



## MINUTES

### **CODE COMPLIANCE MEETING**

LOG CABIN: 640 NE 114th Street, Biscayne Park, FL 33161

**Monday, January 8, 2018 at 7:00pm**

**CODE COMPLIANCE  
BOARD**

Gary Kuhl, Chairman

Janey Anderson

Dale Blanton

Linda Dillon

Brian McNoldy

**1. CALL TO ORDER**

Chairman Gary Kuhl called the meeting to order at 7:00 P.M.

**2. ROLL CALL – Board Members**

Gary Kuhl, Chairman - Present

Janey Anderson - Present

Dale Blanton, Vice Chair - Present

Linda Dillon - Present

Brian McNoldy - Present

Village Employees in attendance:

Code Officer Elizabeth Pinero and Code Officer Christina Caserta

Owners/Representatives in Attendance:

Michael Renaldo (Family Member) - 1007 NE 116 Street

Juan Garcia (Previous Owner) - 12075 NE 10 Avenue

Elio Levy (Owner/LLC Partner) - 1116 NE 117 Street

Daniel McFadden (Business Owner) - 1100 NE 115 Street

Rigoberto Martinez (Owner) - 11504 NE 11 Place

**3. ADDITIONS, DELETIONS OR WITHDRAWALS TO ORDER OF BUSINESS**

Code Officer Caserta removed the following items from the January Agenda

a. New Business: Item 5.g (Tabled to next meeting)

b. New Business: Item 5.j (Removed as per Building Official)

Gary Kuhl requested an item to be added to all future agendas titled "General Discussion".

**4. APPROVAL OF MINUTES**

Janey Anderson made a motion to approve the minutes of October 23, 2017, motion 2<sup>nd</sup> by Brian McNoldy - All in Favor - Motion Passed.

Janey Anderson made a motion to approve the minutes of November 13, 2017, motion 2<sup>nd</sup> by Linda Dillon. - All in Favor - Motion Passed.

Gary Kuhl read the Preamble to the audience.

All Officers and Attendants were sworn in by Chairman Gary Kuhl.



5. NEW BUSINESS

a. **1116 NE 117 ST – Case #EEN17-0995 / 1116 NE 117 St, LLC**

Officer Pinero advised they were cited for plumbing work without a permit and permit has now been obtained #PP17-0079

Discussion: Gary Kuhl indicated that this is not one violation. It is a succession of work done without a permits and it is the owner's responsibility. Gary Kuhl asked if a dumpster or demo permit was ever obtained & Officer Pinero advised it was. He also noted that this property has been under construction for several months

Elio Levy, business partner, advised that it is his fault and should have on top of the project. The contractor has a set of approved plans showing entire scope of work including the addition to the rear. He trusted that all permits were pulled when the contractor commenced work. At this point they have pulled most of the permits and the contractor is still on the job. He is working diligently to get all of the permits approved.

Janey Anderson motioned a violation occurred and to impose a \$100.00 fine & close case, motion 2<sup>nd</sup> by Dale Blanton. 4-1 (Gary Kuhl Against) - Motion Passed

b. **1116 NE 117 ST – Case #EEN17-0997 / 1116 NE 117 St, LLC**

Officer Pinero advised they were cited for electrical work throughout the entire house including exterior panels without a permit and permit has been obtained.

Gary Kuhl mentioned this is a fire hazard and life safety issue.

Janey Anderson made a motion that violation did occur and since this is a life safety issue and a fine of \$500.00 should be assessed. Brian McNoldy 2<sup>nd</sup> motion for discussion.

Discussion: Brian McNoldy introduced that since it was a complete re-do of all the electrical the fine should be increased to \$1,500.00. Brian McNoldy rescinded his 2<sup>nd</sup> motion on the \$500.00.

Janey Anderson amended motion to fine \$1,500.00. Motion 2<sup>nd</sup> by Brian McNoldy - All in Favor - Motion Passed

c. **1116 NE 117 ST – Case #EEN17-0996 / 1116 NE 117 St, LLC**

Officer Pinero advised they were cited for exterior resurfacing/stucco work without a permit & permit has been obtained.

Elio Levy, business partner, advised they didn't know they needed a permit for stucco until they were cited. They did the work only on the front of the house as it was an eyesore. They were cited on Saturday and they came in on Tuesday to remedy violation.



Janey Anderson made a motion to consider them as a repeat violator and impose a fine of \$200.00 and close the case.

Discussion: Janey Anderson asked if this should be considered a repeat violator since they have 7 items on the agenda. Gary Kuhl advised these 7 items were all issued on the same day thus not a repeat violator unless it was done on separate dates. Motion died for lack of a 2<sup>nd</sup>.

Dale Blanton made a motion to impose a fine of \$100.00, motion 2<sup>nd</sup> by Linda Dillon. 4-1 (Janey Anderson Against) - Motion Passed

**d. 1116 NE 117 ST – Case #EEN17-0999 / 1116 NE 117 St, LLC**

Officer Pinero advised they were cited for roof work done on an addition without a permit. They submitted their application to P&Z but it has tabled for the next P&Z meeting.

No Action taken. Item tabled for next meeting.

**e. 1116 NE 117 ST – Case #EEN17-0994 / 1116 NE 117 St, LLC**

Officer Pinero advised they were cited for a concrete walkway from house to the street & slab work done in front of garage door without a permit. Permit has been obtained.

Elio Levy, business partner, advised they were fixing the existing cracked concrete & didn't think they needed a permit as they were only repairing.

Gary Kuhl noted that based on the pictures it is clear that an extensive new walkway and new pad was laid.

Dale Blanton made a motion to impose a \$100.00 fine, motion 2<sup>nd</sup> Linda Dillon 2<sup>nd</sup>. All in Favor – Motion passed.

**f. 1116 NE 117 ST – 1116 NE 117 St, LLC / Case #EEN17-0998**

Officer Pinero advised cited for A/C work without a permit. A/C work observed throughout main house. No application has been submitted. Stop work order issued & permit is still required. Owner has stated that the mechanical permit revisions are in process.

Janey Anderson referenced an old case of life safety issue for consideration.

Janey Anderson made a motion that the violation exists and to impose a fine of \$1,500.00. Also, five business days from signing the Order of Enforcement to comply, if not a \$300.00 daily fine to be imposed. Motion 2<sup>nd</sup> by Brian McNoldy 2<sup>nd</sup> to allow for discussion.



Elio Levy, business partner, advised they only replaced old ducts. They are not replacing any other components to the A/C. When they submitted plans the inspectors requested revisions, which they are in the process of doing. He advised this should not be considered a life safety issue and the \$1,500.00 fine is egregious.

Officer Pinero advised the inspector has not been inside and does not know the extent of the work being done to the A/C. Officer Pinero advised regardless if the unit is existing they still require a permit for the duct work.

Gary Kuhl conveyed he feels the fine of \$1,500.00 is excessive. This is hard to determine as they do not know if it was only duct work or if the compressor was done.

After discussion they revisited Janey Anderson's motion. 1-4 (Janey Anderson Yes & remaining board opposed) – Motion Failed.

Gary Kuhl motioned to postpone item until the next meeting until more info is received. Give time to allow inspector to check and see if replacement duct work is the only item done and whether or not a permit is required. 2<sup>nd</sup> by Janey Anderson - All in favor - Motion Passed

**g. 764 NE 111 ST - Case #EEN17-1051 / Isabelle Denez & Jean Louis Narboni**  
Tabled to next meeting by staff.

**h. 1100 NE 115 ST - Case #EEN17-1032 / 16016 LLC.**

Officer Pinero advised they were cited for concrete slabs and deck construction without a permit. Stop work order issued. No permit was obtained as they were denied by P&Z.

Gary Kuhl question if work is being by contractor and questioned why it was denied. Gary Kuhl advised owner to notify Officer Pinero in the event something happens in between the permit being issued.

Daniel McFadden was present at meeting and advised he didn't realize he needed a permit. When he submitted his plans to P&Z he included a driveway that he planned to install in the future. Since he included the driveway it was denied. He applied for the permit but was away on business preventing him to be at the meeting and didn't realize putting the driveway would cause this delay. He has a contractor doing the work.

Janey Anderson made a motion to fine \$100.00 and 7 business days following the next P&Z meeting they must obtain the permit or a \$50.00 daily fine will be assessed. Motion 2<sup>nd</sup> by Dale Blanton - All in Favor – Motion Passed.



- i. **1007 NE 116 ST - Case #EEN17-1062 / Anibal Marrero & Alejandro Espinoza**  
Officer Pinero advised that they have not submitted an application for permit as of yet.

Michael Renaldo, family member, advised they did not know they needed a permit until they received notice. He conveyed that the owners are celebrities and do not want to attract attention from paparazzi's by notice postings. Mr. Renaldo said he came to this hearing prior to applying for permits expecting the board to provide requirements for permits and any additional items they should know about. Mr. Renaldo advised they will be applying for permit.

Janey Anderson made a motion to assess a fine of \$300.00 and 7 business days from signing the Order of Enforcement to come into compliance or impose a \$100.00 daily fine to be applied. Brian McNoldy 2<sup>nd</sup> motion for discussion.

Further discussion: Gary Kuhl expressed that since this is substantial remodeling they should consider this when making a motion. Brian McNoldy believes the fine should be higher. Brian McNoldy rescinded 2<sup>nd</sup> motion.

Janey Anderson's motion stands, motion 2<sup>nd</sup> by Dale Blanton- 4/1 (Brian McNoldy against) - Motion Passed

- j. **1007 NE 116 ST - Case #EEN17-1063 /Anibal Marrero & Alejandro Espinoza**  
Removed from Agenda by staff.

- k. **1007 NE 116 ST - Case #EEN17-1064 / Anibal Marrero & Alejandro Espinoza**  
Officer Pinero advised they were cited for interior electrical work done without a permit. There were also high hats that extend into the dining room.

Michael Renaldo advised they are not there to cause problems and they only wanted to do cosmetic work.

Gary Kuhl advised that this is a life safety issue.

Linda Dillon made a motion to assess a \$1,500.00 fine and 7 business days from signing the Order of Enforcement if not in compliance to impose a daily fine of \$500.00. Motion 2<sup>nd</sup> by Janey Anderson, All in Favor – Motion Passed

- l. **1007 NE 116 ST - Case #EEN17-1065 / Anibal Marrero & Alejandro Espinoza**  
Officer Pinero advised they were cited for interior demo for a wall removed without a permit. They opened up the kitchen to the dining area. Officer Pinero stressed they needed to ascertain upfront that this was not a load bearing wall before demo.

Janey Anderson made a motion to fine \$500.00 and 7 business days from signing Order of Enforcement a \$100.00 daily fine if not in compliance. Motion 2<sup>nd</sup> by Linda Dillon - All in Favor - Motion Passed



**5. OLD BUSINESS (Request for Fine Reduction)**

**a. 12075 NE 10 Ave. - Case #EEN16-0188 & #EEN16-0016 / Magda Vergara**

Officer Pinero advised that this case is a request for fine reduction and former owners (violators) are offering \$2,500.00 which the Village would have to reimburse them for as they paid the fine in full when they sold their home. She advised they were originally cited by Officer Reggie White and the owners did comply according to the file. Officer Pinero advised that both violations were brought into compliance.

Juan Garcia was present. He advised they have not received notices from tenants or via mail. He added that their Miami Shores address was also given to village hall upon applying for the landlord permit. Upon them becoming aware that there was a violation it was resolved.

Gary Kuhl questioned if there was a landlord permit and whether or not it is referred to when issuing notices. Officer Pinero advised we only refer to the property appraisal as legally required.

Board advised Juan Garcia that he was responsible for updating his mailing address on the property appraisal records. Juan Garcia questioned the affidavit of compliance and whether he not it was issued.

Officer Caserta advised an affidavit of non-compliance was issued on May 14<sup>th</sup> & that both cases are being considered in this fine reduction.

Janey Anderson made a motion to not accept the fine reduction, motion 2<sup>nd</sup> by Linda Dillon. All in favor – Motion Passed

**b. 11504 NE 11 Pl – EEN16-0751- Rigoberto Martinez & Gregory Hoffman (JTRS)**

Officer Pinero advised this case is for a fine reduction and owner is offering \$600.00. Property cited by a previous code officer for property maintenance. Property complied on Oct 11, 2017. Amount assessed is \$5,250.00. His previous offer was \$300.00. Miami Shores was and currently is the mailing address on file with property appraisal records

Rigoberto Martinez, owner, was present at the meeting and advised that he found out after the hurricane that there was a violation. Notices were sent to the old address in Miami Shores and he is now in Vero Beach.

Janey Anderson made a motion to not accept the proposed amount of \$600.00, motion 2<sup>nd</sup> by Gary Kuhl. All in favor – Motion Passed.



## The Village of Biscayne Park

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
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Rigoberto Martinez then offered \$1,000.00, Gary Kuhl informed him that he left the property unattended for a long period of time.

No motions were made to accept offer, Mr. Martinez was advised he can do another request for a fine reduction in writing for the next board hearing.

### 9. ANNOUNCEMENTS/SCHEDULE OF NEXT HEARING

The next meeting of the Code Compliance Board is Monday, February 12<sup>th</sup>, 2018

### 10. ADJOURNMENT

Brian McNoldy made a motion to adjourn @ 8:40 p.m., 2<sup>nd</sup> by Gary Kuhl.

Minutes Approved On: 2.12.18

Gary Kuhl, Chairman: [Signature]