

CODE ENFORCEMENT BOARD

City Commission Meeting Room

100 North Andrews Avenue

September 24, 2002

10:10 A.M - 3:30 P.M.

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CUMULATIVE ATTENDANCE

From January, 2002

Present                      Absent

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BOARD MEMBERS PRESENT:

Pat Hale	8	0
Larry Hayes	9	0
Gerald D. Jordan, Vice-Chair	9	0
John Phillips	8	0
Rixon Rafter	7	1
Alan Vordermeier, Chairman	7	1
Bobby Young	8	1
Bruce Jolly, Code Board Attorney		

BOARD MEMBERS ABSENT

None

STAFF PRESENT:

Susan Batchelder, Administrative Assistant II  
Assistant City Attorney  
Sylvia Dietrich, Service Clerk  
Mohammed Malik, Building Inspector  
Douglas Kurtock, Building Inspector  
Robert A. Pignataro, Building Inspector  
Wayne Strawn, Building Inspector  
Craig Stevens, Electrical Inspector  
Jeff Lucas, Fire Inspector  
Ken Reardon, Building Inspector  
John Smith, Building Official  
Dallas Shumaker, Fire Inspector

ALSO PRESENT:

John S. Blaser, CE02070019  
Christopher Coleman, CE02070019  
David Torres, CE02070631  
Roger Adams, CE02042014

Don Karney, CE02070223  
Dennis Williams, CE02050126  
James Gizzie, CE02030215  
Wayne Solan, CE02071124  
Gloria Burnell, CE02070265  
Andrew Prieyl, CE02041418  
Harry Farrell, CE01040993  
Jamie Nelson, CE02070135  
John Robert VanHise, CE02070135  
Richard Casale, CE02061888  
A. Orville Morris-Jarrett, CE02061888  
Phillip Fontanills, CE01040993  
Joseph Pozzuoli, CE02030215  
Bruce LaRaia, CE01041121  
Stuart Lipson, CE00040857  
Carol Muller, CE01091241  
Jon Chassen, CE00041188, CE01070243  
Kenneth Welt, CE00041188, CE01070243  
Robert Miln, CE01070832  
Gary Jackson, CE01070832  
Robert Lee, CE02011704  
Morris Litmanowicz, CE01111944  
Tom Thibeaux, CE01111944  
Clementina Castilio, CE01040993  
Johny Yanoviak, CE00041188, CE01070243  
Carol Gross Clarkson, CE00041188, CE01070243  
Chuck Ritchie, CE01070243  
Edward S. Golden, CE01032143  
Stephanie Toothaker, CE00041188, CE01070243

At 10:10 A.M., Chairman Vordermeier called the meeting to order. Roll call was taken and a quorum was present. Chairman Vordermeier 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.

Ms. Batchelder stated that there was one request for a continuance.

Reference: CE02070265

Gloria J. Burnell  
2133 NW 6 St

FBC 104.1 - Construction of a fence along west  
Property line without the required permits.

Ms. Batchelder announced that service was by personal appearance by the owner.

Ms. Batchelder announced that the City was requesting a 30-day continuance.

Motion made by Mr. Jordan and seconded by Larry Hayes to approve the City's request for a 30-day continuance. Board unanimously approved.

Reference: CE02070631

Holland Mobile Home Park  
1336 S.W. 21 Ln.

FBC 104.1 - A metal shed has been installed without first obtaining a building permit; FBC 104.2.4 - Plumbing has been added to the shed to create a laundry hook-up and for a water heater without first obtaining a plumbing permit. The washer waste line improperly drains to the yard; FBC 104.2.5 - Electric has been added to the metal shed without first obtaining an electrical permit.

Ms. Batchelder stated that certified mail was sent to the registered agent. Signature was illegible and was signed for on September 5, 2002. Certified mail was also sent to the corporation Holland Mobile Home Park. Signature was illegible and was signed for on September 5, 2002. Certified mail was also sent to Jordan Zimmerman. Signature was illegible, no date on the green card, but the card was received back on September 11, 2002.

Mr. Kenneth Reardon, Building Inspector, stated that a verbal agreement had been reached for 60 days or \$50 per day, per violation.

Motion made by Mr. Rafter and seconded by Mr. Jordan to find in favor of the City and to order compliance within 60 days or a fine of \$50.00 per day, per violation would be imposed.. Motion passed unanimously.

Reference: CE02070019

JJSSBB Investment Corp  
5300 NW 12 Ave. #3

FBC 3401.6 - Storage in warehouse exceeds safe shelving heights and impedes the maintenance of mounted lighting fixtures. These fixtures are also required to have lenses or protective covers; FBC 704.3.1 - Doors that separate the office area from the warehouse are consistent with a U.L. Wall Assembly for one (1) hour fire separation.

Ms. Batchelder stated that certified mail was sent to John Blaser, President, Director and

Registered Agent, signed by Bonnie Swill on August 21, 2002.

Mr. Douglas Kurtock, Building Inspector, stated they had reached a verbal agreement with the owner for a 60-day extension or \$25 per day per violation.

Motion made by Mr. Rafter and seconded by Mr. Hayes to find in favor of the City and to order compliance within 60 days or a fine of \$25.00 per day per violation would be imposed. Motion passed unanimously.

Mr. Phillips arrived at 10:20 A.M.

Reference: CE02070223

HMP Investments LP  
20 SE 8 St.

FBC 3401.6 - There is deterioration of this unit which includes but is not limited to:(1) The ceiling has collapsed in the bedroom and living room and leaks in other areas; (2) the interior walls are rotted and/or termite damaged; (3) there is exposed electrical wiring; (4) kitchen cabinets are in disrepair; and (5) plumbing in disrepair, fixtures not working and water is overflowing onto the wooden floor; FBC 106.1 - Duplex has been converted into more than 2 units changing the Certificate of Occupancy; FBC 104.1 - There have been physical alterations and improvements to the building without first obtaining the required building permit(s) to include but is not limited to: (1) Replaced windows; (2) replaced exterior door; and (3) drywall work has been done on exterior walls and ceiling; 47-21.8.A - Landscape and ground cover is missing and/or not being maintained properly.

Ms. Batchelder announced that certified mail to HMP Investments had been accepted on September 12, 2002 by Ilene Karney.

Mr. Mohammed Malik, Building Inspector, stated that a verbal agreement had been reached with the owner for compliance within 180 days or \$50 per day, per violation.

Motion made by Mr. Rafter and seconded by Mr. Phillips in favor of the City and to order compliance within 180 days or a fine of \$50.00 per day, per violation would be imposed. Motion

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passed unanimously.

Reference: CE02042014

Geraldine M. Adams, TR  
3200 S. Andrews Ave, #107

FBC 104.1 - A loft has been built in the warehouse without first obtaining a building permit.

Ms. Batchelder announced that certified mail to Geraldine Adams had been accepted on September 5, 2002.

Mr. Kenneth Reardon, Building Inspector, stated that a verbal agreement had been reach with Ms. Adams for the property to be in compliance within 60 days or a fine of \$100 per day would be imposed.

Motion made by Ms. Hale and seconded by Mr. Jordan to find in favor of the City and to order compliance within 60 days or a fine of \$100.00 per day would be imposed. Motion passed unanimously.

Reference: CE02071127

Emily Farrell  
2127 SW 1 Ct

FBC 104.1 - The windows were replaced without first obtaining a building permit; FBC 104.2.11 - The central air conditioning system was installed without first obtaining a mechanical permit; 9-313(a) the building numbers are not in place.

Ms. Batchelder announced that a personal representative of the owner was present at today's meeting.

Mr. Kenneth Reardon, Building Inspector, stated that a verbal agreement had been reached with the owner to have the 104.1 and 104.2.11 violations in compliance within 60 days or a fine of \$50 per day, per violation would be imposed. Mr. Reardon also stated that a verbal agreement was reached with the owner regarding 9-313(a) violation to be in compliance within 7 days or a fine of \$50 per day would be imposed.

Motion made by Mr. Rafter and seconded by Mr. Jordan to find in favor of the City and to order violations FBC 104.1 and 104.2.11 in compliance within 60 days or a fine of \$50.00 per day, per violation would be imposed, and violation 9-313(a) to be in compliance with 7 days or a fine of \$50 per day would be imposed. Motion passed unanimously.

Jamie Nelson  
1708 SW 9 St.

FBC 104.1 - The entire rear addition to the house has been built without first obtaining a building permit.

Ms. Batchelder announced that personal service was made by Inspector Mohammed Malik to the daughter, Sage Schroder on September 22, 2002.

Mr. Kenneth Reardon, Building Inspector, stated that a verbal agreement had been reached with the owner for the property to be in compliance within 120 days or a fine of \$50 per day would be imposed.

Motion made by Mr. Rafter and seconded by Mr. Phillips to find in favor of the City and to order compliance within 120 days or a fine of \$50.00 per day would be imposed. Motion passed unanimously.

Reference: CE02050126

Timothy Seel  
2140 NW 6 St

FBC 104.1 - Poured concrete for slabs at this car wash, installed car tents, altered the interior of this building, all without permits; FBC 104.2.5 - Installed light fixtures in a tree, under the car tents as well as exterior electrical receptacles without permits and not to Code; FBC 104.2.7 - Installed signs on this building without permits; FBC 11-4.6.1 - There are no accessible parking spaces or stripping for this property; FBC 3401.6 - Installed Romex wiring inside and outside, there are several open electrical boxes, the light fixtures are not properly installed, windows are broken, doors are in disrepair; N.E.C. 410-90 - All the light bulbs are not protected with lenses or covers; FBC 104.2.11 - Installed two (2) air conditioning units without a permit and not per Code; FMC 403.3 - There is no mechanical ventilation or window in this toilet room; 9-306 - The exterior of the building needs to be pressure cleaned and painted; 9-308(a) - The roof is leaking due to not being

maintained properly. There is no sink in the toilet room of this car wash business; FBC 1820.3 - Wire mesh was not included prior to the pouring of the concrete slabs; N.E.C. 400-8.(1) - Extension cords are being used instead of fixed wiring; ULDR 47-20.13.D - There is not enough water drainage for the amount of concrete slabs poured; ULDR 47-25.3.A.3.d - There is no bufferyard wall on this commercial property abutting the residential area in the rear; ULDR 47-21.9.G.1 - There is no retroactive via landscaping at this car wash property.

Ms. Batchelder announced that certified mail had been sent to Timothy Seel and signed by Stacy Seel on September 6, 2002.

Mr. Robert Pignataro, Building Inspector, stated that there was a verbal agreement with the owner's agent for compliance within 30 days or a fine of \$50 per day, per violation would be imposed.

Mr. Young asked how many of the violations had been corrected. Mr. Pignataro stated that the roof had been permitted which was in reference to violation 9-308(a). He had also been informed that the tent had been removed, but he had not yet revisited the site to check on that violation. Mr. Rafter felt that 30 days would not be enough time to come into compliance. Ms. Hale asked how long the owner had been working on these violations. Mr. Pignataro stated that these violations had been going on for several years.

Chairman Vordermeier stated that the Board did not want the owner to keep appearing asking for extensions in order to come into compliance, therefore, more time was granted.

Mr. Dennis Williams reiterated that he was working on the problems and attempting to come into compliance. He had hired an architect and work had been started.

Mr. Phillips stated that possibly the smaller items could be taken care of immediately. Chairman Vordermeier stated that this case would be separated into two parts, and proceeded to ask Mr. Phillips to list the items which he felt could be taken care of within the next 7-14 days. Mr. Phillips listed the following violations to be addressed immediately as follows: FBC 104.2.5; FBC 3401.6; N.E.C. 410-90; and N.E.C. 400-8.(1).

Motion made by Mr. Young and seconded by Mr. Jordan to find in favor of the City and to order compliance of the remaining violations within 180 days or a fine of \$100.00 per day, per violation would be imposed. Motion passed unanimously.

Ms. Batchelder stated they would now proceed with new business.

Reference: CE02041418

ACP Office I LLC  
1901 N.W. 62 St.

Old Business

Ms. Batchelder stated that this case had been continued from the July 23, 2002 meeting.

Anthony Precanico, Fire Marshall's Office, stated that the owner had submitted plans yesterday and he was requesting the owner's representative to give further explanation regarding the work.

Mr. Jordan clarified that this matter was in regard to design and that there had been some technical problems. Mr. Precanico confirmed.

Mr. Andy Prieyl, American Capital Partners, stated that a meeting had been held with George Stavros regarding the smoke evacuation system for this building. This problem existed from owner to owner and promises had been made regarding its repair or replacement, but nothing had ever been done. Mr. Prieyl stated that a new fire alarm had to be installed and had been given authority by the Chief of the Fire Department to do so due to a life/safety issue, but their plans had been held up due to the problem with the smoke evacuation system. He explained that work had begun regarding this matter and approximately \$200,000 worth of work needed to be done in order to bring this into compliance. Mr. Stavros had approved the recent plans which incorporated the original fire alarm drawings for the building.

Mr. Rafter asked what the time frame was for this project. Mr. Prieyl stated that there were several floors which were near completion, but other floors would entail a new design which could possibly require them to update their emergency generator system in order to permit more evacuation fans. Mr. Prieyl believed that the initial work could be done within 180 days, but the estimate for the completion of the overall project would be one year.

Mr. Jordan asked if the building was occupied. Mr. Prieyl confirmed and stated that a time frame was not given in their last continuance, but had been more of an understanding of the problem. He reiterated that this project would require a great deal of time for completion.

Mr. Precanico stated they were concerned mainly with the 5<sup>th</sup> and 6<sup>th</sup> floors because the remaining of the building had an approved system. He explained that the fire alarm system which had been installed met Code and works fine, but the permit was not issued due to the other violations not being in compliance.

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

Ms. Batchelder stated that the City desired an Order and not a continuance. Mr. Rafter stated



that he had recommended a continuance. Ms. Batchelder reiterated that these violations had been in place for six years and perhaps an Order was needed.

Mr. Jolly, Code Board Attorney, clarified that this was not a motion for continuance, but the matter was being brought before this Board for consideration of the violations. Ms. Batchelder stated she was attempting to clarify the matter. Mr. Jolly stated that he needed to know how this case was being presented because it made a difference in regard to the Board's consideration.

Mr. Jordan stated that previously when this case came before the Board, it was unclear what the situation entailed, but now things had been clarified and the work had started.

Mr. Jolly reiterated that there had never been a factual finding before regarding this case. Ms. Batchelder confirmed and reiterated that this case had been continued from the July meeting, and now the City was requesting an Order.

Chairman Vordermeier clarified that the City had presented this case for an Order, and not a continuance. Ms. Batchelder confirmed.

Mr. Rafter withdrew his motion. Mr. Jordan clarified that after 180 days the owner could come before the Board and report the progress on the work being done.

Motion made by Mr. Rafter and seconded by Mr. Jordan to find in favor of the City and to order compliance within 180 days.

Ms. Batchelder explained that a fine had to be attached to the Order.

Motion amended by Mr. Rafter and seconded by Mr. Jordan to find in favor of the City and to order compliance within 180 days or a fine of \$25 per day, per violation would be imposed. Motion passed unanimously.

Reference: CE02030215

J. Arnold Mittelman  
6001 NW 9 Avenue

Old Business

Susan Batchelder stated that this case had originally been heard on March 26, 2002 with compliance ordered by September 25, 2002. No fines have been imposed.

Mr. Jim Gizzie stated that the owner was asking for an extension of 180 days in order to take care of violation SFBC 2001.2(b). He explained that all other violations, except for 301(a) have been complied with, and they were presently working toward resolution of the remaining items.

Mr. Joseph Pozzuoli, architect, stated that they were presently working toward compliance of the violations and they had been approved for a permit yesterday to fire rate the columns. He

explained that the Building Department would not issue the building permit until the life/safety issue regarding the steel columns had been complied with first.

Mr. Rafter asked if this building had been constructed without permits. Mr. Pozzuoli replied this was the Old Levitz Furniture building, and the warehouse had a rack system which contained a sprinkler system on every level. According to Code, you were permitted to sprinkle every level of racks which protected the columns, but if the racks were removed there was no sprinkler system.

Chairman Vordermeier asked why 180 days were needed if a building permit was ready for pick up. Mr. Pozzuoli explained that the permitting issue had just been resolved yesterday, and he was obtaining bids for the job for the wrapping of the columns which was a very expensive project. He further explained that he did not want to short-change himself regarding the time frame, and therefore, thought 180 days would be sufficient to come into compliance.

Mr. Steve Paine, Inspector - Fire Department, stated that he had spoken to the Fire Marshall this morning and he was agreeable to the 180 day extension.

Motion made by Mr. Phillips and seconded by Mr. Rafter to approve a 180-day extension. Motion passed unanimously.

Ms. Batchelder proceeded with new cases.

Reference: CE02061888

Richard A. Casale  
730 NW 6 Ave.

9-313(b) - commercial building numbers are required to be a minimum of eight inches in height; FBC 3401.6 - All light fixtures are required to have protective lenses or covers; FBC 704.3.1 - There is inadequate one (1) hour minimum fire separation protection for adjacent tenant spaces; FBC 104.1 - There have been physical alterations and improvements to the building without first obtaining the required building permits. This work includes, but is not limited to: (1) Installation of four (4) mechanical automotive lifts with electrical connections; (2) Installation of pass-thru window from parts room; (3) Construction of

wall framing as tenant fire separation; FBC 104.2.5 - Electrical work in shop area for connection of the mechanical lifts was done without first obtaining required permits.

Susan Batchelder stated that certified mail had been sent to Richard Casale and was signed by Loran Wolk on September 6, 2002.

Mr. Douglas Kurtz, Building Inspector, stated that this was a vehicle repair garage and it consisted of several tenant units which were joined together by common party-walls, and the proponent was leasing 75% of the space. He explained that the owner of the property had hired a contractor who submitted a set of plans for review, and certain items had been brought into compliance. He recommended that the owner receive a 30-day extension, and a fine of \$100 per day, per violation would be imposed.

Mr. Richard Casale, owner, stated that he had appeared before this Board less than one-year ago and the building had been completely redone. The lifts had been permitted at that time, but he had moved out of the city. He further explained that violations 9-313(b) and FBC 3401.6 had been brought into compliance, and the remaining work was in progress.

Mr. Jordan clarified that the owner was basically waiting on the City. Mr. Casale agreed. The contractor explained that plans had been drawn and the old permits had been issued in September, 2000. The contractor proceeded to give a history of the work that had been started.

Chairman Vordermeier stated that an Order was needed on this case.

Motion made by Mr. Young and seconded by Mr. Jordan to find in favor of the City and to order compliance within 60 days or a fine of \$100.00 per day, per violation would be imposed. Motion passed unanimously.

Reference: CE02090253

Leisure Beach Condo Assn.  
200 S. Birch Road

NFPA 1.7-4.5.1 - Fire pump has been removed and not replaced.

Susan Batchelder stated that Certified Mail had been sent to the Registered Agent, Gary Poliakos, Esq., and signed by Almo on September 12, 2002. Certified Mail was also sent to C.

Ann Lanasa, President/Director, with an illegible signature and was returned on September 17, 2002. Certified Mail was sent to Dom Miccio, Director, and there was no signature on the green card and it was returned on September 17, 2002.

Mr. Anthony Precanico, Fire Marshall's Office, stated that there was a problem with the company that had been hired to install the fire pump. He explained that the fire pump had been delivered and they were waiting for installation which should take place this week. He suggested that 14 days be granted to come into compliance and a fine of \$250 per day be imposed.

Mr. Phillips asked for a definition of a fire pump. Mr. Precanico explained that the fire pump was hooked up to the stand pipe system which was in the cabinet with the fire hoses. It was 30 years old and no parts were available for it, so the owner hired Transel to replace it.

Mr. Phillips asked if 14 days were sufficient for the work to be completed. Mr. Precanico explained that the money was available and the pump was ready for installation. He continued stating that he had spoken with a representative of the company and they had stated that two weeks would be sufficient to complete the work in question.

Motion made by Mr. Phillips and seconded by Ms. Hale to find in favor of the City and to order compliance within 14 days or a fine of \$250.00 per day would be imposed. Motion passed unanimously.

Reference: CE01041121

Bruce R. & Patricia E. La Raia  
505 SW 18 Avenue

Old Business

Susan Batchelder stated that there was a lien on this property. This case was originally heard on October 23, 2001 with compliance ordered by February 26, 2002. On April 23, 2002 it was continued to May 23, 2002. Only one violation had not been brought into compliance which was 307.1(a). Fines total \$26,000.

Mr. LaRaia, owner, stated when he began having permits pulled, it was discovered that the work had been done without permits. He explained that the main house was not yet ready for occupancy and they were presently living in the cottage which was not permitted for occupancy.

Chairman Vordermeier clarified that Items 301 (a), (e) and (d) were permitted, and only 307.1(a) was in violation.

Mr. LaRaia explained that he had discovered that the previous owner had put on the additions without permits and the home was over 50 years old, and the cottage was approximately 30 years old.

Mr. Phillips asked if there were any records of any permits. Mr. Reardon stated that there was no

record of this structure being permitted as a living unit. Mr. Phillips asked if it had been permitted to any other type of use. Mr. Reardon stated that it had never been CO'd and had always been a part of the City.

Mr. Young asked if the cottage was going to be demolished once the main house was completed. Mr. LaRaia confirmed. He asked the Board to consider granting him a temporary CO so the fines could be put to a stop. Mr. Rafter explained they could not issue a CO. Mr. Reardon explained that a time extension could be granted to obtain a Certificate of Occupancy because he was cited for occupying the cottage without a permit. He also stated that the owner has been very cooperative and work was being completed.

Motion made by Mr. Phillips and seconded by Mr. Jordan to grant a 180-day. Motion passed unanimously.

Chairman Vordermeier asked for a clarification of the \$26,000 fine. Mr. Rafter stated that this case first arose about one year ago, and that amount in fines could be possible. Ms. Batchelder explained the violation was \$50 per day, per violation and there had been four violations on the property. She further stated that the fine ran from February 27, 2002 to April 23, 2002, and again from May 23, 2002.

Mr. La Raia stated that he was aware of the fine, but he had ran into a lot of problems while attempting to get this work completed.

Chairman Vordermeier stated that the fine issue would be dealt with at a later date. He explained to the owner to raise the issue of the fine when he returned before the Board in six months with his progress report.

Reference: CE00040857

Donald S. Vernon, Jr.  
917 SE 14 St.

Old Business

Susan Batchelder stated that this case was originally heard on January 22, 2002 with compliance ordered by March 23, 2002. On May 28, 2002, that date was extended until June 27, 2002. The property came into compliance on July 18, 2002. The fines accrued were \$4,250. There is no lien on the property.

Mr. Robert Pignataro, Building Inspector, stated that the owner was requesting an abatement of the fines.

Attorney for Mr. Vernon, Mr. Stuart Lipson,, explained that it was impossible to bring the utility shed into compliance, and therefore, it was demolished. He also stated that the 6' portion of fence that was in violation had been removed. The only issue remaining was if the windows met the requirements of the new building code.

Mr. Pignataro stated that he was not aware that some of the items had been brought into compliance. Chairman Vordermeier stated that proof would be required that items were taken care of. Mr. Lipson felt the work would be ready for inspection later this week. Mr. Jordan reiterated that the windows had to be completed and hurricane shutters also had to be installed.

Ms. Batchelder reiterated that all the work was in compliance, and the fines totaled \$4,250.

Mr. Jordan reiterated that fines were normally discussed after the work was completed. Mr. Jolly clarified that was yes and no. Work still had to be done in this case and compliance had been met. Chairman Vordermeier explained that the violation had been satisfied. If the work was not completed, the owner would have to be re-cited.

Motion made by Mr. Hayes and seconded by Mr. Jordan to approve abatement of the fines. Motion carried 5-2. (Nays: Rixon Rafter and Pat Hale)

Reference: CE01091241

Allan A. Flom, TR  
1975 E. Sunrise Blvd.

Old Business

Susan Batchelder stated that this case was originally heard on November 27, 2001 with compliance ordered by March 27, 2002. On March 26, 2002 the date was extended until April 25, 2002. Again on May 28, 2002 time was extended to September 26, 2002. She further stated that the property was in compliance and the fines totaled \$3,250. No liens were placed on this property.

Ms. Carol Muller, Building Manager, stated that the owner was in compliance and all the work had been completed. She requested that the fines be abated.

Mr. Mohammed Malik, Building Inspector, stated that the City would prefer to deal with this matter administratively.

Motion made by Mr. Rafter and seconded by Mr. Hayes to abate the fine. Motion passed unanimously.

Reference: CE99051743

Johny Dean Evans  
824 NW 16 Ave.

Old Business

Ms. Batchelder stated that two letters had been received. One from Ms. Evans and one from

Legal Aid. She further stated that this case had been originally heard on March 28, 2000 with compliance ordered by September 26, 2000. On January 23, 2001, the date was extended until July 24, 2001. On July 24, 2001, the date was extended until October 22, 2001. On October 23, 2001, the date was extended until February 20, 2002. On February 26, 2002, the date was again extended until April 27, 2002. On April 23, 2002, the date was again extended until June 22, 2002. On July 30, 2002, it was again extended until September 21, 2002. The fines total \$1,570, and the letters were requesting another extension of time.

Chairman Vordermeier stated that this was a legitimate matter.

Mr. Robert Pignataro, Building Inspector, stated that the City was not opposed to the 60-day extension.

Mr. Phillips stated that he had a problem with the matter of the front porch rotting and nearing collapse. He asked what if someone went to the building and it collapsed and they were seriously injured. Ms. Hale asked if the porch had been bordered off or taped. Mr. Pignataro stated it was not.

Mr. Rafter stated that he did not feel anything could really be done and the owner had a lot of problems recently, and this Board should not add to her miseries.

Motion made by Mr. Jordan and seconded by Mr. Rafter to extend this matter for 60 days. Motion passed unanimously.

Mr. Phillips stated that he did not believe that Johny Evans was not actually one of the interested parties in this matter. Mr. Rafter stated that he believed her daughter was the interested party. Mr. Phillips believed that 60 days should be adequate time for the interested parties to appear before this Board regarding this matter.

Reference: CE02051592

LKT Echo Properties Tr  
525 NW 2 Ave.

24-28(a) - Dumpster enclosure is not being maintained (Broken door and gate); 47-20.20.H. - Parking facilities must be maintained in good operating condition; 47-21.8.A - Landscape is not being maintained and is missing; 9-278(g) - Window screens are required on habitable rooms; FBC 104.1 - Two (2) pay phones have been installed without first obtaining the required building permits; FBC 3401.6 - Commercial clothes dryers and domestic clothes dryer exhaust ducts are required. Water heaters must have the proper relief valves and discharge.

Ms. Batchelder announced that Certified Mail had been sent to LKT Echo Properties, c/o Laserline Inc. and signed by Jean Alm on September 12, 2002.

Mr. Robert A. Pignataro, Building Inspector, stated that the City was recommending 30 days to come into compliance or a fine of \$50 per day, per violation be imposed, and for the Order to be recorded.

Motion made by Mr. Jordan and seconded by Mr. Hayes to find in favor of the City and to order compliance within 30 days or a fine of \$50.00 per day would be imposed, and the Order would be recorded. Motion passed unanimously.

Mr. Rafter asked if any work had begun. Mr. Pignataro stated he was unaware of any work being started.

Reference: CE02060251

Cherine Myrie  
1400 NW 8 Ave. , #B

FBC 104.1 - Rebuilt a wall and ceiling in the kitchen and covered with drywall, without a permit; FBC 111.2.1.2.5 - Covered up burnt electrical wires with drywall; FBC 111.2.1.3.1 - Due to the fire covered up mechanical ducts without inspection.

Ms. Batchelder announced that Certified Mail had been sent to Cherine Myrie and signed by Cherine Myrie on September 19, 2002.

Mr. Robert A. Pignataro, Building Inspector, stated that no work had been done to the property. Mr. Hayes asked if life/safety issues were involved. Mr. Pignataro explained that a fire had occurred at the property and drywall placed on the wall.

Mr. Jordan asked if the unit was occupied and belonged to the owner. Mr. Pignataro replied the unit was unoccupied at this time, and the owner did not live in the unit. He further stated that the structure was a duplex, but they had difficulty in locating the owner of the property. Recently, the owner had been served. Mr. Pignataro stated that the City was recommending 30 days to come into compliance and a fine of \$50 per day, per violation be imposed, and for the Order to be recorded.

Motion made by Mr. Jordan and seconded by Mr. Rafter to find in favor of the City and to order compliance within 30 days or a fine of \$50.00 per day would be imposed, and for the Order to be recorded. Motion passed unanimously.

Reference: CE02031597



F & Elaine Dec  
214 SW 21 Terrace, #3

Ms. Batchelder announced that this case would be rescheduled for the October 22, 2002 meeting.

Reference: CE02030345

Rocelyn Jean-Louis(new owner)  
1214 NW 4 Ave.

FBC 104.1 - The following work was performed without first obtaining a building permit; (1) The rear building was constructed without first obtaining a building permit. Also, a portion of the rear wall siding was replaced without a permit; (2) the rear metal shed was installed without first obtaining a building permit; (3) A portion of the windows have been replaced; (4) The building has been re-roofed; (5) The interior walls of the main house do not match the layout of the plans on file with the City; (6) A kitchen has been added to the south side addition; (7) One window on the front wall of the south side addition has been removed and the wall closed up; (8) The window openings have been altered in size; (9) A portion of the windows have been boarded without obtaining a board-up building permit.

FBC 104.2.5 - The following work was performed without first obtaining an electrical permit; (1) The electrical service has been upgraded; (2) The main house kitchen circuit breaker box has been installed without a permit; (3) The wiring to the main house water heater has been upgraded; (4) The circuit breaker box added to the north exterior of the south side addition was installed without a permit; FBC 106.1 - The rear building and the south side addition are being rented as separate apartments without first obtaining a certificate of occupancy from the building

official. The main house was built as a single family home. The south side addition of the bedroom and bath were built as an addition to the main house only, not as a separate apartment the building department has no record of the rear building being added to the property; FBC 104.2.4 - The following work was performed without first obtaining a plumbing permit; (1) The fixtures in the kitchen and the bathrooms have been replaced; (2) The water heaters in both buildings have been replaced; FBC 3401.6 - The roof rafters and framing are rotted and termite damaged at the carport and south side addition porch roofs. There are exposed wires to the rear building kitchen light fixture. These elements of the buildings are not maintained in a safe condition.

Sec. 9-280(b) - There are broken windows and missing screens. The front wall siding of the rear building is rotted in areas; 9-281(b) - There is an unlicensed gray Pontiac Bonneville and two utility trailers in the rear yard. There is outside storage of construction material. There is trash, rubbish and debris in the yard. The yard is overgrown and not being maintained. 9-280(f) - The bathroom sink in the south side addition is not properly secured to the wall.

Ms. Batchelder announced that Certified Mail had been sent to Tim and Brenda Talbert, but the signature was illegible on September 9, 2002. The new owner of the property is Rocelyn Jean-Louis.

Mr. Kenneth Reardon, Building Inspector, stated they would attempt service upon the new property owner.

Ms. Batchelder explained this case basically was a “no service case.”

Reference: CE02072427

Brenda L. Basini  
2600 NE 34 St.

FBC 104.1 - There have been physical

alterations and improvements to the building without first obtaining the required building permit(s) to include, but not limited to: (1) Fence installed without permit; (2) Duplex converted into more than two units by closing doors between units; FBC 104.2.11 - Installed window air-conditioning unit without first obtaining the required permit; FBC 104.2.5 - Electrical work in garage without first obtaining required permits; FBC 106.1 - Duplex converted into more than 2 units, thereby changing Certificate of Occupancy; 47-21.8.A - Landscape and ground cover is missing and or not being maintained properly.

Ms. Batchelder announced that Certified Mail had been sent to Brenda Basini and signed by B. Basini on September 12, 2002. She further stated that the property was in compliance except for 47-21.8.A.

Mr. Mohammed Malik, Building Inspector, stated that all violations were in compliance with the exception of 47-21.8.A. He stated that a verbal agreement had been reached with the owner for 90 days to come into compliance and a fine of \$25 per day, per violation would be imposed thereafter.

He explained further that only a small portion of the landscaping remained to be completed.

Motion made by Mr. Rafter and seconded by Mr. Jordan to find in favor of the City and to order compliance within 90 days or a fine of \$25.00 per day would be imposed. Motion passed 6-1. (Nay: Larry Hayes)

Reference: CE01081176

Randy Goodman  
709 NW 14 Terrace

FBC 104.1 - There have been physical alterations and improvements to the building without first obtaining the required building permits. This includes, but is not limited to: The installation of kitchen cabinets, water heaters and wall air-conditioning units.

Ms. Batchelder announced that Certified Mail had been sent to Randy Goodman and signed by Dale Morrison on September 16, 2002.

Mr. Douglas Kurtcock, Building Inspector, stated that yesterday an air-conditioning permit No.

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01031847 had been issued, and a plumbing permit was applied for in this case. The City was recommending 30 days to come into compliance and a fine of \$50 per day be imposed, and for the Order to be recorded.

Motion made by Mr. Jordan and seconded by Mr. Rafter to find in favor of the City and to order compliance within 30 days or a fine of \$50.00 per day would be imposed, and that the Order be recorded. Motion passed unanimously.

Reference: CE02051831

Roger & Vienna Freeman  
415 NW 7 St.

47-19.5.B.3 - Wood fence installed within the limits of "sight triangle" requirements;  
FBC 104.1 - Construction and installation of a wood fence without first obtaining the required building permit.

Ms. Batchelder announced that there was a signed Stipulated Agreement with the owner to come into compliance within 30 days or a fine of \$25 per day, per violation would be imposed.

Motion made by Mr. Phillips and seconded by Mr. Hayes to accept the Stipulated Agreement. Motion passed unanimously.

Reference: CE02071175

New Generation Ministries  
500 W. Sunrise Blvd.

FBC 104.1 - Exterior signage has been installed without first obtaining the required building permits.

Ms. Batchelder announced that Certified Mail had been sent to the Directors, Daniel and Kimberly Mundell, and signed by C.Y. Wallace on August 21, 2002. Certified Mail was also sent to Christina Y. Wallace, Director, and signed by C.Y. Wallace on August 21, 2002. Certified Mail was also sent to New Generation Ministries. Signature was illegible and no date was on the green card which was received back on September 3, 2002.

Mr. Douglas Kurtcock, Building Inspector, stated that this was a situation where this ministry had taken over a building which had a previous sign that had been erected without a permit. The ministry recently engaged a licensed sign contractor who applied to the City for a permit. Mr. Kurtcock recommended that 30 days be given to come into compliance, and a fine of \$50 per day be imposed.

Motion made by Mr. Phillips and seconded by Mr. Hayes to find in favor of the City and to order compliance within 30 days or a fine of \$50.00 per day would be imposed. Motion passed

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unanimously.

Reference: CE02080917

Ross J. Terango  
966 NW 51 Place

FBC 104.9.3.1 - All existing permits have expired. Owner obtained licensed contractor (Sunbuilt Construction, Steve Fedor) to pull an after-the-fact permit #99020877 which has expired.

Ms. Batchelder stated that there was a Stipulated Agreement with the owner to come into compliance within 30 days or a fine of \$50 per day would be imposed.

Motion made by Mr. Phillips and seconded by Ms. Hale to accept the Stipulated Agreement. Motion passed unanimously.

Approval of Minutes:

Motion made by Mr. Jordan and seconded by Mr. Rafter to approve the minutes of the July 23, 2002 meeting. Motion passed unanimously.

Claims of Liens:

Chairman Vordermeier stated that he had told the Assistant City Attorney that he had a problem of signing any more of these until and unless the Attorney General of the State of Florida got his act together and answered the question which had been put before him. Two answers had been received from the Attorney General. Chairman Vordermeier stated that in accordance with his way of thinking, the 183's were opposed to one another and he felt there was too much open-endedness which needed to be dealt with, and instead of putting the people at risk by liening their properties, he did not want these matters taken out of the hands of the Code Enforcement Board. He, therefore, was going to defer this until a third opinion came from the Attorney General. Bruce Jolly, Code Board Attorney, from a legal standpoint, did not agree with Chairman Vordermeier.

Chairman Vordermeier explained these forms dealt with properties that were to be liened.

Mr. Jolly stated that two months ago Lahki Mohnani and Jack Braunstein came up and wanted to present issues to the Board regarding reduction of fines. The City represented that this Board should not hear these presentations because a specific property at issue had been liened. The Attorney General's two opinions were presented and were somewhat persuasive, but the Board and the City were concerned. Mr. Jolly stated that he had written the Attorney General on August 14, 2002 asking whether the Code Enforcement Board in accordance with the Statutes of Chapter 162 retained the right and power of authority to reduce the fines on property where an

Order had been entered, and the Order had been recorded. The Attorney General had responded on September 11, 2002, and copies were provided of the opinion to the Chairman of this Board and Lori Milano, along with a copy to the Assistant City Attorney's Office.

Mr. Jolly stated that the question which had been posed to the Attorney General was as follows:

“Is the Code Enforcement Board authorized to reduce a fine for non-compliance when an Order of the Board had been recorded pursuant to Section 162.9.(3)?”

Mr. Jolly stated that the answer in sum was as follows:

“A Code Enforcement Board is not authorized to reduce a fine for non-compliance when an Order of the Board had been recorded pursuant to Section 162.9(3), rather upon being recorded such an Order becomes a lien that may only be compromised, satisfied, or released by a local governing body.”

Mr. Jolly stated that the opinion was definitive, but it didn't have the force of law but was a highly persuasive opinion which Judges and lawyers relied upon. He stated that he did not recommend the Board authorize the recording of Orders to establish liens.

Chairman Vordermeier reiterated that the Attorney General did not refute his prior statement. Mr. Jolly stated that he did not have to do that. Chairman Vordermeier felt that both opinions were on the table, but the Assistant City Attorney disagreed. Chairman Vordermeier proceeded to read the statement from the Attorney General as follows:

“In AGO98-50, the Attorney General clearly states: ‘While the Statute now provides that the lien arising from the fine runs in favor of the local governing body which made execute a Satisfaction or Release of the lien, the Code Enforcement Board still is statutory authorized to reduce the fine. This Office has no authority to ignore or alter the plain language of the Statute. The Statute also specifically empowers the Code Enforcement Board to reduce the fine imposed pursuant to this Section.’”

Chairman Vordermeier stated that the Attorney General had not disavowed that statement, and therefore, it was still on the table. He stated further that it could not be both ways. Mr. Jolly stated that he could state it as many ways as he wished, and it was only one man's opinion. Chairman Vordermeier stated that it left the Board with no opinion.

Mr. Jolly stated that what always bothered him was that the question asked was not really the question the Board was facing. There was language in the opinion that was gratuitous and did not address the issue. He felt that was the only reason that there was an even arguable point. Regardless, the Attorney General had stated that the Statute did not permit the Code Enforcement Board to reduce a fine once it had been recorded.

Mr. Phillips asked if this Board had the power to reduce a lien depending on circumstances.

Chairman Vordermeier suggested that possibly the right question was not asked of the Attorney General. Mr. Jolly stated that the correct question had been asked. He further stated that whether he agreed with the opinion or not, he did understand it and as the Board's lawyer it was his obligation to explain what the Attorney General had said and to make comments. In his opinion, he felt the Attorney General had determined that the Board did not have such authority.

Chairman Vordermeier felt that the Mr. Jolly was stating that this Board would lose by default, and he did not think that was fair. Mr. Jolly then could not defend the Board. Mr. Jolly explained that someone else would come in and defend the Board.

Mr. Phillips stated that if the City requested to record an Order, if the Board did not grant that request then they would retain the authority and provide some type of flexibility. He further stated that he was not suggesting that the Board refuse to record the Order because the Board was supposed to be fair and neutral in situations. Chairman Vordermeier stated that the technique of recording was just another tool which was available. Mr. Jolly stated that he did not understand why the City requested the Orders to be recorded at times. Ms. Batchelder stated that it prevented the property from being sold by putting potential property owners on notice. Mr. Jolly stated that they should just do it automatically. Ms. Batchelder further explained that there was another requirement that they come back and get the final order to start the lien process. She reiterated that this was used for enforcement and compliance.

Chairman Vordermeier stated that he was concerned that once a fine was recorded and they went into negotiations, even though the original problems were in compliance, they would be hurt financially. Ms. Batchelder explained that the negotiations with City Staff were approved by the Commission and the Commission had stated they wanted the money. Chairman Vordermeier stated that this bothered him greatly. Mr. Jolly stated there was a difference between the "enforcement arm" and the "reviewing arm." He further stated that the Board was actually a buffer to a certain extent between the public and the enforcement officials.

Chairman Vordermeier stated that he would be glad to sign the forms once this was satisfied. He explained that presently he was looking at two opinions which were diametrically opposed and he was not comfortable until he knew what direction they were headed.

Mr. Phillips stated that if the Board had their attorney's opinion based upon the Attorney General's opinion and they were guided by the Statute, it concerned him that the Board might not be doing their duty or serving the City Commission. Mr. Jordan stated that he believed they were all there due to the taxpayers. Mr. Hayes asked how the two opinions could be ignored. Mr. Phillips stated that there were Supreme Court decisions that had overruled cases over the years. He stated this statement was persuasive, and he believed either the City or an aggrieved property owner who took issue with this would provide the answer. He did not believe the decision-making process was with this Board.

Mr. Jolly reiterated that the only people who had the power to do what the Statute permitted were those who were elected and were responsible to the citizens. He explained that this Board was

responsible to the Commissioners who appointed them.

Mr. Phillips suggested that if the Chairman did not want to sign the forms, he could possibly allow the Vice-Chair to sign them and the Board could vote on the matter.

Mr. Jolly stated that he would provide the materials to the Board regarding this matter for their review.

Mr. Phillips asked if they should put this on the City Commission's agenda, thereby getting input from everyone, including the public. It was the Board's consensus that they did not want this on the Commission's agenda.

Mr. Rafter stated that the reality was that once a property owner and staff began negotiating the reduction of a lien down to 10% to 15% of the total, it then went to the Commission for approval. Once in a while, someone took exception to a lien which was being collected against their property. He further stated that he was concerned that the Board use this instrument in order to connect with changes in ownership of the property. He believed that the previous owner should be responsible for those costs, and not the new owner.

Mr. Jolly stated that this matter had been presented to the Board and required a follow-up as to whether or not the recommendations to record the Orders should be done.

Motion made by Mr. Phillips and seconded by Mr. Rafter that they were tabling to defer whether liens should be recorded until the next meeting. Motion passed unanimously.

Chairman Vordermeier adjourned the meeting until 1:00 p.m.

\* \* \*

The Code of Enforcement Board reconvened at 1:10 p.m.

Ms. Batchelder stated that old business cases would now be heard.

Reference: CE01040993

Chateau Condo Association  
629 NE 2 Avenue

Old Business

Ms. Batchelder stated is case was originally heard on May 28, 2002 with compliance ordered by June 27 and August 26, 2002. Fines have accrued to the amount of \$8,600.00.

Mr. Phillip Fontanills, Architect advised the Board that he is attempting to work on the matters that they had been cited for and have applied for a permit for landscaping and structural repairs.



Mr. Wayne Strawn, Building Inspector, stated that he concurred with Mr. Fontanills and that the permit was applied for which would encompass the landscaping and structural repairs. It was applied for on September 19, 2002. He was not sure if 90 days was sufficient to bring all the violations into compliance for this property.

Mr. Phillips asked when the fines had started. Ms. Batchelder replied that some of the fines had begun on June 28, 2002, and some began on August 27, 2002. These had not been recorded.

Motion made by Mr. Rafter and seconded by Mr. Phillips to grant a 120-day extension to come into compliance. Motion passed unanimously.

Mr. Phillips explained that when the work had been fully complied with, they could ask for an abatement of the fines.

Reference: CE01070832

John W. Mazerelle  
1505 SW 1 St.

Old Business

Ms. Batchelder stated that this case had originally been heard on February 26, 2002 with compliance ordered by August 25, 2002. Compliance has been met except for violation of 105.1(a). Current fines were \$700.

Mr. Kenneth Reardon, Building Inspector, stated that the owner was presently working with the Historic Society which took time. The City was recommending a 120-day extension for compliance.

Motion made by Mr. Rafter and seconded by Mr. Hayes to approve the 120-day extension for compliance.

Mr. Phillips asked if the carport enclosure needed Historical Board approval. He was informed any work on the property required their approval.

Motion carried unanimously.

The owner was informed that the fines were not abated and after the work was completed, he could request an abatement of fines.

Reference: CE00041188

Clarkson-Bergman Fam. Prt.  
2400 W. Broward Blvd.

Old Business

Reference: CE01070243

Robert M. Hall  
2500 W. Broward Blvd.

Old Business

Reference: CE01081572

Clarkson-Bergman Fam. Prtn  
350 SW 27 Ave.

Old Business

Ms. Batchelder announced that all three cases were originally heard on July 24, 2001 for plans to be provided by September and in compliance by January 23, 2002. On January 22, 2002 the time was extended to February 21, 2002. On February 25, 2002, the time was then extended to May 27, 2002. On May 28, 2002, time was extended to June 27, 2002. On July 23, 2002, time was then extended to September 21, 2002 with the Stipulation that in regard to 350 SW 27 Avenue all safety violations would be corrected.

Ms. Batchelder stated that in regard to CE00041188 there were a total of \$6,540 in fines. She further stated that in regard to CE01070243 there were a total of \$4,860 in fines. She also stated that in regard to CE01081572 there were a total of \$6,480 in fines.

Mr. John Chasen, attorney for the property, stated that he represented all three properties. Basically, they had been working with Mr. Strawn regarding the violations and they had begun going through the permitting process. He proceeded to explain that there were two owners. One owner had ownership of two areas, and the other owner had ownership of the third area. Leases would come due next year on the property. He explained that they were requesting a 90-day extension and they could then come before the Board with a progress report.

Mr. Wayne Strawn, Building Inspector, stated that they had given a very straight-forward report. He stated that Item #10 on the report caused a lot of time and problems, but work was beginning. He further stated that Item #7 was important and the removal of substandard homes was a good move in the right direction. He stated that the sales of the mobile homes had ceased. He believed this list was encouraging and wanted the issues resolved as soon as possible.

Mr. Strawn explained that the immediate concerns raised at the last code meeting were addressed. Since the infrastructure was corrected, there was a problem hooking up to it. Therefore, the old power had to be disconnected and the trailers hooked up to the new system, and since some of the trailers were in bad condition the City refused to authorize hook-ups.

Mr. Chasen stated they had worked out an agreement concerning the potential extension of uses which would simplify matters.

Mr. Hayes stated that in view of all the financial costs which were involved in these cases was it worthwhile to proceed. Mr. Chasen stated that it was worth it and after the violations were complied with, they would have a viable entity that could be operated or sold.

Mr. Phillips asked if the City was a party to the mortgage foreclosures. Mr. Chasen replied he did not know the answer to that question.

Mr. Rafter clarified that there were only fines and no liens involved in these cases. This was confirmed.

Mr. Ritchie, agent for R.M. Hall and owner of Parcel #2, stated that they had no objections to the 90-day extension, but there were some conditions Mr. Hall wanted to impose on the mortgage holder's representative. He explained that Mr. Hall's provisions remained essentially the same as in the past.

(Didn't hear a motion being made on the tape)

Motion made by Mr. \_\_\_\_\_ and seconded by \_\_\_\_\_ to grant a 90-day extension for compliance of violations. Board unanimously approved.

Reference: CE01032143

R.F. & Sigrid Miller  
315 N. Birch Rd.

Old Business

Ms. Batchelder announced that this case had originally been heard on July 23, 2002 with compliance ordered by October 21, 2002. No fines to date on this property.

Mr. Edward S. Golden, attorney for the owners of the property, stated that the permit had expired and there had been eight items in the original violations. He stated that six of the violations had been brought into compliance, and therefore they were seeking a two-month extension for the remaining violations.

Mr. Golden explained they had received estimates regarding the parking area and were ready to proceed. Some of the electrical work had been brought into compliance, and some issues needed to be reviewed with the inspector. He stated that the balcony was completed with a permit, but the problem was the contractor never received a final inspection and then the permit expired.

Mr. Golden reiterated that the two outstanding issues which remained were the electrical in connection with the air conditioners and the obtaining of the after-the-fact permit for the balcony.

Mr. Mohammed Malik, Building Inspector, stated that NEC 110-26 was in compliance, along with 47-21.8.A. He explained that the permit had to be reissued and an inspection would have to be done.

Motion made by Mr. Rafter and seconded by Mr. Phillips to grant a 60 Day extension beginning from October 21, 2002 to bring the work into compliance. Motion passed unanimously.

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Reference: CE01111944

Coastal Limousine Inc.  
931 NE 4 Ave.

Old Business

Ms. Batchelder stated that this case had originally been heard on February 26, 2002 and compliance was ordered by May 27, 2002. On June 25, 2002, the date was extended until August 24, 2002. The fines total \$20,300.

Mr. Tom Thibeaux, architect for the owner, stated they were asking for a 90-day extension so compliance could be met. He explained that they had received their permit approximately one week ago. He explained that the work was comprised mostly of landscaping. Mr. Tivo explained that the fines were a result of the owner's inability to get on the Board's agenda last month.

Ms. Batchelder was asked how much of the fine had been accrued in the last 30 days. Ms. Batchelder replied that the fine ran from May 27th to June 25<sup>th</sup>, and from August 24<sup>th</sup> to the present date.

Mr. Mohammed Malik, Building Inspector, stated that the City had no problem with the extension being requested.

Chairman Vordermeier reiterated that the Board was being asked for a 90-day extension and an abatement of the portion of the fine which occurred in the last 30 days when the owner was unable to get on this Board's agenda.

Motion made by Mr. Rafter and seconded by Mr. Phillips to approve the request for the 90-day extension. Motion passed unanimously.

Mr. Phillips explained that a request for the abatement of the fine could be made after all the work was completed.

Reference: CE02011704

Robert Lee  
1212 NE 15 Ave.

Old Business

Ms. Batchelder stated that this case was originally heard on May 28, 2002 and compliance ordered by September 25, 2002.

Mr. Robert Lee, property owner, stated that he had originally bought this property "sight unseen," and a lot of work was being done on the property. Three of the items had been brought into compliance.

Mr. Phillips asked how long Mr. Lee had owned the property. Mr. Lee replied he owned the property for approximately 1 ½ years. He further stated that he had a contract on the property which was contingent on the Board granting his request for the extension so the buyer could get the work completed. Mr. Lee further stated that the new owners were approved to assume his mortgage.

Mr. Mohammed Malik, Building Inspector, stated that violations FBC 104.2.4 and FBC 104.2.5 had been complied with, and the wood deck had been removed. Two items were still not in compliance and those were FBC 104.1 and FBC 104.2.11. Mr. Malik explained that he did not have a problem with the Board granting the extension since the owner had already applied for the necessary permits.

Mr. Phillips asked how this could be recorded if there were no fines. Mr. Hayes stated that he wanted this matter recorded.

Motion made by Mr. Rafter and seconded by Ms. Hale to grant the request for a 90-day extension, and for the Order to be recorded. Motion passed unanimously.

Ms Batchelder announced and Old Business case CE99060798 had no respondent and would not be heard.

#### Rescheduled Cases

Ms. Batchelder announced that the below-listed cases had been rescheduled:

CE02031597

#### Cases Pending Service

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

CE02070013

#### Cases Complied

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

CE02061573

CE02062125

CE02030400

CE02070492

CE98060407

For the Good of the City

Nothing.

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

There being no further business before the Board, the meeting was adjourned at approximately 3:30P.M.

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Chairman, Code Enforcement Board

ATTEST:

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Susan Batchelder,  
Clerk

NOTE: The agenda associated with this meeting is incorporated into this record by reference.