



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
JANUARY 28, 2020**



1. PLEDGE OF ALLEGIANCE

2. CALL SESSION TO ORDER

The hearing was called to order at 10:00 A.M. Present were Special Magistrate Alan Gabriel, Code Compliance Official Danny Stallone, Code Compliance Supervisor Rick Berni, Code Compliance Inspector Dana Phillips, Code Compliance Inspector Kim Massey, Code Compliance Inspector Catherine Velez, Code Compliance Inspector Stephanie Silber, Code Compliance Inspector Mayra Hernandez and Recording Secretary Grace Farrar

3. CALL OF THE CASES

Respondents were present for Case #19-070970, #19-085791, #19-085627, #19-083672, #18-028883

4. UNCONTESTED CASES

5.1 Case #19-066411 : STG Homes LLC and Occupant(s), 13250 SW 7 Court (continued from December 10, 2019)¹(building permit required; Florida building code Section 116.2.1.29; Florida Administrative Code section 15C-2.0081 unapproved modifications to a mobile home violation) ^{DP}

Inspector Phillips obtained an agreed final order with the respondent to remain in compliance with violation of town code sections 9-2, 9-25(b)(1), 11-17, 5-1 and 12-32(A) and thirty (30) days to comply with violations of town code sections 12-34(P)(2)(D) and 12-33(U) along with cost recovery fee of \$250.00. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

5.3 Case #19-083513: Courtyards at Davie Condominium Association Inc., 6920 SW 39 Street (accumulation of garbage/storage of abandoned property on public or private land/graffiti declared to be a public nuisance/maintenance standards of exterior premises violation) ^{SS}

Inspector Silber obtained an agreed final order with the respondent for thirty (30) days to comply with violations of town code sections 9-2(b), 11-17, 6-44 and 6-36(k) along with cost recovery fee of \$250.00. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

5.4 Case #19-083672: Lawrence Maurer, Occupants and dog owner, 10900 SW 48 Street (running at large prohibited, declared nuisance/license and rabies vaccination violation) ^{KB}

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Lawrence Maurer, was present at the hearing
The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

5. FORMAL HEARINGS OF CONTESTED MATTERS

5.2 Case #19-070970: Spur Road LLC, 4600 SW 30 Street (continued from November 19, 2019)¹(specific prohibitions: idling vehicles/overgrowth/trash waste and garbage/nuisances violation) *ss*

Stuart A. Teller, Esq., Stuart Teller, PA 7320 Griffin Road

Norka Rodriguez, 7320 Griffin Road

D. Leblond, 3055 Burris Road

Jean Paul Lafontaine, 3055 Burris Road

Peggy Nesmith, 3055 Burris Road

Gilles Foley, 3055 Burris Road

Inspector Silber presented the case and read the violation into the record. Service was achieved by hand delivery. A copy of the signed notice was submitted as Town's Exhibit 1 without objection. Photographs taken on August 9, 2019, September 7 and 17, 2019, October 15 and 31, 2019 were submitted as Town's Composite Exhibit 2 without objection.

A discussion was held on the zoning and the use at this property. Mr. Teller questioned the code section 15-7(14) that was cited in the Notice of Violation. He stated the property that is within the one hundred fifty (150) feet of the respondent's property is not used as a residential purpose. A discussion was held on the legal non-conforming uses and the zoning of the properties. A request to work with the individuals that reside at the Twin Lakes Travel Park was recommended. The neighboring issues are the noise from the trucks running their engines which is causing a strong diesel smell.

Peggy Nesmith testified she has lived at Twin Lakes for twenty four (24) years and the smell and noise is affecting her quality of life.

Norka Rodriguez, testified the property owners are willing to work in assisting the neighborhood as it relates to the truck issues.

A continuance to the Special Magistrate hearing of March 10, 2020 was requested by the Town to provide some time to reach an agreement as to the parking of the trailers and trucks; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered

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5.5 Case #19-085627: Paula Jean Anderson LIV TR and Lynann Anderson, 6110 SW 41 Place (nuisance/eyesore/responsibility of owners/violations of statutes and ordinances/permitting dogs or cats to commit a nuisance violation) ^{ss}

Paula Jean Anderson, 6110 SW 41 Place, property owner

Lynann Anderson, 6110 SW 41 Place, property owner

Sheri Stepper, 6200 SW 41 Place, complainant

Sherry Keeney, 6120 SW 41 Place, complainant

Georgann Green, 6101 SW 41 Place, complainant

John and Joan Rita Svoboda, 6100 SW 41 Place, Complainant

Inspector Silber presented the case and read the violations into the record. Service was achieved by certified mail and posting. A copy of the electronic notification along with the Affidavit of posting was submitted as Town's Composite Exhibit 1 without objection. Inspector Silber testified while at the property she observed food bowls and water bowls on the ground and Rubbermaid containers being used as shelters for cats. The inspector smelled foul odor of urine at the property.

Joan Svoboda, testified to the number of cats she has observed at the property.

Sheri Stepper, testified to the odors from the cat urine and the condition of the property.

Sherry Keeney, presented testimony on the conditions at the property along with several photographs. Photographs taken by Ms. Keeney on various dates were submitted as Town's Exhibit 2 without objection. A letter given to Sherry Keeney by Madeline Mendez was submitted as Town's Composite Exhibit 3 without objection.

Georgann Green, testified she has observed upwards of 10-20 cats at various times at the property.

Paula Anderson stated the property has been sold and a closing is scheduled within ten (10) days. Ms. Anderson spoke of disputes between the neighbors. Ms. Anderson was advised to fully disclose to the new buyers the code case and the outcome.

Ms. Lynann Anderson, stated several of the cats belong to her and the remainder come because the neighbor feeds the ducks.

A final order with ten (10) days for violation of town code sections 12-33(U), 6-30(r), 16-1(c) and 4-8 was issued without a cost recovery fee assessed.

Special Magistrate Gabriel so ordered.

5.6 Case #19-085791: Jenna Melchionno and Marshall's Tree Service and Landscaping LLC, 13941 SW 22 Place (noise disturbance prohibited/noise measurement violation) ^{km}

Carlton Bober, Esq. Vernis & Bowling of Broward PA on behalf of Jenna Melchionno

Michael Davenport, 14641 SW 22 Place, complainant

Remy Sampson, 14010 SW 21 Street, complainant

Jenna Melchionno, property owner

Mr. Bober requested a continuance based on a request for public records which has not yet been fulfilled.

A discussion was held on the neighborhood issues as it relates to commercial vehicle noise. The town has received several complaints of noise emanating from the use of the commercial vehicles.

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Special Magistrate Gabriel asked for a show of hands as to the number of residents in the audience that would like to testify to the neighborhood conditions. There were seven (7) that responded.

Mr. Davenport, spoke of the nuisance that has been created by the excessive noise emanating from the property.

Mr. Sampson testified he spoke of the nuisance of the noise that he hears coming from this residence.

Ms. Melchionno testified no commercial activity is occurring on the property and no excessive noise has been occurring.

Mr. Bober stated his client will follow the code and they maintain no noise or commercial activity is occurring.

Based on the request for documents, a continuance to the Special Magistrate hearing of March 10, 2020 was granted; no cost recovery fee was assessed. The Town objected to the continuance request.

Special Magistrate Gabriel so ordered.

6. LOCAL BUSINESS TAX

6.1 Case #2019-0083: Denise A. Johns LE, Daniel Ross Johns and Arbor Touch Tree Service, 6625 SW 49 Street #1-2 (nuisance/eyesore/trash waste and garbage/commercial vehicles parking prohibited/vehicle signage code/Florida building code violation) ^{SP}

Supervisor Berni presented on behalf of Inspector Perreira an agreed final order with the respondent to remain in compliance with violations of town code sections 12-33(U), 9-2, 12-33(G) and 12-238(L); no cost recovery fee was assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

6.2 Case #2019-0084: Cellular Extreme Inc., 13650 W State Road 84 (delinquency violation) ^{SP}

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

6.3 Case #2019-0085: T'Z Toys and Games Inc. and 7800 Davie Road Extension LLC, 7800 Davie Road Extension (requirement for garbage and trash removal/evidence of accumulation/delinquency violation) ^{SP}

Supervisor Berni presented on behalf of Inspector Perreira an agreed final order with the respondent to remain in compliance with violations of town code sections 9-22(b), 9-23 and 13-32; no cost recovery fee was assessed. The Consent agreement was submitted as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered.

7. NON COMPLIANCE

7.1 Case #18-028883 : Eveling and Orlando Capote, 2700 SW 121 Terrace (continued from December 10, 2019)¹(non permitted uses prohibited violation) ^{cv}

Eveling and Orlando Capote were present

Ms. Capote testified she has made contact with the building division and will complete the necessary steps to enable the property to be sold. Ms. Capote did advise a potential buyer

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was present at the hearing. The property owners were made aware of the pending lien that can be placed on the property from the initial notice of hearing.

A continuance to the Special Magistrate hearing of March 10, 2020 was requested by the Respondent to facilitate the permit and work required; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered

7.2 Case #18-031713: Jenna Melchionno and Marshall's Tree Service and Landscaping LLC, 13941 SW 22 Place (general regulations violation) KM

Carlton Bober, Esq. Vernis & Bowling of Broward PA on behalf of Jenna Melchionno

Michael Davenport, 14641 SW 22 Place, complainant

Remy Sampson, 14010 SW 21 Street, complainant

Jenna Melchionno, property owner

Based on the code case 19-085791 noise violations the attorney requested more time to go over the requested documents

A continuance to the Special Magistrate hearing of March 10, 2020 was requested by the Respondent's attorney to further review the evidence. Mr. Stallone stated the Town objected to a continuance. The representative was made aware that daily fines can be set and noncompliance action will be enforced if the property owner continues to violate town codes.

Special Magistrate Gabriel so ordered

7.3 Case #18-031714: James J. Jr. and Pamela S. Shrouder, 2220 SW 139 Avenue (general regulations violation) KM

Inspector Massey presented the case and read the violation into the record. Service was achieved by posting. An Affidavit of posting was submitted as Town's Exhibit 1 without objection. Photographs taken on December 18, 2019 were submitted as Town's Composite Exhibit 2 without objection. The inspector testified while visiting the location, the commercial vehicles were observed on December 18, 2019.

Based on the final order issued on October 25, 2018 a lien was recommended for violation of town code section 12-33(G) for one day (1) day of non-compliance at \$1,000.00 per day resulting in a lien in the amount of \$1,000.00 along with \$500.00 cost recovery fee for a total lien in the amount of \$1,500.00.

Special Magistrate Gabriel so ordered.

7.4 Case #19-006802: Ronald Moncaya (owner) and Western Hills MHC LLC, 526 SW 132 Terrace (continued from November 19, 2019)¹(non permitted uses prohibited/building permit required violation) KM

The violation was dismissed without prejudice to the existing final order which will remain in full force and effect. An inspection was conducted and the tenant has vacated the property.

Special Magistrate Gabriel so ordered.

8. LOCAL BUSINESS TAX - NON COMPLIANCE

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8.1 Case #2018-0026: Roni and Sharona Elgazar and First Call 24/7 Inc., 1650 SW 117 Avenue (continued from October 22, 2019)⁴(non-permitted uses prohibited/storage on residential property prohibited/commercial vehicles parking prohibited/vehicle signage code violation/nuisance/eyesore violation) ^{SES}

A continuance to the Special Magistrate hearing of March 10, 2020 was requested by the Town due to the inspector attending training class; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered

9. NEW BUSINESS

10. OLD BUSINESS

11. CITATION AGENDA

12. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 12:15 P.M.