

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, February 27, 2025 at 5:00PM

I. CALL TO ORDER, SPECIAL MAGISTRATE JUDITH E. SECHER

Special Magistrate Judith Secher called the hearing to order at approximately 5:06PM on Thursday, February 27, 2025 with Development Services Director Jhanelle Campbell, Assistant Development Services Director Terry-Ann Boyd, Building Official Simo Mansor, Code Officers Donovan Williams and Ralph DesRoches were in attendance but did not present, and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

Special Magistrate Clerk Small administered the oath to everyone speaking\testifying today, other than lawyers.

III. OPENING STATEMENT

Please note for the record that this is an in-person hearing and to please turn off or silence devices.

IV. PUBLIC COMMENTS

No one from the public requested 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.3

***TAKEN OUT OF SEQUENCE**

Case #: 18020015 - Property Maintenance (General)

Property Owner: Fishermans Pier Inc

Address/Folio: 2 E Commercial Blvd

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

Attorney Andrew Schein stated that they were still in the permitting process. Development Services Director Campbell testified that this was a Status Hearing for the pier. At the November 2024 Hearing, the Town requested an updated timeline on formal letterhead and they appreciated having that document. It appeared that the schedule provided was being followed for the most part. Moving forward, the Town would like to request that the pier was secured to prevent patrons from the beach accessing that pier and jumping off. They had a lot of issues at the last Spring Break and the Director had a video to show Special Magistrate Secher for reference. As it was being shown, the Special Magistrate was answered that it was not a safe situation for the jumpers.

The Director said this was a public safety issue and the Town was requesting that the pier owner do a few things like to have personnel at the pier during daylight hours to monitor and discourage climbing onto the pier until such time as a barrier was installed. This would not allow people to climb onto the pier. The Director spoke with a representative from the Florida Wildlife Commission (FWC) who said that the barrier was to be on the pier structure itself. This way, it would not require review from them. They would not have jurisdiction. It would only require review from the Town. If a different remedy to this climbing onto the pier was proposed like the barrier being in the sand or the waterline, then their involvement would be required. The other thing the Town requested was additional No Trespassing Signs installed so the Broward Sheriff Office (BSO) could be called. The Director answered the Special Magistrate that if personnel at the pier during daylight hours was not immediately instituted (with a schedule containing the names of personnel and the time they worked at the pier was given to the Town) until the barrier was installed, the Town might request an Emergency Hearing or recall this case at the next Special Magistrate Hearing in order to request an increase in the fine. A fine was currently running at \$250/day and that would continue to run.

Spiro Marchelos testified at the podium that they already took care of this. He explained that they have a person who worked in the evenings and a person who worked daytime for a total of twenty-four hours. He was reminded by the Director to give the Town the names of those two people on a schedule as well as to say when the Town could receive a proposed remedy for the barrier. Mr. Marchelos spoke about the fees imposed and needing money to pay for everyone's salary. Attorney Schein asked if thirty days would be okay or sixty days and was told that Spring Break would be over by then. The Director answered that a week would be requested to receive their proposed remedy. The attorney asked for clarity if the week's timeframe was for a proposed remedy or for a designed and submitted for permit remedy? The attorney explained that his worry was that any designed remedy to barricade could possibly make things worse. The trespassers could try to jump off a barricade now. He said that rushing that remedy could be more dangerous than the existing condition. The Special Magistrate suggested a week's time to inform the Town of the consultants they spoke to and what the proposals were.

The Director clarified that people were climbing the pier which was a public safety issue. The Town was asking the owner to do something about this issue. Spiro Marchelos testified that the Town had no lifeguards. Discussion ensued and Mr. Marchelos agreed to put up additional No Trespass Signs tomorrow (February 28, 2025) and then discussion continued about things like additional security at the pier, etc. The Special Magistrate was informed that the order should state that immediately tomorrow, personnel instituted (one person at the least) to monitor the pier from sunrise to sunset with a schedule containing the personnel's name(s) and the date/time to be worked until such time that a barrier was installed that prevented people from climbing the pier structure, install additional No Trespass Signs tomorrow, and a meeting to be held within a week. Director Campbell testified that if the barrier to be constructed needed FWC review because it was not constructed on the pier structure itself, she would connect them with the person she spoke to at FWC.

Spiro Marchelos answered the Special Magistrate that there is a barricade at the front of the pier so anyone coming onto the pier structure was coming on from the end of the pier. They were swimming to the end of the pier and then coming on. Director Campbell gave photos to the Special Magistrate who felt there were approximately ten kids in the pictures. Attorney Schein agreed to a meeting within a week's time. Discussion ensued and Director Campbell explained that the Town was attempting to remedy the situation which was a difficult public safety issue and requested bringing back this agenda item to the next Code Hearing for a Status Hearing. The Special Magistrate ordered (1) personnel (at least one person) to immediately be instituted on the

beach side of the property where they could monitor the pier and call the police right away from sunrise to sunset and the Town should be given a schedule with the names, dates, and times the personnel worked, (2) immediately (February 28, 2025) install more No Trespass Signs, (3) have a meeting within a week's time (by March 6, 2025) regarding progress made for the barriers, (4) bring this agenda item back to the next hearing for a Status Hearing, plus (5) \$50 hearing costs due immediately but payable before the next hearing.

Lieutenant Sutter, BSO – LBTS District, explained that their deputies did not have equipment to go into the water to round up the trespassing swimmers. However, when the swimmers come to shore, the police would advise them that they have been doing something unlawful and they would go from there. People would be warned that they were trespassing and would be arrested if they returned onto that structure and gave different scenarios. Signs and barriers did help and he went through a whole list of things that the police had to do. The Special Magistrate recommended to put the message out that there would be arrests for being on the pier. The officer explained their plans during Spring Break. Attorney Schein asked the officer about official BSO signage or could the signage be generic and discussion ensued.

Building Official Mansor left the hearing at approximately 5:35PM.

ITEM #V.13

***TAKEN OUT OF SEQUENCE**

Case #: 24110003 - Building Permit Violation
Property Owner: Tapert, Christa Bruno, James
Address/Folio: 238 Hibiscus Ave 320
Code Section(s): Florida Building Code FBC BCA Section 105.1. Work Without Permits. Permits. Required

For the record, Jim Bruno signed in but did not go to the podium to speak. Assistant Development Services Director Terry Ann Boyd testified that this case was in compliance.

ITEM #V.14

Case #: 23010015 - Building Code (FBC) Violation
Property Owner: Common Area
Address/Folio: 234 Hibiscus Ave
Code Section(s): Florida Building Code FBC BCA Section 110.15 - Building Safety Inspection Program.

ITEM #V.15

Case #: 23010015 - Building Code (FBC) Violation
Property Owner: Common Area
Address/Folio: 234 Hibiscus Ave
Code Section(s): Florida Building Code FBC BCA Section 110.15 - Building Safety Inspection Program.

For the record, no one was in attendance to represent the property in both cases listed above. Assistant Director Boyd testified that for both cases, they were both complied.

NEW BUSINESS

ITEM #V.17

Case #: 24120015 - Business Tax Receipt Req (BTR)
Property Owner: Espinosa, Leopoldo
Address/Folio: 4608 Seagrape Dr

Code Section(s): Chapter 12 - Licenses Sec. 12-2.(a) - Business tax receipt required.

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that this case would be continued to March 27, 2025.

ITEM #V.19

Case #: 25020004 - Vacation Rental Regulation
Property Owner: Espinosa, Leopoldo
Address/Folio: 4608 Seagrape Dr
Code Section(s): Chapter 30 - Unified Land Development Regulations Sec. 30-327(b). - Vacation rentals and short term rentals..

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that this case would be continued to March 27, 2025.

The following two cases were added on and called into the record as Special Sets.

SPECIAL SET

ITEM #V.20

Case #: 25020010
Property Owner: Slutskaya, Bina
Address/Folio: 241 Oceanic Ave
Code Section(s): Chapter 30 - Unified Land Development Regulations Sec. 30-327.(d). - Vacation rentals and short term rentals. Duration.

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that this property is a single-family vacation rental. Previously, they were cited for violation of Chapter 30 - Unified Land Development Regulations Sec. 30-327.(d). - Vacation rentals and short term rentals. Duration. They offered the property for less than a seven-day consecutive rental. This case was for a repeat of that violation and the original case number was 24040002 which was heard at the April 25, 2024 Hearing. The most recent violation occurred on January 23, 2025. Assistant Director Boyd said the Town was requesting a \$500 fine for that one-day January 23, 2025 repeat violation. The proof of this violation was an advertisement they saw and the Town was able to book a four-night stay. The Assistant Director explained what she was told caused this problem to happen on the website. The Assistant Director said that she checked the website and this problem was fixed as she could not book a stay for less than seven consecutive days. She answered the Special Magistrate about software that would allow the Town to check these types of violations more frequently. There was also \$50 hearing costs requested for today. The Special Magistrate ordered a \$500 fine for a violation that was repeated on January 23, 2025 for one day but was in compliance now plus \$50 hearing cost totaling \$550 to be paid immediately or within thirty days.

ITEM #V.21

Case #: 24120010 - Business Tax Receipt Req (BTR)
Property Owner: NLV Inc
Address/Folio: 238 Commercial Blvd
Code Section(s): Chapter 17 - Streets, Sidewalks and Other Public Places Sec. 17-91(a)(8). - Revocation, suspension or denial of permit. ARTICLE VI. - SIDEWALK CAFÉS Sec. 17-91(a)(8). - Revocation,

suspension or denial of permit. (a)Revocation and/or denial. The approval of a sidewalk cafe permit is conditional at all times.

For the record, no one was in attendance to represent the property. Assistant Director Boyd testified that this was a commercial business, Chicago Stuffed Pizza. At the last Hearing, the Town was asking to put on record that they were moving forward with collections regarding all outstanding fees for Chicago Stuffed Pizza's sidewalk café and that they would come back to the February Hearing for possible suspension or revocation. Today, they would like to move forward with the revocation of their sidewalk café permit. They were on a payment plan and followed through with it up until April 2024 and no payments have been made since then. Code Compliance Officer Donovan has spoken to them and they said they were possibly getting evicted and business was not that good. The Town was seeking to revoke their sidewalk café permit and would still go after collecting the owed fees. She answered the Special Magistrate regarding the Town's options and what the Town could do if the permit was revoked and the commercial business continued operating. For today, the Town requested revocation of the sidewalk café permit and know that the Town was working on collecting the outstanding fees. The Special Magistrate ordered a Final Order that the sidewalk café permit be revoked immediately as of today and the \$3,080.00 total outstanding balance would be sent to a collections agency.

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

COMPLIED CASES		
Item #	Case #	Property Address
1	24120016	4531 W Tradewinds Ave
2	25020005	4531 W Tradewinds Ave
12	24120012	1585 Blue Water Ter
16	24050023	250 Miramar Ave
18	25020003	250 Miramar Ave

Special Magistrate Clerk Small then read into the record the cases that were continued to March 27, 2025.

CONTINUED TO MARCH 27, 2025		
Item #	Case #	Property Address
4	25010003	3260 Oleander Way
5	25010004	2031 Coco Palm Pl
6	21100051	1850 S Ocean Blvd
7	21120018	3900 N Ocean Dr
8	24050073	4461 W Tradewinds Ave
9	23010007	1530 S Ocean Blvd
10	21120003	2000 S Ocean Blvd
11***	24090002	230 Pine Ave

*****For item #11, case #24090002, 230 Pine Ave. - Assistant Director Boyd put on the record that even though this was continued to March 27, 2025, the compliance date for this property is 14 days which would be March 13, 2025.**

ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on February 27, 2025 at approximately 5:40PM.

APPROVED BY:



Special Magistrate Judith Secher

ATTEST:



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