

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

*Town Commission Meeting Room
Monday, April 20, 2015 at 5:00 PM*

I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

Special Magistrate Tom Ansbro called the hearing to order at approximately 5:02 p.m. on Monday, April 20, 2015. 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 of the hearing. 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

March 16, 2015 Code Hearing – The minutes of 03/16/15 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 in compliance or continued.

COMPLIED

1. C#: 15020005 222 E Commercial Blvd
2. C#: 15020010 1961 Windward Dr
3. C#: 15030003 4218 Seagrape Dr
4. C#: 15030006 4660 N Ocean Dr

CONTINUED TO JUNE 22, 2015 CODE HEARING

5. C#: 14100013 4217 El Mar Dr
6. C#: 14050014 4245 N Ocean Dr

CONTINUED TO MAY 18, 2015 CODE HEARING

12. C#: 15030001 1941 Coral Reef Dr

OLD BUSINESS

ITEM #V.8

***TAKEN OUT OF SEQUENCE**

Case #: 14010008 – 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)
Chapter 30 – Unified Land Development Regulations Section 30-317(e)
Chapter 30 – Unified Land Development Regulations Section 30-317(f)
Chapter 6 – Building and Building Regulations Section 6-36(1)(a)
Chapter 6 – Building and Building Regulations Section 6-36(2)
Chapter 6 – Building and Building Regulations Section 6-37(1)(a)
Chapter 6 – Building and Building Regulations Section 6-41(a)(5)

Clerk Idalia Gutierrez also called the following case which was added to the agenda.

ITEM #V.

Case #: 13120027 –

Property Owner: Florida Development Group Inc.

Address/Folio: 4546 El Mar Dr

Code Section(s):

Code Compliance Inspector Carmen Sanchez testified that Attorney Chakas was here on behalf of the property owner to ask for another extension. Ms. Chakas testified that the current date to comply for case #14010008 (item #8) is May 2015. She was requesting that the May date be extended out to August 2015. She explained that they are working with site plans for the property. The property would be shut down May 31, 2015 and no longer operational. They will be going through extensive renovations and a lot of the violations would be rectified. Ms. Sanchez answered the Special Magistrate that the Town did not have any objections to the extension. Ms. Sanchez said fines were accruing since January 1, 2015. Ms. Chakas felt that fines should not have been accruing since there were previous extensions granted. Discussion ensued and Attorney Chakas agreed that fines were running on this property. The Special Magistrate explained that details regarding mitigating or abating the fines could be worked out later.

The Special Magistrate ordered a status hearing on August 24, 2015 with fines continuing to accrue.

For case #13120027, Attorney Chakas said they just received notice that the Town Commission approved the site plans for this property at 4546 El Mar Dr. She said that they were also before the P&Z Board. Construction would be started and a management company brought in. Code Officer Sanchez said the last Final Order was to comply by yesterday, April 19, 2015. The Town would not have an objection for an extended comply-by date. The Special Magistrate ordered the new Final Order's comply-by date to be September 27, 2015. He also ordered a Status Hearing for this property on September 28, 2015. Ms. Sanchez testified that fines are not running on this property. Ms. Sanchez was unsure about previous Administrative Fees for both of these properties.

The Special Magistrate ordered a stay on fines for this property and any outstanding Administrative Fees on either of the properties are to be paid within thirty days.

NEW BUSINESS**ITEM #V.10*****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 this property, which is a condominium, is in violation of work without permit for the parking lot and the parking spaces were not marked. Ms. Sanchez said that a continuance was granted on February 23, 2015 for today's hearing. As of today, the permit was not obtained and the property is still in violation. However, Inspector Sanchez said that the condo has a new set of plans. Teresa Delgado, general manager for Southern Seas Resort, said there is a new plan in place. She said a permit was pulled for the parking lot which would be ADA compliant. The parking spaces would be striped. Ms. Delgado said that this project should be finished by the end of May 2015. Ms. Sanchez answered the Special Magistrate that the Town would not object to a comply-by date of June 21, 2015. The Special Magistrate ordered entry of a Final Order for a June 21, 2015 comply-by date or a fine of \$100/day/violation.

The Special Magistrate ordered the \$150 Administrative Fee to be paid within 10 days, by April 30, 2015.

CERTIFICATION OF LIEN**ITEM #V.13*****TAKEN OUT OF SEQUENCE**

Case #: 15010014 – Building Code Violations
Property Owner: Chaltchi, Jean-Marc
Address/Folio: 2036 Sailfish Pl
Code Section(s): Florida Building Code Section 105 Section 105.1 Required.

Code Compliance Inspector Sharon Foster testified that she inspected the property on December 1, 2014. The property was posted and the Affidavit of Posting is in the file. The property was cited for a closure of a window and a door. There was an electrical panel in the laundry room with exposed wires and breakers. The building inspector noted that the entire interior of the property was gutted. Inspector Foster took pictures of the property on December 2, 2014 and January 8, 2015 which depict the condition of the property. At the February Code Hearing, the case was presented for a 90-day continuance. A Final Order was issued with a comply-by date of April 19, 2015 with a condition for fines of \$200/day for the non-issuance of a permit and no work done. There was also a \$150 Administrative Fee imposed. Inspector Foster said permits were issued on March 17, 2015. They have not passed all their inspections but work is progressing. Ms. Foster was requesting a revised Final Order giving them an additional thirty days to come into compliance. This would be the ninety-day date they originally asked for. Ms. Foster said that the \$150 Administrative Fee was paid and she was not asking for any additional Administrative Fee at this time. Ms. Foster's photographs were shown to the representative and then submitted to the Special Magistrate. She also showed a printout of all the inspections on the property. The Special Magistrate accepted the printout and the pictures into the record without objection as Town's Composite Exhibit 1.

The Special Magistrate ordered compliance by May 17, 2015 or a fine of \$200/day with no Administrative Fee for today's hearing.

OLD BUSINESS**ITEM #V.7*****TAKEN OUT OF SEQUENCE**

Case #: 15020001 – Nuisance
Property Owner: Saltwater Tr Zurs, Lynda Trstee
Address/Folio: 4209 Bougainvillea Dr
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12.(d)(1-3)

Code Compliance Inspector Carmen Sanchez informed the Special Magistrate that the Magistrate issued a Final Order for the time limit for construction on this property. At the last meeting, it was reported that the homeowner received an extension from the Town Commission, so no fines accumulated. Ms. Sanchez just wanted to put on record that no fines accumulated for this case. They are in compliance as of this date. Ms. Sanchez answered the Special Magistrate that the Administrative Fee was paid.

The Special Magistrate ordered dismissal of this case.

CERTIFICATION OF LIEN**ITEM #V.16*****TAKEN OUT OF SEQUENCE**

Case #: 15010013 – Building Code Violations
Property Owner: Anglin Fam Tr % Raymond Anglin
Address/Folio: 216 E Commercial Blvd
Code Section(s): Florida Building Code Plumbing Chapter 4 Section 403.2 Separate facilities

Code Compliance Inspector Carmen Sanchez testified that we are here today to certify the fines for JoJo's Restaurant. The comply-by date was February 28, 2015. The property came into compliance on March 11, 2015. This amounted to eleven days that the property accumulated fines at \$150/day plus an Administrative Fee of \$150 for a total of \$1,800.

Spiro Marchelos said that his attorney could not be here this evening. Mr. Marchelos said that JoJo's is the tenant and that they are in litigation with them. Mr. Marchelos said he has no access to the restaurant. He wanted to know who is responsible for the lien and the Special Magistrate answered that the property owner was responsible. The property owner has the responsibility to make the tenant comply via its lease. The Special Magistrate ordered a continuance so that Mr. Marchelos' attorney could be in attendance for his representation. Ms. Sanchez said for the record that the property is in violation again as a repeat violation. There were over ten seats in the restaurant again. The Special Magistrate answered Mr. Anglin that both the property owner and the tenant were given notice for this hearing. Under State law, the property owner is responsible for what the tenant does. Ms. Sanchez answered the Special Magistrate that she counted sixteen chairs when she was last in the restaurant.

The Special Magistrate ordered continuance of this case to the May 18, 2015 Code Hearing. The fine is fixed at \$1,650 plus an Administrative Fee of \$150, for a total of \$1,800. The Special Magistrate would not impose the lien this evening in order to give Mr. Marchelos' attorney time to come to the next hearing.

OLD BUSINESS**ITEM #V.9*****TAKEN OUT OF SEQUENCE**

Case #: 15020009 – Building Code Violations
Property Owner: Fleurant, Guy

Address/Folio: 1 Sunset Ln
Code Section(s): Chapter 6 – Building and Building Regulations Section 6-12(a)

Code Compliance Inspector Sharon Foster testified that she would like to withdraw this case. This case was for construction time extension. The house is completed. The owner is waiting for paperwork but there is an issue with the survey. His CO cannot be issued until he gets his Administrative Adjustment. The Town was withdrawing the case for the time extension.

The Special Magistrate ordered withdrawal of this case.

NEW BUSINESS

ITEM #V.11

Case #: 15030004 – Business Tax
Property Owner: Elacqua, James E
Address/Folio: 4473 Poinciana St
Code Section(s): Chapter 12 – Licenses Sec. 12-2,(e)(l)

Code Compliance Inspector Carmen Sanchez said that this is a single-family home. The notice was sent via certified mail and service was obtained. The property is in violation of not having a Business Tax Receipt (BTR) and renting the property. On February 17, 2015, a Courtesy Notice was issued because the Town's BTR Department sent a list of delinquent BTR properties. A Notice of Violation was issued because the property did not obtain a BTR. The owner is aware that he has to pay \$7.50 for a BTR, as that department spoke with him. The property is still in violation. Ms. Sanchez is requesting a \$150 Administrative Fee.

The Special Magistrate ordered the Respondent to obtain a BTR in fifteen days, by May 5, 2015, or a fine of \$100/day plus an Administrative Fee of \$150 to be paid by May 5, 2015.

The Special Magistrate asked to have someone let the property owner know what transpired.

CERTIFICATION OF LIEN

ITEM #V.14

Case #: 15020011 – Business Tax
Property Owner: Breitberg, Dyane
Address/Folio: 1931 Waters Edge
Code Section(s): Chapter 12 – Licenses Sec. 12-2,(e)(l)

Code Compliance Inspector Sharon Foster said fines started running on this property April 20, 2015 at \$50/day for one violation. The property was brought into compliance today. The fines ran for one day for an amount owed of \$50 plus a \$50 Administrative Fee totaling \$100. Ms. Foster was requesting a \$50 Administrative Fee for today's hearing. She was requesting \$150 to be certified today. Ms. Foster answered the Special Magistrate that she feels the property owner was delinquent in responding.

The Special Magistrate ordered the certification of lien in the amount of \$150.

ITEM #V.15

Case #: 14120005 – Sign Violations
Property Owner: Seagrape Commons LLC
Address/Folio: 222 E Commercial Blvd

Code Section(s): Chapter 30 – Unified Land Development Regulations Section 30-509(a)

Code Compliance Inspector Carmen Sanchez testified that the restaurant, Pronto By-The-Sea, is in compliance for their awning signs. She explained there were two different comply-by dates. The owner had to submit a sign application and also had to obtain the permits or remove the signs. A sign application had to be submitted by February 9, 2015 or \$100/day fine. The application was submitted on March 4, 2015. That was 22 days out of compliance totaling \$2,200. The permits had to be obtained or signs removed by February 22, 2015 or \$100/day fine. The signs were removed on March 5, 2015. That was 11 days out of compliance totaling \$1,100. The total fine owed is \$3,300. The Administrative Fee was paid. Ms. Sanchez said that she received the green cards returned by both the restaurant owner and the property owner. The restaurant owner met with Town Planner Linda Connors last week and was aware of this hearing.

The Special Magistrate ordered the certification of lien in the amount of \$3,300. If there is any reduction in fines, it will be issued by the Town Commission.

Ms. Sanchez also wanted to request \$100 Administrative Fee for this hearing.

The Special Magistrate ordered an additional Administrative Fee of \$100.

ITEM #V.17

Case #: 15020003 – Business Tax
Property Owner: Randall, Joan A Est
Address/Folio: 270 S Tradewinds Ave
Code Section(s): Chapter 12 – Licenses Sec. 12-2,(e)(l)

Code Compliance Inspector Carmen Sanchez testified that this case is for certification of fines. The property was to be in compliance as of yesterday. The property was out of compliance one day for \$50/day fine for a Business Tax Receipt (BTR). The original \$50 Administrative Fee and \$50 Administrative Fee for today's hearing also need to be certified. The total amount to be certified is \$150.

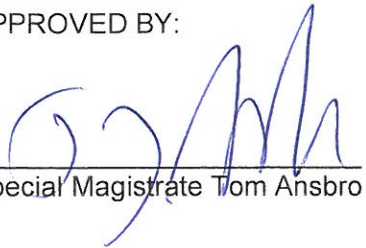
The Special Magistrate ordered the certification of lien in the amount of \$150.

Ms. Sanchez said that since the property is not in compliance and the fine will continue to run.

VI. ADJOURNMENT

Not having any additional business to be heard, Special Magistrate Tom Ansbro adjourned the hearing on April 20, 2015 at approximately 5:40 p.m.

APPROVED BY:


Special Magistrate Tom Ansbro

ATTEST:


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