

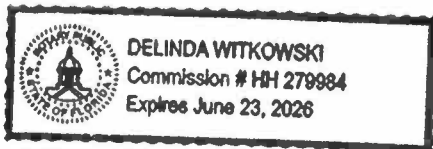
Code Board Hearing
September 14, 2023 Meeting Minutes

The undersigned is the Secretary of the Code Board and the information provided herein is the minutes of the meeting of said Code Board on September 14, 2023 which minutes were formally approved and adopted by the Board on October 12, 2023.

ATTEST:



CHAIR



ADVISORY BOARD LIAISON

NOTE TO READER: If the minutes you have received are not completed as indicated above, this means they are not the official minutes of the (Board Name). They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.

Code Board Hearing was held on **September 14, 2023**,
was called to order at 1:32 pm, Adjourned 2:09 pm.

Code Enforcement Present:

Phil Cartwright, Code Board Supervisor
Chantale Jean-Baptist, Code Officer
Jude LeConte, Code Officer

Code Enforcement Board Members Present:

Nicholas Coppola
Michael Schiff
Wayne Pasik
Courtney Tito
Stephen Butera
Jimmy Canton
Joseph Schulz

Owners and/ or Respondents Present:

Shelly Brewster
Albert Richwagen

Case 23-9297

Owners Name: Shelly Brewster & Veronica Downes

Property Address: 917 SW 3rd Court

Presented by: Chantale Jean-Baptist

Code Officer Chantale Jean-Baptiste presented a General Violation 7.4.1 (307.4) concerning a Housing Code (Care of Premises) at the property of 917 SW 3rd Court. Officer Chantale Jean-Baptiste presented three (07) photographs into evidence. City Attorney Lawonda Warren questioned Chantale Jean-Baptiste on the photographs pertaining to the case. Chantale Jean-Baptiste did have contact with owner, and commented that the outside storage was no longer an issue with this case, but only the inoperable car continues to be in violation. Shelly Brewster' son commented in contact with code officer Jean-Baptiste that he was working on removing the

vehicle, but Shelly Brewster mentioned that the car has been there for a long time and does not see the issue.

Michael Schiff made the motion to accept the seven (07) photos into evidence, and Courtney Tito made the second motion; all were in favor.

Shelly Brewster was present to testify on behalf of the case. Ms. Brewster stated that she told the code officer several times that the car was going to be gone on the day of the hearing and that the car was going to be sold and removed, which a receipt was brought in to prove the sale. She also said she had pictures on the phone, which she ended up emailing them to us, which in return we printed out to confirm that she actually did comply with the case.

The city had no objection in receiving the photos brought by Shelly Brewster.

Courtney Tito made the first motion to accept the receipt brought in proving the sale of the car by the respondent, and Stephen Butera seconded the motion; all were in favor.

Stephen Butera made a motion to pause the case while the photo was being printed, and Wayne Pasik seconded the motion; all were in agreement.

Case 23-9816

Owners Name: Daniel Suarez & Marta Suarez

Property Address: 3625 Avenue Montresor

Presented by: Jude LeConte

Code Officer Jude LeConte presented a General Violation 7.1.4 (C) (1) (A) concerning a Building Code (Maintenance of Building) at the property of 3625 Avenue Montresor concerning a fence that is in need of repair.

Officer Jude LeConte presented seven (07) photographs into evidence. City Attorney Lawonda Warren for identification purposes questioned Jude LeConte on the photographs pertaining to the case. Jude LeConte did not have contact with the owner.

Courtney Tito made the first motion to accept the photographs into evidence. Jimmy Canton made the second motion to accept the photos into evidence; all were in favor.

Stephen Butera asked why this fence was a safety issue, and the code officer responded that it was not necessarily a safety issue, but a city ordinance in maintaining your property and keeping it safe.

The city suggests thirty (30) days to repair the fence or one hundred (\$100.00) dollars daily fine thereafter.

Wayne Pasik made the motion in respect to case 23-9816 in finding a fact and conclusion of law that there is good notice that the violation does exist, and the facts that support the violation are the photos and the testimony of the code officer. The offending party shall correct all violations

within thirty (30) days are be fined fifty (\$50.00) dollars per day thereafter for noncompliance. Stephen Butera seconded the motion; all were in favor.

NONCOMPLIANCE OF BOARD ORDER AND ASSESSMENT OF FINE:

Case 22-10305

Owners Name: Bar Properties Inc.

Register Agent: Albert Richwagen R/A

Property Address: 230 & 232 NE 13th Street

Original Code Officer: Ryan Sahai

Presented by: Phil Cartwright

Supervisor Phil Cartwright presented a Noncompliance General Violation 2.4.6 (B) (1 to 5) concerning a Building Code (Building Permit) at the property of 230 & 232 NE 13th Street concerning a shed without permits. Originally found in violation on December 8, 2022 for not obtaining a permit for his shed. As of September 14, 2023 there is an accrued fine of twenty one thousand eight hundred dollars (\$21,800.00) and continue the one hundred (\$100.00) daily fine until compliance has been met.

Supervisor Phil Cartwright presented a few photos from the initial of the violation to refresh the board members, and a couple of new photos to enter into evidence. City Attorney Lawonda Warren for identification purposes questioned Phil Cartwright on the photographs pertaining to the case 22-10305

Phil Cartwright mentioned that the owner of the property applied for an permit application, and Mr. Albert Richwagen is present to testify.

Alber Richwagen was called up to testify. He stated that things are moving along, but it is difficult to get an engineer to certify a shed that has been on the property for ten years. The property is a rental, and is in a company name, and not personal name; therefore I cannot pull the permit as a owner/builder. I ended up having to secure a contractor and pay them two thousand dollars (\$2,000.00) to apply for a permit. The shed was installed by a professional shed mover, and it is strapped. As of now Albert Richwagen is just waiting for a few last specs from the engineer, so that permits can be approved. Mr. Richwagen respectfully asks for some more time to complete the process.

Someone asked whether we knew if the permit was really applied for, and Mr. Richwagen said yes it was, but that it would not be going anywhere because he is still waiting on the final from his engineer. Albert Richwagen stated that he started engaging about one month ago with the the engineer. He called many engineers, but no one wants to stamp something that they did not do or design.

Michael Schiff questioned him as to why he didn't pull permits along time ago, and Mr. Richwagen commented that he didn't know he needed to since the shed was not cemented down, but on skids.

Assistant city attorney Lawonda, the magistrate and the board members went back and forth discussing the best steps to take on case 22-10305.

Mr. Albert Richwagen stated that after everything the set back as to where the shed could be FPL are working on putting all the power underground in that neighborhood. Eventually, I will be able to move the shed where there will be no issue to the setback of the shed. Because of the FPL wires I cannot move the shed, and it will definitely take more than 60 days for FPL to install the underground wires.

Courtney Tito made the first motion to accept the photographs into evidence. Stephen Butera made the second motion to accept the photos into evidence; all were in favor.

The magistrate stated that the best thing to do is not to take any action as of now.

No action was taken; the case will continue to work with staff.

Case 23-9297 was recalled.

Lawonda stated that we did receive the photograph. Only one photograph came through the email, and the board asked if they were okay with just that one photo.

No action was taken on this case.

Stephen Butera made the motion to admit the photograph submitted by the respondent along with the previous submitted receipt as evidence that the case has been brought into compliance; Joseph Schulz seconded the motion; all were in favor.

Nicolas Coppola welcomed our new board member Jimmy Canton.