, 2023 hearing with fines still running plus \$50 hearing cost for today due immediately but payable by September 27, 2023.

Building Official Mansor departed at approximately 5:44PM.

ITEM #V.14

Case #: 23060003 – Building Code Violations
Property Owner: 2031 House Buyer LLC
Address/Folio: 2031 Coco Palm Pl
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits.

For the record, there was no one in attendance to represent the property owner. Code Compliance Inspector Villaneuva testified that this was for work without permit. Fines were already running and to continue this case to the next hearing, September 28, 2023, with the fines still running. If not compliant, they would certify the lien at the next hearing plus \$50 hearing cost for today's hearing. The Special Magistrate ordered continuation to the September 28, 2023 hearing with fines still running plus \$50 hearing cost for today due immediately but payable by September 27, 2023.

ITEM #V.15

Case #: 23040003 – Business Tax
Property Owner: Swanton Street 184 LLC
Address/Folio: 239 E Commercial Blvd 101/102
Code Section(s): Chapter 12 – Licenses Section 12-2(a) BTR Required.
Chapter 30 – Unified Land Development Regulations Section 30-502(e)

For the record, there was no one in attendance to represent the property owner. Code Compliance Inspector Villaneuva testified that unit 102 was complied but unit 101 was still operating without a BTR. The original fine for the two units was \$100/day/violation. Fines would continue to run but if no BTR was obtained for unit 101 within thirty days, we would come back to the September 28, 2023 hearing for a certification of lien with its \$100/day fine still running plus \$50 cost for today's hearing. The Special Magistrate ordered continuation to the September 28, 2023 hearing with \$100/day fine still running for unit 101 plus \$50 cost for today's hearing due immediately but payable by September 27, 2023.

ITEM #V.17

Case #: 23040006 – Permits Required Violations
 Property Owner: Marrone-Speer, Maria Est
 Address/Folio: 231 Lake Ct 1-4
 Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits.

For the record, there was no one in attendance to represent the property owner. Code Compliance Inspector Lowe testified that the work without permit violation was observed on March 28, 2023. She explained that at the July hearing, fines were continuing to run. She discussed certifying the lien and that she has not heard from anyone since the May hearing. At that May hearing, it was ordered to have a signed document regarding that the a/c units were installed up to code and an engineer's letter that the pilings were safe to remain in place and could withstand 170 mph winds. She said that fines were at \$150/day and the cost for today's hearing was \$150. She answered the Special Magistrate as to when the fines have been running. The Special Magistrate ordered certification of lien with \$150 costs for today's hearing.

Special Magistrate Clerk Small read into the record the cases that would be continued to the September 28, 2023 hearing for which the Special Magistrate ordered continuance.

CONTINUED CASES (September 28, 2023)			
Item #	Case #	Property Address	Continued To:
1	23030011	4209 El Mar Dr, 1-9	9/28/23
2	21120018	3900 N Ocean Dr	9/28/23
3	23070004	1584 Blue Water Ter	9/28/23
4	23060012	254 Tropic Dr	9/28/23
5	23040014	1439 S Ocean Blvd 202	9/28/23
6	23060016	1965 S Ocean Blvd 207	9/28/23
7	22070008	4553 Bougainvilla Dr	9/28/23
8	21100021	4900 N Ocean Blvd	9/28/23
9	2110051	1850 S Ocean Blvd	9/28/23
10	23010007	1530 S Ocean Blvd	9/28/23
11	22050002	229 E Commercial Blvd	9/28/23
18	23060017	1431 S Ocean Blvd 41	9/28/23
21	23070009	1481 S. Ocean Blvd 204E	9/28/23
22	23070005	4230 N Ocean Dr	9/28/23
23	23080001	4433 Poinciana St	9/28/23

Special Magistrate Clerk Small read into the record the cases that were dismissed.

DISMISSED CASES			
Item #	Case #	Property Address	Dismissed
19	23060014	274 Basin Dr 1-2	Dismissed
20	23070003	5100 N Ocean Blvd	Dismissed


VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the Hearing on August 24, 2023 at approximately 5:50PM.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


Special Magistrate Clerk Megan Small
Town of Lauderdale-By-The-Sea, Florida