

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room (Jarvis Hall)
Thursday, January 25, 2024 at 5:00PM

I. CALL TO ORDER, SPECIAL MAGISTRATE JUDITH SECHER

Special Magistrate Judith Secher called the hearing to order at approximately 5:00PM on Thursday, January 25, 2024 with Development Services Director Jhanelle Campbell, Building Official Simo Mansor, Senior Code Compliance Officer Eric Villanueva, Code Compliance Officer Hector Barrett, Pompano Beach Fire Inspector Ashley Zalewski, and Special Magistrate Clerk Megan Small to record the minutes.

II. SWEARING OF WITNESSES

Special Magistrate Clerk Megan Small 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 and the cases called first were for people who were attending the hearing. All discussions/actions in the matters were not limited to the case summaries typed below.

OLD BUSINESS

ITEM #V.28

***TAKEN OUT OF SEQUENCE -**

Case #: 18020015 - Property Maintenance (General)

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 Officer Barrett testified that this was a Status Hearing for the pier. Attorney Andrew Schein, Lochrie & Chakas, said he represented the property owner and that Tyler Chappell, Chappell Group, and the property owner, Spiro Marchelos, were also in attendance. They were last here in November 2023 and he went over things that were pending and needed to be done. He then spoke about a formal timeline for Staff regarding the next steps in the project. The property's survey was completed in December allowing plans to be currently in the works. This information was given to Staff last week. There would be more substantive information provided at the next hearing. The Special Magistrate asked if there was anything expected that the Town did not receive and Development Services (DS) Director Campbell answered that what

they understood was that plans would be submitted in April to the State and Regulatory Agencies. The Town was requesting another Status Hearing during the April Hearing (post submission of the permit applications). They would like proof of those submissions provided at that April hearing and any other updates that happened between now and the April 25, 2024 Hearing. The Town wanted to know developments as they happened. The Special Magistrate ordered continuing this agenda item with a Status Hearing on April 25, 2024 to include proof of submissions and knowledge of development updates.

CERTIFICATION OF LIEN

ITEM #V.30

***TAKEN OUT OF SEQUENCE**

Case #: 23090002 – Building Code (FBC) Violations
Property Owner: Coleman, Patrick More, Andres
Address/Folio: 4640 Bougainvilla Dr 2
Code Section(s): Florida Building Code FBC BCA Section 105.1. WWOP. Permits.
Required

Code Compliance Officer Barrett testified that service was obtained via certified mail for work without a permit(s). On October 26, 2023, the Special Magistrate issued a Final Order requiring compliance or a fine starting November 16, 2023 of \$250/day to continue to accrue until compliance was achieved and \$50 cost was assessed. At the November 16th Hearing, this case was continued with fines still running. The fines now were \$4,000 plus the \$50 cost. He testified that Mr. Coleman thought he had a permit but the permit did expire and the work continued. Compliance was achieved with issued permit(s) on December first. The total fine with cost was \$4,050.00.

Patrick Coleman testified that they received the September 5th letter and he contacted his contractor who did a permit renewal which was granted and paid on September 26th. He showed a copy of that from his cell phone to Code Compliance Officer Barrett. Building Official Mansor looked at the document on Mr. Coleman's cell phone as well. Mr. Coleman said he spoke to the Town via phone and was told everything was okay. He did not recall who he spoke to. Code Compliance Officer Barrett showed his "approved with comments" paperwork dated December 1, 2023. He did not have Mr. Coleman's document nor has he seen it before. As far as he knew, the permit was issued December 1, 2023. The permit prior to that was expired. Mr. Coleman said the check was cashed by the Town. The Special Magistrate understood what Mr. Coleman thought the receipt was but she asked Staff what the photo of the document was. Building Official Mansor looked at the photo and said it was an application dated 9/26/23 for renewal that was not processed by the system. The Building Official said there was no signature or date on the application and he would be the only one to approve this. He testified that he never saw this application. Mr. Coleman answered the Special Magistrate that the money for the check came out of the contractor's account. Mr. Coleman testified that he had an email from the Town that a notarized permit was sent and this was 10/3/23. Building Official Mansor said that the application was never processed. The only processed application was dated December 1, 2023.

The Special Magistrate said it was up to the Town if they wanted to discuss anything with Mr. Coleman or else she would impose the \$4,050.00 total fine. She told Mr. Coleman that he should have brought his proof on paper and not to have to look at his proof on his cell phone. Code Compliance Officer Barrett remembered Mr. Coleman coming into the office and he told him he did not have a permit. They went to see Building Official Mansor who informed that no extension of permit was applied for and the permit he had was expired. He thought this all transpired in November 2023. Mr. Coleman testified he was not in Town in November. DS Director Campbell said that work without permit did occur. Staff time went into processing the permit application.

The Town was willing to entertain a mitigation of the fine to be reduced to \$1,500 plus \$50 cost (total \$1,550.00). DS Director Campbell said this would have to be paid before the next hearing of February 22, 2024 and if not paid by February 21, 2024, the total fine would revert back to \$4,050.00. The Special Magistrate ordered payment of \$1,550.00 total fine on or before February 21, 2024 or the total fine would revert back to \$4,050.00.

FIRE CASES

ITEM #V.31

***TAKEN OUT OF SEQUENCE**

Case #: 23-1379

Property Owner: Oceanwalk Condominium Assoc

Address/Folio: 2001 Oceanwalk Ter

Fire Inspector Ashley Zalewski, Pompano Beach Fire Prevention, testified that this was about permitting for the gate. She testified that as of this time, they have not received anything. She suggested giving them two weeks to turn in something, if not then \$200/day fine to start accruing. The Special Magistrate was answered that a gate was installed without permitting. They have to do a few things to get things corrected and they did not give her anything, not even a timeline. If a permit was not pulled (submit a complete application) within two weeks (by February 8, 2024), the Fire Inspector answered the Special Magistrate, she was suggesting fines to begin. For the record, there was no one in attendance to represent the property owner. The Special Magistrate ordered the submission of a completed application by February 8, 2024 or \$200/day fines to begin February 9, 2024 until compliance plus \$50 cost due immediately or payable before the next hearing.

OLD BUSINESS

ITEM #V.27

***TAKEN OUT OF SEQUENCE**

Case #: 23050002 - Building Code (FBC) Violations

Property Owner: Common Area

Address/Folio: 4520 El Mar Dr

Code Section(s): FBC 40/50 Year Inspections 110.15 Building Safety Inspection Program

Code Compliance Inspector Barrett testified that this was for a 40-Year Building Safety Inspection Program violation and today was a Status Hearing. As a quick recap, at the October 26, 2023 Hearing the Special Magistrate ordered a Final Order requiring compliance by November 15, 2023 or \$250/day/violation fines to accrue starting November 16, 2023 plus \$50 costs were assessed. On November 16th, this agenda item was continued until today. The Building Official testified that they were working on their safety but were not coming in with the proper paperwork. They needed the results on the proper paperwork which was Broward County Board of Rules and Appeals. The Town has gotten nothing from them. We keep sending letters and emails and get no answer. Their representative, who introduced himself as Joe Fleming, managerial position, was here to give answers. Code Compliance Inspector Barrett said that part of this compliance needed the proper engineer's report submitted on the proper forms. They submitted the engineer's report but not on the proper forms.

The Special Magistrate wanted to know if the Town objected to the owner not being here but rather a maintenance/managerial person was in attendance. Building Official Mansor said that usually Brad was here. Mr. Fleming said he was in Arizona. Mr. Fleming said that he was told the engineering report on the proper paperwork would be here tomorrow. He brought the electrical paperwork today which was completed. They were waiting for the engineer to submit to the Town tomorrow on the proper paperwork.

The Building Official said that this was a county safety program and it needed to be by the county's rules which included the proper paperwork. Mr. Fleming said he was told that the proper form would be submitted either tomorrow or Monday. The Building Official said that the form had to be signed and sealed. He further asked Mr. Fleming to give Code Compliance Inspector Barrett his email address and to keep the inspector current as to what was going on. The Town suggested turning in the proper reports on the proper forms by next Wednesday and to come back to the February Hearing for another Status Hearing. DS Director Campbell said that the Town would request to receive that revised report by next Wednesday, January 31, 2024, and return to the February 22, 2024 Hearing for a Status Hearing and at that time, if in compliance, we could address the fines that accrued. The Special Magistrate ordered the proper revised report(s) on the proper paperwork due by Wednesday, January 31, 2024 and return to the February 22, 2024 Hearing for a Status Hearing and if in compliance, we would address the fines that accrued.

Development Services Director Campbell left the Hearing at approximately 5:32PM.

Special Magistrate Clerk Small said there were two cases for the same address but they would be called separately.

FIRE CASES

ITEM #V.32

***TAKEN OUT OF SEQUENCE**

Case #: 21-1336

Property Owner: South Leisure By The Sea Association Inc.

Address/Folio: 234 Hibiscus Ave

Nathan Bagley, property manager, and Cheryl Manzi, association president, introduced themselves. Fire Inspector Ashley Zalewski, Pompano Beach Fire Prevention, testified that in reference to the railing, they were in compliance at this time. Mr. Bagley inquired about the daily fines. Special Magistrate Clerk Small said that at the October Hearing, the time to comply was extended to December 1, 2023 and they complied on November 29, 2023. Mr. Bagley said he believed there were fines before that. Ms. Small explained that the comply-by date for the railings was continually extended, so there were no fines but \$150 in costs were due and she would check if there were any other outstanding fees/costs associated and Mr. Bagley would supply his email address in order to receive this information. They would remain at the podium for their next case.

Fire Inspector Ashley Zalewski departed the hearing at approximately 5:35PM.

OLD BUSINESS

ITEM #V.26

***TAKEN OUT OF SEQUENCE**

Case #: 23010015 - Building Code (FBC)-Violations

Property Owner: MG Property Management

Address/Folio: 234 Hibiscus Ave

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

Code Compliance Inspector Barrett testified that this was a Status Hearing. There were fines as of today for \$61,575 which included \$75 costs. The inspector answered that these fines were for the 40 year safety inspection program. Cheryl Manzi, association president, said that their president, treasurer and management company walked away during the time they had issues with the concrete company working on the property. They had all types of issues like an owner complaining that the building was collapsing. She explained that an assessment would have to be assessed in order to get the new concrete work started and get this building into compliance.

She assured that they had everything in place to get started except that they need to impose the assessment for the funds to complete the project.

The Building Official said that he was told that the contractor was not on the job anymore due to non-payment. Mr. Bagley, property manager, said it was not the contractor but rather the engineer. They have to assess an assessment to pay the engineer and pay the bid for the new concrete company. They plan to be involved but were just on a pause until they get paid. The Building Official said that in the meantime, nothing was moving forward. This concerned him as they were going through a safety program and he told the Special Magistrate what he was told by the different people/contractors. Mr. Bagley clarified their status of payments and what has not been paid yet. All Phase 1 has been completed and the engineer has been paid for that work. The engineer has not been paid for Phase 2. The Building Official was not aware of Phase 1 and Phase 2 but what he did know was he needed an engineer's report to close out the permit. He further explained that the master contractor (not the sub-contractor) had to close it out. The engineer was the master contractor who would have to let them know that all of the work was done. The permit he was looking at to close the contractor's stairway permit was not finished.

The Building Official invited both Mr. Bagley and Ms. Manzi to come to Town Hall tomorrow morning and he would supply them the permit information regarding unfinished work so everyone would understand completely the status of this agenda item and understand what needed to be done. The officer answered the Special Magistrate that for today, fines would still run at \$250/day/violation which started June 21, 2023 for a total of \$61,575 including costs. Ms. Manzi thanked the Building Official for scheduling them in tomorrow morning. The Special Magistrate ordered this agenda item continued to the February 22, 2024 Hearing with the fines still running.

COMPLIED CASES

ITEM #V.1

Case #: 23090007 – Building Code (FBC) Violation
Property Owner: Introini, Andy Ryan
Address/Folio: 1624 Bel-Air Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(a)(2)

Senior Code Compliance Officer Villanueva testified that this case was for exceeding the eighteen month limit for construction. The Final Order was to comply by November 17, 2023 but he complied by November 30, 2023. Andy Introini was present and the officer said he worked very hard to get this property into compliance. There were \$700 in fines plus \$50 in costs previously owed. There would also be \$50 costs for today's hearing. He was here today to try to mitigate the total fine of \$800 which included \$100 in costs. Mr. Villanueva said the Town was open for mitigation and suggested reducing the \$700 in fines to \$200 plus the \$100 costs for a total reduced fine of \$300. The Special Magistrate ordered the total \$800 fine reduced to a total fine of \$300 due immediately but payable prior to the February 22, 2024 Hearing or it would revert back to the original \$800 total fine.

Building Official Mansor left at approximately 5:50PM.

ITEM #V.2

Case #: 23110002 – Building Code (FBC) Violation
Property Owner: Morris, Dashita
Address/Folio: 1960 E Terra Mar Dr
Code Section(s): Florida Building Code FBC BCA Section 105.1. WWOP. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Officer Villanueva testified that this was a new case. A Notice of Violation was issued on November 27, 2023. Service was obtained by the signed certified receipt in the file. This work without permit violation has been complied as they obtained a permit. The Town was requesting a Finding of Facts that the violation existed but has been complied prior to the hearing and if it should re-occur within the next five years with the same owner at the same location, it may be deemed a repeat violation subject to immediate and higher fines plus \$50 cost for today's hearing. He had pictures to submit for evidence. The Special Magistrate accepted them into the record as Composite Exhibit 1 and 2 for identification. The Special Magistrate ordered a Finding of Fact that the violation existed but was complied prior to this hearing and if the same violation should reoccur within five years with the same owner at the same location it may be deemed a repeat violation subject to immediate and higher fines plus \$50 costs for today's hearing due immediately but payable prior to the February 22, 2024 Hearing.

OLD BUSINESS

ITEM #V.23

***TAKEN OUT OF SEQUENCE**

Case #: 22050002 - Building Code (FBC) Violations
Property Owner: Sabatini Investments
Address/Folio: 229 E Commercial
Code Section(s): Florida Building Code FBC BCA Section 110.15 Building Safety Inspection Program

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Inspector Villaneuva testified that this was for a 40-Year Building Safety Inspection Program violation. He spoke with the Building Official before the hearing. They agreed to continue this case until the February 22, 2024 Hearing. The Special Magistrate ordered continuance of this agenda item to the February 22, 2024 Hearing.

ITEM #V.24

Case #: 23060003 – Building Code (FBC) Violation
Property Owner: 2031 House Buyer LLC
Address/Folio: 2031 Coco Palm PI
Code Section(s): Florida Building Code FBC BCA Section 105.1. WWOP. Permits. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Officer Villanueva testified that a Final Order for \$250/day was in place for this work without permit violation at the June 22, 2023 Hearing. There was no attempt to obtain the permit or remedy the situation. With the next case to be heard, the Town discovered they did additional work without a permit. He said that the previous Special Magistrate took the next case in as a repeat violation but Officer Villaneuva wanted to certify this case and for the next case, to continue with it. The fine for this case was currently \$43,600 for a fine running at \$250/day. He answered the Special Magistrate that this property was a single-family home. He explained that the Town was requesting to certify the lien today of \$43,600 but to still allow the fines to run. He further answered the Special Magistrate that there was communication through an attorney but they never show up to hearings. The Special Magistrate ordered certification of lien in the amount of \$43,600 with the understanding that it would be recorded in thirty days and that the \$250/day fine continued to run plus \$150 cost due immediately or payable prior to the next hearing.

ITEM #V.25

Case #: 23100003 – Building Code (FBC) Violation
Property Owner: 2031 House Buyer LLC
Address/Folio: 2031 Coco Palm Pl
Code Section(s): Chapter 21 – Vegetation Section 21-26 (a)
Chapter 6 – Building and Building Regulations Section 6-41 (c)
Florida Building Code Section 105.1. Required

For the record, there was no one in attendance to represent the property owner. Senior Code Compliance Officer Villanueva testified that this was the case for the repeat violation that was found (see previous case). The Notice of Violation was issued October 16, 2023 where additional work was discovered to be done without a permit. There was also tampering of FPL utilities plus overgrown grass. FPL came out and complied the tampering issue for them. The grass was cut since the last hearing and that violation was complied. They added additional structures to the building (two additions were added to the rear and to the side of the house). The only violation running is work without permit at \$1,000/day fine established by the previous Special Magistrate running since October 17, 2023. The Town was requesting certification of that lien in the amount of \$102,050 with the fine continuing to run and recorded as a lien in thirty days. The officer answered the Special Magistrate that he sent the notice in the mail and email (to the owners and to the attorney) and posted the property. He did not feel they wanted to comply or to try to comply. The home was abandoned. They did not disclose what they were doing with the property or what their intent was. The Special Magistrate ordered certification of lien in the amount of \$102,050 with the understanding that it would be recorded in thirty days and that the \$1,000/day fine continued to run.

NEW BUSINESS

ITEM #V.29

Case #: 23120001 – Bulk Trash
Property Owner: Girmaldi, Mark A H/E Ross, Aleandra N
Address/Folio: 1581 W Terra Mar Dr
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-28(e)

For the record, there was no one in attendance to represent the property owner. Code Compliance Officer Barrett testified that service was obtained by green card and posting. The Town was recommending a Finding of Fact establishing that the violation did occur but was complied prior to the hearing. Should the same violation occur to the same owner at the same location within the next five years, it could be deemed a repeat violation subject to immediate and higher fines. For the record, Senior Code Compliance Officer Villanueva testified that this home has received courtesy notices and dog tagged five or six times for bulk trash (photos were submitted for evidence). There were a lot of neighbor complaints. The homeowner could not put out bulk trash whenever he wanted to even though he felt that he could not be dictated to as to when he could put out his bulk trash. The owner was warned about immediate fines if he put out bulk trash not on bulk trash days. The Special Magistrate accepted the photo in evidence as City Exhibit 1. The Special Magistrate ordered that the violation existed but was cured prior to this hearing but if this violation should reoccur within the next five years to the same owner at the same location, it could be deemed a repeat violation subject to immediate and higher fines.

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

COMPLIED CASES		
Item #	Case #	Property Address
3	23030011	4209 El Mar Dr, 1-9
4	23100008	250 Commercial Blvd
5	23070004	1584 Blue Water Ter
6	23080007	4641 N Ocean Dr, 1-8
7	23100009	239 E Commercial
8	23110001	6002 N Ocean Blvd
9	23100007	1800 S Ocean Blvd, 1405
10	23100004	4560 Bougainvilla Dr
11	23100005	4562 Bougainvilla Dr
12	23090006	4475 Poinciana St
13	23090009	4412 N Ocean Dr
14	23110003	3270 Spanish River Dr

Special Magistrate Clerk Small read into the record the cases that would be continued to the February 22, 2024 hearing for which the Special Magistrate ordered continuance.

CONTINUED CASE (February 22, 2024)			
Item #	Case #	Property Address	Continued To:
19	22070008	4553 Bougainvilla Dr	2/22/24
20	23010007	1530 S Ocean Blvd	2/22/24
21	23120002	4332 Seagrape Dr, 1	2/22/24
22	23050005	1672 Bel-Air Ave	2/22/24

Special Magistrate Clerk Small read into the record the case that would be continued to the March 28, 2024 hearing for which the Special Magistrate ordered continuance.

CONTINUED CASE (March 28, 2024)			
Item #	Case #	Property Address	Continued To:
17	21120003	2000 S Ocean Blvd	3/28/24

Special Magistrate Clerk Small read into the record the cases that would be continued to the April 25, 2024 hearing for which the Special Magistrate ordered continuance.

CONTINUED CASE (April 25, 2024)			
Item #	Case #	Property Address	Continued To:
15	21100022	1620 S Ocean Blvd	4/25/24
16	21100051	1850 S Ocean Blvd	4/25/24
18	21120018	3900 N Ocean Blvd	4/25/24

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Judith Secher adjourned the Hearing on January 25, 2024 at approximately 6:10PM.

APPROVED BY:


Special Magistrate Judith Secher

ATTEST:


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