

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
MARCH 25, 2003
10:00 A.M - 2:00 P.M.

CUMULATIVE ATTENDANCE
From January, 2003
Present Absent

BOARD MEMBERS PRESENT:

Pat Hale, Vice-Chairman	3	0
Larry Hayes	3	0
Sarah Horn	2	0
Gerald D. Jordan, Chairman	3	0
John Phillips	3	0
Rixon Rafter	2	1
Bobby Young	2	1
Bruce Jolly, Attorney		

BOARD MEMBERS ABSENT

None

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
Lt. Steve Paine, Fire Inspector
Ivett Spence-Brown, Fire Inspector
Ken Reardon, Building Inspector

Margaret A. D'Alessio, Recording Secretary

ALSO PRESENT

Vital Philistin - CE02100776
Gilda Ollisio - CE02121454

ALSO PRESENT, (cont'd)

Mark Mullen - CE2081210
Dwight Divine - CE03010790
Rodney Ricard - CE02030236
Alba Euceda - CE02111086
Karol Euceda - CE02111086
Bill Ashcraft - CE00091401
Jane Filos - CE02111086
Douglas Wallace - CE02080290
Frank Mastriana - CE02030236
Sheridan Mills - CE02080290
Arthur Mohran - CE03030542
Steven Smith - CE02120718
John Paul Trout - CE03031526
John Allen Trout - CE03031526
Richard Boemermann - CE03021409
Dewey Tyler - CE02050921
Johny D. Evans - CE99051743
Jeff Finley - CE02061196
Christopher Niles - CE02070223
E. Scott Golden - CE01032143
Bert Jiminez - CE03030534
Bunney Brenneman - CE02050971
Gregory Aliferis - CE02062015
Victor Collica - CE98100824

At 10:10 a.m. Chairman Jordan called the meeting to order. Roll call was taken and a quorum was present. 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: CE02100776

Vital Philistin
608 S.W. 12 Avenue

FBC 104.1 - Work without permits. FBC
104.2.5 - Electrical work without permits.
Section 24-29(a) - Outside storage and
trash and debris on property.
FBC 11-4.6.2 - Required handicap
parking spot.

Ms. Batchelder stated that Certified Mail had been sent to Vital Philistin and signed n March 8, 2003, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that he had reached a verbal agreement with the owner for him to comply with FBC 104.1, FBC 104.2.5 and, Section 24-29(a) within 14 days, and with FBC 11-4.6.2 within 90 days or a fine of \$100 per day per violation would be imposed.

Vital Philistin, owner, stated that he agreed with the verbal agreement as stated by Mr. Reardon.

Motion made by Rixon Rafter and seconded by Larry Hayes to find in favor of the City and order compliance within the time periods specified or a fine would be imposed of \$100 per day per violation. Board unanimously agreed.

Reference: CE02111086

Jose F. & Alba Euceda
512 SW 12 St.

FBC 104.1 - Work without permits.

Ms. Batchelder stated that Certified Mail had been sent to Jose and Alba Luz Euceda and signed on March 20, 2003 by Alba Euceda.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement had been made with the owner for the property to be in compliance within 90 days or a fine of \$50 per day would be imposed.

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

Reference: CE02120718

Steven M. Smith
3232 SW 2 Ave - #103

FBC 104.2.11 - Mechanical work without permits. FBC 104.1 - Work without permits. FBC 104.2.5 - Electrical work without permits.

Ms. Batchelder stated that Certified Mail had been sent to Steven M. Smith, signed for on March 8, 2003 by Steven Smith.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement had been made with the owner for the property to come into compliance within 30 days or a fine of \$200 per day, per violation would be imposed.

Steve Smith, owner, stated that he was in agreement with the terms.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and order compliance within 30 days or a fine of \$200 per day, per violation would be imposed. Board unanimously agreed.

Reference: CE03030542

Arthur J. Molinari
3716 SW 13 Ct.

NFPA 10 4-4.1 - Fire extinguisher maintenance. NFPA 1 3-7.1 - Required apartment numbers/letters.

Ms. Batchelder stated that service had been obtained by personal appearance by the owner of the property.

Thomas Clements, Fire Inspector, stated the case number, address of the property and violations per the agenda. He further stated that the owner was going to have the property in compliance today, but he would suggest 7 days for the work to be done, or a fine would be imposed of \$100 per day, per violation.

Arthur Molinari, owner, stated that he was going to perform the work today.

Motion made by Rixon Rafter and seconded by Larry Hayes to find in favor of the City

and order compliance in 7 days or a fine of \$100 per day, per violation would be imposed. Board unanimously agreed.

Ms. Batchelder announced that the following cases were new business cases.

Reference: CE02082120

Tarrymore Apartments Inc.
3115 Terramar St.

Section 47-12.5 B.1.b.ii. – Unpermitted wooden shed in the rear yard setback.
FBC 104.1 - Work without permits. FBC 104.2.11 - Mechanical work without permits. Section 104.2.5 - Electrical work without permits.

Ms. Batchelder stated that Certified Mail had been sent to Tarrymore Apts. Inc. and signed by P. Basch (Officer of the Corporation). No date was on the green card and it was received back in Community Inspections on March 21, 2003. She added that Certified Mail had also been sent to H. Basch, signed by P. Bash with no date on the green card which was received back in Community Inspections on March 21, 2003. Certified Mail was also sent to Attorney Mark Mullen, signed for on March 21, 2003 by S. Stein.

The Assistant City Attorney stated that the property owner's attorney was going to request a continuance.

Mark Mullen, attorney for Tarrymore Apts., stated that he had recently become involved with this complex. He explained they had filed a Complaint in the Circuit Civil Court and the Judge had repelled a ruling regarding the Complaint and Motions filed. Therefore, they were asking for a continuance of this hearing until they could get to a set hearing before the Judge.

John Phillips entered the meeting at approximately 10:20 a.m.

Mr. Mullen stated they were dealing with issues regarding constitutionality, code enforcement, and the application of codes being applied retrospectively. He believed that the hearing would be set within 2-3 weeks.

Mr. Rafter suggested that 30 days be granted in this matter. Mr. Mullen agreed to the time frame. Chairman Jordan suggested that 60 days be granted in order to give the owner sufficient time to be placed on this Board's agenda.

The Assistant City Attorney stated that the City opposed the Respondent's Motion for

Continuance because the case had been going on for quite some time. A Motion had been filed for an Injunction to prevent the City from enforcing the Florida Building Code due to their belief that it could not be enforced retroactively. She explained that a corporation owned the property and the Respondent had failed to have an attorney represent him originally. The Motion for the Injunction had been denied, and they were now waiting for a hearing date on the Complaint that the City could not enforce the Florida Building Code retroactively. The Assistant City Attorney explained that it was the City's position that their Complaint failed to state a cause of action because the allegations asserted in the Complaint necessitated administrative review from a decision by this Board. She stated that the proper procedure was that when someone was cited for a violation, they come before this Board and present their case, and then the Board determines an action to be taken. She further explained that if this Board decided there was a violation, the Statute which governed the proceedings which was Chapter 162, set up a procedure for appealing the decision of this Board.

Mr. Rafter asked when the owner had first been cited. Mr. Pignataro, Building Inspector, stated that the owner had first been cited on November 14, 2002.

Chairman Jordan asked if there were any life safety issues involved in this matter. Mr. Mullen stated that they had some problems and Mr. Williams who had represented the complex was a New York attorney and not licensed to practice in Florida. He explained the Motion for Injunction had been dismissed based on its merits. He further stated that their Complaint had addressed the whole issue, and he felt once the Judge was able to make his decision, then everyone would know how to proceed with the matter.

Bruce Jolly stated that this Board retained the authority to grant a continuance, and the fact that a lawsuit had been filed did not control today's hearing, and the remedy was it was up to the Board to make their determination as to whether the matter proceeded or not.

Robert A. Pignataro, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that life safety issues were involved in this matter. He explained that a shed had been constructed on the property in the rear with electrical hookups, along with plumbing that had not been installed properly. He stated that window air conditioners also had been installed without permits. He stated that originally the code officer had cited this property and had given the owner 30 days for compliance. He explained that had been done in January, 2002. Mr. Pignataro explained that the plans showed there were two legitimate sheds attached to the building which were permitted when the two-story building had been built, but the third shed was not attached and was in violation of the ULDR due to its placement in the rear setback. He stated further they did not know how it had been installed, nor the make-up of the structure. The Code therefore deemed it unsafe until permits were

issued. He stated he was not sure if it could become permitted through zoning due to its

John Phillips asked if this was a dispute over the interpretation of the Building Code, and if the Appeal would lie within the Board of Rules and Appeals. Mr. Jolly stated it could, but he did not believe that was the issue before the Board today. Mr. Mullen stated that the Injunction had been filed by Mr. Williams.

Mr. Rafter asked why this matter had been stalled for 14 months. Mr. Pignataro stated they could not get service, the case load for the inspectors, and a meeting had been held with the attorney to resolve the matter so things would not proceed in this manner. Mr. Rafter asked if two more months would make a big difference in this matter. Mr. Pignataro stated that due to the fact they were dealing with life safety issues, he could not be sure of the condition of the structure.

The Assistant City Attorney stated that when you went before the Board of Rules and Appeals, you had to appeal a decision that the Building Official had made, and in this case, she felt such a decision had not yet been made. She stated that if the Board determined that the shed existed without a permit, and the owner went to obtain a permit and was denied due to the fact the shed was in a setback, then the Building Official would make his decision and the owner could then appeal that decision.

Mr. Phillips asked if they were stating that an improper section of the Code had been cited. The Assistant City Attorney stated that, among other things, there was a shed in the setback, built without a permit, and air conditioners and electric wiring installed without a permit. She further stated that the Injunction stated as follows:

“The Statute clearly showed it was perspective only and was meant to apply only to new structures, alterations or demolitions.”

The Assistant City Attorney added that anything before the new Code would not apply. Mr. Phillips asked for some further clarification. The Assistant City Attorney reiterated that the Motion for Injunction had been denied.

Mr. Hayes asked if a life safety issue would override everything else. The Assistant City Attorney stated that the Order stated it had been denied without prejudice.

Motion made by John Phillips and seconded by Rixon Rafter to continue the case for two months.

Roll call on motion: on Motion showed: YEAS: Gerald Jordan. NAYS: Bob Young, Larry Hayes, Rixon Rafter, John Phillips, Sarah Horn, and Pat Hale. Motion failed 1-6.

The Assistant City Attorney remarked that due to the failure of the motion, the case

would be heard at this time.

Mr. Pignataro, Building Inspector, distributed pictures to the Board of the subject site. He proceeded to state the case number, address of the property and violations per the agenda. He stated that the City was asking for 60 days for the property to come into compliance or a fine of \$100 per day, per violation would be imposed.

Mark Mullen, attorney, reiterated they had a lawsuit pending in Court at this time. He stated that he did not know if the structure had been built in violation of the Code, nor the installation of the air conditioners. He felt they pre-existed the Code which related back to their original argument. He reiterated that they did not feel the Code could be enforced retrospectively. He stated that the previous Codes which were in place should be the ones that apply in this case. He further stated that his client felt that possibly permits had been obtained for the work that had been done, and they asked if the City could produce copies of the old permits and the matter could then be resolved.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and order compliance within 60 days or a fine of \$100 per day, per violation would be imposed.

Mr. Pignataro asked if the Order could also be recorded. The Motion was so amended.

Roll call on motion: on Motion showed: YEAS: Bob Young, Rixon Rafter, Pat Hale, Sarah Horn, John Phillips, and Gerald Jordan. NAYS: Larry Hayes. Motion carried 6-1.

Reference: CE03021409

Richard J. Boemermann
1045 NE 18 Ave.

ULDR 47-21.1.A - Tree removed without permit. Section 9-304(b) - Maintenance of parking area. Section 9-306 – Guardrails in disrepair. Section 9-307(a) - Broken windows/missing screens. FBC 104.2.11 - Mechanical work without permits. FBC 104.2.5 - Electrical work without permits. FBC 3401.6 – Structures/fixtures in disrepair.

Ms. Batchelder announced that Certified Mail had been sent to Richard Boemermann, signed by Richard Boemermann on March 11, 2003.

Robert Pignataro, Building Inspector, stated the case number, address of the property

and violations per the agenda.

The Assistant City Attorney stated that the owner was requesting a continuance.

Richard Boemermann, owner, stated that he lived across the street from the subject property so he could monitor the site. He stated he had recently purchased the property which had a history of being a public nuisance. He explained that he also owned 3 other properties on that block. He stated that he wanted to rectify the problems and find a solution. He reiterated that he was beginning to make improvements at the site and showed photographs to the Board. Mr. Boemermann stated that he would like 120 days to come into compliance.

Rixon Rafter stated that for a long period of time he tried to get the church closed in the neighborhood because they were running illegal social service facilities, and the property was eventually sold to Mr. Boemermann and he felt the property was beginning to show marked improvement.

Mr. Pignataro confirmed that improvements were being made, but there were still some issues that had to be resolved.

The Assistant City Attorney stated that the City opposed the request for continuance due to the fact that some of the violations were life safety issues, such as the railings on the second floor which were in disrepair. She reiterated that they desired to proceed with the hearing. She further added that they did appreciate the improvements the owner had recently made and possibly some additional time could be given to the owner to come into compliance. She further stated that the City had cited the former owner many times and there were liens on the property.

Mr. Jolly reminded the Board that the matter before them was in regard to a request for a continuance. He explained that depending how that issue was resolved, they would then determine whether the case should be heard.

Mr. Pignataro stated that there were vacant buildings on the site and they were concerned with the two-story building due to the condition of the railings. He stated he was not opposed to fencing the area off, but he was not sure what management would want to do.

Mr. Rafter stated that these problems existed before this owner had purchased the property and citations had not been given to the previous owners, therefore he felt the situation was discriminatory.

John Simmons, Assistant Director of Community Inspections, stated that citations had

been given to the Church and permits had been pulled to make improvements. He explained that the buildings on the west had been redone with the required permits. He further stated that the property had changed ownership when the permits had expired. He stated that the fines had been accrued based on the fact that they were operating the social service facilities and they were substantial. Mr. Simmons stated that when they met with Mr. Boemermann, staff had stated they could live with the conditions on the west side and they could be rented. He stated they were concerned with the buildings on the east. The owner had told him that he had no intention of using those buildings and that they were not worth saving. He stated that the City did not want to see a nuisance attraction with an unsafe second floor area. He stated that if the owner intended to demolish the buildings, they suggested he obtain a demolition permit and one problem would be settled.

Mr. Rafter corrected Mr. Simmons and stated he believed it was the west side which had the two-story building in disrepair, and the east side were the individual cottages that had been improved. Mr. Pignataro reiterated that there were still a couple one-story buildings on the west side.

Mr. Simmons reiterated that they were attempting to reach a compromise on this matter, but they needed to hear this case due to the fact that there were violations and the previous owner had been cited. He reminded everyone that there were liens on the property.

Mr. Rafter stated that the response from the City Manager's office had been less than cooperative over 3 years while they attempted to have this issue resolved. Mr. Pignataro stated that it was not the City's policy to throw people out into the street, and they had been told that money would be generated from the other buildings so the remaining structures could be renovated.

Motion made by Rixon Rafter to continue this matter for 180 days, except for the unsafe railing on the two-story building which had to come into compliance within 30 days or be fenced off and closed to the public.

Chairman Jordan asked what would happen if the owner was unable to obtain a permit. Mr. Pignataro explained that the owner needed to make a proposal regarding the railings to the Building Official, and then it was up to that Official to approve such a proposal. Mr. Boemermann asked if he could cut-off the stairs and create a New Orleans type effect on the structure and not utilize the second floor. He further asked if he could be granted the opportunity to work with a contractor and see what expense would be involved in replacing the railings. Chairman Jordan suggested that the Board could possibly grant 60 days to the owner to resolve the second-story issue.

Mr. Jolly reminded the Board that the matter before them was whether to continue this case or not.

Motion made by Rixon Rafter and seconded by John Phillips to continue this matter for 180 days.

Roll call on motion: on Motion showed: YEAS: Rixon Rafter, Sarah Horn, and Gerald Jordan. NAYS: Bob Young, Larry Hayes, John Phillips, and Pat Hale. Motion failed 3-4.

Mr. Jolly suggested that a motion be made with a shorter period of time regarding the continuance.

Motion made by Rixon Rafter and seconded by Sarah Horn to continue this matter for 120 days.

Roll call on motion: on Motion showed: YEAS: Rixon Rafter, Sarah Horn, and Gerald Jordan. NAYS: Bob Young, Larry Hayes, John Phillips, and Pat Hale. Motion failed 3-4.

Chairman Jordan reiterated that the option was for the Board to actually hear the case so they could proceed forward.

Robert A. Pignataro, Building Inspector, stated the case number, address of the property and violations per the agenda. He explained that he had met with the owner of the property several times, and the owner was attempting to get some sort of income from this property. He stated the City was not opposed to that, but the remaining buildings on the property still had violations and the City was opposed to those buildings being occupied. Mr. Pignataro recommended that 90 days be granted for compliance or a fine of \$50 per day, per violation be imposed. He stated that some of the items could be complied with very quickly.

Mr. Pignataro stated that he also would like to have the Order recorded.

Motion made by Larry Hayes and seconded by Bob Young that they find in favor of the City and order compliance in 90 days or a fine of \$50 per day, per violation would be imposed. Also, that the Order be recorded in the Public Records of Broward County.

Roll call on motion: on Motion showed: YEAS: Bob Young, Larry Hayes, John Phillips, Sarah Horn, Pat Hale, and Gerald Jordan. NAYS: Rixon Rafter. Motion carried 6-1.

Reference: CE03010790

Sheltair
5320 NW 20 Terrace

NFPA 101 39.2.4.2 - Required second means of egress. NFPA 101 4.5.5 - Unenclosed, unprotected vertical opening on 2nd floor. NFPA 101 7.2.1.5.1 – Non-permitted Double-keyed deadbolt on exit door. NFPA 101 39.2.5.3 - Common path of travel exceeds 75 ft. on first floor.

Ms. Batchelder stated that this case was continued from the February 25, 2003 meeting.

Dwight Divine, architect, stated they were working on this project.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property and violations per the agenda. She stated that the violations still existed and she had spoken with the architect, and the City was requesting 90 days for the owner to submit plans and have the work completed. She stated that plans were in progress at this time. Otherwise, she suggested a fine of \$50 per day, per violation be imposed.

Mr. Divine stated that they were preparing plans at this time to resolve the problem.

Ms. Brown stated that discussions were held and they had arrived at a decision that 90 days would be sufficient for the violations to be taken care of. She stated she had no problem if the Board wanted to extend that period of time.

Motion made by Rixon Rafter and seconded by Larry Hayes to find in favor of the City and order compliance in 120 days or a fine of \$50 per day, per violation would be imposed. Board agreed unanimously.

Reference: CE03031526

Electronic Door Lift Inc.
6601 NW 15 Ave.

FBC 104.1 - Work without permits.
NFPA 1 4-1.2 - Storage blocking access to the exit outside. NFPA 101 7.5.1.7 - Exit sign directing egress from the office through the warehouse. NFPA 101 7.2.1.5.1 – Non-permitted Double-keyed deadbolt on exist doors.

NFPA 101 4.5.5 - Unenclosed,

unprotected vertical opening. NFPA 1 1-10.1 - Fusible link is missing from the parts washer. NFPA 101 40.2.9 - No emergency lights in building (6701). FBC 10-12.1.7 - slide bolt on exit door.

Ms. Batchelder stated that personal service had been made to Jack Trout, Registered Agent, by Detective Abrams on March 21, 2003.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property and violations per the agenda. She stated that NFPA 1 1-10.1 and FBC 10-12 1.7 had been complied with as of this morning. She further stated that the original violation had been cited on March 16, 1999 with additional reinspections of October 5, 1999 and March 22, 2002, and two buildings were in violation. She stated that on November 26, 2002, she suggested the owner send a letter to the Fire Marshall requesting additional time, which he did not do. Ms. Brown stated that on that date she had also done an annual fire inspection and the owner was not in compliance. She advised the owner these were life safety issues, and the owner replied he was not going to take care of the violations.

Ms. Brown stated that she gave him some additional time to come into compliance, and on March 14, 2003 she made a reinspection, but the violations were still existing. She felt the violations were not being taken care of in a timely manner. The Fire Marshall then instructed Ms. Brown to bring the owner before the Code Enforcement Board.

John Trout, II, owner, stated that they had discussed some of the matters with Ms. Brown and were unclear about certain issues. He stated that the first violation listed on the agenda was an after-the-fact permit for a storage loft which were indicated on the original plans. Ms. Brown had informed them that she would talk to the Building Official regarding that matter. Mr. Trout explained that the deadbolt was for their own security due to the fact that their building had been broken into several times. Due to the fact that this was a life safety issue, they were going to come into compliance. He explained that the exit sign had been there for over 20 years, but they were willing to remove it. He also stated that they were going to have the architects and engineers work on the second floor exit. Mr. Trout stated that the lights at the 6701 building would be scheduled to be taken care of within the next 10 days.

Chairman Jordan asked why it had taken so long for the work to be done. Mr. Trout stated it had been an oversight and wanted further clarification regarding the violations from the Fire Inspector.

Ms. Brown explained the storage loft had been extended and she had reviewed the

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issue with Mr. Pignataro.

Motion made by Rixon Rafter to find in favor of the City and that a \$250 per day, per violation be imposed and no extension of time be granted.

Mr. Jolly explained that some sort of period of time had to be given to the owner in order to come into compliance.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City and order compliance within 30 days or a fine of \$250 per day, per violation be imposed.

Mr. Trout admitted they had taken too long to bring the property into compliance, but he felt there had been some confusion as to what needed to be done. He requested that the Board grant them 90 days to come into compliance because 30 days would be an insufficient amount of time for them to have the work completed.

Mr. Rafter reiterated that these were life safety issues which had been ignored for 4 years. He felt 30 days and a \$250 per day, per violation fine was a form of punishment.

Mr. Phillips stated that was unreasonable. Mr. Rafter agreed. Mr. Phillips stated that they would be giving the owner time to come into compliance which did not mean anything, but if the Board wanted to give them sufficient time to come into compliance, then 90 days would be more realistic.

Roll call on motion: YEAS: Bob Young, Larry Hayes, Rixon Rafter, Sarah Horn, and Pat Hale. NAYS: John Phillips and Gerald Jordan. Motion carried 5-2.

Reference: CE02121454

Michael S. Ollisio
1661 SW 24 Avenue

FBC 104.1 - Work without permits.

Ms. Batchelder announced that Certified Mail had been sent to Michael Ollisio signed on March 8, 2003, signature illegible. She also stated that personal service had been made to Michael Ollisio by Inspector Malik on March 1, 2003.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that the City suggested that 60 days be given to the respondent to come into compliance or a fine of \$100 per day be imposed. Pictures of the property were shown to the Board.

Gilda Ollisio, owner, stated there had been a death in the family which caused a delay

in bringing the property into compliance. She explained that the plans were presently being prepared.

Motion made by Pat Hale and seconded by Bob Young to find in favor of the City and order compliance within 60 days a fine of \$100 per day would be imposed. Board unanimously agreed.

Reference: CE02080290

Mayhue Corporation
416 N. Federal Hwy.

Sec. 15-28 - Required occupational license. ULDR 47-19.9 – Non-permitted outdoor sales, storage, display of goods. ULDR 47-20.8 - Required striping of parking area. FBC 104.1 - Work without permits. FBC 11-4.6.4 - Required handicapped signage.

Ms. Batchelder stated that this case had been continued from the February 25, 2003 meeting.

Mohammed Malik, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that FBC 104.1 - 1 had been brought into compliance. He stated he had denied the tenant's request for an occupational license. Pictures of the site were shown to the Board. Mr. Malik suggested that the owner be given 7 days to come into compliance with Section 47-19.9 or a fine of \$50 per day be imposed. He also recommended that 60 days be granted for the remaining violations or a fine of \$50 per day be imposed.

Rixon Rafter asked if they could still stay in business. The Assistant City Attorney stated that the property owner had not received notice that this matter was to be heard today, but the tenant was present even though they had not been cited. She stated that the owner had been aware of the hearing shortly before the February 25th meeting, and had requested the matter be continued until March. She reiterated that there was no record showing the owner had received the Notice of Continuance or if it had even been sent to them. Ms. Batchelder remarked that it had been sent and the address for the corporation was 625 NE 4th Street. The mail had not been claimed at that address.

Mr. Hayes asked if they could proceed with the matter of the occupational license. The Assistant City Attorney stated that she had been informed that the property owner had an attorney, but there appeared to be a miscommunication regarding notification being sent to the attorney. The City was, therefore, requesting that the matter be postponed.

Motion made by John Phillips and seconded by Rixon Rafter to continue this matter

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until April 22, 2003. Board unanimously agreed.

Reference: CE02050971

Miami Ironworkers Local Union
Holding Corp. Inc.
1201 NE 7 Ave.

Old Business

Ms. Batchelder stated that this case had originally been heard on June 25, 2002 with compliance ordered by September 23, 2002. The property did come into compliance. Fines which had accrued totaled \$3,350, and the City recommended a settlement of \$500.

Bunney Brenneman, President of 13th Street Area Business Association, stated the property was in compliance at this time and she was stating that the Ironworkers Union were good neighbors.

Dewey Tyler, Business Manager of the Ironworkers Union, stated that he had been told that he did not need a permit and he had hired an air conditioning company to install the unit, but they did not pull permits for the work either.

Robert Pignataro, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that the building was in compliance and the City agreed to the \$500 fine.

Motion made by John Phillips and seconded by Rixon Rafter to reduce the fine to \$500. Board unanimously agreed.

Reference: CE99051743

Johny Dean Evans
824 NW 16 Ave.

Old Business

Ms. Batchelder announced that this was a request for an extension of time. She stated that this case had originally been heard on March 28, 2000 with compliance ordered by September 26, 2000. In January, 2001, the date was extended until July 24, 2001, and in July, 2001, the date was further extended until October 22, 2001. In October, 2001, the date was extended until February 20, 2002. On February 26, 2002, the date was extended until April, 2002, and in April, 2002, the date was extended until June, 2002. In July, 2002, the date was extended further until September, 2002, and in September it was extended until November, 2002. Then, in November, 2002, the date was extended until January, 2003, and then extended until March 29, 2003. The fines accrued totaled \$1,650.

Johny Evans, owner, stated that she had spoken with the Community Development Department regarding her filling out an application to obtain her house. Since she was not occupying the house, she was not eligible to file an application. She was informed that they would accept a letter from this Board stating the property was now habitable. The only other problem was that her Homestead Exemption had been canceled and she would have to pay the 2002 taxes before they reaccepted an application which totaled \$1,278.12. She stated she could not pay that amount by March 31, 2003 and it would take her the next two months to pay that amount. She stated she had spoken with the Revenue Department and would make installments for next year's taxes.

Mr. Pignataro stated that the City was not opposed to granting an extension of time, but the post still existed as before and the building could not be occupied until that matter was taken care of.

Ms. Evans stated that she was requesting a 90 day extension.

Motion made by Rixon Rafter and seconded by John Phillips to grant a 90-day extension of time. Board unanimously agreed.

Reference: CE02030236

Transwestern Beach Place
17 S. Ft. Lauderdale Beach Blvd. Old Business

Ms. Batchelder stated that this was a request for an extension of time. She stated that this case had originally been heard on April 23, 2002 for compliance by October 23, 2002. On November 26, 2002, the date was extended until February 24, 2002 and all fines were abated. She stated that the fines which accrued to date totaled \$2,800.

Ron Mastriana, attorney, stated that the owner's plans had been kicked back and metal doors had to be made wind resistant which doubled the price and set matters back because the plans had to be redone. He stated the delay was the result that they had to be hooked up to the central fire system which would be accomplished within the next week.

Lt. Steve Paine, Fire Inspector, testifying on behalf of Inspector Jeff Lucas, stated the case number, address of the property and violations per the agenda. He further stated they were not opposed to a 30-day extension of time, but requested the fines remain intact.

Mr. Mastriana asked for the fines to be abated. Rixon Rafter explained that once the work was completed, a request could be made regarding the abatement of fines.

Motion made by Larry Hayes and seconded by Pat Hale to grant a 30-day extension of

time. Board unanimously agreed.

Mr. Jolly clarified that this was actually a 30-day enlargement of time for the owner to come into compliance.

Reference: CE03030534

19th Street Investors, Inc.
1700 N. Federal Hwy.

NFPA 14 4-3.5.2 - No identification sign for fire sprinkler connection. NFPA 17-3.1.1 - Fire sprinkler system not maintained in working order. NFPA 13 3-2.9.2 - Approved sprinkler wrench missing in repair kit.

Ms. Batchelder announced that this was a new business case. She stated that Certified Mail had been sent to Lois Carosella, President, signed on March 14, 2003, signature illegible. Certified Mail was also sent to Joe Carosella, Registered Agent, and signed for on March 14, 2003, signature illegible. Certified Mail was also sent to 19th St. Investors, signed for on March 14, 2003, signature illegible.

Steve Paine, Fire Inspector, stated the case number, address of the property and violations per the agenda. He further stated that violation NFPA 14 4-3.5.2 and NFPA 13 3-2.9.2 were in compliance as of today's date. The outstanding violation was NFPA 17-3.1.1. He stated they had been to the property 4 times since October, 2002. He explained the building was a year old and the sprinkler system had failed each time it had been tested. The store had been cited, but they had not notified the property owner. He stated they had determined where the leak was and a leak location company would have to be hired to resolve the matter. He reiterated that this was a life safety violation and the City was requesting 30 days for the property to come into compliance or a fine of \$250 per day would be imposed.

Burt Jimenez, manager, stated he had been notified of the violations by Lt. Galloway on February 25, 2003, and 3 of the violations had been brought into compliance. He had been informed by the contractors that the problem would be resolved within 30 days.

Motion made by Rixon Rafter and seconded by Larry Hayes to find in favor of the City and order compliance in 30 days or a fine of \$250 per day would be imposed. Board unanimously agreed.

Reference: CE00091402

Erich & Kristina Sommerkamp
3376 NE 33 St.

Old Business

Ms. Batchelder stated that the case had originally been heard on January 23, 2001 and compliance ordered by March 24, 2001. In April, 2001, the date was extended until May 22, 2001, and in June it was again extended until August 28, 2001. On September 25, 2001, the date was extended until October 23, 2001. She stated that the property had come into compliance by May 30, 2002, and fines accrued had totaled \$25,950. She stated that the City recommended a settlement of \$4,200.

William Ashcraft, on behalf of the owner, stated that the Complainant was the tenant of the property, and the tenant failed to grant a right-of-access to the property. He further stated that they were requesting an abatement of fines.

Mohammed Malik, Building Inspector, stated that this was a strange case because the tenant complained about the owner doing the work, and then when the owner wanted to gain access to the building to do the work, the tenant refused entrance to the site.

Motion made by Rixon Rafter and seconded by Larry Hayes to approve the recommended settlement of \$4,200.

Roll call on Motion: YEAS: Bob Young, Larry Hayes, Rixon Rafter, Sarah Horn, and Pat Hale. NAYS: John Phillips, and Gerald Jordan. Motion carried 5-2.

Reference: CE01032143

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

Old Business

Ms. Batchelder stated that this case had originally been heard on July 23, 2002 with compliance ordered by October 21, 2002. She explained that on September 21, 2002, the date had been extended until December 20, 2002. On January 28, 2003, the date was extended until March 29, 2003. She stated the property was now in compliance. She stated that the total fines which accrued were \$5,750. She further stated that the City recommended a settlement of \$1,000.

Scott Goldman, on behalf of the owners, stated that they had worked diligently to solve the problems. He explained there were some unusual engineering and legal issues in this case, but they had been solved. He stated that during the times they had requested extensions of time, fines had been accrued. He stated that they were requesting an abatement of fines.

Mohammed Malik, Building Inspector, stated that he had many problems at the

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beginning with the owner, but since Mr. Goldman had been hired the matter had been resolved. Mr. Goldman stated that the biggest life safety issue pertained to a balcony which needed to be refurbished. He explained that the contractor had overbilled for the job and did not get a final inspection.

Motion made by Larry Hayes and seconded by Pat Hale to find in favor of the City and approve a fine of \$1,000.

Mr. Jolly clarified that the motion was to actually abate the fines, but accept the City's recommendation of a \$1,000 fine.

Mr. Phillips remarked that he would oppose such a motion because he felt there had been a good faith effort shown and that the fines should be fully abated.

Roll call on Motion: YEAS: Bob Young, Larry Hayes, Rixon Rafter, Sarah Horn, and Pat Hale. NAYS: John Phillips and Gerald Jordan. Motion carried 5-2.

Reference: CE02061196

Robert Griffith Family Trust
& Jeffrey Scott Finley
1100 NE 18 Ave.

Old Business

Ms. Batchelder stated that this case had originally been heard on October 22, 2002 with compliance ordered by January 20, 2003. Fines accrued to the amount of \$9,450. She explained that this was a request for an extension of time.

Jeffrey Finley, owner, stated that he had been given 90 days to apply for a permit regarding general construction. He explained he had not heard from the City for 7 weeks and the plans had to be redone and resubmitted which he did within 5 days. He further stated that the City still had his plans for the last 2 ½ months and was waiting for his permit to be issued.

Mohammed Malik, Building Inspector, stated that the City had no problem regarding an extension of time, but reminded the owner that he wanted to review the plans.

Motion made by Rixon Rafter and seconded by John Phillips to grant a 60-day extension of time. Board unanimously agreed.

Reference: CE02070223

HMP Investments LP
20 SE 8 St.

Old Business

Ms. Batchelder stated that this case had originally been heard on September 24, 2002 with compliance ordered by March 24, 2003. No fines have accrued as of this time.

Chris Niles, on behalf of the owner, stated that the building was going to be demolished. Donald Carney, Manager of the Properties, stated that they had individuals still on the property even though they were given notice to vacate. If they did not vacate the property, they would take whatever legal action was necessary to evict them. He stated the property was under contract but there were problems with the permits since they wanted to build a very large building.

Mohammed Malik, Building Inspector, stated that the owner needed to obtain a board-up permit, as well as a demolition permit. He explained for the fines to stop, he had to have the demolition permit.

Motion made by Rixon Rafter and seconded by Bob Young to grant a 90-day extension of time for the property to come into compliance and further order the Order to be recorded in the Public records of Broward County. Board unanimously agreed.

Reference: CE02062015

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

Old Business

Ms. Batchelder stated that this case had originally been heard on October 22, 2002 with compliance ordered by February 19, 2003. Fines total \$6,600.

Greg Aliferis, owner, stated that his structural engineer had submitted plans to the City several months ago. He further stated that the City had told them they were minus in parking spaces, but he had not received anything in writing stating that. He stated the name of his business was the Culture Room and he had been there for 7 years.

Ms. Batchelder explained that the fines began running on February 19, 2003 until today's date.

The Assistant City Attorney explained that the plans were on hold at the Building Department due to the parking issue. She stated that Mr. Aliferis had to get in the zoning process to resolve the parking issue, and then his permits would be processed. She further stated that Respondent was requesting an extension of time.

Chairman Jordan stated that Mr. Aliferis needed to pick up his plans and make an

appointment with zoning or send his engineer or general contractor.

Mr. Aliferis stated that he was requesting an extension of time and the abatement of fines.

Douglas Kurtock, Building Inspector, stated that their position was to remain neutral in this matter and let staff make the decision.

Motion made by Rixon Rafter and seconded by John Phillips to approve a 90-day extension for the property to come into compliance. Board unanimously agreed.

Reference: CE98100824

Lauderdale Wholesale Inc.
1147 NE 04 Ave.

Old Business

Ms. Batchelder stated that this case had originally been heard on June 22, 1999 with compliance ordered by August 21, 1999. In August, 1999, the date was extended to December 22, 1999 and the fines were abated. On January 25, 2000, the date was extended until July 24, 2000, and on September 26, 2000 the date was extended until the March 27, 2001. The fines were again abated. On August 27, 2002, the date was extended until November 25, 2002, and on that date the time was extended until March 26, 2003. Current fines total \$9,450. She stated that all the sections were in compliance in this matter with the exception of 47-25.3.C.4.d which had not received its final inspection yet.

Victor Collica, owner, stated that he gave up and the property was sold. He stated that he was not aware of the date of the closing.

Motion made by Rixon Rafter and seconded by John Phillips to grant a 60-day extension of time for the property to come into compliance. Board unanimously agreed.

Board recessed at 1:00 p.m.

Board reconvened at 1:40 p.m.

Individuals wishing to speak on the scheduled cases were sworn in.

Reference: CE03030531

P & D Inc.
2660 E. Commercial Blvd.

NFPA 101 13.3.4.2.2 - No approved fire alarm system. NFPA 13 6-7.4.1 - Main drain and inspector test valve signs are missing on east exterior sprinkler riser. NFPA 13 5-1.1 - Fire sprinkler coverage is improper on 1st Floor. NFPA 1 7-3.1.1 - Fire sprinkler system is not maintained in working order.

Ms. Batchelder announced that Certified Mail had been sent to P&D Inc, signed for on March 13, 2003, signature illegible. Certified Mail was also sent to Peter Paul Bonis, Registered Agent, signed for on March 13, 2003, signature illegible.

Steve Paine, Fire Inspector, stated the case number, address of the property and violations per the agenda. He further stated that the property was not in compliance and the Fire Marshal had gone to the property, and the owner promised to bring the property into compliance. As of this date, he had not done so. The building was being sold and the occupant would be vacated by March 31, 2003. He further added that these were all life safety issues. He stated they were not willing to give any extensions of time for compliance.

Chairman Jordan stated that time had to be given. Mr. Paine reiterated that the owner promised the tenants would be out of the building by March 31, 2003, and were still operating their business. Mr. Paine suggested there be a fine of \$250 per day, per violation with no extension of time and the building was scheduled to be demolished.

Motion made by Sarah Horn to find in favor of the City and order compliance within 7 days or a fine would be imposed of \$250 per day, per violation.

Steve Paine added that he would like the Order recorded. The Motion was so amended.

Board unanimously agreed with the Motion.

Reference: CE03030541

Frank & Victoria D'Annunzio
5300 NW 12 Ave. # 7

NFPA 101 4.5.5 – Unenclosed, unprotected vertical openings on 2nd floor.

NFPA 101 7.2.1.8.1 – Missing self-

closing device on the 2nd floor fire door.

Ms. Batchelder stated that Certified Mail had been sent to Frank & Victoria D'Annunzio, signed for on March 13, 2003, signature illegible.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property and violations per the agenda. She further stated that the tenant was Axiom Laundry and they had received time extensions from the Fire Marshal. They promised to come into compliance, but did not and moved out and leased the bay to another tenant known as Eclipse. She suggested that 30 days be granted for the property to come into compliance or a fine of \$250 per day, per violation be imposed.

Motion made by Rixon Rafter and seconded by Larry Hayes to find in favor of the City and order compliance within 30 days or a fine of \$250 per day, per violation would be imposed. Board unanimously agreed.

Reference: CE03030543

53rd Street Corp.
1083 NW 53 St.

NFPA 1 1-4.4 - Unable to gain access
for fire inspection.

Ms. Batchelder stated that Certified Mail was sent to the corporation and signed for on March 14, 2003, signature illegible.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property and violations per the agenda. She further stated that these were warehouses and she was unable to gain access to the sites. She reiterated that this problem was occurring since 2000. She stated that they had made an arrangement with Mr. Vordermeier that he would have until April 24, 2003 to bring the property into compliance or a fine of \$250 per day, would be imposed.

Motion made by Rixon Rafter and seconded by John Phillips to find in favor of the City and order compliance within 30 days or a fine of \$250 per day would be imposed. Board unanimously agreed.

Reference: CE02100344

Norman Stewart
1430 SW 34 Terrace

Section 9-280(g) – Required maintenance of exterior electrical exposed wires and fixtures. Section 9-281(b) - Trash and debris throughout the yard, including but not limited to appliances and building materials. FBC 104.1 - Work without permits. FBC 104.2.4 - Plumbing work without permits. FBC 104.2.5 - Electrical work without permits. FBC 3401.6 - Structures/fixtures in disrepair.

Ms. Batchelder stated that Personal Service had been made to R.A. Ruther, at Homestead Property of Norman Stewart by Inspector Donovan on March 22, 2003.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He stated that under Section 9-281(b), half of the violations had complied. He suggested that on all sections they be given 90 days to comply or a fine of \$100 per day be imposed, with the exception of Section 9-281(b) where they be given 14 days to come into compliance or a fine of \$100 per day, per violation be imposed.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and order compliance per the recommendations made by Inspector Reardon. It was further ordered that the Order be recorded in the Public Records. Board unanimously agreed.

Reference: CE02120699

Stephen L. Pierre
3759 SW 17 St.

FBC 104.2.6 – Work without plumbing permit. Section 9-280(b) - Flora overgrowth on property. Section 9-280(f) –Required maintenance of plumbing lines and fixtures. Section 9-280(g) – Required maintenance of electric wiring, light fixtures and stove heating elements. Section 9-305(b) - Required ground cover. FBC 104.1 - Work without permits. FBC 104.2.5 - Electrical work without permits.

Ms. Batchelder announced that Certified Mail had been sent to Stephen L. Pierre,

signed for on March 8, 2003, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that were recommending 60 days for compliance or a fine of \$100 per day, per violation be imposed, and the Order be recorded.

Motion made by Rixon Rafter and seconded by Larry Hayes to find in favor of the City and order compliance within 60 days or a fine of \$100 per day, per violation be imposed, further that the Order be recorded in the Public Records. Board unanimously agreed.

Reference: CE02021576

Maoz Enterprises LLC
1660 NE 12 Terrace

Section 15-28 - Required occupational license. FBC 104.1 – work without permit.

Ms. Batchelder stated they had a signed Stipulated Agreement calling for compliance within 60 days or a fine of \$50 per day, per violation be imposed.

Motion made by John Phillips and seconded by Larry Hayes to approve the Stipulated Agreement. Board unanimously agreed.

Cases Pending Service

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

CE02101538	CE02111383
CE02101593	CE03010945
CE02110114	CE03030540

Cases Complied

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

CE03030538
CE03030629
CE02110261

Cases Withdrawn

Ms. Batchelder stated that the following case had been withdrawn:

CE03020654

Approval for Claims of Lien

Chairman Jordan announced there were a total of 7 claim of liens to be approved by the Board.

Motion made by Rixon Rafter and seconded by Larry Hayes to approve the claim of liens. Board unanimously agreed.

Approval of Minutes

Motion made by Sarah Horn and seconded by Rixon Rafter to approve the minutes of the February 25, 2003 meeting. Board unanimously approved.

Motion made by Rixon Rafter and seconded by Pat Hale to adjourn the meeting. Board unanimously agreed.

There being no further business before the Board, the meeting was adjourned at approximately 2:00 p.m.

Chairman, Code Enforcement Board

ATTEST:

Margaret A. D'Alessio,
Recording Secretary

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