



City of Miami Springs, Florida

The regular meeting of the Miami Springs Code Enforcement Board was held on Tuesday, October 6, 2015 at 7:00 p.m. in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at 7:01 p.m.

Present: Chairman Marlene B. Jimenez
Jacqueline Martinez-Regueira
John Bankston
Rhonda Calvert
Jorge Filgueira
Robert Williams

Absent: Vice Chair Walter Dworak

Also Present: Code Compliance Officer, Lourdes Taveras
Council Liaison, Councilwoman Roslyn Buckner
Board Secretary, Deputy City Clerk Elora R. Sakal

2) Invocation/Salute to the Flag

All who were present participated.

3) Approval of Minutes:

Minutes of the August 4, 2015 meeting were approved as written.

Board member Martinez-Regueira moved to approve the minutes. Board member Calvert seconded the motion, which carried unanimously on voice vote.

4) NEW BUSINESS: None.

5) OLD BUSINESS:

1) Case# 13-1189

Address: 298 Glendale Drive

Owner: Carlos E. Garcia

Violation: 93-13 Maintenance of Property - General Maintenance of Property

Code Compliance Officer Taveras presented the case to the Board.

Board member Martinez-Regueira asked what Mr. Garcia what he plans to do with some of the remaining items and if her plans on removing anymore items and Mr. Garcia replied that he plans on removing metal ramps and a bicycle.

Chair Jimenez commented that the issue is that there are no walls so if there was a hurricane or big storm most of those items could fly out of the carport.

Board member Filgueira asked if there was an option to close in the carport and Mr. Garcia said that he would like to put a gate in the front to prevent being robbed.

Board member Williams said that it is not keeping with neighborhood standards.

Code Compliance Officer Taveras commented that Mr. Garcia can get a shed and place it in the rear yard to store the items that cannot be in the carport.

Discussion ensued regarding what could be done to come into compliance such as closing in the carport or purchasing a shed.

Code Compliance Officer Taveras clarified that there is no list of items for a carport. According to the code, the only thing that can go in a carport is machinery such as lawn mowers, motorcycles and vehicles.

Code Compliance Officer Taveras stated that he can place a 5x7 Rubbermaid shed inside the carport.

Board member Regueira made a motion to grant Mr. Garcia 60 days to come into compliance with the carport and yard maintenance. If the applicant is not in compliance after the 60 days, a fine of \$150 per day will begin. The motion was seconded by Board member Calvert and passed 6-0 on voice vote.

2) Case # 14-302

Address: 1085 Nightingale Ave.

Owner: Gustavo De La Cruz

Violation: 151-04 Work done beyond the Scope of Work on Permit

Code Compliance Officer Taveras presented the case to the Board.

Carlos Martin, Attorney of the Mr. De La Cruz, commented that he got in contact with Planning and Zoning Director Chris Heid to try to apply for a variance to cut the fence down to a lower height that was not within compliance. He was advised by Planning and Zoning Director Heid that there may have been other information that he was not aware of in relation to when the fence was installed and the possible knowledge of his client that the fence was not in compliance which would make it very difficult for his client to be granted the variance.

Mr. Martin continued explaining that it took some time for his client to get a bid for the work. Once he received the informal information from Planning and Zoning Director Heid it took him some time to convince his client that what he should do is bring the fence into compliance. His client has agreed to lower the fence to the required 42 inches and is asking for more time to get a revised bid to come into compliance.

Board member Regueira made a motion to grant Mr. De La Cruz 30 days to come into compliance or remove the fence. If the applicant is not in compliance after the 30 days, a fine of \$300 per day will begin. The motion was seconded by Board member Filgueira and passed 6-0 on voice vote.

After some discussion, Code Compliance Officer Taveras clarified that Mr. De La Cruz can work under the same permit since it is still open and it shows that the fence is going to be 42 inches. He can begin work immediately.

Code Compliance Officer Taveras stated that Mr. De La Cruz needs to contact her once the fence has been lowered for final inspection before the 30 days.

4) **Case # 14-874**
 Address: 517 Minola Drive
 Owner: Wayne A. McMullen & Joann M. Price
 Violation: 93-13 Maintenance of Property - General Maintenance of Property

Code Compliance Officer Taveras presented the case to the Board.

Code Compliance Officer Taveras commented that the owner has painted and removed a lot of the overgrown plants.

Chair Jimenez asked why the owner is painting if he is planning on demolishing the home and Code Compliance Officer Taveras replied that the new owner is waiting to get a structure engineer to inspect the foundation to see if it is worth keeping.

Code Compliance Officer Taveras stated that since there is a new owner of the property, he should be given some extra time. The new owner has made these changes to the property. The new owner is aware of the violations and is trying to work on the property whether it is to demolish the home or keep the foundation.

Chair Jimenez said that a motion should be made to begin a fine after 60 days.

Code Compliance Officer Taveras commented that it should not be a steep fine because this is going to be a large job whether he demolishes it or keeps the foundation.

Board member Bankston stated that it will take time for the engineer to do the study.

Discussion ensued regarding what amount to fine the owner after the 60 days.

Board member Williams suggested a progress report for the next meeting from the new owner.

Board member Figueira asked when the home changed ownership and Code Compliance Officer replied that she believes the closing was on September 30th.

Board member Bankston does not feel that 60 days will be enough time for the owner to get his paperwork.

Board member Regueira made a motion to grant the new homeowner 60 for a progress report at the December 1st meeting. The board will determine a fine amount based on the report at their next meeting. The motion was seconded by Board member Williams and passed 4-2 on voice vote. Board member Calvert and Board member Bankston were the dissenting votes.

6) Council Liaison Report and Request

There were no reports from Councilwoman Roslyn Buckner.

Board member Martinez-Regueira stated that she has a concern with the Board asking the City Attorney to come and speak to them regarding certain decisions that the Board has made and certain changes on decisions the Board has made in reference to fines. She finds it unacceptable that the City Attorney is requiring the Board to email him with general or specific questions.

The Board would like to request the attendance of the City Attorney at their next meeting to have a question and answer session.

Board member Calvert asked if the City Attorney is billing attorney fees towards the City for reducing fines and Code Compliance Officer Taveras said that she did not know the answer to that question.

Chair Jimenez agreed with the concerns of Board member Martinez-Regueira.

Board member Martinez-Regueira stated that Councilwoman Buckner was present tonight and she is glad that she is present to hear some of the Board members concerns.

Board member Martinez-Regueira commented that when the Board imposes fines, they take into account any City expenses such as the Board members time, Code Compliance Officers time, and police time.

Chair Jimenez asked what the home address of the bee violation was and Code Compliance Officer Taveras replied that the address is 241 N. Melrose Drive.

Code Compliance Officer Taveras explained that many people had been stung by the bees and the homeowners were ignoring the notices until they were given a \$1,000.00 fine.

Board member Calvert commented that it was a \$1,000.00 for action knowing that a reduction would follow.

The Board would like to request the attendance of the Building Official at their next meeting to be introduced and ask questions.

Councilwoman Buckner commented that she will speak with the City Manager to find out what occurred with 241 N. Melrose Drive.

7) Adjournment

There being no further business the meeting was duly adjourned at 8:11 p.m.

Respectfully Submitted:



Elora R. Sakal
Deputy City Clerk
Clerk of the Board

Adopted by the Board on
this 1st day of December, 2015.



Marlene B. Jimenez, Chair

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.