

# CITY OF GREENACRES

## OFFICIAL MINUTES TRACKING

Council/Board: Code Enforcement Board  
Meeting Date: 5-10-15  
Transcribed by: mef No. of Pages: 8 Transcription Time: \_\_\_\_\_

### REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>[Signature]</u>	<u>5/12/17</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>[Signature]</u>	<u>5-18-17</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>SD</u>	<u>5-23-17</u>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

### APPROVAL OF MINUTES

Meeting Date: 10-25-17

Motion By: Molow Seconded By: Fine

Check One: ☒ Approved ☐ Tabled ☐ Denied Vote: 7/0

Changes requested by Council or Board? ☐ Yes ☒ No

If yes, note changes: \_\_\_\_\_

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Date Scanned and Filed: \_\_\_\_\_ By: \_\_\_\_\_



**CITY OF GREENACRES, FLORIDA**

**OFFICIAL MINUTES  
CODE ENFORCEMENT BOARD**

**Wednesday, May 10, 2017**

**I. Call to Order and Roll Call.**

The regular meeting of the Code Enforcement Board was called to order by Chairman Simon at 3:05 p.m. on Wednesday, May 10, 2017. Melody Larson, Assistant to the City Clerk, called the roll.

Board Members Present

Frank Simon, Chairman  
Merle Fine  
Bert Molow  
Toni Willey

Absent:

LaVerne Beres, Vice Chairwoman  
Benjamin Wade  
Howard Reich

Staff Present

Myrnabelle Roche, Special Magistrate  
Michael Grimm, Chief Building Official  
Donna Frandon, Code Enforcement Officer  
Shirley Diamond, Code Enforcement Officer  
Dinah Tejada, Code Enforcement Tech  
Melody Larson, Assistant to the City Clerk

Audience: 4

Press: 0

Chairman Simon led the Pledge of Allegiance to the Flag.

Chairman Simon explained to the audience how the Code Enforcement Board operates and how the violations are reviewed and considered by the Board.

Special Magistrate Myrnabelle Roche requested all witnesses in the audience who would provide testimony to stand and be sworn in. Everyone in the audience who planned to provide testimony was sworn in.

**II. Minutes of the Hearing of March 15, 2017 (Mailed for review).**



Chairman Simon asked for any corrections or deletions to the minutes of March 15, 2017; hearing none, he called for a motion.

**MOTION:** Mr. Molow made a motion to approve the minutes of March 15, 2017. Mrs. Willey seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Chairman Simon, Mrs. Fine, Mr. Molow, and Mrs. Willey. (No one opposed)

**Motion carried: 4 - 0.**

III. **Cases:**

**NEW BUSIENSS**

- |  |  |
|--|--|
| <b>1. Case #7-16-5830</b><br><b>124 Broward Avenue</b><br><b>Greenacres, FL 33463</b><br><b>Issued: 7-7-16</b> | <b>HomeFree USA, Inc.</b><br><b>6200 Baltimore Avenue</b><br><b>Riverdale, MD 20737-1054</b><br><b>Initiated By: Inspector George Yerkes</b> |
| <b>Code Section: 105.1</b>   | <b>Permits</b>   |
| <b>Code Section: 110.1</b>   | <b>Inspections</b>   |

Building Director Michael Grimm presented Agenda Item #4, Page 3, to the Board for consideration.

Barbara Uzipati from HomeFree USA, a national non-profit organization, is a HUD affiliate headquartered in Washington, D.C. who works in conjunction with the National Stabilization Community Trust. The Trust is an intermediary that the housing sector uses to work with banks and local government to help improve neighborhoods by facilitating owner-occupied housing. Ms. Uzipati explained there was confusion with the PBC Property Appraiser's Office listing this property as two residential units when it is a single-family unit. It took a while to correct the problem.

Director Grimm reported that the violation began a year earlier when a roof permit was pulled. Upon inspection, electrical work being performed was noticed. The property has a history where it began as a single-family unit with an accessory building similar to a mother-in law unit (but not as a rental unit with full cooking facilities). On two separate occasions the City has required that the home be converted back. It should be a single/family residence with an accessory structure and storage. The previous owner left exposed wiring in the front storage area. A permit was obtained but has since expired. He noted that the property is currently vacant.

Ms. Uzipati confirmed that the electrical work had been completed and upon inspection, the City identified additional violations. The home was very blighted. The property closed in April and there are now sufficient funds to make the necessary repairs. She requested an additional 30 days to comply.

The City agreed with 30 days and offered to reactivate the permit.

Chairman Simon called for a motion.

**MOTION:** Mr. Molow made a motion in reference to Case No. 7-16-5830, wherein the Board found HomeFree USA, Inc. in violation of Code Sections 105.1 and 110.1. If HomeFree USA, Inc. does not comply by June 26, 2017, the Board may impose a fine of \$50/day for every day the violations exist past the date set by the Board for compliance. Mrs. Willey seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Chairman Simon, Mrs. Fine, Mr. Molow, and Mrs. Willey. (No one opposed)

**Motion carried: 4 – 0.**

#### APPEAL OF FINE

<b>2. Case #7-16-5840</b>	<b>Roger &amp; Diane Zapata Martinez</b>
<b>5521 South 38<sup>th</sup> Court</b>	<b>5521 South 38<sup>th</sup> Court</b>
<b>Greenacres, FL 33463</b>	<b>Greenacres, FL 33463-3263</b>
<b>Issued: 7-14-16</b>	<b>Initiated By: Officer Shirley Diamond</b>
<b>Code Section: 105.1</b>	<b>Permits</b>
<b>Code Section: 110.1</b>	<b>Inspections</b>

Building Director Michael Grimm presented Agenda Item #6, Page 4, to the Board for consideration.

Owner Diane Martinez explained that the violations consist of an enclosed deck with a roof structure that was added to the rear of the building that needed to be removed. She explained it was not removed in a timely manner since they were out of the country taking care of an ailing family member. Mrs. Martinez acknowledged not complying by the date set by the Board and requested the Board's consideration for a fine reduction.

Officer Shirley Diamond reported noticing that some work had been done; however, part of the structure still remained and she had not heard from the property owners until they received the Final Order.

Chairman Simon called for a motion.

**MOTION:** Mr. Molow made a motion to reduce the fine amount to \$1,400, payable by June 26, 2017, or the fine would revert to the original amount of \$4,200. Mrs. Willey seconded the motion.

**SUBSTITUTE MOTION:** Mrs. Willey moved to reduce the fine amount to \$420 payable by June 9, 2017, or the fine would revert to the original amount of \$4,200. Mr. Molow seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Chairman Simon, Mrs. Fine, Mr. Molow, and Mrs. Willey. (No one opposed)

**Motion carried: 4 - 0.**

### OLD BUSINESS

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|---|--|
| <p>3. <b>Case #12-13-4696</b><br/><b>3429 South Jog Road</b><br/><b>Greenacres, FL 33463</b><br/><b>Issued: 12-26-13</b></p> <p><b>Code Section: 105.1</b><br/><b>Code Section: 110.1</b></p>                                 | <p><b>Shahveer Dhatigara</b><br/><b>7542 Saint Andrews Road</b><br/><b>Lake Worth, FL 33467</b><br/><b>Initiated By: Officer Donna Frandon</b></p> <p><b>Permits</b><br/><b>Inspections</b></p>  |
| <p>4. <b>Case #5-13-4420</b><br/><b>3429 South Jog Road</b><br/><b>Greenacres, FL 33463</b><br/><b>Issued: 5-14-13</b></p> <p><b>Code Section: 301.3</b><br/><b>Code Section: 7-27.4</b><br/><b>Code Section: 108.1.1</b></p> | <p><b>Shahveer Dhatigara</b><br/><b>7542 Saint Andrews Road</b><br/><b>Lake Worth, FL 33467</b><br/><b>Initiated By: Officer Donna Frandon</b></p> <p><b>Vacant Structures &amp; Land</b><br/><b>Property Maintenance Nuisance Declared</b><br/><b>Unsafe Structures</b></p> |

Building Director Michael Grimm presented Agenda Items #7 and 8, Page 5, to the Board for consideration.

Special Magistrate Roche swore in Attorney Radica Aurora, legal counsel for property owner Shahveer Dhatigara.

Attorney Radica Aurora of Aurora Law Firm, representing the property owner, requested to waive or reduce substantially the fine amount owed due to exceptional circumstances and hardship. The property was purchased in 2008 with the intent of opening a medical center. Security issues posed problems, with homelessness and squatters and contractors refused to take on the challenge of making any repairs. Her client made an effort to comply; however, maintaining the property proved challenging. Ms. Aurora noted that the two adjacent property owners on South Jog Road are currently under contract to sell their parcels to make way for an Aldi's. This would greatly improve the area and her client believes the potential sale to Aldi's would be more desirable. Her client therefore requests that the fine stop accumulating.

Photos were submitted without objection.



Chairman Simon could not recall the Board being asked to reduce a fine based on the possible sale of a parcel.

Special Magistrate Roche counseled the Board on either vacating the Board Order which would require reciting the new owners in the future or use the Board Order and abate the full fine if the project goes through. The existing building would be demolished and the violations would no longer exist at which time the new owners could request a reduction of the fine. She was not in favor of reducing the fine at this time due to the lack of compliance by the property owner.

Director Grimm suggested reducing the fine to a reasonable amount while the sale of the property goes through at which time the fine could be abated. He emphasized maintaining the front.

Chairman Simon asked Ms. Aurora when Aldi's would be moving forward. Ms. Aurora stated that the developer estimates a formal submission by June 15, 2017. She noted that a closing is scheduled for November 2017 due to permitting, etc.

Director Grimm disagreed with Ms. Aurora's comments blaming the City for the state of her client's property, noting that the reason why the property is unsightly is due to the owner not maintaining his property. If the property was routinely maintained, security and vagrancy would not be a concern. He was however, in agreement with giving the owner until November to comply contingent upon the sale of the property.

Chairman Simon called for a motion.

**MOTION:** In reference to Cases 12-13-4696 and 5-13-4420, Chairman Simon moved to reduce the fine amounts to \$18,000 contingent upon the property being continually maintained in the front, the property being sold, permits submitted and the building demolished by November 15, 2017, or the fines would revert to the original amount of \$181,400. Mrs. Willey seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Chairman Simon, Mrs. Fine, Mr. Molow, and Mrs. Willey. (No one opposed)

**Motion carried: 4 - 0.**

Chairman Simon noted at 3:49 p.m., that there were no remaining respondents in the audience.

## **NEW BUSINESS**

**5. Case #2-17-6054**

**5283 Lake Worth Road  
Greenacres, FL 33463  
Issued: N/A**

**Code Section: 7-27.4  
Code Section: 301.3**

**Raffaele Abbenante, Reg. Agent**

**5283 Lake Worth Rd, LC**

**1401 Lands End**

**Manalapan, FL 33462**

**Initiated By: Officer Shirley Diamond**

**Property Maintenance Nuisance Declared  
Vacant Structures & Land**

**Code Section: 7-27.11****Property Maintenance Nuisance Declared**

Building Director Michael Grimm presented Agenda Item #2, Page 2, to the Board for consideration.

Photos were submitted without objection due to no respondents in the audience. Officer Shirley Diamond testified that the property was in worse condition than what the photos show. The property is a vacant restaurant with overgrown shrubs that posed visibility concerns and vagrants living in the rear of the premises. She reported that the first Notice of Hearing was accepted; however the second Notice of Hearing was not. She confirmed that an Affidavit of Non-Compliance is in the file and the City has received no response from the property owners. Upon an inspection today, she found someone sleeping in the front with garbage strewn throughout.

Chairman Simon called for additional comments from the Board; hearing none, he called for a motion.

**MOTION:** Mrs. Willey made a motion in reference to Case No. 2-17-6054, wherein the Board found Raffaele Abbenante in violation of Code Sections 7-27.4, 301.3 and 7-27.11. If Mr. Abbenante does not comply by June 9, 2017, the Board may impose a fine of \$100/day for every day the violations exist past the date set by the Board for compliance. Mrs. Molow seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Chairman Simon, Mrs. Fine, Mr. Molow, and Mrs. Willey. (No one opposed)

**Motion carried: 4 - 0.**

<b>6. Case #5-16-5740</b>	<b>Jose &amp; Reina Hernandez</b>
<b>4378 Nicia Way</b>	<b>4378 Nicia Way</b>
<b>Greenacres, FL 33463</b>	<b>Greenacres, FL 33463</b>
<b>Issued: 4-6-17</b>	<b>Initiated By: Inspector John Pankiewicz</b>
<b>Code Section: 110.1</b>	<b>Inspections</b>
<b>Code Section: 105.1</b>	<b>Permits</b>
<b>Code Section: 8-46.1</b>	<b>Business Tax Imposed</b>

Building Director Michael Grimm presented Agenda Item #3, Page 2, to the Board for consideration.

Inspector John Pankiewicz testified driving by the property approximately one year earlier and witnessing the installation of a water heater without a permit. He issued a Courtesy Notice and re-visited the property where a tenant answered the door. A second violation was then issued for not obtaining a rental license.

Chairman Simon called for a motion.

**MOTION:** Mr. Molow made a motion in reference to Case No. 5-16-5740, wherein the Board found Jose and Reina Hernandez in violation of Code Sections 110.1, 105.1 and 8-46.1. If Mr. and Mrs. Hernandez do not comply by

June 9, 2017, the Board may impose a fine of \$50/day for every day the violations exist past the date set by the Board for compliance. Mrs. Willey seconded the motion.

**VOTE ON THE MOTION:**      **In Favor:** Chairman Simon, Mrs. Fine, Mr. Molow, and Mrs. Willey.  
(No one opposed)

**Motion carried: 4 - 0.**

<b>7. Case #2-17-6048</b> <b>4696 Chariot Circle</b> <b>Greenacres, FL 33463</b> <b>Issued: 2-8-17</b>	<b>Shaun McDyer</b> <b>4696 Chariot Circle</b> <b>Greenacres, FL 33463</b> <b>Initiated By: Officer Donna Frandon</b>
<b>Code Section: 304.7</b>	<b>Roofs &amp; Drainage</b>
<b>Code Section: 14-28b5</b>	<b>Parking of Motor Vehicles, Boats &amp; Trailers</b>
<b>Code Section: 14-28b1</b>	<b>Parking of Motor Vehicles, Boats &amp; Trailers</b>
<b>Code Section: 7-27.3</b>	<b>Property Maintenance Nuisance Declared</b>
<b>Code Section: 14-28a1</b>	<b>Parking of Motor Vehicles, Boats &amp; Trailers</b>

Building Director Michael Grimm presented Agenda Item #1, Page 1, to the Board for consideration.

Officer Donna Frandon reported that cases on this property go back to 2003 for overgrown vegetation, parking on the lawn, a roof in disrepair, a trailer parked in the right-of-way, a junked vehicle parked in the driveway, and a tar kettle; the entire property is in disrepair.

Chairman Simon called for a motion.

**MOTION:**      Mr. Molow made a motion in reference to Case No. 2-17-6048, wherein the Board found Shaun McDyer in violation of Code Sections 304.7, 14-28b5, 14-28b1, 7-27.3, and 14-28a1. If Mr. McDyer does not comply by June 9, 2017, the Board may impose a fine of \$200/day for every day the violations exist past the date set by the Board for compliance. Mrs. Fine seconded the motion.

**VOTE ON THE MOTION:**      **In Favor:** Chairman Simon, Mrs. Fine, Mr. Molow, and Mrs. Willey. (No one opposed)

**Motion carried: 4 - 0.**

**Case 2-15-5090** was not presented to the Board due to no respondents in attendance to present their case.

**IV. Board Attorney Report.** None.




**V. Next Meeting.**

Director Grimm announced the upcoming retirement of Officer Shirley Diamond and thanked her for her hard work and said she will surely be missed. He reminded Board members about the next Code Enforcement Board meeting scheduled for June 28, 2017.

**VI. Adjournment.**

Chairman Simon adjourned the Code Enforcement Board meeting at 4:04 p.m.

**CODE ENFORCEMENT BOARD**

  
\_\_\_\_\_  
Frank Simon, Chairman

Respectfully submitted:

  
\_\_\_\_\_  
Michael Grimm, Building Director

Date Approved: 10-25-17

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