

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

Town Commission Meeting Room
Monday, October 26, 2015 at 5:00 PM

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the Hearing to order at 5:02 p.m. on Monday, October 26, 2015. Assistant Town Manager Bud Bentley, Code Compliance Inspector Carmen Sanchez, and Code Compliance Inspector Sharon Foster were present at the Hearing. Also present was Clerk Idalia Gutierrez to record the minutes. 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

September 28, 2015 Code Hearing – The minutes of 09/28/15 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 either in compliance or continued:

COMPLIED

- | | | |
|---------|----------|-------------------------|
| 1. C#: | 15060002 | 5555 N Ocean Blvd #37 |
| 2. C#: | 15070010 | 219 E Commercial Blvd |
| 3. C#: | 15070015 | 4401 W Tradewinds Ave |
| 4. C#: | 15070020 | 4601 El Mar Dr |
| 5. C#: | 15090006 | 1800 S Ocean Blvd #711 |
| 6. C#: | 15090007 | 1800 S Ocean Blvd #1308 |
| 7. C#: | 15090008 | 5000 N Ocean Blvd #812 |
| 8. C#: | 15090009 | 1800 S Ocean Blvd #909 |
| 9. C#: | 15090011 | 6000 N Ocean Blvd #11 E |
| 10. C#: | 15090012 | 4540 N Ocean Dr #401 |
| 11. C#: | 15090014 | 4112 El Mar Dr |
| 12. C#: | 15100001 | 4200 Seagrape Dr |

CONTINUED**(Continued To)**

13. C#:	15060001	4629 Poinciana St #214	(December 14, 2015 Hearing/4 pm)
14. C#:	15060015	226 Basin Dr	(November 23, 2015 Hearing)
15. C#:	15080015	226 Basin Dr	(November 23, 2015 Hearing)
16. C#:	15090004	1530 S Ocean Blvd #204	(November 23, 2015 Hearing)
17. C#:	15090013	275 Commercial Blvd	(November 23, 2015 Hearing)
18. C#:	15090018	4217 El Mar Dr	(November 23, 2015 Hearing)

Clerk Idalia Gutierrez called the first four cases to be heard at this hearing.

OLD BUSINESS**ITEM #V.20*****TAKEN OUT OF SEQUENCE**

Case #: 14100008 – Hotel Outreach
Property Owner: Florida Development Group Inc.
Address/Folio: 4660 N Ocean Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required
Chapter 30 – Unified Land Development Regulations Section 30-317(d), Section 30-317(e), and Section 30-317(f)

Code Compliance Inspector Carmen Sanchez testified that this case has been going on since 2014. In fact, these violations were going on since 2012 with the previous owner. There have been status reports and the property has been moving along. At today's hearing, Ms. Sanchez would like to certify the fines. The fines have been running for 299 days at \$100/day for seven violations. Ms. Sanchez said that they have spoken with the owner's attorney and agreed that after they are in compliance, they will ask the Town Commission for a possible reduction of fines. The Special Magistrate and the owner's attorney agreed to hear all four cases. Further discussion of this agenda item followed after hearing the next three agenda items for this owner.

ITEM #V.24***TAKEN OUT OF SEQUENCE**

Case #: 15070025 – Building Code Violations
Property Owner: Florida Development Group Inc.
Address/Folio: 4108 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-313(d)i
Chapter 6 – Building and Building Regulations Section 6-37(a)

Code Compliance Inspector Carmen Sanchez testified that the Town has no objection to a three week extension. The new comply-by date would be November 16, 2015. This is for the chain-link fence and the pool covering. She said that their permits have been approved and they have to work on getting the inspections finalized. Ms. Sanchez answered the Special Magistrate that if this is not accomplished timely, the daily fine is \$100.

The Special Magistrate granted the extension and ordered to change the date to comply for November 16, 2015 or a fine of \$100/day.

Ms. Sanchez answered that there was no Administrative Fee for today and she was not sure if the previous Administrative Fees were paid. Attorney Ross Beckerman said that they have been paid.

ITEM #V.25

Case #: 15070026 – Building Code Violations
Property Owner: Florida Development Group Inc.
Address/Folio: 4110 El Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-313(d)i

Code Compliance Inspector Carmen Sanchez testified that there was no objection to their request for a three-week extension to comply by November 16, 2015. This is for a chain-link fence and their permit has been approved. The contractor has been notified. Ms. Sanchez answered the Special Magistrate that if this is not accomplished timely, the daily fine is \$100.

The Special Magistrate granted the extension and ordered to change the date to comply for November 16, 2015 or a fine of \$100/day.

CERTIFICATION OF LIEN**ITEM #V.37*****TAKEN OUT OF SEQUENCE**

Case #: 15070013 – Building Code Violations
Property Owner: Florida Development Group Inc.
Address/Folio: 4116 N Ocean Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-313(d)i

Code Compliance Inspector Carmen Sanchez testified that they had a Final Order to comply by yesterday. They have requested three more weeks to comply by November 16, 2015. She said that the fence permit was issued today and the pool covering on the 20th. If they do not have it all finished by November 16, 2015, there would be a daily fine of \$100.

The Special Magistrate granted the extension and ordered to change the date to comply for November 16, 2015 or a fine of \$100/day.

The Special Magistrate requested to go back to the first case #14100008. Attorney Ross Beckerman spoke about the 4660 N Ocean Drive issue. He explained that the large building has been totally gutted and plans/specifications are being reviewed by the Building Department now. The renovations will be quite massive. He is hoping to be finished by March 1, 2016. He understands that it would be certified tonight and then they will try to mitigate the fines with the Town Commission. He answered that this property is the old Howard Johnson.

The Special Magistrate ordered the certification of fines.

NEW BUSINESS**ITEM #V.27*****TAKEN OUT OF SEQUENCE**

Case #: 15090016 – Nuisance
Property Owner: US Bank Trstee % Citimortgage
Address/Folio: 4236 E Tradewinds Ave
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-38(a)
Chapter 6 – Building and Building Regulations Section 6-38(b)
Chapter 6 – Building and Building Regulations Section 6-41(a)(18)

Code Compliance Inspector Carmen Sanchez testified that this is a vacant, single family house. Notice was sent via certified mail and service was obtained. She also posted the property. Ms. Sanchez said that items 1 and 3 are now in compliance. The overgrowth has been cut and the pool has been covered. Item 2 is still not in compliance for litter around the property. Item 4 is still not in compliance for the soffit falling down. She has two sets of pictures. One set is when the violation first occurred and the second set was taken October 24, 2015. She showed the pictures to Attorney Mark Booth (representing the bank who acquired the property through foreclosure). The Special Magistrate accepted the two sets of pictures into the record as the Town's Composite Exhibit without objection. Ms. Sanchez said for the record that this item was in response to neighbors' complaints. She was requesting \$150 Administrative Fee. She said that there has been effort to comply.

Ms. Sanchez answered the Special Magistrate that the dock and the deck need to be repaired even though they are not on her narrative. The Special Magistrate commented about the pool covering in the picture. He wants to ensure that the pool is absolutely safe. Ms. Sanchez answered the Special Magistrate that seven days should be sufficient time to clean up the litter and possibly thirty days for compliance of the other issues.

Attorney Booth said that he was requesting thirty days to come into compliance. The Special Magistrate would like to see the litter picked up in seven days but would not compel this with a fine running. Ms. Sanchez was requesting \$150 Administrative Fee.

The Special Magistrate ordered compliance in 30 days for both items, by November 25, 2015, or a fine of \$200/day/violation and imposed an Administrative Fee in the amount of \$150 to be paid by November 25, 2015.

OLD BUSINESS

ITEM #V.21

***TAKEN OUT OF SEQUENCE**

Case #: 14050014 – Nuisance

Property Owner: Firmrock Trading LTD

Address/Folio: 4245 N Ocean Dr

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

Code Compliance Inspector Carmen Sanchez testified that this case is for the Dolphin Inn. Their Final Order, paragraph 7, mentions that no arrests on the property should occur or a fine could be imposed. There was an arrest on September 30, 2015. The Town's attorney and the respondent's attorney have come up with an agreement and payment plan. The agreement was \$4,000 fine plus \$150 Administrative Fee. The first payment is \$1,150 and will be paid on or before November 1, 2015. The second payment of \$1,000 will be paid on or before December 1, 2015. The third payment of \$1,000 will be paid on or before January 1, 2016. The fourth and final payment of \$1,000 will be paid on or before February 1, 2016. This payment plan is on top of the other payment plan the property has been making. Ms. Sanchez was requesting \$150 Administrative Fee. She gave the Special Magistrate the e-mail regarding the payment plan. The Special Magistrate accepted the copy of the e-mail into evidence as the Town's Exhibit regarding the schedule of fines.

The Special Magistrate determined that an arrest did occur on the property on September 30, 2015 and property owners are found to be in violation of the November 7, 2014 Modified Final Order. He confirmed and imposed a fine in the amount of \$4,000.00 plus an Administrative Fee of \$150, for a total of \$4,150.00. The assessment amount shall be payable to the Town, without demand, following the schedule of payments of \$1,150 on or

before 11/1/2015; \$1,000 on or before 12/1/2015; \$1,000 on or before 1/1/2016; and a final payment of \$1,000 on or before 2/1/2016.

ITEM #V.22

***TAKEN OUT OF SEQUENCE**

Case #: 15010017 – Building Code Violations
Property Owner: Southern Seas Condominium Association, Inc.
Address/Folio: 4520 El Mar Dr
Code Section(s): Florida Building Code Section 105 Section 105.1 Required
Chapter 30 – Unified Land Development Regulations Section 30-317(g)

Code Compliance Inspector Carmen Sanchez testified that the Special Magistrate ordered a Status Hearing for today. The property is still not in compliance for the sealcoating and striping of the parking lot without a permit. She said that the Building Department has denied the permit again and it is in review status. This case has been going on since December 2014. She said that the property manager was here to explain what is going on.

The general manager, Teresa Delgado, testified that every time they submitted a permit, something came back that had to be done. They are trying to comply with handicapped parking. Now she is being told she needs a surveyor. They are ready with the plan for compliance and re-submitting for a new permit. Ms. Sanchez explained that the fines have been running at \$100/day since August 24, 2015 (through a revised Final Order).

The Special Magistrate ordered the fines to continue to run and bring this agenda item back for the December 14, 2015 hearing at 4:00 PM. He explained that he would retain jurisdiction and would be able to reduce the fines, if warranted, after compliance.

CERTIFICATION OF LIEN

ITEM #V.33

***TAKEN OUT OF SEQUENCE**

Case #: 15040009 – Building Code Violations
Property Owner: International Studio Apartment Association Inc.
Address/Folio: 1480 S Ocean Blvd
Code Section(s): Florida Building Code Section 110.15 Building Safety Inspection Program

Code Compliance Inspector Sharon Foster testified that this case was previously heard and we are here today to certify the liens. The property was to be in compliance by October 8, 2015. The Forty Year Inspection Report was turned in on October 13, 2015 but it was denied and sent back with comments. The property started to run fines on October 9, 2015. Ms. Foster answered the Special Magistrate that as of now, they have not passed the forty-year inspection.

Mitchell Krauss testified that he represents the management company for International Studio Apartments. He thought he was in compliance as of last week. His engineer thought a repair which was not made was not material but Mr. Morrell thought otherwise. He said that the report does show them compliant on the recommendations that no structural concerns or repairs were required. There were minor cracks that did not need immediate repair and windows and doors were fine for now. Mr. Krauss said the electrical repairs were finished. His engineer tried to reach Mr. Morrell last week but he was on vacation. They spoke today and there is one item that needs to be addressed. The Special Magistrate asked if they could stop the fine at this point and come back at the next meeting for compliance. Ms. Foster had no objections.

The Special Magistrate ordered to stop the fines as of 10/26/15, and bring back the case to the December 14, 2015 hearing at 4:00 PM for a status update. He hoped this agenda item would be in compliance by then.

Mr. Krauss wanted to put on the record that the report was handed in by the due date of October 8th and he received confirmation of receipt as of October 13th. Ms. Foster will check with the Building Department. Clerk Gutierrez will confer with Ms. Foster subsequent to this hearing regarding how to show this for documentation purposes in the Town's computer system.

Code Compliance Inspector Carmen Sanchez requested to recall case #14050014.

OLD BUSINESS

ITEM #V.21

***TAKEN OUT OF SEQUENCE**

Case #: 14050014 – Nuisance

Property Owner: Firmrock Trading LTD

Address/Folio: 4245 N Ocean Dr

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

Ms. Sanchez said again that this is the Dolphin Inn. The Town would like to add, if the payments are not done in a timely manner, as agreed, then the violator's amount will go up to \$5,000 as a total fine instead of \$4,000. Mr. Bud Bentley, Assistant Town Manager, was sworn in. Mr. Bentley answered the Special Magistrate that as soon as a payment is not timely, the amount of the fine would go up to \$5,000 and they would come back to a hearing to file for the certification of the lien.

The Special Magistrate ordered the fine to revert to the original amount of \$5,000 if the owners fail to meet the payment deadlines.

ITEM #V.19

***TAKEN OUT OF SEQUENCE**

Case #: 15070016 – Building Code Violations

Property Owner: Armstrong, Michael Trevor

Address/Folio: 1900 E Terra Mar Dr

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

Code Compliance Inspector Sharon Foster testified that the property was posted and the Affidavit of Posting was in the file. Today is a Status Hearing for timeliness for completing construction. This case was continued because Mr. Armstrong went before the Town Commission last month. The Town Commission approved his request but only until July 17, 2015. She said that fines started running July 18, 2015. They continue to run because the property has not been completed yet. Mr. Armstrong exceeded his time limit for construction of interior renovations of a single family home. Ms. Foster said the Permit Department reported today that it is still active construction. Their last inspection was September 11, 2015 and they are out of compliance 101 days. Ms. Foster said per code, days 1 through 30 the fine is \$50/day, days 31 through 60 the fine is \$100/day, and for days 61 and over, the fine is \$500/day.

Ms. Foster said that the for the first thirty days, the fine is \$1,500; for days 31 thru 60, the fine is \$2,900; and for days 61 through today, the fine is \$21,000 for a total fine of \$25,400. She was asking for certification. Once the property comes into compliance, we will close the case and the fines would stop running. She said Mr. Armstrong would be able to go in front of the Town Commission to mitigate fines.

Mr. Armstrong testified that mitigation of fines was discussed at the Town Commission Meeting.

The Special Magistrate ordered the certification of fines and imposed an Administrative Fee in the amount of \$150 to be paid in ten days, by November 5, 2015.

ITEM #V.23

Case #: 15070011 – Building Code Violations
Property Owner: Top of Mile Condo
Address/Folio: 4013 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

Code Compliance Inspector Carmen Sanchez testified that this case is for time limits for finishing construction. The Condo Association went in front of the Town Commission and received an extension until November 24, 2015 to finish repairs. She was requesting a Status Report for the December hearing. If the property is compliant before the December hearing, the case would be closed. If not, we would certify fines on December 14, 2015.

The Special Magistrate ordered to continue the case to the December 14, 2015 Hearing at 4:00 PM for a status update.

NEW BUSINESS

ITEM #V.26

Case #: 15080016 – Sign Violations
Property Owner: Sabatini Investments LLC
Address/Folio: 229 E Commercial Blvd
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-509 (a)

Code Compliance Inspector Carmen Sanchez testified that she would like to ask for a continuance for this case. This was for window signs without a permit. They have applied for a permit and changed their signage. The person who verifies the signs is not here today. They are in compliance with their permit.

The Special Magistrate ordered to continue the case to the November 23, 2015 Hearing.

ITEM #V.28

Case #: 15090003 – Building Code Violations
Property Owner: James & Alison Bates Fam TR Bates, James & Alison
Address/Folio: 4300 El Mar Dr #22
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Carmen Sanchez testified that she would like to ask for a continuance for this case to the November hearing. The Notice was not sent in a timely manner so she would like to give them time for service.

The Special Magistrate ordered to continue the case to the November 23, 2015 hearing.

ITEM #V.29

Case #: 15090005 – Building Code Violations
Property Owner: Zacard, Bruce Zacard, Lana

Address/Folio: 1620 S Ocean Blvd #15H
Code Section(s): Florida Building Code Section 105.11.2.1

Code Compliance Inspector Carmen Sanchez testified that she would like to ask for a continuance for this case to the November hearing.

The Special Magistrate ordered to continue the case to the November 23, 2015 hearing.

ITEM #V.30

Case #: 15090010 – Building Code Violations
Property Owner: Dragonetti, Diane T H/E Coles, Philip R
Address/Folio: 4420 E Tradewinds Ave
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Carmen Sanchez testified that she would like to withdraw this case.

ITEM #V.31

Case #: 15090015 – Nuisance
Property Owner: Wells Fargo Delaware Tr Co Trste % Caliber Home
Address/Folio: 2020 Waters Edge
Code Section(s): Chapter 10 – Garbage & Refuse Section 10-27 (a) (1)
Chapter 6 – Building and Building Regulations Section 6-37(a)(1)
Chapter 6 – Building and Building Regulations Section 6-41(a)(3)

Code Compliance Inspector Sharon Foster testified that Notice was sent via certified mail and service was obtained. This property is a single family home. Ms. Foster answered the Special Magistrate that at this point, the property is vacant. The home went into foreclosure and the bank took over the property. The violations are for no garbage service (no account in the bank's name), the dock is falling into the water (we are just re-citing the bank as the new owner), the carport is in disrepair and the awning is shredded, and there are dead, giant tree limbs throughout the property (this was also cited prior to the bank taking over). As of today, there has not been a permit submitted for the dock repair. She answered the Special Magistrate that this case dates back to 2014. She has pictures today that she took of the dock and the property. The pictures are dated back to August 28, 2014. She also has September 8th and October 26th pictures just to show the condition of the property. She was requesting that they are submitted into evidence. As no one was here from the bank, the Special Magistrate accepted them into evidence without objection as the Town's Composite Exhibit. Ms. Foster was requesting \$150 Administrative Fee and requested thirty days for compliance.

The Special Magistrate ordered compliance in 30 days, by November 25, 2015, or a fine of \$200/day/violation and imposed an Administrative Fee in the amount of \$150 to be paid by November 25, 2015.

ITEM #V.32

Case #: 15090017 – Building Code Violations
Property Owner: Edmondson, James P
Address/Folio: 6002 N Ocean Blvd
Code Section(s): Florida Building Code Section 105 Section 105.1 Required

Code Compliance Inspector Sharon Foster testified that this is the Sea Watch Restaurant. Notice was sent via certified mail and service was obtained. The violation is work without permit. They were sealcoating and re-striping the parking lot without a building permit. After receiving the Notice, a permit application was submitted but denied. The corrections have been submitted but as of today, the permit was not issued. She has pictures from September 25, 2015 of the property and an e-mail from the Permit Department. The Special Magistrate accepted the pictures and e-mail into evidence as the Town's Composite Exhibit without objection. She recommends thirty days for compliance. She answered that she has not spoken with anyone from the restaurant. She was requesting \$150 Administrative Fee.

The Special Magistrate ordered compliance in 30 days, by November 25, 2015, or a fine of \$150/day and imposed an Administrative Fee in the amount of \$150 to be paid by November 25, 2015.

CERTIFICATION OF LIEN

ITEM #V.34

Case #: 15030007 – Business Tax
Property Owner: R Group LLC
Address/Folio: 4133 El Mar Dr
Code Section(s): Chapter 12 – Licenses Section 12 – 2 (a) Required

ITEM #V.35

Case #: 15030008 – Business Tax
Property Owner: R Group LLC
Address/Folio: 4136 N Ocean Dr
Code Section(s): Chapter 12 – Licenses Section 12 – 2 (a) Required

ITEM #V.36

Case #: 15030009 – Business Tax
Property Owner: R Group LLC
Address/Folio: 4132 N Ocean Dr
Code Section(s): Chapter 12 – Licenses Section 12 – 2 (a) Required

Code Compliance Inspector Carmen Sanchez testified that these three properties are owned by the same owner. She said that we are here today to certify the fine. These three properties do not have a Business Tax Receipt (BTR). She said that the Special Magistrate gave the owner a modified Final Order to comply by October 25, 2015. As of today, they have been out of compliance one day for each property with \$150 fine, \$150 Administrative Fee from a previous hearing, and \$75 Administrative Fee for today's hearing totaling \$375 for each of the three properties. Ms. Sanchez said that fines continue to run. The owner knows about this.

The Special Magistrate ordered the certification of fines for the three cases/properties, respectively.

ITEM #V.38

Case #: 15070023 – Building Code Violation
Property Owner: Karakaya Inc
Address/Folio: 4600 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

ITEM #V.39

Case #: 15070024 – Building Code Violation

Property Owner: Karakaya Inc

Address/Folio: 4608 N Ocean Dr

Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(d)(1-3)

Code Compliance Inspector Carmen Sanchez testified that these two cases are here to certify the fines for the violation of time limits for completing construction and repair. These two properties went before the Town Commission for an extension. The extension was approved until September 9, 2015. This was the second request and second extension. The fines for these two properties started running on September 10, 2015 until today. Both properties have accumulated through today, \$3,200 in fines for each property.

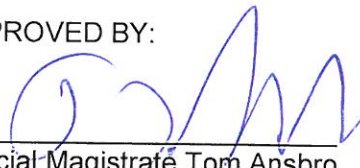
The Special Magistrate ordered the certification of of fines for the two cases/properties, respectively.

VI. FIRE CASES

VII. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the Hearing on October 26, 2015 at approximately 5:54 p.m.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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