

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
AUGUST 27, 2002
10:17 A.M - 3:50 P.M.

CUMULATIVE ATTENDANCE
From January, 2002
Present **Absent**

BOARD MEMBERS PRESENT:

Pat Hale	7	0
Larry Hayes	8	0
Gerald D. Jordan, Vice-Chair	8	0
John Phillips	7	0
Rixon Rafter	6	1
Bobby Young	7	1
Bruce W. Jolly, City Attorney		

BOARD MEMBERS ABSENT

Alan Vordermeier	6	1
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STAFF PRESENT:

Susan Batchelder, Administrative Assistant II
Sylvia Dietrich, Service Clerk
Barbara McCarthy, Assistant City Attorney
Mohammed Malik, Building Inspector
Bob Pignataro, Building Inspector
Wayne Strawn, Building Inspector
Jeff Lucas, Fire Inspector
Ken Reardon, Building Inspector
Dallas Shumaker, Fire Inspector

Margaret A. D'Alessio, Stenographer

ALSO PRESENT:

Darren Litwin, Case No. CE02020010
David Reid, Case No. CE01031770
Marie A. Maghak, Case No. CE02050442
Steven Baum, Case No. CE02030234
Miles Dearden, Case No. CE99121747
Victor Coccica, Case No. CE98100826

John F. Kelly, Case No. CE98100826
Mary Ellen Prieto, Case No. CE00072549
Kevin Picart, Case No. CE01081825
Beverly Grant, Case No. CE01062078
Oscar Romano, Case No. CE02020603
Jorge Garcia, Case No. CE02020603
Jeffrey Eisensmith, Case No. CE02030234
Ricky Taylor, Case No. CE01062078 & CE01111101
Steve Fedor, Case No. CE00120082
Charles Jordan, Case No. CE00072549
Daniel R. Foldy, Case No. CE02030234
Jeilen Martinez, Case No. CE02030208
Noreen Williams, Case No. CE02061891
Darrin Hughes, Case No. CE02031037
Mark Olsen, Case No. CE02070345
James Barber, Case No. CE02060740
Joseph Falco, Case No. CE02051601
Robert Milne, Case No. CE01102135
Shalanda Giles, Case No. CE01051728
Richard Evans, Case No. CE02041916
Robert Haueean, Case No. CE01050857
Larry Abel, Case No. 01050857
Al Robinson, Case No. CE02040327
Stephen Straley, Case No. CE02020010
Howard Cummings, Case No. CE02070228
Howard Cummings, Case No. CE02070231
Carmela Betancourt, Case No. CE02060987
James E. Pelloni, Case No. CE02072220
Farouk Roback, Case No. CE02051593
Randolph Williams, Case No. CE02020261
Mark Chelley, Case No. CE01111101
Blake Harmon, Case No. CE02021384
Alfred Lanviere, Case No. CE02041121
Romona Andujar, Case No. CE02030165
John Panoch, Case No. CE99120461
Jesus Roman, Case No. CE01080463
Jorge Rafael, Case No. CE01080463
Dorothy Walker, Case No. CE01090046
Alex Arreaza, Case No. CE01051728

At 10:17 A.M., Vice-Chairman Jordan called the meeting to order. He stated that Chairman Alan Vordermeier was on vacation. Roll call was taken and a quorum was present. Vice-Chairman Jordan explained the procedures the Board typically followed and introduced its members.

NOTE: All individuals wishing to speak on any of the cases on today's agenda were sworn in.

Reference: CE02051593

Dziekhan, Benitta H.
800 N.W. 8th Avenue, #6

FBC 104.1 – Work with out permits; FBC 104.2.5 -
Electrical work without permits; Sec.47-20.8 -
Parking lot in disrepair; 15-28 – Required
Occupational License

Ms. Batchelder announced that there was one request for a continuance which was Case No. CE02051593. Certified mail had been sent to the owners and accepted by B. Dziekhan signed on 8/3/02. Ms. Batchelder stated that there was some miscommunication and this case was not a request for a continuance, but was a verbal agreement.

Mohammed Malik, Building Inspector, stated that FBC 104.1 and FBC 104.2.5 were complied by the owner. A verbal agreement was reached regarding 47-20.8 and 15-28 for an extension of 30 days to complete the work or a \$50 fine per day per violation.

Motion made by Mr. Hayes and seconded by Ms. Hale to find in favor of the City and to order compliance in 30 days or a fine of \$50 per day per violation would be imposed. Motion passed unanimously.

Farouk Roback, representing Benitta Dziekhan, stated the conditions being imposed on the property owner were understood and agreed to.

Mr. Phillips entered the meeting at approximately 10:25 p.m. (Abstained from voting on the above case due to entering the meeting after the discussion.)

Reference: CE02070228

Howard & Hildadi Cummings
1454 Holly Heights Drive

FBC 3401.6 – Roof in disrepair and exterior
electrical lights unsafe, wires hanging

AND

Reference: CE02070231

Howard & Hildami Cummings
1460 Holly Heights Drive

FBC 3401.6 – Roof is disrepair

Ms. Batchelder stated that certified mail was sent to the owners. The signature was illegible and no date on the green card, but was received back in Community Inspections on August 23, 2002.

Mohammed Malik, Building Inspector, testified the violations existed as stated on the agenda.

On Case CE02070228, Inspector Malik stated a verbal agreement was reached for the work to be completed within 90 days or a fine of \$100 per day per violation would be imposed.

Regarding Case CE02070231, a verbal agreement was reached for the work to be completed within 90 days or a fine of \$100 per day per violation would be imposed. Mohammed Malik explained that these cases involved two separate buildings. He further stated that the owner had requested a 30-day compliance time, but Mr. Malik did not believe that was enough time for the work to be completed.

Motion made by Mr. Rafter and seconded by Mr. Phillips to find in favor of the City and to order 90 days to come into compliance or a fine of \$100 per day per violation would be imposed on each case.

Mr. Hayes asked if this was to be recorded.

Motion was amended by Mr. Rafter and seconded by Mr. Phillips that the Final Order be recorded. Mr. Phillips stated that normally the City asked for the recording. Mr. Malik explained that if the City felt the property might change hands a recording would be asked for, but this was not one of those times.

Motion passed 5 – 1, with Mr. Phillips casting the dissenting vote.

Reference: CE02030208

Magdiel Perez & Jeile Martinez
1001 S.W. 22 Avenue

47-21.8 A – Required Landscape maintenance;
FBC 104.1 – Work without required building permit;
FBC 104.2.11 – Air conditioner work without required mechanical permit

Ms. Batchelder stated that certified mail was sent to the property owners and the green card was signed on August 9, 2002, but the signature was illegible.

Ken Reardon, Building Inspector, stated that 47-21.8 A and FBC 104.2.11 had been complied by the owner. A verbal agreement had been reached with the owner regarding FBC 104.1, and the work was to be completed within 60 days or a fine of \$50 per day would be imposed.

Jeile Martinez, owner, stated that 60 days was more than enough time to have the work done.

Motion made by Ms. Hale and seconded by Larry Hayes to find in favor of the City and to order 60 days to come into compliance or a fine of \$50 per day would be imposed. Motion passed unanimously.

Reference: CE02031037

Darrin Hughes & Mamie D. Hughes
433 S.W. 22 Terrace

FBC 1005.5 – Required emergency egress;
FBC 104.1 – Work without building permit.
FBC 3401.6 – Roof, framing, fascia and
soffit in disrepair, damaged/missing
ceilings/walls; electrical components in
disrepair, missing screens and window glass.

Ms. Batchelder stated service was achieved through the personal appearance was being made by the owner.

Ken Reardon, Building Inspector, testified the violations existed as stated on the agenda. He stated that he reached a verbal agreement with the owner for the property to come into compliance within 120 days or a fine of \$50 per day per violation would be imposed.

Darrin Hughes, owner, stated that he was in the process of attempting to acquire funds through HUD and he was not sure how much time that process would take. He explained that he was waiting for the application to apply for such funds. Mr. Reardon informed him that if in 90 days things were not progressing for Mr. Hughes to appear again before this Board and request an extension of time.

Vice-Chairman Jordan asked Mr. Hughes if he did not receive funds from HUD did he have another plan of action in mind. He suggested that some of the small items could be taken care of by Mr. Hughes. Mr. Hughes agreed.

Motion made by Ms. Hale and seconded by Mr. Rafter to find in favor of the City and to order 120 days to come into compliance or a fine of \$50 per day per violation would be imposed. Mr. Hayes stated that there was a low-cost program regarding the release handle on the window bars, and Commissioner Moore's office could supply the necessary information.

Motion passed unanimously.

Reference: CE02040327

Daisy M. Swilley
623 N.W. 15 Way

Sec. 47-25.3 A.3.d – Required landscape buffer.
FBC 104.2.11 – Mechanical works without permits.
FBC 104.2.7 - Signs without permits; FBC 11-4.6.1
– Required accessible parking; FBC 11-4.6.4 -
Required accessible signage; FBC 3401.6 –
Building exterior in disrepair, parking lot in
disrepair

Ms. Batchelder stated that certified mail addressed to the owner was signed by Niassa Harris on 7/25/02 and also certified mail to the registered agent of the Downbeat Club, Inc. was signed on 8/3/02 by Gloria and the last name was illegible.

Robert Pignataro, Building Inspector, stated that violations FBC 104.2.11, FBC 3401.6, and NEC 410.90 were all in compliance. He testified the other violations existed as stated on the agenda. He stated a verbal agreement had been reached with the owner and his contractor for the property to come into compliance within 90 days or a fine of \$50 per day per violation would be imposed. They were also asking that the Final Order be recorded.

Al Robinson, contractor, stated that he was presently working with the surveyors. Robert Pignataro stated that the contractor already had the survey and was proceeding forward with the work.

Motion made by Ms. Hale and seconded by Mr. Hayes to find in favor of the City and to order compliance within 90 days or a fine of \$50.00 per day per violation would be imposed and the Final Order was to be recorded. Motion passed unanimously.

Reference: CE02070345

John C. Hart
626 N.E. 2 Ave. (North Bldg. Only)

FBC 104.1 – Structural work without valid permits;
FBC 104.2.5 – Electrical work without permits;
FBC 104.2.11 – Mechanical work without the
required permits. FBC 106.1 - Required Certificate
of Occupancy.

Ms. Batchelder announced that certified mail sent to the owner was signed on 8/3/02, but the signature was illegible.

Wayne Strawn, Building Inspector, stated that the City agreed with the owner and his counsel that 180 days would be given to come into compliance or a fine of \$25 per day would be imposed. He further explained that two owners ago he attempted to have this structure demolished through the Unsafe Structures Board. The last owner had a plan approved by the Building Department, but allowed the permit to expire without getting any inspections. There was a total rehabilitation of the building. Mr. Strawn stated that he had a letter from an engineer stating that there were no life safety concerns regarding the electrical installations, and that the rehabilitation did not alter any paths of ingress or egress. He further stated that the new owner wanted to resolve all outstanding issues and was not aware of the expired permits and the non-compliant condition of the structure when he purchased it.

Mark Olsen, Attorney, stated that after the requested six months, additional time may be needed by the owner to resolve the issues. After all field inspections have been passed, a CO had to be obtained. Mr. Olsen continued stating that prior to purchasing the property, Mr. Hart was told by the City that there were no violations or pending matters on the property. Nothing showed on the lien search and he received a seller's affidavit at the closing. The problem was the Building Department had expired permits and Mr. Hart felt the City should not have let this happen. Mr. Olsen stated that they agreed to the six month time limit and Mr. Hart had invested a lot of money in the property, but wanted the opportunity to return before this Board to seek additional time if necessary.

Vice-Chairman Jordan stated that it appeared that Mr. Hart had done all his due diligence.

Mr. Strawn explained that he had put a note on the unsafe structure file not to archive the file due to further review. The file came before him and he reviewed the permits and discovered no inspections had taken place and the permits had expired. Mr. Hart went to the Code Department and searched the file, and nothing was listed due to the fact that expired permits were not listed and fell in the undiscovered violation file. Mr. Strawn suggested that the City research a computer enhancement program that would flag expired permits. He also stated that the owner had the opportunity to apply for a pre-sale survey at approximately \$80 per hour. This would have assigned a building inspector to the case and the expired permits would have been discovered.

Mr. Rafter asked how many apartments were in the unit. Mr. Olsen stated that there were five units plus one house on the property and all were occupied. Mr. Olsen stated they had to obtain an "as-built" and go through the entire permitting process.

Mr. Phillips asked who had been the prior owner of the property. Mr. Olsen stated that it was owned by a corporation and the property manager was less scrupulous. The corporation was a single-purpose corporation and was dissolved after the closing. Also a contractor lent his license to the project. The owner was hoping to resolve the matter without lawsuits being involved.

Ms. Hale asked the Building Inspector if there were any life safety issues involved in this case.

Mr. Strawn stated that due to the engineer's letter, he believed no life safety issues were involved at this time. He also stated that plumbing had also been done on the property and everything was working.

Motion made by Mr. Rafter and seconded by Mr. Hayes to find in favor of the City and order compliance within 180 days or a fine of \$25.00 per day per violation would be imposed. Motion passed unanimously.

Reference: CE02020010

Taryton Condo Association
2901 N.E. 33 Ave.

FBC 104.1 – Structural work without the required building permit

Ms. Batchelder stated certified mail had been sent to the Treasurer of Taryton Inc. and was signed by T. Cardinal on 8/12/02.

AND

Reference: CE02072220

James & Denice Pelloni
2901 N.E. 33 Ave. #3C

FBC 104.1 – Structural work without required building permit; FBC 104.2.5 - Electrical work without required permits

Ms. Batchelder stated that certified mail was sent to James and Denice Pelloni and was signed on 8/12/02, signature illegible.

Ms. Batchelder stated these two cases would have separate findings by the Board.

Mohammed Malik, Building Inspector, testified the violations existed as detailed on the agenda. He stated that regarding Case CE02020010 a verbal agreement had been reached for 90 days or a fine of \$50 per day per violation would be imposed. Mr. Malik stated that the work had been done in a common area.

Stephen Straley, attorney, stated he was representing Taryton Condominium and he agreed to the 90-day compliance period. Daryn Litwan was the new President of the Association and was getting estimates from engineers at the present time, and they hoped to have all matters resolved.

Daryn Litwan, President of the Association, stated that he agreed to the 90 days in order to come into compliance.

Motion made by Mr. Rafter and seconded by Ms. Hale to find in favor of the City and to order compliance within 90 days or a fine of \$50 per day per violation would be imposed. Motion passed unanimously.

Mohammed Malik, Building Inspector, stated that regarding Case CE02072220 a verbal agreement had been reached for 60 days or a fine of \$50.00 per day per violation would be imposed.

James Pelloni, owner, stated that he agreed with the 60 day compliance period and was having an engineer work on the cabinetry. After 30 days if things were not proceeding, Mr. Pelloni stated that he would request to reappear before this Board and ask for some additional time to come into compliance.

Vice-Chairman Jordan asked for clarification regarding timelines that had to be met in order to be placed on the Code Enforcement Agenda. Ms. Batchelder explained that a minimum of 3 weeks was necessary to be placed on the agenda.

Motion made by Mr. Hayes and seconded by Ms. Hale to find in favor of the City and to order compliance within 60 days or a fine of \$50 per day per violation would be imposed. Motion passed unanimously.

Reference: CE02070261

Randolph Thomas Williams, III
260 S.W. 20 Ave.

FBC 104.1 - Roof in without a building permit

Ms. Batchelder stated that this was the last case in which a verbal agreement was involved.

Ms. Batchelder stated that certified mail was sent to the owner and signed by Randolph Williams on 8/9/02.

Ken Reardon, Building Inspector, stated that a verbal agreement had been reached with the owner to bring the property into compliance within 30 days or a fine of \$50 per day would be imposed.

Randolph Williams, owner, stated that he felt 30 days was sufficient time to have the work done.

Motion made by Mr. Rafter and seconded by Mr. Hayes to find in favor of the City and to order compliance within 30 days or a fine of \$50 per day would be imposed. Motion passed unanimously.

Reference: CE02060987

Mario DiSorbo
6701 N.W. 9 Ave.

FBC 104.1 - Constructed a fence without a permit.

Ms. Batchelder stated that personal service was made to Mario DiSorbo on 8/2/02 by Inspector Doug Kurtock.

Doug Kurtock, Building Inspector, stated that the project was located south of McNabb Road on Powerline and was in an industrial warehouse district and currently housed Century Tile Company. He met with the owner and several options were presented regarding possible resolution of this case. Mr. Kurtock proceeded to distribute photographs of the site taken from various angles at the back of the property. A fence had been constructed over a right-of-way. He proceeded to show a diagram to the Board and explained that an alley going from north to south had been fenced over prior to any vacations from the City. Mr. Kurtock explained that he received verification from Tony Irvine and Hector Castro that the vacation of the right-of-way was non-existent so there was an encroachment. He explained that he was concerned about the life safety issues that were involved since emergency vehicles were not able to enter the property due to the gate at the site. Mr. Kurtock stated that the gate was installed as security due to vandalism, vagrancy, and the dumping of trash on the site. He explained that the owner could either move the fence or obtain a permit for the fence. Another solution would be for the owner to appear before the Board of Adjustment and obtain a vacation for the right-of-way.

Vice-Chairman Jordan asked for a further explanation of the site and the fence involved. Mr. Kurtock stated that the alley was the only access to any of the businesses on Powerline Road for deliveries. He explained that the property was landlocked.

Mr. Phillips asked what building was to the west of the site. Mr. Kurtock stated it was an unknown industrial complex. Mr. Kurtock continued stating that the alley ended at the south into a grass buffer area and proceeded on to a parking lot for another business establishment. He stated that the properties to the north use the alley also for their deliveries. Mr. Phillips reiterated that the fence was not blocking the properties to the north. Mr. Kurtock agreed. Mr. Kurtock stated that in fairness to Mr. DiSorbo it was logical they had a secured area for staging due to the marble and cultured stone at their site. Storage trailers were also unloaded from time to time. Mr. Phillips asked if there was a break-away fence used in some areas. Mr. Kurtock stated there was barbed-wire attachments to all the fencing around the entire property. Mr. Phillips asked if some other type of fence could be constructed that would permit access for the emergency vehicles. Mr. Kurtock stated they could just get a latch assembly for the current fence and then it could be a break-away unit.

Vice-Chairman Jordan reiterated that the present fence was encroaching on City property. Mr. Rafter suggested the owner appear before the Planning and Zoning Board.

Mr. Phillips asked if the owner felt comfortable with a break-away fence. Mr. Kurtock reiterated that he was mainly concerned about emergency vehicles having access to the site and the public's safety. Mr. Phillips suggested the owner might have to get permission from the building to the west. Mr. Kurtock stated there was a unique landscape buffer and it was not effective.

Carmella DiSorbo, owner, stated that she had some additional photographs to distribute to the Board regarding the site. She explained that the Fire Department had been out for their yearly inspection and the fire hydrant is located outside the gate area and the fence can be broken away since it was a double-opened gate. She stated there were no buildings south of the site, but there was a building to the west. She explained the fence was erected due to security problems. She further explained the Fire Department did not like the way the fence was built due to it causing them problems if called to the area and they wanted better access to the fire hydrant. Their suggestion would be complied with and the Fire Department would do a re-inspection. She stated they needed some additional time in order to go through the process which had been begun.

Mr. Rafter reiterated that he felt this was a Planning and Zoning problem. Mr. Young asked if they had obtained a permit before erecting the fence. Mrs. DiSorbo stated they had applied for a permit after-the-fact. Mr. Kurtock stated that since the owner was going before the Board of Adjustment, he felt this Board could grant some additional time for them to go through that process, and if remedy was not sought they could be forced to remove the fence.

Mr. Phillips asked why they would go before the Board of Adjustment. Mr. Kurtock stated it was for an alley vacation. Mr. Rafter reiterated that came under Planning and Zoning. Mr. Kurtock explained the owner was advised to follow the process as mentioned. Mr. Phillips asked how long the fence had been up. Mrs. DiSorbo replied approximately 8 weeks. Mr. Kurtock further explained that the case was originally written up for violation on June 14th, and he picked it up about one month later.

Mr. Hayes asked if the adjacent property owners had filed any complaints. Mr. Kurtock replied they had not made any complaints. Mrs. DiSorbo stated that the adjacent property owners were pleased that the property was being maintained.

Mr. Rafter suggested that the owner be given 90 days to come into compliance.

Mr. Young asked if the fence was staying or coming down during the 90 days. Mr. Kurtock stated that at this time the fence would have to remain opened in order to give access to emergency vehicles. Mr. Phillips remarked that if the fence was left opened that would be the same as not having one and suggested they get a latch. Mr. Phillips asked if this Board had jurisdiction to impose such conditions on the property owner. Mr. Jolly stated the Board could insist on conditions.

Mr. Hayes asked if the break-away latch was expensive. Mr. Kurtcock remarked that it would cost less than \$100.

Vice-Chairman Jordan explained the Board was attempting to offer suggestions on keeping the property secure.

Mrs. DiSorbo agreed with getting the break-away latch.

Mr. Young asked how they could approve something that was illegal. Mr. Hayes remarked that this was temporary. Mr. Young reiterated that he did not know how they could approve something that never had a permit.

Ms. Batchelder stated that they were not approving it; but they were finding in favor of the City and putting a stipulation on the compliance. Mr. Jolly stated they were also going to Planning and Zoning and, therefore, he did not have a problem with this. It was up to the Board if they wanted to impose such conditions.

Motion made by Mr. Hayes and seconded by Mr. Rafter to find in favor of the City and to order compliance within 90 days with the stipulation that a break-away latch be installed until the owners receive approval from the Planning & Zoning Board.

Mr. Jolly asked if the Board was going to impose a fine.

Mr. Hayes stated that it was his understanding that they were going to wait for the outcome from the Planning & Zoning Board and that an additional 90 days were given to the owner to come into compliance.

Mr. Jolly stated that it was his understanding that this Board was giving the owners 90 days to come into compliance and during that 90 days to appear before the Planning & Zoning Board. Depending on the decision of that Board, it would be determined if there was a continuing violation.

Mr. Hayes amended his motion as follows: **Motion** made by Mr. Hayes and seconded by Mr. Rafter to find in favor of the City and to order compliance within 90 days with the stipulation that a break-away latch be installed until the owners receive approval from the Planning & Zoning Board. After the 90 day period, a fine of \$100 per day would be imposed.

Mr. Phillips asked the owner to confirm on record that they understood that the condition of having a break-away latch and that this was not rectifying the violation, and that possibly they might not be able to keep the fence on the site. Mrs. DiSorbo stated that she understood all the conditions and the stipulation.

Motion passed unanimously.

Ms. Batchelder asked if the inspector went to the site and the break-away latch was not on the gate would this nullify the Order. Mr. Jolly stated that if this happened, the inspector would have to notify this Board before the expiration of the 90-day period. Mr. Phillips asked if there could be a self-executing Order upon the submission of an Affidavit without notice. Mr. Jolly stated that could not be done.

Vice-Chairman Jordan asked Mrs. DiSorbo to notify Mr. Kurtock when the break-away latch was installed. Mrs. DiSorbo agreed.

Reference: CE02061891

Joseph F. & Dorothy Horne
2143 N.W. 6 Street

FBC 104.1 – Structural work without permits. FBC 104.2.11 – Mechanical work without permits.

Ms. Batchelder stated that certified mail was sent to the owners of the property and signed by Dorothy Horne on 8/20/02.

Douglas Kurtock, Building Inspector, stated that work had been done without first obtaining the proper permits. The owners were willing to comply.

Noreen Williams, representative of the owner and manager of the property, stated that the security bars had been there and the issue never arose. She stated she had no problem regarding the removal of the bars, but due to the neighborhood the bars were a security measure. She explained there was a release latch on the bars in case of an emergency. She also stated that they had been inspected by the Fire Department and had been approved.

Vice-Chairman Jordan stated that if the bars were legally installed, then getting a permit would not be a problem. Mrs. Williams agreed, but stated she could also remove the bars because new tenants had installed an alarm system. Vice-Chairman Jordan stated that it was up to Mrs. Williams as to what she preferred to do.

Mrs. Williams stated that the air-conditioning units were built into the wall and the space existed since 1985 and they were not working units. She explained she would pull an after-the-fact permit for the one store located at 2143 N.W. 6th Street where a new wall unit had been installed.

Vice-Chairman Jordan asked Mrs. Williams how much time she felt was needed to come into compliance with the cited violations. Mrs. Williams stated that 30 days should be sufficient. Vice-Chairman Jordan asked Mr. Kurtock if 60 days was all right with the City. Mr. Kurtock explained that this property was located west of I-95 on the north side of Sistrunk and he did not have a problem with Mr. Jordan's suggestion. Mr. Kurtock recommended a fine of \$25 per day if the work was not brought into compliance within the 60 days.

Motion made by Mr. Hayes and seconded by Mr. Rafter to find in favor of the City and to order compliance within 60 days or a fine of \$25 per day would be imposed. Motion carried unanimously.

Reference: CE 01050857

Murph Inc.
901 S.W. 27 Ave.

304.39(a) – Expired permits; FBC 106.1 -
Required Certificate of Occupancy

AND

Reference: CE01102135

Murph Inc.
999 S.W. 27 Ave.

FBC 104.2.5 – Electrical work without the
required electrical permit; Sec. 47-22.9 –
Signs without permit; 9-280(h)(1) - Fences
and CBS perimeter wall in disrepair;
9-304(b) – Maintenance of parking area;
9-306 – Maintenance of exterior paint
andwood trim

Ms. Batchelder stated that service was obtained by posting according to Statute 162 and service was obtained to Murph Inc. signed by Meese (remainder of signature illegible) on 8/15/02.

Ken Reardon, Building Inspector, testified the violations existed at the properties as stated on the agenda. He said that in reference to Case CE01050857 the City was asking the Board to grant 60 days for compliance or a fine of \$200 per day per violation and that the Final Order be recorded.

Robert Halleran, attorney, stated they were representing Old Boots, Inc.

Larry Abel, attorney, stated that the problem began with the notice requirements. Previously, they appeared before this Board and stated that the property was owned by Murph Inc. which was a defunct corporation, and the only owner was Dale Murphy who was deceased. The representative of Mr. Murphy was Randy Murphy, his brother, who presently lived in Michigan. No attempt had been made by the City to contact Mr. Murphy.

Ms. Batchelder stated that she had spoken with Mr. Murphy.

Mr. Abel stated there was litigation pending in Broward County filed by the previous owner before Murph Inc. who holds the mortgage on the property. He also explained that there was a lis pendens filed in connection with that litigation. He explained that their client attempted to get

the property in compliance and hired on April 12, 2002, a contractor by the name of Steve Fedora to pull permits regarding the violations. The permits were refused based upon the fact that the corporation had to pull the permits since they were the owners of the property.

Mr. Abel reiterated that their client was Old Boots Inc.

Mr. Phillips asked if anyone had filed a Petition for Administration or appointment of a Curator. Mr. Abel explained that would be done through the litigation and they were waiting on the Plaintiff to do that, but so far nothing had been done. Mr. Phillips explained that they would be a creditor of the Estate and would have the standing to file for the Curator. Mr. Abel explained they could not do that since they had a conflict of interest situation. This had been discussed with the Court and the Court was in agreement with Mr. Abel's firm regarding the matter.

Mr. Phillips reiterated that the corporation would not dissolve due to a deceased shareholder. Mr. Abel explained that when it came time for the corporation to be reinstated at the end of the year, a report was not filed and the corporation was dissolved. Mr. Phillips further stated that under 607 if it was reinstated it would be nunc pro tunc and the corporation would be legal and valid. Mr. Abel agreed, but explained that Randy Murphy did not take any steps to reinstate the corporation. Mr. Phillips continued stating that either the appointment of a Curator which was specifically designed for such a situation or a creditor having standing would be the personal representative, and someone having authority from the Probate Court could step in and have standing. He did not believe that a tenant would have standing. He did not feel they had any equitable powers.

Mr. Halleran stated there had been a 60-day hiatus and they were objecting to the notice sent to Murph Inc. because it had been sent to their client and not the corporation. Their client signed the certified mail not knowing it wasn't for his company. He explained they had a problem with this Board taking action on a notice served to their client instead of the corporation. He further stated that the Board had been notified of this problem in the past, and the Board ordered for this to be handled in the proper manner.

Ken Reardon explained that service was made on Arthur Smith in the past, but he did not represent the owner of the property. Service was obtained for today's hearing via a posting at City Hall and on the property site which according to Chapter 162 was legal service. Other documents sent was done as a courtesy.

Mr. Phillips asked what the address was for the Registered Agent for Murph Inc. He was informed there was none at this time. Mr. Phillips continued to ask what the last known address was for Murph Inc. Ms. Batchelder stated the address was 901 S.W. 21st Avenue. Mr. Phillips further explained that service for a dissolved corporation was to be delivered to the Directors or surviving shareholders at the last known address. Mr. Halleran agreed, but stated that this had not been sent to the Directors or shareholders, and was sent to the corporation itself.

Mr. Halleran reiterated that his firm was suing the estate and the individual. Mr. Phillips asked if the Will had been entered into Probate Court. Mr. Halleran explained this had not been done so to the best of his knowledge. Mr. Phillips asked how long Mr. Murphy had been deceased. Mr. Halleran stated approximately two years ago. Mr. Phillips explained that a Will had to be entered within 10 days to the Court. Mr. Halleran stated that he understood that, but it was not their obligation due to the fact they did not have the Will and were attempting to force Randy Murphy to file the Will.

Ken Reardon explained that Randy Murphy in Michigan stated that he was the Executor of the Estate in Michigan and he believed there were no assets in Florida due to the fact that this property had been previously foreclosed upon, and he was not interested in doing anything further in the State of Florida.

Mr. Abel stated that this Board had been previously provided documentation, including the lawsuit, regarding Murph Inc. and Randy Murphy. He explained further that the lis pendens had been filed by the mortgage holder.

Mr. Jolly asked what was the nature of the violation. Ken Reardon explained there was an unsafe structure case against the property. Permits were pulled to renovate the property, but the permits have expired. Mr. Jolly asked who caused the violations. Mr. Halleran stated that they discovered the violations had been caused by Donald Klinch, Club Ft. Lauderdale, who was the Plaintiff in the foreclosure action. Murph Inc. took over the property and attempted to correct the violations, but became deceased in the process. He further stated that Donald Klinch was the foreclosure Plaintiff who took out the permits and let them expire. Murph Inc. was the only entity the City would permit to extend the permits or pull new permits, and the company was defunct. Mr. Halleran stated that he felt that 60 days would not be enough time to resolve the issues. Mr. Halleran requested 90 days and if additional time was needed, they would reappear before this Board and make their request and give a progress report.

Mr. Phillips asked if the Department of Revenue made a claim for sales tax. Mr. Abel confirmed and stated he did not know the amount of the lien and this was the reason Mr. Murphy would not open the Estate in Florida. Mr. Halleran explained that their client was current in the payment of sales tax.

Mr. Hayes asked how they were able to renew the beverage permits. Mr. Halleran stated that the existing permits were under their client's name. He explained that prior to the foreclosure action his client had been on good terms with Club Ft. Lauderdale. He further stated that his client was in the process of buying the building from Murph Inc., with an agreement from Donald Klinch of Club Ft. Lauderdale, when Mr. Murphy died. At the present time, Club Ft. Lauderdale was foreclosing. Before the contract was signed, Mr. Murphy became deceased. Mr. Phillips asked if there was a written lease. Mr. Halleran confirmed. Mr. Phillips asked who was the lessor. Mr. Halleran explained it was Murph Inc. and Mr. Murphy had signed the lease and it was still in existence.

Mr. Abel stated they were the Defendants in the foreclosure action, and also Counter-Plaintiffs because they were seeking an equitable interest in the property and seeking specific performance in an agreement concerning the property. Their client wanted the property and wanted to bring it into compliance, but there was no present entity that could pull the permits.

Mr. Phillips asked how they were going to force an oral agreement for the sale. Mr. Abel explained there was a resulting trust and payment was made. Mr. Phillips stated that it was hard to prove title for the land if there was no written contract. Mr. Abel confirmed, but stated they felt they had enough evidence to prove it. They also had canceled certified checks paid to Randy Murphy in compliance of the agreement with Dale Murphy and their client.

Mr. Jolly asked if the Club wanted the building back. Mr. Halleran explained that the Club wanted to have their mortgage paid in full in the amount of approximately \$180,000. Mr. Phillips asked what was the value of the building. Mr. Halleran stated approximately \$250,000.

Vice-Chairman Jordan reiterated that their client was willing to spend money on the structure not knowing if he would end up owning it. Mr. Halleran confirmed. Vice-Chairman Jordan asked if there was any way the permits could get pulled. Ken Reardon stated that John Smith refused. The problem was there was an addition that was occupied and a CO never obtained. He felt the question was whether the tenant had standing to discuss this matter.

Mr. Jolly asked Ms. Batchelder if she had contacted Mr. Murphy. Ms. Batchelder replied she had and he informed her he was Executor of the Will in Michigan. Mr. Jolly asked if Mr. Murphy was aware of today's hearing. Ken Reardon replied that it had been posted. Mr. Jolly once again asked Ms. Batchelder if she actually discussed today's hearing with Mr. Murphy. Ms. Batchelder confirmed and stated that he had received the notice of violation, along with the representative of the defunct corporation.

Mr. Jolly explained to the Board that they had jurisdiction to act. The second issue was that the tenant had the right to appear before the Board, and it was up to the Board to consider these matters, but it was not a basis for them to act, nor was it a compelling reason for them to act. He explained that this Board acted independently. The Board had the jurisdiction and could make a determination regarding the violation. He further stated that the client would have to get the matter resolved so they would be in a situation to remedy the violations. They didn't cause it, but they were stuck with it.

Mr. Abel asked if Mr. Murphy received actual notice of this particular hearing. Ms. Batchelder stated that he did not receive notice regarding this meeting, but did receive notice in the past. Mr. Jolly explained that the statute permitted the proceeding as long as it was posted and representation was made to the Board. Certified Mail was helpful, but in this case actual notice of this hearing had not been made. Representation was made by staff that notice was posted in accordance with 162, and therefore, the Board had authority to move forward.

Vice-Chairman Jordan stated that the client was in a difficult position. He asked the Board for their comments. He felt an extension of time should be granted so the matter could be resolved.

Mr. Phillips stated there was a domiciliary in Michigan with Probate and he felt they had standing in Florida to file an Ancillary Administration and ask to be appointed as a personal representative or have a Curator appointed. Mr. Abel reminded the Board that there was a conflict of interest with his firm.

Motion made by Mr. Young and seconded by Mr. Rafter to find in favor of the City and to order compliance within 90 days and a fine of \$200 per day, per violation, be imposed after that time and the Final Order be recorded. Mr. Phillips remarked that 90 days was too long and they should get the Curator and have the Judge appoint another independent lawyer to resolve the matter. He reminded the Board that the Department of Revenue was also involved. Motion passed unanimously.

Mr. Abel stated that the notice of lis pendens would be a problem in connection with the imposing of the fine. Mr. Jolly remarked that was not a reason for this Board not to act. Mr. Abel reiterated there could be a problem with the recording and the fine would be unenforceable due to the fact of the notice of lis pendens. Mr. Halleran stated that they did not want this Board to have any negative opinions against their client.

Mr. Phillips reiterated that it was just a notice stating that there was a problem. If there was a determination made later on that parties were entitled to amounts of monies, the City by recording its lien would be able to request the Court to participate in the distribution of excess funds. He felt there was no reason not to record this matter.

Ken Reardon, Building Inspector, stated that regarding Case CE01102135 the story was the same. The tenants were not present at today's hearing and the City was asking for the same ruling of 90 days in order to comply or a fine of \$200 per day per violation be imposed and the Final Order be recorded.

Motion made by Mr. Rafter and seconded by Mr. Hayes to find in favor of the City and to order compliance within 90 days and a fine of \$200 per day per violation be imposed and the Final Order be recorded. Motion passed unanimously.

Reference: CE02041916

Plaza Beach Hotel Corp.
4060 Galt Ocean Drive

FBC 104.1 – Structural work without required permit

Ms. Batchelder announced that Certified Mail was sent to the owners and was signed on 8/9/02 with an illegible signature. Service was also made on the Registered Agent, William Cross, and was signed by Lila Cross on 8/9/02. Certified Mail was also sent to Mike Yuval and signed by T. Corriea, but not date was provided on the green card.

Mohammed Malik, Building Inspector, stated that the Manager of the Property was Richard Evans.

Richard Evans, Manager of the Property, stated there was a structure attached to the pool deck which was not properly installed. They removed the structure which housed a water sports facility run by David Nice. The structure was cut and now had wheels so it could be moved from the back deck. Mr. Evans stated that it was important to the hotel and Mr. Nice that staff had the ability to watch the skiers due to safety conditions.

Mohammed Malik stated that John Smith ruled that this was a structure unless it became enclosed at night in the building. Since the structure had wheels, there was an unsafe condition attached to it. A permit must be received if they wished to retain the structure.

Vice-Chairman Jordan asked how a permit could be obtained for a building on wheels. Mr. Malik stated they had to arrive at a solution to keep the building enclosed. Ms. Hale asked if they went through the driveway to the parking area and possibly this structure could be stored in the garage. Mr. Malik confirmed. Mr. Evans replied that they had no garage but it could be wheeled onto a truck in case of inclement weather. Mr. Malik stated that after Hurricane Andrew many people arrived at the solution of having wheels on the structures, but it was not permitted.

Vice-Chairman Jordan reiterated that this Board could only grant a time extension so he could arrive at some conclusion with the Building Officials or the Board of Adjustment. Mr. Evans stated that he understood and asked for the extension of time. Mr. Malik suggested that 180 days would be a reasonable amount of time, along with a fine of \$100 per day be imposed after the 180 days if not in compliance.

Motion made by Mr. Hayes and seconded by Mr. Rafter to find in favor of the City and to order compliance within 180 days and a fine of \$100 per day per violation be imposed.

Mr. Young asked why such a long period of time. Mr. Evans replied they wished to get an architect and see if they could arrive at a solution that would satisfy everyone involved.

Motion passed unanimously.

Reference: CE02051601

Guastello Auto Sales Inc.
908 N.E. 4 Avenue

FBC 104.1 – Structural work without permits; FBC 104.2.7 - Signs without permits; Sec. 47-21.8.A - Landscape maintenance; FBC 11-4.6.1 - Required accessible parking space; FBC 11-4.6.4 - Required accessible signage; FBC 11-4.7 – Required curb ramp; Sec. 47-20.8 - Parking lot in disrepair; Sec. 15-28 – Required occupational license

Ms. Batchelder stated that this was the last case in which a Respondent was present.

Ms. Batchelder announced that Certified Mail was sent to the Registered Agent and signed by Peter Guastello, but no date was on the green card. Certified Mail was also sent to Alfred Guastello, Vice President, signed by Peter Guastello, but no date was on the green card.

Mohammed Malik, Building Inspector, stated that a verbal agreement had been reached regarding outstanding violations for 180 days or a fine of \$50 per day per violation would be imposed. Compliance had been made regarding FBC 104.1, FBC 11-4.6.1, FBC 11-4.6.4, and FBC 11-4.7. The owner stated that the City was to do some work in the area, and therefore, he was requesting additional time.

Joe Falco, owner of America Auto Detailing, stated that he rents from Mr. Guastello and was representing the owner. He stated that the Engineering Department came to them approximately 3 weeks ago, in relation to a sewage program, the City would come through an encroachment on their property to do work. If the repaving and striping was done, it would be torn up by the City. The extra expense and work would be entailed by the owner. He was not sure how long this work would take and they hoped a six-month extension would be adequate.

Mr. Falco stated that regarding the matter of doing business without a permit, the tenant transferred the previous Occupational License and he proceeded to ask what could be done to solve that matter. Mr. Malik stated that if there were any open cases on the property, an Occupational License could not be issued.

Mr. Young asked if this was involved in a right-of-way. Mr. Falco stated it would be on an encroachment that the owner had from the City since 1978.

Motion made by Mr. Rafter and seconded by Ms. Hale to find in favor of the City and to order compliance within 180 days and a fine of \$50 per day per violation. Motion passed unanimously.

New Business

Reference: CE02072386

Eric Johnson, Trustee
625 S.E. 5 Ave.

Sec. 9-280(b) - Property overgrown and unkempt;
FBC 104.1 – Extensive structural and roof work
without required permits; FBC 3401.6 – General
building and structural maintenance

Ms. Batchelder announced Certified Mail was sent to Eric Johnson and signed by E. Johnson on 8/5/02.

Wayne Strawn, Building Inspector, distributed photographs that were taken last week of the property in question. He stated that some trash had been removed but the property was still in violation. He explained the City had received an engineer's report regarding the roof structure, but the engineer was suffering from Alzheimer's and Mr. Smith would not accept the report. Mr. Strawn explained that Mr. Johnson was not present at today's hearing and stated that Mr. Johnson was willing to bring the property into compliance. Mr. Strawn suggested that Mr. Johnson sign a stipulation agreement, but Mr. Johnson failed to do that. Mr. Strawn stated they were asking 10-15 days for the lawn to be mowed, 60 days for the permitting problems, and 90 days for the work to be completed.

Motion made by Mr. Hayes and seconded by Mr. Rafter to find in favor of the City and to order compliance of 10-15 days for the lawn to be mowed, 60 days for the permitting problems, and 90 days for the work to be completed and a fine of \$75 per day per violation be imposed, and the Final Order to be recorded.

Ms. Hale asked if the structure was occupied. She was informed it was not.

Motion passed unanimously.

(Break for Lunch - Hearing will resume at 1:00 p.m.)

Vice-Chairman Jordan resumed the hearing at approximately 1:14 p.m.

NOTE: All individuals wishing to speak on any of the cases on this afternoon's agenda were sworn in.

New Business:

Reference: CE02050442

Jack & Jean Solomon
1920 S. Ocean Drive, #1209

FBC 104.1 - Work without permit; FBC
104.2.4 - Plumbing work without permits;
FBC 104.2.5 – Electric work without
permits

Ms. Batchelder announced that Certified Mail was sent to Jack & Jean Solomon and the signature was illegible and no date was provided on the green card.

Robert Pignataro, Building Inspector, stated that he received a call from Mr. Solomon and a verbal agreement was reached.

Marie Maghak, representing the owners, stated that they were requesting a 30-day extension. She explained she was an expeditor and was pulling three permits to resolve the violations. She was also seeking an after-the-fact signature from the inspector.

Robert Pignataro stated that the City was in agreement for an extension of 30 days and a fine of \$50 per day per violation to be imposed after that time period, and that the Final Order be recorded.

Motion made by Mr. Rafter and seconded by Mr. Hayes to find in favor of the City and to order compliance within 30 days and a fine of \$50 per day per violation be imposed and the Final Order to be recorded. Motion passed unanimously.

Reference: CE01080463

Rafael & Susana Jorge
901 N.W. 7 Ave.

Old Business

Ms. Batchelder stated this case had originally been heard on September 25, 2001 and compliance ordered by February 26, 2002. On April 23, 2002, the date of compliance was extended to July 22, 2002. Current fines: \$4,500.

Rafael Jorge, representing Sun Auto Tops, stated that he contracted All Pro-Fire Sprinklers to do the work. He explained that his company was an automotive after market parts company that serviced South Florida dealers from Largo to Stuart, Florida. He further stated that the job was completed and inspected.

Jesus Roman, President of All Pro-Fire Sprinklers, stated that he was hired to install a fire sprinkler system. Plans were submitted on January 28, 2002, and they were under the impression that the City would do the City tap which fed the system. A permit was issued and they were never informed that the City could not do the tap until they applied for the tap. Mr. Diaz from Engineering called him 3 days later and informed him the City could not do the tap due to the

road being a County road and they would have to do it. Plans had to be drawn for Engineering, Broward County Engineering, and permits also had to be obtained from the County, along with permits from the Transportation Department. Final inspection was done this date and the work was completed.

Vice-Chairman Jordan asked when the fines started. Mr. Roman stated they began in February or March, but an extension was received. Mr. Jorge replied that an extension was received and this had been a learning curve which set the work back. Ms. Batchelder stated that the fines began on February 26, 2002 at \$50 per day and ran until April 23rd when an extension was received till July 22, 2002. Fines restarted on July 23, 2002.

Vice-Chairman Jordan asked why they did not reappear before this Board when the fines started again. Mr. Jorge stated that he was not aware of all the processes involved.

Dallas Shumaker stated that the work had been completed. Vice-Chairman Jordan clarified that the owner was asking for an abatement of the fines. Mr. Jorge confirmed.

Mr. Young asked if Mr. Jorge was the owner of the building. Mr. Jorge replied he was the owner of the property and the company. Mr. Young asked if he was going to fine Mr. Roman. Mr. Jorge stated that he was given a deadline, but he was not going to fine him, the City was and his work was late, but it was not his fault. He would split the fine with him or do whatever necessary that was fair to both of them.

Vice-Chairman Jordan stated that a disclaimer should have been in the contract. Mr. Jorge stated they were before this Board in good faith.

Mr. Phillips stated that when he received the notice of violation and the notice for the fines to begin February 26, 2002 which ran until April 23, 2002, they came before the Board for an extension. Mr. Jorge replied it was his General Manager that appeared. Mr. Phillips stated that compliance was extended until July 23, 2002.

Ms. Batchelder stated this was on the agenda because they requested an extension of time due to not being in compliance at that time. They were now in compliance. The Board could determine to dismiss the case and the fines could be resolved administratively, or the Board could consider the fines.

Mr. Phillips asked why they did not reappear before the Board when their extension expired in July. Mr. Jorge stated it was an oversight on his part, and basically he had left it up to Mr. Roman to resolve the problems. Mr. Phillips proceeded to ask if work was still being done on July 23, 2002. Mr. Jorge replied the work had always been in process. A standstill occurred when they ran into the City water tap and they were not sure how to proceed.

Motion made by Mr. Phillips and seconded by Mr. Rafter that the fine of \$4,500 be abated due to good faith attempts made by the owner and the City appeared to be pleased with the work. He did not feel they were ignoring the City's directives regarding the work. Motion passed unanimously.

Reference: CE02030234

D S Hull Co., Inc.
222 S.W. 33 CT.

Old Business

Ms. Batchelder stated that this case was originally heard on May 28, 2002 with compliance ordered by August 26, 2002. There are no fines to date.

Steve Baum, representative of D S Hull Co., stated that they were requesting an extension of time in order to come into compliance with the remaining of their violations and they were working with the tenants in the building in order to resolve the problems.

Jeff Lucas stated that violations NFPA 1 17-3.2.2 and NFPA 01 7.11.1 were in compliance.

Mr. Rafter asked how much time would be needed to resolve their problems. Mr. Baum requested 90 days and Mr. Lucas stated that he had no objection to that amount of time. Mr. Lucas also stated that the owner needed time to reach an agreement with the tenant, at which time the second floor would probably be abandoned. Mr. Baum also stated that he needed time to meet with the architect.

Motion made by Mr. Rafter and seconded by Mr. Hayes to grant a 90-day extension to the owner in order to come into compliance. No fines would be administered. Motion carried unanimously.

Reference: CE02020603

Power Tech Corp.
2600 N.W. 55 Ct, #238

Old Business

Ms. Batchelder stated that this case was originally heard on March 26, 2002 with compliance ordered by July 24, 2002. Fines totaled \$3,300.

Jorge Garcia, architect, stated the plans had been submitted to the City, but had been rejected. He explained the problem was they had a non-conforming use which did not allow for expansion. They were going to go before the Board of Adjustment and elevations had to be drawn for the site. He explained that this was a condominium association type of structure with individual owners and were applying for a change of use. Mr. Garcia stated they would be asking the Board of Adjustment for a variance. The fines started on July 24, 2002.

Mr. Rafter asked Mr. Garcia how much time he needed to resolve the problem. Mr. Garcia replied that they would go before the Board of Adjustment in October and if their variance was refused they would appeal the matter. Mr. Jolly explained the final step would be to appear before the Court.

Vice-Chairman Jordan felt Mr. Garcia would need an extension of at least 90 days.

Dallas Shumaker stated that this case went back to 1999 when the violations were first written up. The Fire Marshall previously extended the owner 18 months before coming before this Board. They were presently asking that no time extension be given and the fines should not be abated, but continue to run.

Mr. Garcia explained that at the beginning there was some discussion regarding the mezzanine and whether it could remain. Six months passed before an engineer reviewed the matter.

Mr. Phillips asked why aerials were required by the Board of Adjustment. Mr. Garcia explained that aerials, surveys and elevations were required.

Mr. Rafter asked what the second floor was used for at this time. Mr. Garcia replied that 90% of the area was used for storage. He explained it was an open-graded system so safety was not an issue. He further stated they could not get sprinklers installed until the problem of use was resolved. He explained that his client sold valves and a small fraction of the business was custom valves and a machine was used for tooling, and this was a non-conforming use.

Mr. Phillips asked why the inspectors felt so strongly about this matter. Mr. Shumaker stated the information was based upon Lt. Gillis and Inspector Spence-Brown's reports for the last two years and 18 months had been extended to the owner already which was a rarity. It appears the client keeps stalling month after month. He stated engines were being built on the premises and it was not zoned for that type of work. He continued stating that the client had been telling the same story for approximately 3 years and the matter had to be resolved. Mr. Phillips asked if the engines were built upstairs or downstairs. Mr. Shumaker stated they were built downstairs, but that didn't matter because they were still on the property and the site was not zoned for that type of work. Mr. Phillips asked if the problem could be resolved if they abandoned the second floor. Vice-Chairman Jordan replied they were still manufacturing on the site and were not permitted to do so. Mr. Shumaker stated that this matter was beyond the loft issue. He further stated that the client used one stall tactic after another to prolong the problem.

Mr. Phillips asked if the Fire Department was concerned whether the loft could collapse. Mr. Shumaker agreed and that it had never been permitted so there were no engineering plans. Mr. Phillips suggested the Board possibly give them one final extension of 90 days with the condition that the second floor be abandoned and that they would have to have this verified by the Fire Department.

Motion made by Mr. Hayes that they find in favor of the City. Mr. Jolly interrupted and stated that was not necessary since they were requesting an extension of time. He reminded the Board the motion needed to be made in the positive.

Motion made by Mr. Hayes and seconded by Mr. Phillips that the time enlargement be granted. Motion filed 0-6. Mr. Jolly stated that the motion for time enlargement was denied.

Reference: CE99121747

Ralph G. & Pamela Dearden
1100 N.W. 55 Street

Old Business

Ms. Batchelder stated this case was originally heard on April 23, 2002 and compliance was ordered by August 21, 2002. Fines totaled \$250.

Miles Dearden, owner, stated that this building was in a trust since 1996 and the second floor was a showroom and was occupied. He stated that he lived in Winter Park, Florida and came down to Ft. Lauderdale in an attempt to get this problem resolved. He explained that his brother was a minor owner of the property. He stated that he was trying to find out how the building was permitted in 1972 because the second floor had always been a loft. The tenant uses it for storage. Mr. Dearden stated that he hired a general contractor and architect to draw up some plans which would be presented to the tenant, along with the cost of the project being proposed. He stated that he was not sure if the tenant would be agreeable, and therefore, was requesting some additional time because he would then tear down the stairs.

Vice-Chairman Jordan asked who was the architect for the project. Mr. Dearden replied it was J K Contracting. He also stated that the contractor stated that he could build out in 60 days and add the walls on the outside edge and structurally reinforce the building.

Dallas Shumaker, Inspector, stated that this case dated back to 1999. Per Lt. Gillis they did not want an extension of time granted and the fines should continue to run.

Mr. Dearden stated that notices were being sent to his brother's address. Ms. Batchelder explained that they used the address listed in the tax appraiser's office. She further explained that this case was heard with an Order on it for compliance. Now, Mr. Dearden was requesting an extension of time.

Vice-Chairman Jordan clarified they were asking for an extension of time in order to meet with the tenant and review Mr. Dearden's proposed plans for the second floor, and if the tenant did not agree the stairs would be removed.

Mr. Jolly stated the issue was that Mr. Dearden was seeking a time enlargement to come into compliance. Mr. Hayes asked how long the architect had the project. Mr. Dearden replied he

had it for 3 weeks. Mr. Hayes asked if the tenant was aware of the problem. Mr. Dearden stated that he knew of the problem from the Fire Inspector, but never advised the owner.

Mr. Shumaker stated that the original paperwork was sent out in 1999 and the process began. Information was being received by the owner.

Mr. Rafter asked how long the fine had been running. Mr. Shumaker explained it ran for 5 days. Ms. Batchelder explained that this case was heard on April 23, 2002. The Department began working on this case 3 years ago, but the Order was issued in April, 2002.

Mr. Phillips stated he felt Mr. Dearden was attempting to resolve the problem. **Motion** made by Mr. Phillips and seconded by Ms. Hale to approve a 90-day extension of time.

ROLL CALL ON MOTION: YES - Mr. Phillips, Ms. Hale, and Gerald Jordan. NO - Mr. Young, Mr. Hayes, Mr. Rafter.

Mr. Jolly stated that the time enlargement did not pass.

Alternatives for solving the problem were offered to Mr. Dearden.

Reference: CE99120461

Williamsburg Condo Association
3090 N.E. 48 Street

Old Business

Ms. Batchelder stated that this case had been heard originally on May 23, 2000 and compliance was ordered by August 21, 2000. Time was extended until May 2, 2002 and again on May 28, 2002 with compliance ordered by August 26, 2002. The owners were in compliance with all violations except 301(a).

John Panoch stated that everything was done except for the dryer vent in a laundry room which was done by May 29, 2002, but was not listed on the City's computer.

Mohammed Malik, Inspector, stated that the work did not show up on the computer, but he had sent out an inspector and would check with them when they returned. Therefore, they were asking for an extension of time in order to clear up this matter.

Ms. Batchelder stated that fines totaled \$57,575. Mr. Jolly reiterated to the Board that the matter before them was whether a time enlargement should be granted. Vice-Chairman Jordan explained that after the matter was resolved, Mr. Panoch could reappear before this Board and seek an abatement of the fines.

Motion made by Mr. Rafter and seconded by Mr. Hayes to grant a 30-day enlargement of time. Motion passed unanimously.

Reference: CE02041121

Marc Zuccaro
1131 N.W. 18 Ave.

Old Business

Ms. Batchelder stated that the case was originally heard on June 25, 2002 and compliance was ordered by August 24, 2002. Current fines totaled \$150.

Alfred Lanviere, Mr. Zuccaro's partner, stated that violation FBC 104.2.5 was in compliance. He explained that the other two violations had to be resolved. He explained further that the issue now was that architect plans were required for the entire house which would cost \$4,000 and he could not afford that amount of money. He suggested that plans be submitted for the work involved and not for the entire house. He further stated that he can have the plumbing and cabinets done, but the plans were an issue.

Vice-Chairman Jordan asked about the carport. Mr. Lanviere stated it was bought in that condition. Mr. Lanviere stated the property had been a rental property before they bought it.

Mr. Jolly asked if the request was for an enlargement of time. He explained that this Board did not have the authority to make recommendations regarding the property.

Mr. Lanviere stated his concern was regarding the plans being requested. Mr. Jolly reiterated that was up to the Enforcement Division, and this Board would either grant the extension of time or not.

Mr. Lanviere asked if plans were not submitted to the City when the house was originally built and couldn't those plans be used in this case. Mr. Phillips stated that before buying he should have gone to the City and ask for a municipal Code Lien search.

Mr. Jolly stated that the Board could not give advisory opinions, but Mr. Pignataro could give some recommendations on what could be done to resolve the problem.

Mr. Phillips remarked that it appeared that wooden studs were exposed and walls stripped down. Mr. Lanviere stated this was done before he bought the property. Mr. Jolly reiterated that no one was being critical, and the matter was irrelevant of was done or not done before he bought the property. Mr. Lanviere emphasized that the building was occupied and he had purchased the property approximately 4 months ago. The previous owner stated there might be problems regarding the electric and plumbing. Mr. Lanviere reiterated that he had no idea entire plans would be requested and he wanted to comply the best he could.

Mr. Phillips asked if it was common practice when obtaining an after-the-fact building permit that an architect was needed so the City could decide whether or not to issue the permit. Vice-Chairman Jordan stated this was a matter for discussion under the Good of the City.

Motion made by Mr. Phillips to grant a 60-day extension for the purpose of going through the Board.

Robert Pignataro stated that due to the length and amount of work involved, plans had to be drawn and there was a step-down to the garage and the floor would have to be brought up to height. Many issues were involved. He suggested that 30 days be given to the owner.

Motion made by Mr. Phillips and seconded by Mr. Hayes to grant a 30-day time extension to the owner. Mr. Pignataro stated that he wanted this recorded. Ms. Batchelder stated that it had been recorded. Motion carried unanimously.

Reference: CE00072549

Maryellen Prieto
932 S.W. 29 Way

Old Business

Ms. Batchelder stated that this case had originally been heard on October 23, 2001 with compliance ordered by April 24, 2002. May 28, 2002 the time was extended to July 27, 2002 with the stipulation that an application for assistance would be applied for. Fines totaled \$10,200.

Vice-Chairman Jordan stated that there was a request for a lien on this property.

Vice-Chairman Jordan stated there was a letter to Mr. Reardon from Mr. Mizell stating that your house was being taken away, but another one would be provided for your use.

Charles Jordan, contractor, stated that he was attempting to assist Mrs. Prieto in getting her a replacement house. He stated that the issue of the lien just arose due to a scheduling problem. He continued stating they were requesting for a 4-month extension and would report back to the Board their progress in this matter. Mr. Jordan reiterated that a bid process would be involved for the building of her home.

Mr. Phillips asked for a clarification of the fines. Ms. Batchelder explained that the fine was \$150 per day. The fact of the matter was that they were asking for an extension which the City did not object to because she is in the program.

Ken Reardon stated that the City had not problem with the time limit, but a replacement house would not be provided within that four months, but she was on the waiting list.

Motion made by Mr. Rafter and seconded by Ms. Hale to approve a four-month extension of time. Motion carried unanimously.

Reference: CE01031770

David M. & Anita Reid
2918 N. Ocean Blvd.

Old Business

Ms. Batchelder stated that this case was originally heard on October 23, 2001 and compliance ordered by April 23, 2002. May 28, 2002 the time was extended for compliance to August 26, 2002. Fines currently totaled \$1,360.

David Reid, owner, stated that he was going to give a progress report to the Board. He explained that he was attempting to take care of 40 years of violations and was getting permits for the work, but this would take some time for everything to be completed.

Ken Reardon, Building Inspector, stated that work was being done and the City had no problem with a 90 day extension of time.

Motion made by Mr. Phillips and seconded by Ms. Hale that a 90-day extension be granted. Motion carried unanimously.

Reference: CE01062078

Beverly J. Grant
842 S.W. 9 Street

Old Business

Ms. Batchelder stated that this case was a request for an abatement of fines. The case was originally heard on February 26, 2002 and compliance was ordered by April 27, 2002. On May 28, 2002 time for compliance was extended to June 27, 2002. Fines totaled \$1,500.

Beverly Grant, owner, stated that the property was in compliance since June 13, 2002 and requested an abatement of the fines.

Ken Reardon, Building Inspector, stated that a compliance date was given which she missed, but she did not get on the agenda for the next month so the fines continued for one month. A time extension was granted and compliance was met. He explained that the City had no problem regarding the abatement of the fines.

Motion made by Mr. Rafter and seconded by Mr. Phillips to abate the fine of \$1,500 in this matter. Motion carried unanimously.

Reference: CE01081825

Hubert & Hyacinth Picart
2665 S.W. 6 Ct.

Old Business

Ms. Batchelder stated that this case was a request for an abatement of fines. The case was originally heard on March 26, 2002 with compliance ordered by April 25, 2002. Total fines were \$3,200.

Kevin Picart, representing the owner, stated that the property was in compliance and requested an abatement of fines.

Ken Reardon stated the City had no problem with the abatement of the fine.

Motion made by Mr. Phillips and seconded by Ms. Hale to abate the fine of \$3,200 in this matter. Motion carried unanimously.

Reference: CE0101090046

Dorothy Guard & Zoe Walker
2630 S.W. 5 Street

Old Business

Ms. Batchelder stated that this case was originally heard on January 22, 2002 and compliance ordered by May 22, 2002. The property has a lien on it and the fines total \$4,800.

Dorothy Walker, trustee, stated that she lived in the house and a guardianship controlled the house and, therefore, she had to appear in Court to get permission in order to have work done on the house. She further stated that the guardianship owned the house for her daughter. She stated that the guardianship attorney had been disbarred and an audit was being conducted.

Mr. Jolly explained that there was a lien on the property as a result of this case and the order was issued in January with fines beginning in May.

Mrs. Walker explained that the house was bought with money her 10-year old daughter inherited and she was the guardian of the house for her daughter's benefit.

Ken Reardon, Building Inspector, stated that the date of the violation was September, 2001. He continued stating that Mrs. Walker did not control the money for repairs for the house so she had to appear before the Judge to authorize the expenditures necessary to repair the home. He stated the City had no problem with an extension of time due to the situation in this matter. Other violations on the property had been complied with.

Motion made by Mr. Rafter and seconded by Mr. Phillips that a 30-day extension be granted to resolve this matter. Motion carried unanimously.

Reference: CE01111101

Mark O. Cheeley
1425 S.W. 1 Street

Old Business

Ms. Batchelder stated that this case was originally heard on February 26, 2002 and compliance was ordered by August 27, 2002. There were no fines accrued as of this time.

Mark Cheeley, owner, stated that he was requesting a 60-day extension of time to come into compliance. His plans were being reviewed since July 15, 2002. He had gone before the Historic Board in order to get a Certificate which took 4-5 months.

Motion made by Mr. Rafter and seconded by Mr. Phillips to grant a 60-day extension. Motion carried unanimously.

Reference: CE 02030165

Romona Andujar
1901 S.W. 22 Ave

Old Business

Ms. Batchelder stated that this case was originally heard on May 28, 2002 and compliance was ordered by August 26, 2002. No fines accrued as of this date.

Romona Andujar, owner, stated that she was requesting an extension of time in order to comply and receive an after-the-fact permit. She stated she had been ill and had some financial problems and recently returned to work.

Ken Reardon, Building Inspector, stated that the City had no problem regarding an extension of time.

Motion made by Mr. Phillips and seconded by Mr. Hayes to approve a 90-day extension. Motion carried unanimously.

Reference: CE01051728

Maria Canela
1715 Davie Blvd.

Old Business

Ms. Batchelder stated that this case had originally been heard on September 25, 2001 and compliance ordered by March 25, 2002. There was a Stipulated Agreement and current fines totaled \$46,200.

Alex Arreaza, attorney, stated that he was representing Ms. Canela and that a contractor had been hired to complete the work, but they needed an extension of time.

Shalanda Giles, Expert Builders, stated that she had been hired in July and that drawings were submitted to the Building Department on August 16, 2002. She believed they needed a 6-month extension to complete the work. She stated the building was certified as a single-family home, but she purchased the property as a duplex and a tenant would have to be relocated.

Mohammed Malik, Building Inspector, stated that he had been working with this owner for about one year and did not want time extended beyond 60 days. He wanted to keep tabs on the owner's progress.

Ms. Batchelder announced that an extension of time was given in February, 2002 and compliance was ordered by July 23, 2002. Fines were only \$10,500. Therefore, a 120-day extension had already been granted in this case.

Vice-Chairman Jordan stated that he thought if a builder received bad complaints he would not be able to operate in this City, but evidently that was not the case. Mr. Young remarked that complaints had to be submitted against the builders. Vice-Chairman Jordan reiterated that he thought builders who had complaints against them could not obtain permits. Mr. Phillips stated that Judges could report attorneys to the Bar and he asked if there was some type of process regarding builders.

Mr. Jolly stated that the situations were different. He explained that the Judge had a professional responsibility to report the attorney. This Board did not have the same type of obligation and he believed it would not be inappropriate if an individual Board member chose to file a complaint against a particular builder.

Motion made by Mr. Rafter and seconded by Mr. Phillips to grant a 60-day time extension.

Mr. Phillips stated that there was an illegal use involved in this property. He felt the Board should not extend this amount of time to the property owner and if there was a violation, the owner should correct the situation by evicting the tenant and complying with the Code. He did not feel it was fair to grant an extension of time so the property owner could obtain additional rent from the tenants.

The motion passed 5-1 with Mr. Hayes casting the dissenting vote.

Mr. Arreaza stated that he was charging the property owner a very small fee and was asking for the extension so the contractor could do the work and he would not have to continue charging her when he appeared each time before this Board. Vice-Chairman Jordan suggested that the contractor appear before the Board and give a progress report regarding this property.

Reference: CE02021384

Sunny Isles Motel Corp & 94-95 Roosevelt Ave. Corp.
4000 N. Federal Highway

Old Business

Ms. Batchelder stated that this case had been originally heard on May 28, 2002 and compliance was ordered by July 27, 2002. Fines at this time totaled \$1,500.

Blake Harmon, attorney, stated that violations were found pertaining to a railed chairlift for wheelchair access to a bar area at the Mercury Lounge. He stated they were requesting a 60-day extension to come into compliance and that the fines be abated on this property.

Vice-Chairman Jordan asked why it took so long to be ADA compliance. Mr. Harmon explained that the tenant submitted plans for two chairlifts to be installed, and one was for the mezzanine area and the other was for a raised area where there was one of seven bars. The chairlift for the mezzanine area was installed and had cost approximately \$7,000. The raised area involved was only 15% of the whole area and the owner had some financial difficulties and, therefore, the second lift was never installed. He explained the tenant could not do business until he received a CO.

Mr. Phillips clarified that the City had given a temporary CO on the condition that they would comply with the second lift. Mr. Harmon stated that the lift would be put in. Mr. Phillips suggested that there be an abatement of rent so he could comply. Mr. Harmon stated that such discussions were taking place at this time, but they were currently delinquent in their rent.

Mohammed Malik, Building Inspector, stated that the City had no problem with a 60-day extension, but no more time should be given after that.

Motion made by Mr. Phillips and seconded by Mr. Rafter to grant a 60-day extension to come into compliance, but no fines would be abated. Motion carried unanimously.

Reference: CE98100824

Lauderdale Wholesale Inc.
1147 N.E. 4 Avenue

Old Business

Ms. Batchelder stated that this case was originally heard on June 22, 1999 with compliance ordered by August 21, 1999, and some sections by October 20, 1999. All sections were extended to December 22, 1999. On January 15, 2000 a time extension was granted to July 24, 2000 and then extended to March 27, 2000. Current fines total \$21,820. Certain sections were in compliance.

Mr. Rafter asked if there was a fine or a lien. Ms. Batchelder stated that it was a fine.

Mohammed Malik, Building Inspector, stated that all violations were in compliance except for 301.1(d), 47-25.3.C.4.d, and 47-3.4.

Victor Collica, owner, stated that he purchased the property from the DRC Program and purchased it with the knowledge that violations were on the property. He had some financial difficulties and sold some interest in the property to Mr. Kelly.

Mr. Malik stated that a storage room needed a toilet and the owner presently bought one and it had to be installed. He further stated that final inspections would be needed.

Mr. Collica further explained that the change of use was still needed for the property.

Mr. Phillips asked how Mr. Collica would obtain his occupational license. Mr. Collica stated he had to make a request through DRC and submit plans.

Mr. Malik suggested that a 60-day extension be given to the property owner to come into compliance.

Motion made by Mr. Phillips and seconded by Mr. Hayes to grant a 90-day extension for the owner to come into compliance. Motion carried unanimously.

Reference: CE00120082

Mitchell A. Hyder, Trust & Henry E. Jr. Tr.
2528 N. Federal Highway

Old Business

Ms. Batchelder stated that this case was heard on March 27, 2001 and compliance ordered by September 25, 2001. On October 23, 2001 an extension was granted to January 21, 2002 and on January 22nd time was extended to March 23, 2002. Time was again extended to April 25, 2002 and again extended on June 25, 2002 to July 25, 2002. Fines total \$50,000.

Steve Fedor, builder, stated that they bought a variance and DRC package. He explained that he had discussed with John Smith the location of the dumpster and the landscaping. He proceeded to give a progress report regarding the property.

Mr. Phillips asked if the variance had been submitted to the Board of Adjustment. Mr. Fedor replied it had been submitted on March 29th. Mr. Phillips stated that application was made to the Board of Adjustment regarding the dumpster and it was denied.

Ms. Batchelder explained that the first citation was issued in 1999. The case was heard originally on March 27, 2001 and compliance was ordered by December 25, 2001. Time was extended four times since that date. She explained that the fines started between the extensions

of time. The last extension was granted on June 25, 2002 to July 25, 2002.

Mr. Phillips asked who was the architect. He was told it was Hal Lennox.

Mohammed Malik stated that this was the first time he was seeing things on paper.

Barbara McCarthy, Assistant City Attorney, suggested that no extension be granted. She explained that it did not appear that effort was being made to comply with the violations. Vice-Chairman Jordan asked if any of the violations were due to the fault of the City. Barbara McCarthy reiterated that she was not sure, but she noticed that meetings were canceled due to Mr. Fedor's hospitalization.

Motion made by Mr. Phillips and seconded by Mr. Rafter to grant a 60-day extension.

ROLL CALL ON MOTION: YES - None. NO - Mr. Young, Mr. Hayes, Mr. Rafater, Ms. Hale, Mr. Phillips, and Mr. Jordan. Motion denied.

Ms. Batchelder stated that the old business cases were concluded and a new business case would be heard next.

Reference: CE02061569

J-Mar Condo Association
3105 N.E. 28 Street

NFPA 1 1-4.4 – Required inspection access; NFPA
10 4-4.1 - Fire extinguishers maintenance;
NFPA 1 4-7.2 – Inoperable exit/emergency
lights/signs

Ms. Batchelder announced that Certified Mail was sent to Joseph Selz, President and Director, and signed by Joseph Selz on 8/3/02. Certified Mail was also sent to J-Mar Condo Association and signed by Joseph Selz on 8/3/02. Ms. Batchelder continued to state that NFPA 1 1-4.4 and NFPA 10 4-4.1 were complied.

Jeff Lucas, Inspector, stated that he had been in constant contact with the property manager and suggested they be given 30 days to come into compliance. He explained the Association was aware of what work had to be done.

Motion made by Mr. Rafter and seconded by Mr. Hayes to grant a 30-day compliance period and a \$25 per day fine be imposed thereafter. Motion carried unanimously.

Mr. Jolly left the meeting at approximately 3:25 p.m.

Reference: CE02061575

Park Place Condo Association
609 N.E. 13 Avenue

NFPA 10 4-4.1 - Fire extinguisher maintenance; SFM 4A-48.005 – Required fire alarm system certification; NFPA 1 4-8.5.2 – Maintenance of exit signs maintained; NFPA 1 4-7.2 – Inoperable emergency lights

Ms. Batchelder stated that Certified Mail was sent to Thomas Drigert as Registered Agent and signed by Thomas Drigart. No date given on the green card.

Robert Kisarewich, Building Inspector, stated that SFM 4A-48.005 was not in compliance, but the other violations were in compliance. He stated that he spoke with the property manager and received a certified letter stating they were in compliance. When he went to the property on 8/21 the alarm company had still not been out for their inspection. He suggested a 10 day period for compliance and a fine of \$25 per day thereafter.

Vice-Chairman Jordan felt that 10 days was really not enough time and suggested a 30-day compliance time. Mr. Kisarewich had no objections.

Motion made by Mr. Rafter and seconded by Mr. Phillips to grant 30 days to come into compliance. Motion carried unanimously.

Reference: CE02032171

Catherine J. Arnold
849 N.W. 16 Avenue

FBC 104.1 – Work without permit

Ms. Batchelder stated that Certified Mail was sent to Catherine Arnold and signed by A. Fuller. No date was given on the green card.

Douglas Kurtok, Building Inspector, stated that he suggested a 30-day compliance period or a fine of \$25 per day thereafter.

Motion made by Mr. Phillips and seconded by Mr. Hayes to grant 30 days to come into compliance or a fine of \$25 per day. Motion carried unanimously.

Reference: CE 02061164

Discount Auto Parts Inc.
821 W. Broward Blvd.

FBC 104.1 – Work without permits

Ms. Batchelder announced that Certified Mail was sent to Peter Fontaine as Registered Agent and signed by Richard Luther on 8/12/02. Certified Mail was also sent to Clement Bottino, Vice President, and signed by Jenny Roberts on 8/12/02.

Douglas Kurtcock, Building Inspector, stated that he suggested a 30-day compliance period or a fine of \$100 per day.

Motion made by Mr. Phillips and seconded by Ms. Hale to grant a 30 days to come into compliance or a fine of \$100 per day thereafter. Motion carried unanimously.

Mr. Kurtcock also asked that this Final Order be recorded.

Motion made by Mr. Phillips and seconded by Ms. Hale that the aforementioned vote include that the Final Order be recorded.. Motion carried unanimously.

Reference: CE02071355

Annie M. Hills
1561 N.W. 5 St.

FBC 104.1 – Work without permits

Ms. Batchelder announced that Certified Mail was sent to Annie M. Hills and signed by Annie M. last name illegible on 8/8/02.

Douglas Kurtcock, Building Inspector, suggested that a 30-day extension be granted and there were no fines imposed on the property as the owner was elderly and in financial need.

Motion made by Mr. Rafter and seconded by Mr. Phillips to grant 30 days to come into compliance. Motion passed unanimously.

Reference: CE 02010698

Sixth Street Corp.
1448 N.W. 6 Street

FBC 104.1 – Work without permits; FBC 104.2.4
Plumbing work without required permit; FBC
104.9.3.1 – Expired permits; FBC 104.2.5
Electrical work without required permits

Ms. Batchelder announced that Certified Mail was send to Sixth Street Corp and signed by John H. Hill on 8/1/02.

Robert Pignataro, Building Inspector, suggested 60 days to come into compliance or a fine of \$50 per day per violation and requested that the Final Order be recorded.

Motion made by Mr. Phillips and seconded by Mr. Hayes to grant a 60 days to come into compliance or a fine of \$50 per day per violation and record the order. Motion carried unanimously.

Reference: CE02032173

Esa & David Natour
2162 N.W. 6 Street

FBC 104.2.7 – Sign work without required permits;
FBC 104.1 – Work without permits; FBC-P 304.4
– Required vermin proofing; NEC 110.26(a)(1) –
Obstruction of breaker panel; NEC 410.90 –
Required lenses or covers. FBC 3401.6 – Improper
discharge from plumbing pipe; Sec. 47-25. A.3.d –
Required landscape buffer; 47-21.9.G.1. –
Landscape mainteance

Ms. Batchelder announced that personal service was made to Esa Natour by Inspector Pignataro on 8/23/02.

Robert Pignataro, Building Inspector, stated that a verbal agreement was reached with the owners and he suggested a 60 days to come into compliance or a fine of \$50 per day per violation, and that the Final Order be recorded.

Motion made by Mr. Rafter and seconded by Mr. Phillips to grant a 60 days to come into compliance or a fine of \$50 per day per violation be imposed. Motion carried unanimously.

Robert Pignataro stated that FBC 104.2.7, NEC 110.26(a)(1) FBC 3401.6, and 47-25.3 A.3.d were all in compliance.

Reference: CE02060740

Beach Boys Plaza Inc.
411 S. Ft. Lauderdale Beach Blvd.

FBC 104.1 – Work without permits; FBC 104.2.11
– Mechanical work without required permit;
FBC 104.2.4 - Plumbing work without required
permits; FBC 104.2.5 – electrical work without
permits; FBC 104.2.7 – sign installation without

required permits

Ms. Batchelder announced that Certified Mail was sent to Benjamin Hamuy, as Registered Agent. Signature was illegible and no date was given on the green card. Certified Mail was sent to Beach Boys Plaza. Signature illegible and no date was given on the green card. Certified Mail was also sent to Naomi Hamuy. Signature illegible and no date given on the green card.

Robert Pignataro, Building Inspector, stated that a verbal agreement was reached for a 30-day time period to reach compliance and a fine of \$50 per day per violation be imposed, and the Final Order be recorded. Some items have been complied with as follows: FBC 104.1 - removal of Tiki hut at the outside bar; FBC 104.2.7.

Motion made by Mr. Phillips and seconded by Ms. Hale to grant 30 days to come into compliance or a fine of \$50 per day per violation, and that the Final Order be recorded. Motion carried unanimously.

Reference: CE01121203

George Horn
215 S.W. 27 Avenue

304.3(a) – Expired permits

Ms. Batchelder announced that Certified Mail was sent to George Horn and signed by George Horn on 8/9/02.

Ken Reardon, Building Inspector, testified permits for an air conditioning replacement had expired without the required inspections. He suggested that 30-days be given for compliance and a fine of \$100 per day be imposed.

Motion made by Ms. Hale and seconded by Mr. Phillips to grant 30 days to come into compliance or a fine of \$100 per day be imposed. Motion carried unanimously.

Reference: CE02050122

Carmen Cardona
1370 S.W. 34 Avenue

FBC 104.1 – Work without a building permit;
FBC 2328.2 – Required post placement; Sec. 47-
19.5.D.4 – Improper fence placement

Ms. Batchelder announced that Certified Mail was sent to Carmen Cardona and signed by Neila Cardona on 7/24/02.

Ken Reardon, Building Inspector, suggested that 60 days be given for compliance and a fine of \$50 per day per violation. He stated that 47-19.5.D.4 was in partial compliance.

Motion made by Ms. Hale and seconded by Mr. Phillips to grant 60 days to come into compliance or a fine of \$50 per day per violation. Motion carried unanimously.

Reference: CE02051876

Florida Homes and Rentals LLC
1340 S.W. 25 Ave.

FBC 104.1 – Work without permits; FBC 104.2.5 -
Electrical work without required permit; FBC 106.1
- Required Certificate of Occupancy; Sec. 9-281(b)
– Overgrowth on property

Ms. Batchelder announced that Certified Mail was sent to Hercup Laurence, as Registered Agent and signed by Iris Diaz on 8/8/02. Certified Mail was sent to Florida Homes & Rentals LLC. Signature was illegible and signed on 8/8/01. Certified Mail was sent to Anthony and Claudine Capuozzo, Florida Homes & Rentals LLC. Signature illegible and signed on 8/8/02.

Ms. Batchelder continued stating there was a signed Stipulated Agreement for a 120-day compliance period or a fine of \$100 per day per violation.

Motion made by Mr. Rafter and seconded by Ms. Hale to grant 120 days to come into compliance or a fine of \$100 per day per violation. Motion carried unanimously.

Mr. Rafter asked if this was to be recorded.

Motion made by Mr. Rafter and seconded by Ms. Hale that the Final Order be recorded. Motion carried unanimously.

Reference: CE02051153

Herbert D'Errico & William Denmsmore
180 N.E. 17 Ct. #901

FBC 104.1 - Work without required permit.

Ms. Batchelder announced that certified mail was sent to Herbert D'Errico and William Denmsmore and signed by Herbert D'Errico on 8/24/02.

Mohammed Malik, Building Inspector, testified the violation exists as stated on the agenda. He suggested a 30-day compliance period or a fine of \$50 per day be imposed.

Motion made by Mr. Rafter and seconded by Mr. Hayes to approve a 30-day extension and a fine of \$50 per day be imposed. Motion carried unanimously.

Reference: CE02061675

Dwayne and Erica Roberts
1440 Holly Heights Drive

FBC 3401.6 – Structure/fixtures in disrepair

Ms. Batchelder announced that Certified Mail was sent to Dwayne and Erica Roberts signed by Tiffany Margerm on 8/9/02.

Mohammed Malik, Building Inspector, testified the violations existed as stated on the agenda. He suggested a 90 day compliance period or a fine of \$50 per day be imposed.

Ms. Hale asked if the buildings were occupied. Mr. Malik replied they were not occupied and were unsafe.

Motion made by Mr. Phillips and seconded by Ms. Hale to grant 90 days to come into compliance or a fine of \$50 per day be imposed, further that the Final Order be recorded. Motion carried unanimously.

Reference: CE02061677

Dwayne & Erica Roberts
1436 Holly Heights Drive

FBC 3401.6 – Structure/fixtures in disrepair

Ms. Batchelder announced that Certified Mail was sent to Dwayne & Erica Roberts and signed by Tiffany Margerm on 8/9/02.

Mohammed Malik, Building Inspector, suggested a 90-day to come into compliance or a fine of \$50 per day, and that the Final Order be recorded.

Motion made by Mr. Phillips and seconded by Mr. Hayes to grant 90days to come into compliance or a fine of \$50 per day, and that the Final Order be recorded. Motion carried unanimously.

Ms. Batchelder announced two Old Business Cases, CE02042101 and CE01030696 would not be heard as there were no respondents present to their cases.

Cases Complied

Ms. Batchelder stated that the following cases were in compliance:

CE02031402	CE02061119	CE02070905
CE02050245	CE02061917	CE02071770
CE02060915	CE02062127	

Cases Pending Service

Ms. Batchelder stated that the following cases had been withdrawn pending service to the Respondents:

CE02030345	CE02050251
CE02031219	CE02061573
CE02042014	CE02061577
CE02050126	CE02061893

Approval of Minutes - July 23, 2002

Vice-Chairman Jordan asked the Board to review the minutes for approval for the July meeting.

Claims of Liens

Ms. Batchelder explained that the claims of liens were prepared due to the time frames involved and if an extension was granted, the lien was pulled until the extension had expired. She stated that this was standard procedure.

Motion made by Mr. Rafter and seconded by Ms. Hale to approve the issuance of orders as detailed in the list distributed to Board members, and made a part of this record by attachment. Motion passed unanimously.

For the Good of the City

Nothing.

Motion made by Mr. Rafter and seconded by Ms. Hale to adjourn the meeting. Motion passed unanimously.

There being no further business before the Board, the meeting was adjourned at approximately 3:50 p.m.

Vice-Chairman Jordan
Code Enforcement Board

ATTEST:

SusanBatchelder
Clerk, Code Enforcement Board

CODE ENFORCEMENT BOARD MEETING
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NOTE: The agenda associated with this meeting is incorporated into this record by reference.

Attachment: List of Cases for Claims of Liens