

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
October 22, 2002
10:13 A.M - 3:47 P.M.

CUMULATIVE ATTENDANCE

From January, 2002

Present **Absent**

BOARD MEMBERS PRESENT:

Pat Hale	9	0
Larry Hayes	10	0
Gerald D. Jordan, Vice-Chair	10	0
John Phillips	9	0
Rixon Rafter	8	1
Alan Vordermeier, Chairman	7	2
Bobby Young	8	2
Bruce Jolly, Attorney		

BOARD MEMBERS ABSENT

Alan Vordermeier, Chairman
Bobby Young

STAFF PRESENT:

Susan Batchelder, Administrative Assistant II
Sylvia Dietrich, Service Clerk
Assistant City Attorney
Mohammed Malik, Building Inspector
Douglas Kurtock, Building Inspector
Robert A. Pignataro, Building Inspector
Wayne Strawn, Building Inspector
Craig Stevens, Electrical Inspector

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ALSO PRESENT:

Mohammed Ismail - CE00030410
Kenneth Ruby - CE01091095
Doug McCraw - CE01041565
Herbert Myers - CE02040327
Donald Olsen - CE00080137
Donald Olsen - CE98080619
Robert Andrews - CE00080137
Robert Andrews - CE98080619
Robert Sikorski - CE01091213
Michael Zuro - CE02061210
Michael Zuro - CE99070234
Miguel Sanchez - CE02061210
Miguel Sanchez - CE99070234
Pete Ebergle - CE01041565
Deborah Toye - CE02080131
Jeffrey Finley - CE02061196
Vito Croce - CE02070145
David Williams - CE02091628
Robert Keshigian - CE02081535
Rich Berrie - CE01110773
Donald Zimmer - CE02081535
Michael Kelleher - CE01110929
William Eaton - CE02092289
Eric Mills - CE02092015
John Ramos - CE02011024
Brian Burns - CE01090046
Paul DeBianchi - CE01102536
Tony Karrat - CE00061990
Sam Santiago - CE00080137
Sam Santiago - CE98080619
Munir Kahn - Ce01051276
Romney Rogers - CE01061215

At 10:13 a.m., Vice-Chairman Jordan called the meeting to order. 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: CE02070145

Vito & Mary Croce
1000 NW 51 Ct.

Old Business

Ms. Batchelder announced that this case had originally been heard on July 23, 2002 with compliance ordered by September 21, 2002. Current fines - \$4,500, with a lien on the property.

Ms. Batchelder announced that the respondent was present to request an extension of time.

Vito Croce explained that the architect was to give the blueprints to his son. He further stated that he was requesting an extension of 4 months, and explained that he wanted to clean out the building and put it up for sale.

Robert Pignataro, Building Inspector, stated that the City had no objection to the extension of time.

Mr. Rafter asked who had been the architect. Mr. Croce stated that the architect was Andy Gilman. He further stated that his son and the architect were supposed to be at this meeting, but they did not show up. He was very ill and was trying to do his best and comply with the law by attending this hearing.

Motion made by Mr. Rafter and seconded by Mr. Hayes to approve a request for a 120-day extension of time. Board unanimously approved.

Ms. Batchelder stated that this case had originally been heard on February 26, 2002 with compliance ordered by May 27, 2002. On July 23, 2002 the time was extended to September 21, 2002. Current fines - \$645.00. No lien on the property.

Richard Berrie, Berrie Architecture Design, stated that he was asking for an extension of time. He explained that drawings had been submitted to the City at the beginning of the year. Apparently, there had been a restaurant or bar at the site and a change of use was requested. Mr. Berrie stated that modifications were being made to the site plan, and the process typically takes about 8-12 weeks. He further stated that he was requesting an extension of time of 120 days.

Mr. Rafter asked what took place between February and September. Mr. Berrie explained that the drawings were submitted and reviewed. He further stated that he was not sure of all the events that had taken place. He knew the manager, who was responsible for the work, had been fired. Mr. Berrie continued stating that now they were working with the City and moving forward.

Vice-Chairman Jordan asked what type of business was presently at this location. Mr. Berrie stated that it was an existing 4-bay strip center on Federal Highway by State Road 84 on the east side of the road. Part of the building had been a night club, and the owner was now attempting to put in retail at this location. Mr. Berrie explained that the change of use was triggering some of the delays. He also stated that he had worked with the original drawings at the beginning of the year, but they had been delayed in zoning due to the change of use. Mr. Berrie further stated that they were doing a lot of improvements, including a new parking lot.

Mr. Robert Pignataro, Building Inspector, stated that he had checked the permit history on this matter. He stated that the City was not opposed to the extension of time.

Vice-Chairman Jordan asked when the permit was issued would they be in compliance or did the work have to be completed first. Mr. Pignataro stated that they had to get all their permits and a Certificate of Occupancy.

Motion made by Mr. Rafter and seconded by Mr. Phillips to grant a 6-month extension of

Reference: CE02080131

Esposito Enterprises Inc.
3145 NE 9 St.

FBC 104.1 - There have been physical alterations and improvements to the building without first obtaining the required building permit such items include, but are not limited to, the following: (1) Demo interior walls, second floor; (2) built new bathroom, walls and door, second floor; (3) installed new exterior doors, second floor; (4) replace steel column at first floor; (5) installed new bathroom fixtures; (6) repair/replace stairs and railing. FBC 104.2.4 - Plumbing for bathroom on second floor with all new fixtures without first obtaining required permits; FBC 104.2.5 - Electrical work in bathroom and other rooms on second floor without first obtaining required permits; FBC 104.2.11 - New air conditioning unit on second floor without first obtaining required permits.

Ms. Batchelder announced that personal service was made to Vincent Esposito by Inspector Guilford on September 15, 2002, and Certified Mail was sent to the Registered Agent, Frank Esposito, and received back with no date on the green card in Community Inspections on September 24, 2002.

Mr. Mohammed Malik, Building Inspector, gave the case number and address of the property and stated that the violations were as listed in the agenda. He further explained that a verbal agreement had been reached for 90 days or a fine of \$50 per day per violation would be imposed.

Deborah Toye, attorney, stated that she was present on behalf of Vincent Esposito, owner. She further stated that this was a T-shirt shop near the Parrot Lounge, and was formerly rented to another tenant during which the condition of the property had declined. She

was asking for 90 days and if an extension was necessary, she would return before the Board.

Mr. Malik remarked that some of the work had been done and some permits were after-the-fact. He also stated that the City did not have any objection to the extension of time.

Motion made by Mr. Rafter 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. Motion passed unanimously.

Reference: CE02081535

Robert S. & Deborah A. Keshigian
1223 N. Flagler Dr.

47-20.8 - Parking lot needs restripping; FBC 11-4.6.1 - Accessible parking spaces are required as per Code; FBC 11-4.6.4 - Accessible parking signage are required as per Code.

Ms. Batchelder announced that Certified Mail to Robert and Deborah Keshigian had been accepted on October 10, 2002; signature illegible.

Mr. Mohammed Malik, Building Inspector, gave the case number and address of the property and stated that the violations were as listed in the agenda. He further stated that a verbal agreement had been reached with the owner for compliance within 120 days or \$50 per day, per violation.

Don Zimmer, Architect, stated that he had been hired by Mr. Keshigian last week and he was presently working on the plans.

Mr. Rafter asked what type of business was located in this building. Mr. Zimmer explained it was a warehouse for Mr. Keshigian's printing business, Print Dynamics, which was located at N. Federal Highway.

Mr. Malik stated that originally Mr. Zimmer had requested 180 days, but Mr. Malik was

Reference: CE01110929

Mak Hotel Assoc. Ltd.
2275 State Road 84

9-306 - The buildings on this property are not being maintained in an attractive manner. The corner of the fascia and outside finish on the south exposure of the south building is damaged. The north and east exposure of the north building is in poor condition. The various exposed building elements in disrepair include, but are not limited to stairway and balcony balustrade and rotten rafters and joists and the wooden cladding of the south entrance of the north building. FBC 104.1 - Repairs have been attempted to the wooden balustrade at the "Villager Lodge" without obtaining permits. The repair methods utilized do not assure compliance with the strength requirements or the dimensional requirements of the Code. FBC 104.2.5 - Circuits have been added or repairs and alterations done to existing circuits without obtaining permits. The work exists throughout the property including, but not limited to, landscaping lighting conduit and circuits. Repairs performed under the auspices of permit #02030191 which has expired now exist as non-permitted work. FBC 2411.4.1 - The glass panels on the south exposure (elevator lobby) of the four story building on the second, third and fourth floor do not have the required safeguards. FBC 3401.6 - The steel stairs to access the second floor of the south building are in an advanced state of deterioration. Electrical equipment and wiring is not being maintained safe throughout the property. Broken and disconnected conduit

have the required strength to support the potential loading; (2) stair railings are not to the height requirement as specified by the "life safety code;" (3) the balustrade of the balcony safeguards and stairway safeguards do not reject the passage of small objections as required by the life safety code; (4) the steel supporting the stairways has deteriorated. This is critical where the steel connects to the concrete balcony. The integrity is compromised; (5) steel reinforcing rods on the balcony at the southeast corner are exposed compromising the integrity of the balcony; (6) the roof structure providing an entrance to the four-story building on the west has deteriorated. The deterioration includes the vertical supports, roof framing and decking. The structure was built using prohibited methods and material namely 2 x 4 dimensional lumber for horizontal framing; (7) the glass panels on the second, third and fourth floors in the elevator lobby are not protected by safeguards as required.

Sec. 47-34.1.A - A large container is being stored in the west parking lot. The parking area is for parking and is not approved for other storage; 9-280(b) - All buildings at the site are not maintained in reasonably good repair. The deficiencies include: (1) all violations noted under Section 3401.6; (2) damage to the south building on the south exposure caused by a vehicle collision; (3) rotten wood cladding on the covered entrance to the "Villager Lodge" south exposure; 9-280(h)(1) - The wooden fencing on the south end of the property and the chain link fence on the west property line are in disrepair. The

a mattress next to the dumpster enclosure and a large pile of rubbish to the south of the dumpster enclosure at the southwest corner of the property including pallets, discarded electrical tubing, PVC piping, furniture, carpet, shopping carts and other trash.

Ms. Batchelder announced that Certified Mail was sent to Mak Hotel Assoc. Ltd. signed for on October 4, 2002 by L. Gonzalez, and Certified Mail was sent to Mak Hotel Management Inc. and the Registered Agent, signed for on October 4, 2002 by L. Gonzalez.

Mr. Wayne Strawn, Building Inspector, stated that he had met with the principals of the company last Friday, and they agreed that the violations had to be addressed. He continued stating that the violations existed as stated on the Notice of Violations with the exception of 9.281(b). He further stated that the trash and rubbish had been removed with the exception of the discarded equipment on the north side of the north building, and the discarded laundry equipment on the south side of the north building. He explained that the north building was known as the "Villager," and they agreed to remove the equipment within 15 days. Mr. Strawn explained that the problems they had with addressing multiple violations were financial and a meeting would have to be held with John Smith in order to make up a work schedule. He further stated that the City was willing to work with an individual if they could arrive at a compliance schedule that satisfied the Building Department. Mr. Strawn stated that he agreed with the owner for a 30-day time for compliance in order for the respondent to appear before this Board to report that he had a time frame and an agreement with the Building Department regarding the violations.

Mr. Strawn also stated that the degree of life safety was not as great as it appeared because the four-story building was vacant. He reiterated that 15 days be given to remove the remainder of the trash and 30 days be given so the owner could arrive at a plan for compliance with the violations.

Ms. Hale asked if the south building was occupied, and stated it was reported that there was damage due to a vehicle collision. Mr. Strawn stated that it was not structural damage, and was the Ramada Inn on the south building. He also stated that the railings had been

Mike Kelleher, construction consultant, stated that this was the second time he had been involved with this project. He explained that the first time they had worked very successfully with Lt. Callaway and Chief Kasner in addressing the life safety violations. He further stated that the new property owner had contracted his services. Mr. Kelleher stated that he had spoken with John Smith, after meeting with Mr. Strawn, and everyone agreed that he would make-up a schedule in order of life safety concerns.

Mr. Strawn stated that it was important that they agree on a schedule for the work, and then come back before the Board to grant them additional time based on good faith of the owner. He further stated that he preferred not to go past 30 days at this time because there were areas of the hotel and the Villager which were occupied, and the stairwells, rails and balconies were substandard as of this time. He further stated that it was important that all this work be done in a timely fashion.

Mr. Hayes asked if a fine was being recommended. Mr. Strawn confirmed and stated that he recommended \$50 per day, per violation.

Motion made by Mr. Rafter and seconded by Ms. Hale to find in favor of the City and to grant an extension of time for 30 days to arrive at a work schedule, 15 days to remove trash, and 10 days for securing stairwells with a fine of \$50.00 per day, per violation to be imposed.

Mr. Strawn clarified that the stairwells were operating on the two-story portion, and therefore, the barricading would apply only to the four-story portion of the building.

Motion passed unanimously.

Reference: CE02061196

Ocean Properties LLC
1100 NE 18 Ave.

FBC 104.1 - There have been physical alterations and improvements to the building without first obtaining the required building permit. Such items include, but are not limited to, the following: (1)

(4) hot water heater. FBC 104.2.5 - There have been physical alterations and improvements to the building without first obtaining the required electrical permit. Such items include, but are not limited to the following: (1) Demo/renovation of electrical work in entire house; (2) electrical work for washer and dryer; and (3) electrical work for hot water heater.

Ms. Batchelder announced that Certified Mail had been sent to the Registered Agent of Spiegel & Utrera PA and signed on October 10, 2002; signature illegible. Certified Mail was also sent to the Manager, William Knight, signed on October 10, 2002 and signed by K. Henriquez, and Certified Mail sent to Ocean Properties LLC signed on October 10, 2002 by K. Henriquez.

Mr. Mohammed Malik, Building Inspector, stated the case number and gave the location of the property. He stated that the violations were as written in the agenda. He continued stating that a verbal agreement had been reached with the owner to come into compliance within 90 days or a fine of \$50 per day, per violation would be imposed.

Jeffrey Finley, owner, explained that he had contracted an engineering firm to draft changes and also hired an electrician and plumber to address the violations on the property. He stated that the house was gutted and would be redone throughout. Mr. Finley stated there were two permits in effect for the air conditioning which had already been inspected, and for the framing and mechanical work. He continued stating that there was also a permit for a 200 amp electrical upgrade. He further stated that the next phase would be total interior wiring.

Vice-Chairman Jordan asked if a blueprint was necessary from an architect. Mr. Finley confirmed and stated that a doorway in the home was going to be altered from 8' to 12' and it was a load-bearing wall.

Mr. Malik stated that recently a lot of work has been going on. He continued stating that the owner had requested 45 days, but he believed that would not be enough time.

Reference: CE02091628

Airmark Engines Inc.
6001 NW 29 Ave.

NFPA 101 40.3.4.1 - There is no fire alarm provided.

Ms. Batchelder announced that Certified Mail had been sent to Airmark Engines, Inc. and signed for on October 3, 2002; signature illegible.

Ivett Spence-Brown, Fire Prevention Inspector, stated the case number and gave the location of the property. She proceeded to read the violation that was on the property. She explained that the annual inspection had taken place on July 16, 2001, and a re-inspection was done on September 27, 2001. Afterwards a complaint had been written for the fire alarm on December 12, 2001 and another inspection had taken place on July 30, 2002. As of this date, no alarm had been installed. Ms. Brown stated that the City agreed to a time extension of six months for the owner to be in compliance or a fine of \$50 per day would be imposed.

Mr. Rafter stated that he felt six months was a long time and asked how complex it was to install a fire alarm. Ms. Brown stated that it was not complex, but the building was the problem because after the alarm was installed, they would have to address the issue of the vacant office space, and the offices would have to be brought into compliance.

Mr. David Williams, Airmark Engines, stated that due to his ignorance, the original violation for the fire alarm had been issued in December, 2001. He explained they had contracted with Burglar Alarm Technicians to perform the work on February 11, 2002. Plans were submitted for the work on April 25, 2002, and on April 30th they had been rejected due to other mechanical issues in the building that would require additional work. Some of the work would involve fire-rated walls for stairways, and he had been waiting on the inspector and was unaware of the procedure involved.

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

Reference: Case No. CE02092289

Halliday Group
2966 NW 60 St.

FBC 104.1 - Second floor offices and loft were built without first obtaining a permit and have unenclosed, unprotected vertical opening.

Ms. Batchelder announced that Certified Mail had been sent to The Halliday Group and signed for on October 3, 2002; signature illegible. Certified Mail had also been sent to Rose Halliday, the Registered Agent, and signed for by Rose Halliday on October 3, 2002.

Ivett Spence-Brown, Fire Inspector, stated the case number and gave the location of the property. She proceeded to read the violation on the property as listed above. She continued to state that the original violation had been written in 1999 for the second floor. No work had been done. She returned to the site on March 27, 2001, and additional re-inspections had been done on April 9, 2002, July 12, 2002, and September 12, 2002. She further stated that as of today's date the violation still existed, and since this was a continuous violation and a life safety issue, the City was asking for a fine of \$250 per day until corrected.

Mike Eaton, Eagle Aircraft Services, stated that he leased that portion of the building. He explained that when he first leased the building, the second floor area existed. He also stated that he had added a back wall to the second floor, and when the Fire Inspector first arrived on the scene, she had measured the area. Mr. Eaton stated that after speaking with the Fire Inspector, it was his understanding that she was referring to the area in the back, and he agreed to return the area to its original state. Recently, he realized Ms. Brown was referring to the entire second floor, which he presently used for storage.

Mr. Eaton stated that he had hired an architect on October 18, 2002. He explained that the railing on the second floor would have to be redesigned and he would have to install additional banisters. He further explained that he had used the back portion for a break room. Mr. Eaton stated that it was a misunderstanding on his part and he did not realize the inspector was referring to the entire second floor.

Ms. Hale asked how many visits the inspector had made since 1999. Ms. Brown explained

Motion made by Mr. Hayes and seconded by Mr. Rafter to find in favor of the City and to order compliance or a fine of \$250.00 per day would be imposed until corrected.

Vice-Chairman Jordan asked if the break room on the second floor was shut down would that help the situation. Ms. Brown stated that the entire second floor would have to be closed.

Mr. Eaton asked if he removed everything from the second floor and removed the stairs would that be acceptable until the architect returned with his plans. Ms. Brown asked how much time the Board was willing to give Mr. Eaton to do that work. Vice-Chairman Jordan asked if that work was done would the fine stop. Ms. Brown stated that would have to be discussed with the Fire Marshall and she could not make such a decision. Mr. Eaton volunteered to remove everything from the second floor, along with the stairs, within one week. Vice-Chairman Jordan stated that would be acceptable to him because he did not want anyone to lose their business.

Mr. Hayes stated that due to the fact that the first citation was issued in 1999, it was his suggestion that they stick with the \$250 per day fine.

Bruce Jolly, Attorney for the Board, stated that it would take 4-5 days to prepare the Order, and then it would have to be signed and mailed out. Vice-Chairman Jordan asked if it could be effective in two weeks and Mr. Eaton would then have time to clear the second floor. Ms. Brown reiterated that Mr. Eaton had to understand that this violation would not be allowed to continue any longer.

Ms. Batchelder explained that removing the stairway would not correct the violation. Mr. Jolly stated that this Board could not tell owners how to repair their property. He explained that the Board would state what violation was on the property and how much time would be given to correct it. How that violation was corrected was up to the owner. He suggested the Board vote on the motion and choose a time certain for the violation to be corrected. Mr. Phillips proceeded to cite Section 162.08, subsection 5. Mr. Jolly reiterated that he was recommending to the Board that they not instruct the owner on how to comply with the violation.

Motion made by Mr. Phillips and seconded by Ms. Hale in favor of the City that the fine be postponed until five business days to allow the respondent time to undertake steps required by the Fire Inspector to come into compliance.

Ms. Brown reiterated that even though Mr. Eaton might remove the storage from the second floor, it was still in violation and had to be corrected. Mr. Jolly stated that he did not want this Board involved in making a decision regarding the second floor. He further stated that it was up to the Fire Inspector to tell the owner if he was in compliance with the Code or not, and then further action would be taken by the Board. He further stated that this Board could not impose conditions since options were available to the owner, and the Board should only be concerned about compliance with the Code. Mr. Phillips explained that was why he phrased his motion in accordance with the requirements set forth by the City. He further stated that if the owner returned before the Board and stated that he was in compliance with the Code, then expert testimony could be given to the Board as evidence, but he did not feel the Board should provide technical advice.

Mr. Jolly reiterated that this Board should not tell the owner what to do with his property, and he needed to come into compliance in accordance with information supplied by the Fire Inspector.

Motion passed 3-2. (NAYS: Mr. Rafter and Mr. Hayes.)

Reference: CE02062015

Greg Aliferis Holdings Inc.
3045 N. Federal Hwy #70

FBC 104.1 - There have been physical alterations and improvements to the interior of the building and exterior structure without first obtaining the required building permits. This includes, but is not limited to: (A) Removal and relocation of beverage bars; (B) Demolition and removal of Southeast stage; (C) Installation of light valance over dance floor; (D) Beverage bartops changed and reconfigured; (E) Doorway pass-thru

area.

FBC 104.2.4 - There have been renovation, relocation and new installation of plumbing and mechanical related items without first obtaining the required permits. These items include, but are not limited, to: (A) removal of plumbing connections and capping of tie-in lines; (B) Installation of ice machines (3); (C) Installation of cooler; and (D) relocation of beverage bars.

FBC 104.2.5 - Electrical renovation, relocation and new installation work was done without first obtaining required permits. This work includes, but is not limited to: (A) Interior service sub-panel is being used as air-conditioning disconnect switch; (B) Dance floor and stage lighting installed; (C) Numerous wires and cords exposed and not properly secured; (D) Relocation of beverage bar wiring and terminations capped; (E) Interior wall outlets in outside bar addition not per plan; (F) Exterior service disconnect and bus panel has been concealed by construction of wall addition; and (G) Stage outlets relocated.

Ms. Batchelder announced that Certified Mail had been sent to the Registered Agent, Gregory Robinson signed on October 3, 2002; signature illegible. Certified Mail was also sent to the corporation signed on October 3, 2002 by Greg Aliferis

Mr. Douglas Kurtock, Building Inspector, stated the case number and gave the address of the property. He explained that his primary objections to this case was that the violations regarding FBC 104.1 had been work done without permits. He stated that this was a night club located on the southwest corner of Federal and Oakland Park Boulevard at the shopping center. He continued stating that the initial inspection of the property revealed numerous Code violations. As a result, the City researched the Complaint and found that many of the violations originally cited were done with building permits by the previous owner,

remaining items were those the owner had to obtain permits for or that had special requirements, particularly electrical work, that needed to be approved by the City's Engineering Department. He further stated that the name of the business was "The Culture Room."

Ms. Hale asked what the business had been previously at that location. Mr. Kurtok replied it was a night club called Uptown that involved three parcels, one which was the building housing the nightclub, a small office which had been remodeled into an outside bar connecting to the building, and the third parcel was enclosed by a privacy wall and was now a courtyard. In addition, because of how the building was originally constructed and then expanded, it caused an encroachment of the existing FPL service for the electrical work and the main disconnect panel was now in an area which had to be relocated. Mr. Kurtok stated that after speaking to the Electrical Inspector and Contractor, a solution was arrived at as to how to relocate the panel and the electrical service.

Mr. Kurtok stated that the City was recommending that a 90-day compliance time be given to the owner, and the City was seeking advice from the Board as to what fines should be imposed. Presently, he stated they were asking for a \$100 per day fine. Mr. Kurtok reiterated that the major issues involved in this matter were: (1) Work without a permit; and (2) substantial work that needed to be done. He believed the work could be done within 60 to 90 days, but he felt 120 days would be more realistic due to the nature of electrical work involved.

Ms. Batchelder clarified that Mr. Kurtok had three sections of the Florida Building Code cited and there were multiple violations under each section, and she continued to ask if any of the violations had been corrected. Mr. Kurtok stated that the engineer and designer would offer some additional information.

Mr. Kurtok explained that he had difficulty in writing the case because there were structural, electrical, mechanical and plumbing problems, and each had their own Code section. He stated that he had actually only one case which was work done without a permit, and the other issues had been addressed. He explained that once permits were issued, the owner could get the plumbing and mechanical items addressed.

Reference: CE02011024

Howard Gabbard
1321 SW 22 Terrace

Old Business

Ms. Batchelder stated that this case had a recorded lien on it and it was originally heard on April 23, 2002 with compliance ordered by July 22, 2002. Current fines - \$4,550. She stated that the representative was requesting an extension of time.

Mr. John Ramos stated that he lived at this property and was in the process of purchasing it. He further stated that the owner Howard Gabbard was in prison and relinquished his rights by a quit-claim deed to his brother in order to sell it to pay for his legal expenses. Mr. Ramos explained that he paid his monthly fee directly to the mortgage company who was attempting to get him financing to purchase the property. He further explained that this matter was brought before this Board through a vindictive motion of Mr. Gabbard's ex-partner.

Vice-Chairman asked how the fines got to be so high. Mr. Ramos explained that he had lived in this house since January 12th, and it was his understanding that he had until August to come into compliance, but he misunderstood and was to be in compliance by July. He was not scheduled to come before this Board until this month, therefore, the huge fines. He further stated that he just wanted to do whatever work was necessary in order to stop the fines from accumulating. Mr. Ramos further stated that he could not obtain a permit for the property because of the title problems.

Mr. Kenneth Reardon, Building Inspector, explained that the problem was that Mr. Ramos did not have the legal standing to pull a permit on the property. A contractor was hired, but he had to have the owner's permission to pull the permit, and Mr. Ramos was not the owner at this time. Mr. Rafter asked if the Buying Agreement would help, but Mr. Reardon reiterated that the owner had to sign the permit application. Mr. Phillips asked if this only applied to residential properties. Mr. Reardon stated that he believed this applied to all permits.

Mr. Reardon stated that three sections had been in violation, but only one remaining

Reference: CE02092349

Noemi Rodriguez
2720 SW 6 Ct

FBC 104.9.3.1 - The A"after-the-fact" permit for windows and doors (99070174) has expired without passing final inspection. The permit is therefore null and void; FBC 104.1 - No valid permit exists for the change out of windows and doors.

Susan Batchelder stated that there was a Stipulated Agreement calling for compliance within 90 days or a fine of \$50 per day would be imposed.

Motion made by Mr. Rafter and seconded by Mr. Phillips to approve the Stipulated Agreement. Motion passed unanimously.

Reference: CE02051445

Mauro Gallo
3017 Alhambra St.

FBC 104.2.4 - Plumbing work for washer and dryer without first obtaining required permit; FBC 104.2.5 - Electrical work for washer and dryer without first obtaining required permits.

Susan Batchelder stated that Certified Mail had been sent to Mauro Gallo and signed by Carlton with no date on the green card. It was received back in Community Inspections on October 8, 2002. There was a Stipulated Agreement providing 60 days for compliance or a fine of \$50 per day, per violation would be imposed.

Motion made by Mr. Phillips and seconded by Mr. Hayes 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.

Ms. Batchelder announced that Certified Mail had been sent to T. Hill & M. Fruchter Partnership signed by Steve Jobin with no date on the green card, and it was received back in Community Inspections on October 8, 2002.

Mr. Mohammed Malik, Building Inspector, stated the case number and gave the location of the property. He further stated that violation 9-313(b) was in compliance. He testified that the owner had obtained permits, but no final inspections had been held. He recommended 30 days to come into compliance or a fine of \$50 per day, per violation be imposed.

Mr. Rafter asked what type of business was located at this site. Mr. Malik believed it was a general contracting business, but he was not sure of the name. He stated that an occupational license could not be issued until the violations were in compliance.

Motion made by Mr. Hayes 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, per violation to be imposed. Motion passed unanimously.

Reference: CE02080994

5th Avenue Bldg. Corp.
105 NW 5 Ave.

9-313 - Building numbers for a commercial structure are required to be a minimum of 8" in height; FBC 11-4.6.4 - The required handicap signage for an existing building is not in compliance with Code; FBC 3401.6 - Electrical light fixtures are required to have protective covers or lenses as indicated by the National Electric Code Section 410.90; FBC 704.3.1 - Tenant fire separation must be a rated assembly.

Susan Batchelder stated that Certified Mail had been sent to Yvette Feldman and signed for on October 10, 2002 by Joanne Tosi, and Certified Mail was also sent to Philip Nathan, R.A. and signed for on October 10, 2002; signature illegible. She also stated that Certified Mail had been sent to 5th Ave. Bldg. Corp. and received back in Community Inspections on

Mr. Kurtock stated that he had been informed that the owner was out-of-town and unable to address the issues, but would be back in town on Friday. He further stated that he felt the 30 days would be enough time for the owner to correct the problems.

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

Reference: CE02081213

Covers Credit Ltd.
1224 NW 3 St.

FBC 104.9.3.1 - The permits originally executed for this property have expired. Inspections required were not requested.

Susan Batchelder stated that there was a Stipulated Agreement calling for compliance within 30 days or a fine of \$25 per day.

Mr. Rafter asked if they were seeking new permits. Vice-Chairman Jordan stated that the permits were expired and he had hoped that the City could find the file and then additional permits would not be necessary.

Mr. Douglas Kurtock, Building Inspector, stated that permits were needed for the replacement of cabinets, windows and doors and that this was a multi-family rental apartment comprising six units. Mr. Kurtock continued stating that the owner was in the process of selling the building, and the new owner had already hired an architect to apply for the new permits.

Motion made by Mr. Phillips and seconded by Mr. Rafter to approve the Stipulated Agreement and the City record this immediately so it would be evident during the title search making sure the subsequent owner complied. Motion passed unanimously.

Reference: CE02091621

Ivett Spence-Brown, Fire Inspector, stated the case number and location of the property. She then proceeded to read the violation on the property. An inspection had been done on June 4, 2001, with additional inspections done on September 12, 2001 and November 8, 2001. She further stated that the management company had sent a letter requesting a six-month time frame in order to come into compliance. Ms. Brown agreed to the time frame and asked that the Board grant the six months to address the issues, and if the work was not completed by that time a fine of \$100 per day be imposed.

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

Reference: CE02061263

James A. Watts, Jr.
2852 SW 4 St.

9-280(h)(1) - The west side wood fence is not being maintained, nor is it in good repair; FBC 104.1 - The east side and front windows and front kitchen exterior door were replaced without first obtaining a building permit.

Ms. Batchelder announced there was personal service to James A. Watts by Inspector Malik on October 5, 2002.

Mr. Kenneth Reardon, Building Inspector, stated the address of the property and the case number, and proceeded to read the violations. Mr. Reardon stated that 9-280(h)(1) had been complied with and he recommended the owner be given 60 days to comply with FBC 104.1 or a fine of \$10 per day be imposed. Mr. Reardon remarked that the owner was working on the matters, but he needed some extra time, so therefore the reason for the \$10 fine.

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 \$10.00 per day be imposed. Motion passed unanimously.

mechanical permit; FBC 104.2.5 - Installed new electric in the addition and relocated the electric to the central air conditioner condensed without first obtaining an electrical permit; FBC 106.1 - The rear addition to this building is occupied without first obtaining a certificate of occupancy from the building official.

Ms. Batchelder announced that Certified Mail had been sent to Juan Gonzalez and signed by Maria Calero on October 2, 2002.

Mr. Kenneth Reardon, Building Inspector, stated the case number and location of the property. He further stated that FBC 104.1 was in compliance, along with FBC 106.1. He testified that FBC 104.2.5 was in partial compliance, but they had relocated the electric to the central air conditioning condenser without first obtaining an electrical permit. Mr. Reardon recommended the owner be given 60 days in order to bring the outstanding issues into compliance or a fine of \$50 per day, per violation would be imposed, and that the Order be recorded.

Motion made by Mr. Rafter and seconded by Mr. Phillips 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, and for the Order to be recorded. Motion passed unanimously.

Vice-Chairman Jordan adjourned the at 11:50 a.m.

* * *

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

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

Reference: CE00061909

Gregory L. Jackson, G.I. Horowitz,
& Elton S. Stevens

building housed the Legal Aid Society and they were attempting to move to Plantation.

Mr. Tony Karrat, Executive Director of the Legal Aid Service, stated that they were tenants in the building, and had purchased a new building on State Road 7 which was presently being renovated. Mr. Karrat stated that Mr. Jackson owned the subject building and was permitting them to stay as long as was necessary until their new location was ready. Vice-Chairman Jordan stated that Mr. Jones was going to demolish the building once it was vacated.

Mr. Coleman stated that Mr. Jones was going to gut the building. Mr. Karrat reiterated that he was once again asking for an extension of six months.

Mr. Rafter asked if a life safety issue was involved. Mr. Coleman stated that the interior walls of the two-story structure were not fire resistant from the floor to the ceiling. Mr. Rafter asked if there was any way an agreement could be executed with the property owner to gut the building once Legal Aid moved out.

Mr. Bruce Jolly, Board Attorney, stated that he was not sure what they could do, nor if the Board would want to do something, but this was a secondary issue in the matter. He stated that he wanted to discourage the Board from doing this. He felt they should either grant the extension or not. He continued stating that this group was performing a service to the community which was being balanced against the risk.

Motion made by Mr. Rafter and seconded by Ms. Hale to approve a six-month extension. Motion passed unanimously.

Reference: CE01061215

First Baptist Church
409 E. Broward Blvd.

Old Business

Ms. Batchelder stated this case was in compliance and had originally been heard on September 25, 2001 with compliance ordered by April 23, 2002. An extension was granted on April 23, 2002 extending the time to August 21, 2002. Current fines - \$16,700. There is

Ms. Hale asked if the property was in total compliance. Mr. Kisarewich replied that permits had been issued on September 13, 2002. He stated that this pertained to a previous case and a new case had been opened in June, 2001.

Ms. Batchelder stated that the originally scheduled compliance date was April 23, 2002 and ordered by September 25, 2002. On April 23, 2002 time was extended until August 21, 2002. The fines had accrued since August 21, 2002.

Mr. Kisarewich stated that due to the nature of the work that had to be done, it was not surprising to him that they had run out of time.

Mr. Rogers stated that the project cost \$550,000 and it had been the old Administration Building. He asked if he should withdraw his request and return when there was a full Board.

Mr. Bruce Jolly, Board Attorney, stated that someone needed to make a motion so that the matter could be discussed. He also stated that the case could be withdrawn.

Ms. Hale asked if the City agreed in regard to abating the fines. Mr. Kisarewich stated that once the permits were obtained, they did extensive work, and it continued until everything was completed. Ms. Hale asked if the fines were due to "sloppy record keeping" that prevented him from getting on the agenda. Mr. Kisarewich stated that could possibly be said, but he would blame it on the contractor because the contract stated that the work would be completed by a certain date.

Mr. Rogers stated that at this point in time, they were begging for mercy, as opposed to asking for forgiveness.

Motion made by Ms. Hale to abate the fines.

Vice-Chairman Jordan stated that possibly this matter could be deferred until the November meeting.

Mr. Jolly stated that this matter could go on and on. Mr. Rogers stated that he was trying to be responsible. He explained they had admitted there was a problem, it had been

Mr. John Phillips rejoined the Board at this time.

Reference: CE01060446

Robert Williamson
1706 S. Federal Highway
Old Business

Ms. Batchelder stated there was a recorded lien on this property, and had originally been heard on February 26, 2002 with compliance by June 26, 2002. On June 25, 2002 the time was extended to September 24, 2002. Current fines - \$675.00.

Sandra Lewis, Development Manager for Miami Subs Corporation, stated that she had recently changed the faces of the signs at Miami Subs located at 17th Street Causeway and US1 without a permit. She was requesting an extension of time in order to obtain a permit because she presently had four logos on their sign, and only three were permitted. She was told that a new sign ordinance would be going into effect and she was waiting for that to happen before redoing her signs.

Mr. Robert Pignataro, Building Inspector, stated that he had been told that the new sign ordinance might not go into effect until after the first of the year. He stated that the City was thinking that the new sign ordinance might give commercial more signage room. Ms. Lewis stated that her only alternative in the interim would be to remove one of the logos, but she still needed a permit to do that type of work. She stated that the ideal situation would be to put up a changeable copy sign.

Vice-Chairman Jordan stated that Ms. Lewis had three options and they were: (1) Ask the Board to extend time for about 3 months; (2) put up a sign with only three logos; or (3) have the fine abated which was not going to be done at this time.

Motion made by Mr. Rafter and seconded by Mr. Phillips to extend the time for another 90 days in hope that the new sign ordinance would pass in the interim. Motion carried unanimously.

Ms. Batchelder announced that there was a lien on the subject property, and the case had originally been heard on January 22, 2002 with compliance by March 23, 2002. The current fine is \$21,100.

Mr. Paul DeBianchi, representing the owner Jim Woodworth, stated that the owner had some physical problems, but at this point they were only requesting an extension of time in order to come into compliance and the fines could be abated. He continued stating that he was requesting a 60-day extension.

Mr. Kenneth Reardon, Building Inspector, stated that there was a tenant on the property who did an office build-out without a permit. This was discovered when inspections were being done for occupational licenses, but since that time they had been issued the permit. Therefore, the 301(a) violation had been complied with, but an occupational license had not been issued since it would not be released until the building was final on the build-out.

Motion made by Mr. Rafter and seconded by Mr. Hayes to approve the 60-day extension of time. Motion carried unanimously.

Reference: CE00080137

New River Boat Club, Inc.
3001 State Road 84

Old Business

Ms. Batchelder announced that this case had been originally heard on September 26, 2000 with compliance scheduled for October 26, 2000. On October 24, 2000, the date was extended until January 23, 2001. On February 27, 2001, time was extended until April 28, 2001. On April 24, 2001, time was extended until June 26, 2001. On June 26, 2001, time was extended until September 25, 2001. On October 23, 2001, time was again extended until December 22, 2001. On January 22, 2002, time was extended until March 23, 2002. The last date an extension was granted was July 23, 2002 until October 21, 2002. The current fine is \$88,600.

Ms. Batchelder announced that 15-28, 2315.1(a), and 301(a) were all in compliance, along with 4505.1(a).

Mr. Wayne Strawn, Building Inspector, stated that the issues raised and which had been before the Board for the last 2-3 years had been addressed. He further stated that the only items not in compliance were the fire protection and the maintenance in connection with the electrical work. He continued stating the owners were almost in compliance, but not yet.

Mr. Olsen stated they were requesting a 30-day extension. In regard to the fire issues, he explained they did not have a fire system and were required to install one. This had been done, but in order to do that they followed exactly what the City had asked for and submitted the drawings. After everything was done and they were ready to turn on the water, they found out the water was from Broward County due to the annexation back in 1997, and the City was not aware that the Broward County Code and the OES Code superseded the requests of the City.

Motion made by Mr. Rafter and seconded by Mr. Hayes to approve in favor of the City and grant a 60-day extension of time. Motion carried unanimously.

Reference: CE98080619

New River Boating Center
3000 State Road 84

Old Business

Ms. Batchelder announced that the original date for compliance was scheduled for May 23, 1999 by order of the Code Enforcement Board on November 24, 1998. The date was extended to December 22, 1999 on June 22, 1999. Again, the date was extended to August 22, 2000 by order of this Board on February 22, 2000. Time was again extended to July 24, 2001 by order of this Board on March 27, 2001. Time was then extended by order of the Board on March 27, 2001 to July 24, 2001. The date was then extended to May 26, 2002 by order of the Board on November 27, 2001, and then again extended to September 23, 2002 by order of the Board on June 25, 2002. Current fines are \$193,800.

Mr. Kenneth Reardon, Building Inspector, stated this was on the south side of State Road 84. He further stated there had been a large amount of violations and everything was in compliance except for 301(a) - "remodeled upper and lower offices, including new drywall, remodeled lower bathroom, installed new dock...", and 301.1(d) - "remodeled the lower

enormous “mega yacht” desires on everyone’s part. He further stated that they had done a lot of work to clean up the properties. He continued stating that this property was between 595 and 84. He explained that the violations were actually due to failure to pull permits. At the present time, he stated they either had permits for work or applications pending for permits.

Vice-Chairman Jordan clarified that all the work had been done by Pagio Brothers and the company had just inherited the situation. Mr. Meacham stated that when they originally moved in they had tenants do some remodeling also without permits. He stated they were requesting an abatement of the fines and a 90-day extension of time. He clarified that their intention was to have these marinas be profit centers, but currently his client had spent a lot of money in renovation and financing had been obtained through various sources.

Mr. Reardon stated that the City was not opposed to the 90-days extension of time and a lot of the owner’s time had been spent in dealing with Broward County’s Natural Protection Department regarding elevations. The work had been a major undertaking and they had worked very hard. Mr. Reardon explained that the City was asking that the fines not be abated until the property was totally in compliance. He further stated that the electrical and a/c permits had been issued and were no longer in violation.

Mr. Reardon further explained that regarding 301(a) “work performed without first obtaining a building permit, installed awnings” had been complied with and had a County permit. “New windows, new exterior doors to upper and lower offices” permits were obtained. “Remodeled upper and lower offices, including new drywall, remodeled lower bathroom, installed new dock” permits have not yet been issued. “Installed new metal shed and installed new asphalt paving throughout the parking areas” are in compliance.

Mr. Reardon stated that 301.1(d) “remodeled the lower bathroom without first obtaining a plumbing permit” was included in the building permit and were presently seeking approval from the Building Department. Previously, the plans had been discarded; a card was mailed out regarding corrections, but the card did not make it and the City destroyed the plans. Basically, he explained that they had to start all over and submit plans to the Building Department. They were faced with many obstacles.

Flagler POP II LLC
117 NW 3 Ave.

Old Business

Ms. Batchelder announced that this case had originally been heard on July 24, 2001 with compliance ordered by November 28, 2001. On January 22, 2002 time was extended to July 23, 2002 and on July 23, 2002 time was extended to October 21, 2002. Current fines are \$4,050.

Mr. Doug McCraw, owner, stated that this was an old warehouse on 2nd Street that originally had been industrial property. He stated he and his partner had developed the western portion of the property for a Tel Co facility. Meantime, they had a tenant who had done some unpermitted work on the property which created these violations. He explained that he now had a use for the property and had obtained an architect, and therefore, wanted a six-month extension of time to bring the property into compliance. He also stated that they had owned the property for approximately two years. He felt it would probably be easier to build a new building than renovate an old one.

Mr. Robert Pignataro, Building Inspector, stated that the violations involved doing roofing work without a permit which did not require a lot of effort to get this work completed. He further stated that the landscaping could be shown on drawings. He explained there also were a couple of buildings in conjunction with this property. He stated that it had failed planning review due to not knowing the use for the property. Mr. Pignataro stated that in order to get the violations corrected, he felt six months was a long time, but believed it was up to the Board. He also stated that the building was presently unoccupied.

Pete Ebersoll, Architectural Alliance, stated that the plans involved some structural problems with the roofing. He explained that some of the other Code related issues could be solved more quickly, but it was their intent to do one set of plans for the whole project, including the landscaping.

Ms. Hale asked if the new tenant had stated how the building was going to be used. Mr. McCraw stated that when he stated a "tenant use," he meant he had a planned use for the building, but did not have a signed lease. He explained that it was difficult in today's market to do construction because a tenant normally wanted use of the facilities within 3-4 months.

Vice-Chairman Jordan reiterated that the City was not enthused about issuing permits until they had the "big picture."

Motion made by Mr. Phillips and seconded by Mr. Rafter to find in favor of the City and grant a six-month extension of time. Motion carried unanimously.

Reference: CE02040327

Daisy M. Swilley
623 NW 15 WAY

Old Business

Ms. Batchelder stated that this case was originally heard on August 27, 2002 with compliance ordered by November 25, 2002. No fines to date. The property does have a lien on it and the Order had been recorded. She further explained that the property owner was requesting an extension of time.

Mr. Herb Myers, POA for the property owner, stated that his father was manager of the nightclub who was 91 years old. He stated they were in compliance with FBC104.2.11, FBC 104.2.7, FBC 3401.6, and NEC 410.90. He explained they had a problem with the parking lot due to not having a landscape plan. He stated they had the drawings at this time and were ready to move forward. He further stated that they were asking for a 90-day extension of time.

Mr. Robert Pignataro, Building Inspector, stated that 47-25.3.A.3.d was also in compliance. He stated they were going for a buffer wall in the rear of the property, but zoning felt that due to its distance from the residential area they only needed a hedge. He stated that he had reviewed the plans and it appeared they had addressed all items of concern.

Motion made by Mr. Phillips and seconded by Ms. Hale to find in favor of the City and grant an additional 60-day extension of time for a total of 90 days due to the fact they still had 30 days remaining. Motion carried unanimously.

compliance ordered by October 22, 2002. No fines as of this date.

Mr. Jeff Falkinger, architect, stated that this matter had been delayed several times due to a parking problem. He explained that since the City parking lot which they were going to use was not a 24/7, they were granted a variance. He further stated that plans had been submitted regarding the Pro Dive Shop, and a permit had been received on May 28, 2002 for the fire wall between the "Tap Room" and the Dive Shop, but the City wanted another fire line added for the docks. He stated that in 1988 the respondent had sold the lease on the marina, along with the 44 parking spaces so documentation would be provided to the City regarding this matter. Therefore, he was requesting an additional 60 days to bring all violations into compliance.

Mr. Robert Pignataro, Building Inspector, stated that this matter had nothing to do with parking. He explained that the violations dealt with their installation of a floating dock without a permit, the installation of signs without permits, and there was no fire separation between the new restaurant and the floor above or between the new area and the Dive Shop. He further explained that they had a permit for the protection which only encompassed one 4' wall between the kitchen and the Dive Shop which did not include any ceilings and this was the reason it had not been finalized.

Mr. Pignataro stated that when the new tenant was moving in, he explained to him what was involved and what work had to be done. He stated that the Building Inspector had called him out and showed him the situation of the 4' wall. Mr. Pignataro explained that this matter was still not completed and there was no drywall on the side of the Dive Shop. He stated they were asking for the one-hour separation from the bar area to the ceiling above. The prior architect admitted this work was necessary. He continued stating that the Dive Shop was still not in compliance. He further stated there were two cases involved here.

Mr. Pignataro stated that they called for a job check on the fire wall separation and it failed. They had a signage application, but it was not dropped off at plan review. Regarding the interior renovations for the Pro Dive Shop, they had not yet gone through planning review.

Mr. Miguel Sanchez, architect, stated that the permit for the Tap Room was obtained in May and had installed a one-hour separation between the restaurant and the Dive Shop. During

Vice-Chairman Jordan stated that the City was recommending 60 days and the owner was requesting 90 days extension of time.

Motion made by Ms. Hale and seconded by Mr. Rafter in favor of the City for a 60-day extension of time. Motion carried unanimously.

Reference: CE99070234

Michael Zuro
515 Seabreeze Blvd.

Old Business

Ms. Batchelder announced that the compliance date was originally scheduled for June 27, 2000 on Order by this Board on February 22, 2000. Time was extended to March 27, 2001 by Order of this Board on September 26, 2000, and again extended to May 22, 2001 by Order of this Board on April 24, 2001. Time was extended to July 24, 2001 by Order of this Board on May 22, 2001, and again extended to September 25, 2001 by Order of the Board on July 24, 2001. Time was then extended to July 27, 2002 by Order of the Board on May 28, 2002, and again extended to October 21, 2002 on July 23, 2002.

Mr. Miguel Sanchez stated that this was an after-the-fact permit in connection with some of the items, and other things had to be added. Vice-Chairman Jordan asked if the permitting process had come to a halt due to the parking problem. Mr. Sanchez agreed.

Mr. Rafter clarified that this property had first been cited in June, 2000, and he realized the process was slow, but he found it difficult to believe that this was all going on for two years. Mr. Sanchez explained that he had become involved with this project about 1 ½ years ago and had stacks of plans that were submitted to various boards and departments.

Mr. Michael Zuro explained many problems hinged on the parking problems.

Mr. Robert Pignataro, Building Inspector, stated that this all referred back to the Dive Shop which had no permit, no one-hour fire separation between the shop, the offices, and the work done downstairs for a store room. He also stated that the dive boat did not have an occupational license and they had been operating since 2000, but clarified that they did

obtained. Papers were signed regarding each violation and the specific violations involved interior partitions, interior doors, windows, steps, landings, exterior windows to an office, interior electric wiring, lights, switches, new outlets, and a new electric panel. In addition there was no license for the dive shop. At that time, approximately 7 months ago, Keith Kotrady gave Mr. Zuro two NTAs. One was for not having a CO for the dive shop and for all the work done without permits. Several postponements occurred through the court system as of this date. He explained that his last contact with the owner was approximately 4-5 weeks ago.

Vice-Chairman Jordan asked due to the fact they had problems getting permits were there any mitigating factors in this case. Officer Kotrady stated that these violations went back to 1998 and another NTA would be given to the owner as an incentive to comply. He hoped the Board would agree.

Mr. Robert Pignataro stated that he was opposed to any extension of time. He stated that the restaurant swore they would get the one-hour separation between them and pro dive at least six months ago. He continued stating that he had reviewed the plans for the one-hour separation with everyone involved, but when he returned and saw a one-page plan for just the 4' wall that was not what had been recommended and they stated it would be corrected. To date nothing had been done. He stated no revisions had been presented. Mr. Sanchez stated they had been presented. Mr. Pignataro disagreed. Mr. Pignataro recommended that Pro Dive Shop cease business until they obtain the one-hour separation between them and the restaurant and the offices above. If the restaurant obtained a permit for the one-hour separation, he didn't understand why it would take Pro Dive longer to accomplish the same thing. He further explained that the whole interior had been built-out without permits, and it had nothing to do with parking back then either. Officer Kotrady concurred with Mr. Pignataro.

Mr. Sanchez stated that he had a set of plans submitted to the City regarding renovations for Pro Dive in 2000, but were not accepted due to the parking problem and the fact they had no change of use approval. Mr. Pignataro stated they had been voided. Mr. Sanchez stated that the people at Pro Dive informed him that when they first moved to this location, the City did permit them to transfer their Occupational License, but when they went for a renewal the City informed them they did not have a change of use approval so therefore no

the parking was that due to the sale the parking agreements had gotten changed around, but physically they were there. Mr. Phillips stated that an easement was a right to pass, not a right to park. He explained this site was sold to Ocean Dunes and the approved plans had a parking garage for the condominiums and 124 spaces. The reason they were leasing spaces in the City lot was because when the building begins construction, those 124 spaces would not be able to be used.

He stated this was a very complicated matter and had been hard to prove to the City.

Mr. Phillips reiterated that the City owned the City lot and if they had a lease for 124 spaces he doubted if the City was confused. Mr. Zuro disagreed.

Mr. Pignataro explained that a temporary CO had been given to the restaurant due to their due diligence by providing the City with a permit, but the Dive Shop did nothing.

Motion made by Mr. Phillips moved to approve a 90-day extension of time. Motion died for lack of a second.

Motion made by Mr. Phillips moved to approve a 60-day extension of time since this case involved many issues and in fairness he had dealt with off-street parking previously and had read the Board of Adjustment's Order. He urged the Board to consider this matter.

Ms. Hale asked if there was a liability issue regarding the dive shop. Mr. Jolly confirmed. There was no liability for the City regarding negligence as to who received permits and who did not receive them. Mr. Phillips clarified that if anyone would get hurt, they would look at the issue of liability toward the negligence on the part of the operation. Mr. Jolly explained this was known as "sovereign immunity." Mr. Jolly suggested that someone on the Board second the motion just so that it could be considered. Motion died for lack of a second.

Reference: CE01091095

Barbara Fraatz and Michael Bartels
6640 NW 17 Avenue

Old Business

Ms. Batchelder announced that this case had originally been heard on October 23, 2001

abatement of fines.

Motion made by Mr. Rafter and seconded by Ms. Hale to approve abatement of fines. Motion carried unanimously.

Reference: CE01091213

Sunshine State Messenger
6801 NW 15 Avenue

Old Business

Ms. Batchelder stated that there was a lien on this property and it had originally been heard on January 22, 2002 with compliance by May 22, 2002. Current fine is \$76,000.

Mr. Bob Sikorski, on behalf of the property owner, stated that the property owner hired an engineer after he had been cited. He explained that he was a certified fire protection specialist for NFPA, a state certified general contractor, and a state certified fire inspector. He interpreted the life safety code that this property had complied. Plans were submitted to the City but were rejected. He was told the City was requesting a certified fire engineer for the work. Smoke detectors were installed. Mr. Sikorski stated they were asking for a 30-day extension of time and an abatement of fines. The owner of the property had open heart surgery and was not in good condition.

Ms. Batchelder announced that there was a lien on the property. Vice-Chairman Jordan stated that was a different matter. Ms. Hale stated that the owner should have come before the Board and ask for an extension, thereby stopping all fines. Mr. Sikorski stated that he had supplied to the City the letter from the life safety engineer. Mr. Phillips reiterated that the fines did not begin until May of this year. Mr. Sikorski agreed. He stated that he had submitted the drawings to the City in May stating they were in compliance with the life safety code. Mr. Phillips asked if they had ever appeared before this Board. Mr. Sikorski stated he had appeared and received the first extension of time.

Ms. Batchelder stated there had been no extension granted. She explained that he might have been present at the January meeting when the original Order was given.

but she was not in agreement because ample opportunity had been provided for them to come into compliance.

Motion made by Mr. Phillips and seconded by Mr. Rafter to approve a 30-day extension of time to obtain permits. Motion carried unanimously.

Reference: CE00030410

Ishmail Mohammed & Jamal Sheik
2230 SW 38 Ave.

Old Business

Ms. Batchelder announced that this case had originally been heard on November 27, 2001 with compliance by June 26, 2002. There was a recorded line and current fines totaled \$3,510.

Mr. Sheik stated that he and his uncle were requesting a 60-day extension of time in order to complete more work, including the air conditioning and ducts, awnings and the driveway.

Mr. Kenneth Reardon, Building Inspector, stated that in regard to 301(a), they had removed the laundry room, but the awnings and driveway were still in violation. 301.1(d) was in compliance, and 301.1(k) was still in violation due to not having the permit. He continued stating that he did not have a problem with the request for a 60-day extension.

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

Reference: CE01051276

Nice Cars Sales Inc.
701 SW 27 Ave

Old Business

Ms. Batchelder stated that this case had originally been heard on January 22, 2002 with compliance by May 22, 2002. On July 21, 2002 time was extended for compliance until October 21, 2002. There was a recorded lien on the property and fines totaled \$6,200.

Mr. Reardon stated that he felt this extension of time was too long. He explained that owner was going to put up an enclosure on the front of the building and relocate the machines from the rear where the aluminum wall and canvas roof presently were located. He then would remove those illegal items. He preferred for a 90-day extension and have the owner come back before the Board if necessary.

Motion made by Mr. Phillips and seconded by Ms. Hale to approve a 90-day extension of time. Motion carried unanimously.

Reference: CE01090046

Dorothy Walker and Zoe Guard
2630 SW 5 St.

Old Business

Ms. Batchelder stated there was a lien on this property and had originally been heard on January 22, 2002 with compliance by May 22, 2002. Time was extended on August 27, 2002 to September 26, 2002. Current fines total \$6,050.

Mr. Charles Walker stated that they had recently hired a contractor and requested a 30-day extension of time and the fines to be stopped. Vice-Chairman Jordan clarified if an extension of time was granted the fines would stop and abatement of the fines would have to be dealt with at a later date.

Mr. Kenneth Reardon, Building Inspector, stated work was beginning and the City had no problem with the extension of time.

Motion made by Mr. Rafter and seconded by Mr. Phillips to approve a 30-day extension of time. Motion carried unanimously.

Rescheduled Cases

Ms. Batchelder announced that the below-listed cases would be rescheduled:

CE02031597

CE02081212
CE02081272
CE02081276
CE02081298
CE02081615
CE02030345
CE02080326

Cases Complied

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

CE02091604
CE02092288
CE01110855
CE02031883
CE02061901
CE02070265
CE02091632
CE02100142
CE02091954
CE02051931
CE02071313

Cases Withdrawn

Ms. Batchelder stated that the following cases were withdrawn:

CE02091611
CE01052195
CE02091980
CE02092287

CE02041624

For the Good of the City

Vice-Chairman Jordan stated that he had been presented with various liens and they would be discussed next month. The Board could vote on these if they desired, but the Chairman requested they be discussed next month.

Bruce Jolly, Attorney for the Board, stated they were presented and the Board should vote on them. Vice-Chairman Jordan asked if they could wait until next month.

Ms. Batchelder explained these were cases which had not come into compliance and the Board would be acknowledging that the cases did not meet the necessary requirements on the Final Order. Mr. Rafter suggested the Board vote on the cases.

Mr. Jolly cautioned the Board that these matters should not be discussed outside this meeting with other Board members, otherwise there would be a violation of the Sunshine Law. The matters should be voted on one way or the other. If the Board was satisfied that the requisites had been met, a determination should be made.

Ms. Batchelder stated that the affidavits of non-compliance were in the files. Mr. Jolly stated the affidavits were proof and the Chair had the right to review them. Ms. Batchelder stated that she would prefer to provide the affidavits to the Board at today's meeting. Mr. Phillips suggested that in the future, the affidavits be paper-clipped to each case. Ms. Hale suggested that the ones that have been pending for two months should be dealt with at today's meeting.

Mr. Jolly further stated that if there was no compliance on a matter and an affidavit had been provided to the Board, they should then act on the evidence that was presented.

Mr. Jolly stated that the lien matter was a dead issue and the Attorney General's direction was very clear in his opinion. Some members disagreed. Mr Jolly stated that he was the Board's lawyer and was telling them how this should work. He further stated that Mr. Vordermeier's response, when he spoke with him previously, was if that's how it was going

was a loophole which would allow the Board to reduce the fines, but he felt this matter should be resolved. He felt the statute made common sense and they would not affect the liens or the fines. Mr. Jolly stated if the Board was given the authorization to hear the pleas and be involved as intermediaries a lot of time would be involved. He discouraged this originally due to practical reasons. Vice-Chairman Jordan stated that he did not mind being involved in the process. He felt things could be worked out in these matters. The Board Attorney reiterated that there was a movement afoot among the community that this Board was not tough enough and they wanted to dispense with this Board. It was stated that most of the dissension came from the northwest community.

Ms. Hale remarked that Commissioner Katz had stated that this Board was unpopular only with the one area and she felt that this Board did not address their problems. Ms. Hale partially agreed and stated that the Board ultimately listened to advice from their attorney. Possibly in some respects they needed to be tougher, but every district wanted something different from this Board.

The Board Attorney stated that the problem evolving was a new one. Historically, the procedures utilized had worked and were not challenged, but if they were they had been unsuccessfully challenged.

Mr. Phillips stated that Mr. Vordermeier was writing letters and the Board had not seen them. He felt letters should be drafted after discussion was held by this Board. He stated that at the next meeting he would like to make a motion to "put this matter to rest" once and for all.

Motion made by Mr. Phillips and seconded by Mr. Hayes that the Board authorize the Vice-Chairman to execute the liens for September 24th and October 22nd. Motion carried 4-1 (NAY: Mr. Jordan)

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 3:47 p.m.

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