

TOWN OF LAUDERDALE-BY-THE SEA
CODE COMPLIANCE HEARING MINUTES
Town Commission Meeting Room
Monday, September 16, 2013 at 5:00 P.M.

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at 5:00 p.m. on Monday, September 16, 2013. Code Compliance Officer Tuchette Torres was present at the hearing. Also present were Town Planner Linda Connors, Code Compliance Inspector Sharon Foster, Town Attorney Alan Gabriel and Clerk Idalia Gutierrez to record the minutes of the hearing.

II. SWEARING OF WITNESSES

The Special Magistrate administered the oath to all those present who intended testifying.

III. OPENING STATEMENT

Special Magistrate Tom Ansbro explained procedures for the hearing to those present.

1. APPROVAL OF MINUTES OF PREVIOUS HEARING

August 19, 2013 Code Compliance Hearing – The minutes of August 19, 2013 were not discussed.

IV. CODE CASES

Idalia Gutierrez noted the following cases were either in compliance or continued.

COMPLIED

- | | | |
|---------|----------|-----------------------|
| 1. C#: | 13080011 | 4108 El Mar Dr. |
| 2. C#: | 13080012 | 3271 Seaward Dr. |
| 3. C#: | 13080021 | 1501 S Ocean Blvd. |
| 4. C#: | 13080026 | 1973 Sailfish Pl. |
| 5. C#: | 13080036 | 227 Codrington Dr. |
| 6. C#: | 13080037 | 227 Codrington Dr. |
| 7. C#: | 13080040 | 254 Algiers Ave. |
| 9. C#: | 13080042 | 2020 Waters Edge |
| 10. C#: | 13080044 | 2011 Coral Reef Dr. |
| 11. C#: | 13080045 | 3250 Seaward Dr. |
| 12. C#: | 13080048 | 4436 Bougainvilla Dr. |
| 13. C#: | 13080049 | 4521 N Ocean Dr. |
| 14. C#: | 13080050 | 113 Washingtonia Ave. |
| 15. C#: | 13080054 | 4438 Bougainvilla Dr. |
| 16. C#: | 13080025 | 1912 Ocean Mist Dr. |
| 17. C#: | 13080055 | 1737 Blue Water Ter. |

CONTINUED until the November 18, 2013 Hearing

18. C#: 13070034 4660 N Ocean Dr.
19. C#: 13070035 4660 El Mar Dr.

CONTINUED until the October 21, 2013 Hearing

20. C#: 13080008 251 Imperial Ln.
21. C#: 13080009 255 Imperial Ln.
22. C#: 13080015 1500 S Ocean Blvd.
23. C#: 13080020 104 NE 50 St.
24. C#: 13080028 1672 Bel-Air Ave.
25. C#: 13080033 1684 Bel-Air Ave.
26. C#: 13070030 3280 Seaward Dr.*

*There were two individuals present for this case, 13070030. They were asked if they wanted to speak. Mr. James Rogers, 3280 Seawood Drive, said that he was informed at the last meeting by the Special Magistrate to bring a witness to testify regarding the condition of his trees. He stated that he received a phone call and then an e-mail from the Code Compliance Officer that his agenda item was being postponed until next month.

ITEM #IV.43

***TAKEN OUT OF SEQUENCE**

Case #: 13040002 – Property Maintenance
Property Owner: Lion Caprice LLC
Address/Folio: 4108 El Mar Dr.
Code Section(s): Chapter 6 - Building and Building Regulations Section 6-36(4),
Florida Building Code Section 105 Section 105.1 Required and
Florida Building Code Section 109.6 Section 110.15 Building
Safety Inspection Program 110.15 Building Safety Inspection
Program 110.15.

ITEM #IV.44

Case #: 13040003 – Property Maintenance
Property Owner: Lion Caprice LLC
Address/Folio: 4110 El Mar Dr.
Code Section(s): Chapter 6 - Building and Building Regulations Section 6-36(1)(a),
Florida Building Code Section 105 Section 105.1 Required and
Florida Building Code Section 109.6 Section 110.15 Building
Safety Inspection Program 110.15

ITEM #IV.49

***TAKEN OUT OF SEQUENCE**

Case #: 13050019 – Permits Required Violations
Property Owner: Tropic Ranch Inc.
Address/Folio: 4560 El Mar Dr.
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.
Florida Building Code Section 109.6 Section 110.15 Building
Safety Inspection Program 110.15

Officer Tuchette Torres requested to hear all three cases together. She testified that the fine started running on June 27, 2013 at \$250/day for three violations at 4108 El Mar Drive. They were out of compliance for 81 days for a total of \$60,750 plus administrative costs of \$6,037.17. She further stated that the fine also started running on June 27, 2013 at \$250/day for three violations at 4110 El Mar Drive. They were out of compliance for 81 days as well for a total of

\$60,750 plus administrative costs of \$6,037.17. These two cases had to do with smoke detectors. At 4110 El Mar Drive, there was a forty-year inspection with no corrections. There was a leak in the ceiling in one of the rooms. There were some ceiling repairs without a permit. For 4108 El Mar Drive, the permits expired for smoke detectors. There were new water heaters installed with no permit and a storage door installed without a permit. The forty-year inspection failed with no corrections. Several units had light switches that did not work. For 4560 El Mar Drive, Officer Tuchette Torres testified that the fine started running on June 27, 2013 at \$250/day for two violations. They were out of compliance for 81 days for a total of \$41,500 plus administrative costs of \$250 for expired permits and a forty-year inspection with no corrections. Officer Tuchette Torres reported for 4108 El Mar Drive, the owner did hire a new contractor and was making progress getting the work done. For 4110 El Mar Drive, work is starting today and for 4160 El Mar Drive, the owner made application for permit which is still under review. The Town is asking for certification of liens and imposition of fines.

Remo Polselli spoke on behalf of all three properties. On 4108 El Mar Drive and 4110 El Mar Drive, they pulled a complete building permit. They are going through an entire renovation. On 4108 El Mar Drive, they were totally gutting the property back to dry wall. On July 8, 2013 they hired a new contractor, Ken Avellanet from Sunsational Properties, who was here this evening. He was working on both properties (4108 and 4110) and also pulled the permit for 4116 Ocean Drive and 4560 El Mar Drive. All properties were going down to drywall and all the work is being done. Mr. Polselli testified that he was here to correct all the problems and would be at every future hearing. He would no longer have an attorney defend him. He stated that he is the one who is responsible for the properties and is the only one that can fix this.

Town Planner Linda Connors testified that this afternoon a permit application was received by the Town for 4560 El Mar Drive. There was no action on the property before this afternoon other than a contractor and property manager meeting with the Building Official about a week ago. In a preliminary permit review, there were deficiencies in the permit application submitted to the Town. She wanted to make sure that the Special Magistrate had this information when he considered the case. Town Council Alan Gabriel said that he was thrilled Mr. Polselli was here for all three cases representing the property owner. The Town today was asking for the liens to be certified. When the property is in compliance, at that juncture in time, it could be decided if there could be a reduction in fines or any other action. Mr. Polselli said that he understood that there were liens on the property and would not contest them. Mr. Polselli noted that he was in town last week for Tropic Ranches (4560 El Mar) and showed a rendering of the Tropic Ranch property and the blueprints for improvements that were planned and said that they were going to move full forward to improve the properties. He apologized for how long it has taken him to accomplish this.

The Special Magistrate discussed what occurred in prior meetings for 4108 El Mar Drive and 4110 El Mar Drive. He asked Ms. Torres to have the Town re-calculate the amount of days for the fine for these two properties. He wanted it to be calculated to start accruing for six weeks from the second hearing. For 4560 El Mar Drive, it is running as a lien because they did not get permits on time. Once everything is complete with a CO, the owner then could seek relief from the Town Commission. The Special Magistrate certified the fines and the lien would be ordered.

There was a slight pause in the meeting to check microphones. They were recording.

ITEM #IV.39

***TAKEN OUT OF SEQUENCE**

Case #: 13020001 – Business Tax

Property Owner: Lurie, Anthony & Teresa

Address/Folio: 4443 W Tradewinds Ave
Code Section(s): Chapter 12 – Licenses Section 12-2(a) Required.

ITEM #IV.40

Case #: 13040007 – Property Maintenance
Property Owner: Lurie, Anthony & Teresa
Address/Folio: 4443 W Tradewinds Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a),
Chapter 6 – Building and Building Regulations Section 6-36(1)(a),
Chapter 6 – Building and Building Regulations Section 6-36(3),
Chapter 6 – Building and Building Regulations Section 6-38(1),
Chapter 6 – Building and Building Regulations Section 6-38(1),
Chapter 6 – Building and Building Regulations Section 6-39(3),
Chapter 6 – Building and Building Regulations Section 6-40(a),
Chapter 6 – Building and Building Regulations Section 6-41(a)(18),
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)

Code Compliance Officer Tuchette Torres testified that the first case was for not having a BTR. The Special Magistrate gave an extension and the tenant moved before the deadline. Officer Torres was only asking for \$100 as they did get a BTR. The second case, 13040007, fines started running May 31, 2013 at \$200/day per set of violations. The property was brought into compliance on June 3, 2013 for the grass and on June 12, 2013 for the other 7 violations. It was 4 days for the one violation and 12 days for the 7 violations for total fines of \$17,400 plus administrative costs of \$250. In reference to the grass not being cut, areas are missing ground cover, there was a broken window in the rear, the toilet in third bathroom was broken with feces in it, dead bugs on the property, tree debris and outside storage. Officer Torres said that the owner had a difficult tenant.

Ms. Lurie identified herself as the property owner and testified that her tenant would not let her onto the property. He also was not paying rent. Ms. Lurie then called the City while she started the eviction process. He had pets and was breeding lizards and feeding them crickets. He got rid of the lizards but the crickets were still flying around the house. The City came with Ms. Lurie to inspect the house and that was when Officer Torres noticed the violations. The tenant was finally out of the house. All violations were resolved. She was going to install all new windows and did not want to just fix the one broken one. Officer Torres said that for the first case, 13020001, there were administrative costs of \$250. She verified that the tenant would not let the owner into the house. She further testified that the tenant put saran wrap on the toilet.

The Special Magistrate said that the owner, Ms. Lurie, was seeking abatement for the larger fine. He asked the Town for a recommendation and was told that it fell into his hands. When questioning Ms. Torres, she replied that Ms. Lurie did the work timely when she was able to get into the house. When answering how much cost in staff time, Ms. Torres said she had to revisit the house a few times for inspections and re-inspections which would be covered by the \$250 administrative fee and \$100 cost for business tax. The Special Master ordered \$100 for the first case, 13020001, and \$250 for the second case, 13040007. If this was not paid within thirty days, October 16, 2013, this would revert back to the original sums.

ITEM #IV.37

Case #: 12120001 – Citizen Complaints

***TAKEN OUT OF SEQUENCE**

Property Owner: Karakaya Inc.
Address/Folio: 4608 N Ocean Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-36(1) (a)
and Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that fines started running on February 3, 2013 at \$100/day. The property was brought into compliance on March 15, 2013. The fines ran 41 days for total amount owed \$4,100 plus administrative costs of \$50. On March 15th the fine was reduced to administrative costs of \$50. The \$50 was never paid. The Town was asking for the original fine to be imposed and that the lien be certified. The owner was here to explain what happened and why the \$50 was not paid.

The daughter of the owner, Ms. Karakaya, testified that she told her father's bookkeeper to pay the \$50. Ms. Karakaya comes into the country just a few times a year. She did not get any paperwork from the Town stating that the \$50 was not paid and she did not know it was not paid. She was very sorry.

The Special Magistrate accepted Ms. Karakaya's explanation and ordered the \$50 to be paid within three days.

ITEM #IV.27

***TAKEN OUT OF SEQUENCE**

Case #: 13070041 - Business Tax
Property Owner: Maris Properties LLC
Address/Folio: 4613 N Ocean Dr.
Code Section(s): Chapter 12 – Licenses Section 12-2(d)(1) Required
Chapter 30 – Unified Land Development Regulations Section 30-477(a)
Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(2)
Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that on July 30, 2013 she inspected the property. The Broward County Property Appraiser shows the owner on record as Maris Properties LLC. Notice was sent certified mail on July 30, 2013 and service was obtained. The property is in violation of Florida Building Code Section 105.1. New counter tops and cabinets, and a/c units were installed without permits. On July 30, 2013 she took pictures of the property that accurately depict the condition of the property and requested they be entered into evidence. Also for the record, violations #1, #2, #3 and #4 have come into compliance. The Town was also requesting administrative costs of \$250. She said she spoke to the contractor who got the drawings in and agreed that thirty days would be enough time. Ms. Torres clarified for the Special Magistrate that after-the-fact permits were being sought. The Special Magistrate ruled thirty days to pass all final inspection or \$100/day for each violation. Administrative costs were imposed for \$250.

ITEM #IV.48

***TAKEN OUT OF SEQUENCE**

Case #: 13040021 - Permits Required Violations
Property Owner: Metroulas, Barbara A.
Address/Folio: 5100 N. Ocean Blvd
Code Section(s): Florida Building Code Section 105 Section 105.1

Code Compliance Officer Tuchette Torres testified that the fines started running on July 3, 2013 at \$150/day. The property came into compliance on September 10, 2013. The fines ran 69 days for total amount of costs of \$10,350. The administrative fees were waived. This case is about demo work in the kitchen done without a permit. The owner was taken advantage of but got a permit and passed on September 10, 2013.

Karen Meachem testified that Barbara Metroulas came here about 1½ years ago. A man approached her to do her kitchen. He told her he was a contractor but he was not. He asked for \$8K and she gave it to him. He bought cabinets and that was it. He took everything out of the kitchen. As Ms. Meacham understood what was happening, she called Mr. Morrell and Ms. Torres sent an e-mail and came by. Then they found someone to take over the cabinetry and get permits. Ms. Meachem said she was staying with Ms. Metroulas who went through surgeries and was without a kitchen for months. Everything is in and passed. Ms. Meachem guaranteed that Ms. Metroulas would never hire anyone again without checking with the City. She thanked Mr. Morrell and Ms. Torres for their help. Ms. Meacham was asking for the fine to be lowered to \$1,400, the amount that was already paid. The Special Magistrate asked for the Town's recommendation. Ms. Torres said she waived the administrative costs but the fine was up to the Special Magistrate. Ms. Torres answered that the \$1,400 already paid was probably for the after-the-fact permits. The Special Magistrate ruled to reduce the fine from \$10,350 down to \$250. Officer Torres explained to Ms. Meacham that the \$250 was because it took time for them to get the permits and pass inspections. The \$250 has to be paid before the next Code Meeting on October 21, 2013.

ITEM #IV.45

***TAKEN OUT OF SEQUENCE**

Case #: 13040005 - Permits Required Violations
Property Owner: Cristelle Beach Townhomes Assoc. Inc.
Address/Folio: 1717 S Ocean Blvd.
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that the fine started running on May 31, 2013 at \$100/day. The property came into compliance on June 26, 2013. The fine ran 26 days for total amount of costs of \$2,600. The administrative fees were \$50. This case is in reference to the association having to get a permit for their electric call box. She has a letter from Jamie Blum that she presented to the Special Magistrate. She answered the Special Magistrate that a permit was obtained on June 26, 2013 and that was when she closed the case out. She sent the Notice of Violation to the property manager's office and the registered agent.

Jamie Blum, property manager, said that as soon as she got the Town's letter, she contacted them. There were e-mails sent. They just replaced L-brackets and not the call box. She was told that the fire department wanted the call box moved. After going back and forth, the Town did not have them move the call box, just add a knox box. She said that they had a knox box but they wanted a new, updated one. Jamie did not understand why a permit had to be pulled for repair with L-brackets to fix the damage done by an unknown vehicle. The Special Magistrate ruled that the administrative costs of \$50 would remain but he would reduce the fine to \$100. This would have to be paid by the next Code Hearing, October 21, 2013. Jamie asked that everything be sent to her at her address.

ITEM #IV.35

***TAKEN OUT OF SEQUENCE**

Case #: 12090004 - Permits Required Violations
Property Owner: Lauderdale Resorts LLC
Address/Folio: 4605 N Ocean Dr

Code Section(s): FL Build Code Section 105 Section 105.1 Required

Code Compliance Officer Tuchette Torres testified that this case was before the Special Magistrate a few times and the Special Magistrate gave him an extension to try to get everything taken care of. Mr. Bartolome called an inspector from Broward County. Ms. Torres was told that no work was done but Ms. Torres has no proof of that. Ms. Torres said that this case is over a year old but would wait until she got Mr. Bartolome's explanation today.

Angelo Bartolome recapped what happened. In July he called Mr. Gonzalez from Broward County to cancel the permit. He gave him the original but did copy Ms. Torres on the correspondence. He said he would give the Town the file and get back to Mr. Bartolome. Rob Gonzalez did not contact Mr. Bartolome. Mr. Bartolome e-mailed Mr. Gonzalez. He met with him today to do an inspection but noticed there was no work done in the building. Late this afternoon he received a phone call from Mr. Gonzalez's office that there was work done on the garage door and door. As there was no final inspection, he was told to renew the permit. Mr. Bartolome has the application for a new permit with the Town with him right now. Ms. Torres suggested to continue him to the October 21, 2013 Code Hearing. Mr. Bartolome is doing an after-the-fact permit with the Town and Ms. Torres said that it should not take that long. If the work was not done by that time, she was asking for certification of lien and imposition of fine. If he is complete by that time, the Town would abate whatever fine since November of 2012. The Special Magistrate ordered this case to be continued until the October 21, 2013 Code Hearing.

ITEM #IV.41

***TAKEN OUT OF SEQUENCE**

Case #: 13020030 - Property Maintenance
Property Owner: Richard Barrie Jr. Inc.
Address/Folio: 230 Basin Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-37(1)(a)

ITEM #IV.42

Case #: 13020031 - Property Maintenance
Property Owner: Richard Barrie Jr. Inc.
Address/Folio: 230 Basin Dr
Code Section(s): 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)(18)

Code Compliance Officer Tuchette Torres testified that the fines started running on April 15, 2013 at \$150/day. The property came into compliance on August 14, 2013. The fines ran 121 days for total amount of costs of \$18,150. The administrative fees were \$100. This case is in reference to the wood dock in disrepair. Since the Special Magistrate gave him a continuance, Ms. Torres wanted to go back to the June 17, 2013 date which could possibly cut the fine in half. This would be up to the Special Magistrate. So the fines started to run on June 17, 2013 at \$150/day. The property came into compliance on August 14, 2013. The fines ran for 58 days for total amount of costs of \$8,700 plus the \$100 administrative costs. For the second case, 13020031, the fines ran for 58 days for a total amount of costs of \$8,700 plus \$100 administrative costs. This was in reference to the dock in disrepair that they finally got the permits and passed the final inspections.

The Special Magistrate had Ms. Torres clarify they were essentially the same case for the same dock. She pointed out that they had different folio numbers. Tony Piccone testified that he represents the principals of the marina of which he is a partner. They tried immediately to fix it

themselves. They looked up the statutes and thought they did not need a permit. The Town required permits and that took time. The Notice went to the previous owner of the marina and that caused a delay because when they were finally notified, they fixed it right away. Ms. Torres said that when they bought the marina, the new owners never changed the address with the County. That was why Mr. Barrie received the Notices. Ms. Torres did send Notice to Warren Bullet and he signed for it. Basically, it is a new dock now. The Special Magistrate imposed a fine of \$500 for one case and dismissed the other case. He imposed the \$100 administrative costs for both cases totaling \$200. The \$700 had to be paid before the next Code Hearing on October 21, 2013.

ITEM #IV. 38

***TAKEN OUT OF SEQUENCE**

Case #: 13010007 – Permits Required Violations
Property Owner: Kiroglu, Murath
Address/Folio: 240 Imperial Ln
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that the fine started running on March 28, 2013 at \$250/day. The property came into compliance on April 25, 2013. The fine ran 28 days for total amount of costs of \$7,000. The administrative fees were \$250. This case is in reference to the pool permit which expired on August 8, 2012. It was renewed and passed on April 25, 2013. The Town was asking for the fine imposed and the lien certified. The owner was slow to get everything taken care of. The contractor was here to state his case.

Fernando Mesa testified that he is the contractor working on the house. The pool is fully compliant. The Special Magistrate ruled that the fine would be \$1,500. He imposed the administrative fee of \$250. Both must be paid by next month's Code Hearing on October 21, 2013 or the fine goes back to the original amount. The Special Magistrate asked the contractor to let the owner know the disposition of this case.

ITEM #IV. 47

***TAKEN OUT OF SEQUENCE**

Case #: 13040018 – Vacation Rental
Property Owner: Alvarado, Natalia H/E Stadler, KAI
Address/Folio: 3220 S Terra Mar Dr
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-327(a)
Chapter 30 – Unified Land Development Regulations Section 30-327(c)
Chapter 30 – Unified Land Development Regulations Section 30-327(d)

Code Compliance Officer Tuchette Torres testified that the fines started running on July 3, 2013 at \$250/day for three violations. The property came into compliance on September 13, 2013. The fines ran 72 days for total amount of fines of \$54,000. The administrative fees were \$250. This case is in reference to vacation rental with no vacation license. They applied but were held up due to lack of paperwork from the State. Also, they were renting for less than seven days. She noted that at the June 11, 2013 Code Hearing, Mr. Stadler did apply for State licensing. He has the Tropical Vacation Group. However, the Town did not have anything to show it was approved. She finally got confirmation from the State that it was added but the Town did not allow for less than 7 day rental. Ms. Torres answered the Special Magistrate's question that they had rental income coming in while it was not permitted.

Mr. Kai Stadler testified that he has a blanket license for all his homes and his home in Lauderdale-By-The-Sea is part of the blanket license. He just waited for Tallahassee to prove that it was part of his blanket license since 2010. He stated that he did not rent without a license. He also never rented for less than seven days. The Special Magistrate imposed the administrative fees of \$250 payable by October 16, 2013 along with a fine of \$250 for a total due of \$500.

Idalia Gutierrez said that he had another case. It was announced as Case #26 but in actuality it is Case #8.

ITEM #IV.8

***TAKEN OUT OF SEQUENCE**

Case #: 13080041 - No Garbage/Trash Service

Property Owner: Talbott, Scott & Renee

Address/Folio: 1620 E Terra Mar Dr.

Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1) – Required

Code Compliance Inspector Sharon Foster said that Broward Tax Records show the property owners as Scott and Renee Talbott. Back in July 2013, Waste Services sent out a list of delinquent accounts for their services. On July 29th, a Courtesy Notice was sent to the property owners. Waste Services sent an updated list of delinquent accounts on August 21, 2013. A Notice of Violation was sent out to the property owners via certified mail. Service was not obtained so the property was posted. Twice more in September 2013, Waste Services sent updated delinquent account lists via e-mail. Inspector Foster submits these lists as evidence to the Special Magistrate. The Town is requesting administrative fee of \$100. Mr. Kai Stadler testified that he is not the owner of this house (1620 E Terra Mar Dr). He does know the owner, Scott Talbott. He sent a text message to Mr. Talbott about this case and the date of the next hearing. Special Magistrate continued this case until the next Code Hearing on October 21, 2013. If it is heard at the next meeting, the owner would owe the amount that was due plus \$300/day. If paid on or before October 21st, the owner would owe the amount due but save the \$300 daily accrual.

ITEM #IV. 50

***TAKEN OUT OF SEQUENCE**

Case #: 13050022 – Permits Required Violations

Property Owner: Jaspan, Marcello

Address/Folio: 1800 S. Ocean Blvd.

Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that the fine started running on July 16, 2013 at \$100/day. The property came into compliance on July 30, 2013. The fine ran 15 days for total amount of fines of \$1,500. The administrative fees were \$150. This case was from the previous inspector, Michael Torres. It is in reference to work done without a permit for an entire renovation of a unit. The Town was asking that the Special Magistrate impose the fine and certify the lien. The contractor was here to state his case.

Juan Villanueva, who was representing the construction company, testified that the last time he was here, the Special Magistrate gave them a month to finish the job. He said that they have the permits and about 80% of the job is done. He was asking the Special Magistrate for two more weeks to get this job finished. Officer Torres said that as of today, no inspections have been called for. The Special Magistrate ruled for a fifteen day extension but if the job is not finished and final inspections not passed timely, it would be a fine of \$200 per day for everyday

that is past the fifteen days. Fifteen days is October 1, 2013. The administrative fee of \$150 is owed presently.

ITEM #IV. 36

***TAKEN OUT OF SEQUENCE**

Case #: 12100012 – Permits Required Violations
Property Owner: Paton, Diane L H/E Graham, Gordon
Address/Folio: 2 Sunset Ln
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that the fine started running on December 18, 2012 at \$50/day. The property came into compliance on December 28, 2012. The fine ran 10 days for total amount of fines of \$500. The administrative fees were already paid. This case was in reference to a new wooden gate installed on a fence. There is no permit on file. Ms. Torres tried to help the owner out but was not in any position to waive fines. The owner was present to explain her situation.

Diane Paton explained that her husband, who is now her ex-husband, started to fix the fence. He was to just fix one broken board but decided to do the whole fence. They wound up with a fine for not pulling a permit. Ms. Paton was not aware of a permit requirement. The material for the fence cost \$89. She went to pay for the permit and was told she owed a fine of \$500. Ms. Paton complained and was told to just pay \$50 which she did. Now she still owes \$500. The Special Magistrate ruled that this was so minor that he would dismiss the case and just go with the \$50 that she already paid.

ITEM #IV.51

***TAKEN OUT OF SEQUENCE**

Case #: 13060012 - Citizen Complaints
Property Owner: Federal National Mortgage Assn c/o BofA
Address/Folio: 3270 Spanish River Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-40(a)

Code Compliance Officer Tuchette Torres testified that the fine started running on August 5, 2013 at \$250/day. The property did not come into compliance. The fine as of today is \$10,500. The administrative fees were \$250. She explained that this property was taken over by the bank. It was in foreclosure. They put a blue tarp on the roof. Pieces of the tarp have blown into neighbors' properties. Mr. Ober is the potential buyer, but he is not the bank. The Town was asking for certification of liens and imposition of fines as of today. The Special Magistrate told Mr. Ober that because he was not the owner, it was too early to talk with him. Mr. Ober wanted to speak about mitigating the fines and liens. He said that he was told the liens were unenforceable. He was asking the Town not to throw up any more roadblocks for him to buy the property. The Special Magistrate was willing to reduce the lien if he received assurance that the property was going to be cleaned up. However, Mr. Ober was not the titled owner. Town Planner Linda Connor suggested that since Mr. Ober did not own the property and the Town did not have any activity with the bank, the Town would be opposed to a reduction in the lien while the bank was in control of the property. Only when Mr. Ober was successful in buying the property, would the Town be agreeable to reductions. Ms. Connors said that for the ten violations on the property, the Town Commission did mitigate for a 25% reduction. The Town Attorney or the Assistant Town Attorney were working on the validity of these liens. This property has been a blight on the neighborhood for a long time. She said there were ten violations on the property of which five are in compliance and five are not. The property was accruing \$1,000 a day in fines. Without direction from the Town Attorney as to which liens are enforceable and direction as to what the Town Commission wanted, the Special Magistrate

wanted to continue this agenda item to the next Code Hearing on October 21, 2013. Town Commissioner Dodd spoke and said he was not aware of any legal issues behind any of the liens outstanding on the property. The Commission was absolutely adamant that the bank was being very tardy in any action that they were taking and, as a Commissioner, he was under the understanding the liens would be applied and they had 30 days to make up their mind. The whole information he is getting tonight is that only some of the liens were relevant and some were not. He would urge the Special Magistrate to make any liens that were relevant be outstanding to the bank because that was his understanding from his last meeting. Assistant Town Manager Bud Bentley was sworn in. He said that the discussion about liens that may or may not be valid relate to liens that were filed and recorded prior to the foreclosure by the bank. We are not discussing those liens today. The lien before you today is a citation that was given to the bank after foreclosure. We would ask that the Special Magistrate certify the lien. All the other issues that have come up do not relate to this case. He said that there were several conversations concerning the question of how we should handle liens that were filed before the foreclosure and those discussions were currently going on. He felt that Mr. Ober did not have to incur any legal expense to get us to review that process. We are doing that with the Town Attorney and we were still meeting as late as fifteen minutes ago this evening. If we develop new information, we would ask the Town Commission to re-hear it. This is a bonafide case. Officer Torres said this property was cited for a roof leak after the bank took over. The bank put on a tarp that started to shred and Officer Torres received complaints from neighbors. The bank should be able to get rid of the old tarp and clean up the mess. The Special Magistrate ruled that he would certify the lien to get the process moving.

ITEM #IV. 28

***TAKEN OUT OF SEQUENCE**

Case #: 13080023 – Permits Required Violations
Property Owner: Torfor Investments Inc. c/o J R Laraway CPA
Address/Folio: 4552 Bougainville Dr.
Code Section(s): Chapter 13 – Noise Section 13-3(11) – Prohibited acts and Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Officer Tuchette Torres testified that on August 15, 2013 she inspected the property. Broward County Property Appraisers show the owners as Torfor Investments Inc. c/o J R Laraway CPA. A Courtesy Notice was sent on August 15, 2013. A Notice of Violation was sent August 29, 2013 by certified mail and service was obtained. There was remodeling and replacement of kitchen cabinets in unit 25. On August 15th, she took pictures of the property that truly and accurately depict the condition of the property at that time. She requested the pictures be entered into evidence. For the record, item #1 has come into compliance. She is requesting an administrative fee of \$250. She made contact with the property manager and they spoke on September 11, 2013. He is going to get a permit for the work in unit 25. He is going to get one permit to cover the replacement of kitchen cabinets in all units. The property manager could not make tonight's meeting but felt okay with a thirty day deadline. The Special Magistrate imposed a \$250 administrative fee. Compliance is to be by the next meeting, October 21, 2013. Permits to be issued and work to be timely completed or a fine of \$150/day per violation to accrue.

ITEM #IV.29

Case #: 13080030 - No Garbage/Trash Service
Property Owner: Linscheer, Amy L and Linscheer, Enrico
Address/Folio: 1762 Bel Air Ave
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1) – Required

Chapter 30 – Unified Land Development Regulations Section 30-477(a) – Maintenance of landscaped areas.

Code Compliance Inspector Sharon Foster said this agenda item came into compliance today, 9/16/2013.

ITEM #IV.30

Case #: 13080031 - No Garbage/Trash Service
Property Owner: Woodrum, Faythe P
Address/Folio: 1961 Ocean Mist Dr
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1) – Required

Code Compliance Inspector Sharon Foster said that the Broward Tax Records show the property owner as Faythe Woodrum. Back in July 2013, Waste Services sent out a list of delinquent accounts for their services. On July 26th, a Courtesy Notice was sent to the property owner. Waste Services sent an updated list of delinquent accounts on August 21, 2013. A Notice of Violation was sent out to the property owner via certified mail. Service was obtained. Twice in September 2013, Waste Services sent another updated delinquent account list via e-mail showing the property has not made a payment for their delinquent account. Inspector Foster submits these lists as evidence to the Special Magistrate. The Town is requesting administrative fee of \$100. She answered the Special Magistrate that there was no contact with the property owner. She further answered that garbage was still being collected in spite of the fact that the bill was not being paid. The Special Magistrate imposed \$100 administrative fee and \$100/day fine until they make payment and become current starting in ten days, September 26, 2013.

ITEM #IV.31

Case #: 13080032 - No Garbage/Trash Service
Property Owner: Johnson, Danielle
Address/Folio: 1724 Bel Air Ave.
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1) – Required

ITEM #IV.34

***TAKEN OUT OF SEQUENCE**

Case #: 13090015 - Nuisance/overgrowth weeds & grass
Property Owner: Johnson, Danielle
Address/Folio: 1724 Bel Air Ave.
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-41(a)(18) – Maintenance of exterior of premises.

Code Compliance Inspector Sharon Foster said the address is 1724 Bel Air Ave and the property owner is Danielle Johnson. In July 2013, Waste Services sent out a list of delinquent accounts for their services. On July 26th, a Courtesy Notice was sent to the property owner. Waste Services sent an updated list of delinquent accounts on August 21, 2013. A Notice of Violation was sent out to the property owner via certified mail on August 23. Service was not obtained and the property was posted. Twice in September 2013, Waste Services sent another updated delinquent account list via e-mail showing the property has not made a payment for their delinquent account. Inspector Foster submits these lists as evidence to the Special Magistrate. The Town is requesting administrative fee of \$100. She answered the Special Magistrate that there was no contact with the property owner. She further answered that garbage was still being collected in spite of the fact that the bill was not being paid. The Special Magistrate imposed \$100 administrative fee and \$100/day fine until they make payment and

become current starting in ten days, September 26, 2013. She answered the Special Magistrate that the second case is a repeat violation regarding cutting the grass. Town Planner Linda Connors wanted to add that this property has multiple violations. The fine has been running upwards of \$800,000. This is a problem and we have had no contact with the owner. The property is in foreclosure. The bank is not closing on the property as there are so many problems. This is a repeat violator on several issues. She said that the Town was seeking to cut the grass and for the Special Magistrate to go to the maximum fine. Town Planner Linda Connors said that the banks were giving us a hard time because they were ignoring the properties.

The Special Magistrate imposed a \$100 administration fee for each case. The fine for the first case regarding trash would be \$100/day after the 10th day if not resolved. For the second case regarding overgrowth, \$500/day fine after the 10th day if the grass is not cut since it is a repeat violation. He granted the Town authority to cut the grass when appropriate.

ITEM #IV.32

***TAKEN OUT OF SEQUENCE**

Case #: 13080034 - No Garbage/Trash Service
Property Owner: Howard, Benjamin R.
Address/Folio: 218 Pine Ave
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1) – Required

Code Compliance Inspector Sharon Foster said that the Broward Tax Records show the property owner as Benjamin Howard. Back in July 2013, Waste Services sent out a list of delinquent accounts for their services. On July 26th, a Courtesy Notice was sent to the property owner. Waste Services sent an updated list of delinquent accounts on August 21, 2013. A Notice of Violation was sent out to the property owner via certified mail. Service was not obtained and the property was posted. Twice in September 2013, Waste Services sent another updated delinquent account list via e-mail showing the property has not made a payment for their delinquent account. Inspector Foster submits these lists as evidence to the Special Magistrate. The Town is requesting administrative fee of \$100. She answered the Special Magistrate that there was no contact with the property owner. The Special Magistrate imposed \$100 administrative fee and \$100/day fine until they make payment and become current starting in ten days, September 26, 2013.

ITEM #IV.33

Case #: 13080043 - No Garbage/Trash Service
Property Owner: Leal, Alvaro
Address/Folio: 2031 Coco Palm Pl
Code Section(s): Chapter 10 – Garbage and Refuse Section 10-27(a)(1) – Required

Code Compliance Inspector Sharon Foster said that the Broward Tax Records show the property owner as Alvaro Leal. Back in July 2013, Waste Services sent out a list of delinquent accounts for their services. On July 29th, a Courtesy Notice was sent to the property owner. Waste Services sent an updated list of delinquent accounts on August 21, 2013. A Notice of Violation was sent out to the property owners via certified mail on August 23rd. Service was obtained. Twice in September 2013, Waste Services sent another updated delinquent account list via e-mail showing the property has not made a payment for their delinquent account. Inspector Foster submits these lists as evidence to the Special Magistrate. The Town is requesting administrative fee of \$100. She answered the Special Magistrate that there was no contact with the property owner. The Special Magistrate imposed \$100 administrative fee and

\$100/day fine until they make payment and become current starting in ten days, September 26, 2013.

ITEM #IV. 46

***TAKEN OUT OF SEQUENCE**

Case #: 13040010 – Landscape Violations
Property Owner: Santomassino, Rose
Address/Folio: 255 Hibiscus Ave
Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-477(a).

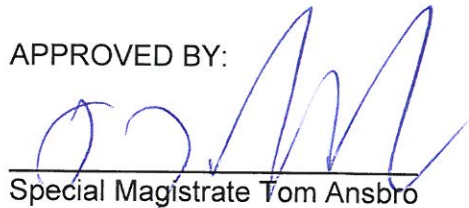
Code Compliance Officer Tuchette Torres testified that the fine started running on May 31, 2013 at \$150/day. The property was not brought into compliance. The fine ran 108 days through today for total amount owed \$16,200 plus administrative costs of \$50. The violation is that there are areas of dead lawn on the property and now it has gotten overgrown and the owner was cited for that. The owner is an elderly woman whose son is slow at fixing violations. Today's hearing was to certify the lien and impose administrative costs. The Special Magistrate certified the lien of \$16,200 and imposed the \$50 administrative cost.

V. FIRE CASES

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on September 16, 2013 at 6:35 pm.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:



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