



## ***City of Miami Springs, Florida***

The regular meeting of the Miami Springs Code Enforcement Board was held on Tuesday, February 7, 2017 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 7:00 p.m.

Present: Chairman Marlene B. Jimenez  
Vice Chair Walter Dworak  
Jacqueline Martinez-Regueira  
Rhonda Calvert  
Jorge Filgueira  
Robert Williams

Absent: John Bankston

Also Present: Code Compliance Officer, Lourdes Taveras  
Code Compliance Officer, Rosemary Novo  
City Attorney, Dan Espino  
Assistant City Attorney, Haydee Sera  
Board Secretary, Administrative Asst. I Juan D. Garcia

### **2) Invocation/Salute to the Flag**

All who were present participated.

### **3) Approval of Minutes:**

Minutes of the October 4, 2016 meeting were approved as written.

**Board member Williams moved to approve the minutes as written. Board member Filgueira seconded the motion, which carried unanimously on voice vote.**

#### 4) **NEW BUSINESS:**

- 1) **Case#**           **17-278**  
**Address:**       **5575-5595 NW 36<sup>th</sup> Street**  
**Owner:**         **Carlos Rios DBA Prestige Sports Cars LLC**  
**Violation:**      **113-01 Business Tax License**

Code Compliance Officer Taveras presented the case to the Board.

Vice Chair Dworak asked how much has this property been fined for the violation. Code Compliance Officer Taveras responded that the property has a fine of one hundred dollars a day, which began on January 14, 2017.

Chair Jimenez asked if there was anyone present to speak on this case.

Pedro Gassant, from the law firm Holland & Knight, was present on behalf of the property owner. Mr. Gassant provided the Board a copy of a Power of Attorney letter signed by the property owner.

Board member Martinez-Reguiera asked why the property owner was not present. Mr. Gassant responded that the property owner had a conflict and he was unable to attend and that is why they gave him the letter of authorization to represent them at this meeting.

Mr. Gassant objected that the evidence that was presented regarding the car washing that was on the property violating restrictions set by DERM was not noticed for this hearing. Mr. Gassant also added that the City of Miami Springs allows car rental agencies in the NW 36 Street district as long as the property has another use involved. Mr. Gassant continued by adding that in the meeting between City staff members and the property owner, that was referenced by Code Compliance Officer Taveras while presenting the case, the property owner stated that he has offices on the property that he is actively seeking to lease. This would allow the property owner to have a car rental dealership in that zoning area.

Board member Martinez-Reguiera stated that a business is permitted to operate once it has a valid business license and in this case the property does not have a valid business license. Board member Martinez-Reguiera added that since October the property owner has continued to operate a business while the City has sent notices to shut down the business down. She continued by stating that the property owner has disregarded the notices of violation and not even showing up to the hearing. Board member Martinez-Reguiera asked Mr. Gassant if his client was aware that he his operating a business without a business license.

Mr. Gassant did not answer Board member Martinez-Reguiera's question.

Mr. Gassant stated that City's Zoning Code only allow car dealership in the Abraham Tract District, also mentioning that the area has been completely developed and there is no room for new businesses. Mr. Gassant argued that because this is the only location where car dealership were permitted, that his client should be allowed thirty to sixty days to work with the City to come to a mutual agreement.

Board member Martinez-Regueira stated that no matter what type of businesses are allowed in certain zoning districts, all business are required to have a license to operate.

Chair Jimenez clarified that the issue is not with zoning, but is that the property owner is operating without a license and continues to do so.

Mr. Gassant continued to argue that the City is prohibiting car sales in the NW 36 Street zoning district and there is no justification for the City to do that in one of it's largest commercial districts.

Discussion ensued on an appropriate amount to increase the fine to for the violation of operating without a business license, as well as to when the fine increase should begin.

Assistant City Attorney Sera informed the Board that they might like to consider allowing the property owner a number of days that the Board sees fit for the property owner to remove all the vehicles from the property.

**Board member Martinez-Regueira moved to increase the fine to \$1,000 per day starting on Friday, February 10, 2017 unless all vehicles have been removed and operations have ceased before this date. Vice Chair Dworak seconded the motion, which passed 6-0 on a roll call vote. The vote was as follows: Board member Calvert, Board member Martinez-Regueira, Board member Filgueira, Board member Williams, Vice Chair Dworak, and Chair Jimenez voting Yes.**

**2) Case#           16-1359  
Address:       1160 Redbird Avenue  
Owner:         Dean A. & Rossana Sotolongo  
Violation:      93-13 Maintenance of Property – Sanitation**

Code Compliance Officer Novo presented the case to the Board.

Chair Jimenez asked if the property owner was present to speak regarding this case.

The property owner, Dean Sotolongo of 1160 Redbird Avenue, began by apologizing to Code Compliance Officer Novo for losing control of his dog when she was last at his property. Mr. Sotolongo continued by explaining to the Board the reason his pool was unsanitary was due to a broken pump that was caused by a recent power outage. He continued by stating that he was able to get the pump running and that he has purchased all the chemicals to clean the pool.

Board member Martinez-Regueira asked Mr. Sotolongo how much time he would need

to come into compliance. Mr. Sotolongo responded that he would probably need a week to make sure the pool is clean.

Discussion ensued regarding the amount of time Mr. Sotolongo will need to clean the pool.

**Vice Chair Dworak moved to grant the property owner 14 days to get the pool cleaned and into compliance. Board member Williams seconded the motion, which passed 6-0 on roll call vote. The vote was as follows: Board member Calvert, Board member Martinez-Regueira, Board member Filgueira, Board member Williams, Vice Chair Dworak, and Chair Jimenez voting Yes.**

**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**
  - Action: Request for Reduction of Fines**

Code Compliance Officer Taveras presented the case to the Board. Code Compliance Officer noted that the property owner has come into compliance but the case remains active until fines are paid.

Board member Martinez-Regueira noted that the fines were up to \$13,650 and asked how many times Code Compliance went over to inspect the property during this case.

Code Compliance Officer Taveras replied that since this case had been opened, Code Compliance has done 18 inspections.

Discussion ensued on how much the fines would be reduced by.

The property owner, Carlos Garcia of 298 Glendale Drive, explained that he has hired someone to help with maintenance of the property on a regular basis.

**Vice Chair Dworak moved to reduce the fines from \$13,650 to \$2,000. Board member Calvert seconded the motion, which passed 6-0 on roll call vote. The vote was as follows: Board member Calvert, Board member Martinez-Regueira, Board member Filgueira, Board member Williams, Vice Chair Dworak, and Chair Jimenez voting Yes.**

**2) Case# 14-912**  
**Address: 1100 Thrush Avenue**  
**Owner: Hector & Hilda Garcia**  
**Violation: 151-04 Application for building permit**

Code Compliance Officer Taveras provided an update on the case to the Board. On February 6, 2017 permit number 15-729 was issued for building, plumbing, and electrical. The property is in compliance and is just pending final inspection.

## **6) Council Liaison Report and Request**

None at this time.

Board member Martinez-Regueira thanked the City Attorney and Assistant City Attorney for attending the meeting.

City Attorney Espino thanked the Board for their service and stated that he looks forward to working at future meetings.

## **7) Adjournment**

There being no further business the meeting was duly adjourned at 8:32 p.m.

Respectfully Submitted:

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Juan D. Garcia  
Administrative Assistant I  
Board Secretary

Adopted by the Board on  
this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Marlene B. Jimenez, Chair

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