

**A Special Magistrate Hearing was held on February 20, 2025.
The hearing was called to order at 1:30 PM, Adjourned at 2:13 P.M.**

Code Enforcement and City Representatives Present:

Kevin Wagner, Special Magistrate

Owners and/or Respondents Present:

Owners were present.

Changes to the agenda:

Compliance, Closed and Postponed cases are as follows: N/A

Case 1 – 24-3017

Owners Name: Platinum Real Estate Holdings Inc.

R/A: South Fl Pers Prop Mgmt. LLC

Address: 135 N. Congress Ave.

Presented by: Enrique D Fernandez, Code Enforcement Administrator

Case 2 – 24-4543

Owners Name: Platinum Real Estate Holdings Inc.

R/A: South Fl Pers Prop Mgmt. LLC

Address: 135 N. Congress Ave.

Presented by: Enrique D Fernandez, Code Enforcement Administrator

The special Magistrate called the hearing to order.

Lawonda Warren Assistant City Attorney requested to call both Case 1 # 24-3017 and Case 2 #24-4543 at the same time and indicated that she spoke with Mr. Schiller and has a proposal for a new magistrate.

Lawonda discussed the conversation she had, and Mr. Schiller has been working with the city staff on behalf of his clients and the city is willing to reset this case for six months for a status check and stay the fines on both cases from February 17th.

Kevin Wagner, Magistrate, ruled that fines will stay on both cases from February 17th and will stay on hold until the next status hearing set six months from now based on the agreement between the parties.

Case 3 – 25-1336

Owners Name: Richard L. Cleckley Jr and Clara Cleckley

Address: 305 N.W. 4th Ave.

Presented by: Enrique D Fernandez, Code Enforcement Administrator

Lawonda Warren Assistant City Attorney introduced Captain Pollack, Fire Inspector for The City of Delray Beach. Ms. Warren questioned Mr. Pollack about what his position is with the city. Mr. Pollack stated that he is a Fire Inspector and Fire Investor. Ms. Warren questioned Mr. Pollack in reference to conducting a review of the property. Mr. Pollack explained that he received a request from the Fire Marshall to review the property use on February 6th.

Lawonda Warren questioned Mr. Pollack in reference to the exhibits. Mr. Pollack testified that he knocked on the door and was met by one of the residents and explained the reason he was there. While there he observed a sign that stated not to call 911 under any circumstances and to call Betty Jean for further actions.

Daisy Higgins, the property manager, was present on behalf of the property owner. Ms. Higgins asked Mr. Pollack to explain the reason for his initial visit. Chief Joe Mazzo testified that operations received call the day before regarding a medical call and notice the sign and was concerned about how many people were living in the single-family home.

Enrique Fernandez testified that he received concern from the fire department that the property was a rental property. Daisy Higgins asked Mr. Fernandez if there was a deadline for compliance.

Lawonda Warren questioned Mr. Fernandez in reference to exhibits 3-6. Mr. Fernandez testified that while there he observed a sign that stated not to call 911 under any circumstances and to call Betty Jean for further action and he was only allowed to look in one room in the home which had three beds.

Lawonda Warren Assistant City Attorney introduced Amy Alvarez, Assistant Development Services Director, for The City of Delray Beach. Ms. Warren questioned Ms. Alvarez about if she was familiar with the city land development regulations regarding zoning regulations for residences. Ms. Alvarez stated that property is zoned for single family residential. A search was conducted to determine if the property owner applied for any other type of zoning that would allow community residence use. No records or approval were found.

Daisy Higgins, the property manager, stated that the property owner rented the unit to Ms. Betty Jean until May 31st and her lease will not be renewed.

Betty Jean testified that she is the owner of Compassionate Care, who provides a place to house people from the shelter when the shelter does not have the space to house the individual.

Kevin Wagner, Magistrate asked if the landlord was aware of the housing services she provided and if she checked to see if zoning was appropriate. Betty Jean advised that she did not.

Jeri Pryor, Neighborhood & Community Services Director, recommends that every single individual must be placed in appropriate housing and offered her assistance to help the property owner.

The city's recommendation is to remove the individuals within 30 days and cease this type of operation, apply for any approved use within 30 days or a \$500.00 daily fine.

Kevin Wagner, Magistrate, made the motion that the violation does exist and to comply the respondent will be given 30 days to remove the individuals or a \$500.00 daily fine.

Meeting Adjourned 2:13 PM