

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
APRIL 22, 2003
10:00 A.M - 2:00 P.M.

CUMULATIVE ATTENDANCE
From January, 2003
Present Absent

BOARD MEMBERS PRESENT:

Pat Hale, Vice-Chairman	4	0
Larry Hayes	4	0
Gerald D. Jordan, Chairman	4	0
John Phillips	4	0
Rixon Rafter	3	1
Bruce Jolly, Attorney		

BOARD MEMBERS ABSENT

Bobby Young	3	1
Sarah Horn	2	1

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
Dallas Schumaker, Fire Inspector
Ken Reardon, Building Inspector

Margaret A. D'Alessio, Recording Secretary

ALSO PRESENT

Justine Lake (CE 02051684)
Rodney Ricard (CE02030246)
Donald Gawne (CE03020882 & CE03040378)
Marc Sarnoff (CE03032277)

ALSO PRESENT (CONT'D)

Ron Mastrianna (CE02030236)
Jonathan Streisfeld (CE02080290)
Donald Zimmer (CE02100142)
Sheridan Mills (CE02080290)
Doug Wallace (CE02080290)
Ronald Malec (CE03010104)
John Centonze (CE02101593)
Don Olsen (CE00080137)
Deborah Toyne (CE02080131)
Frederic Weber (CE02100142)
Blair Colby (CE02100142)
Anthony Cancemi (CE03020326)

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: CE02051684

Georgette Harvey & Justine Lake
1122 Waverly Rd

FBC 104.1 - Work without permits.

Ms. Batchelder stated that Certified Mail had been sent to Georgette Harvey and Justine Lake, and signed on April 9, 2003, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that they had reached a verbal agreement with the property owner for the property to come into compliance within 120 days or a fine of \$50 per day would be imposed thereafter.

Motion made by Larry Hayes and seconded by Rixon Rafter to grant 120 days for the property to come into compliance or a fine of \$50 per day would be imposed thereafter. Board unanimously agreed.

Reference: CE03020326

Anthony R. Cancemi, Sr.
2319 NE 33 Avenue

Section 47-21.8.A - Landscape Maintenance.
FBC 104.1 - Work without permits.
FBC 104.2.11 - Mechanical work without permits.
FBC 104.2.4 - Plumbing work without permits.
FBC 104.2.5 - Electrical work without permits.

Ms. Batchelder stated that personal service had been made to Anthony Cancemi by Inspector Pignataro on April 6, 2003. Certified Mail was also sent to Anthony Cancemi signed on April 2, 2003 by Anthony Cancemi.

Mohammed Malik, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement had been reached with the property owner for the property to come into compliance within 120 days or a fine of \$50 per day, per violation would be imposed thereafter.

Anthony Cancemi, owner, stated that he had bought this property with the violations already in place, and he was under remediation at this time.

Mr. Hayes asked why it was taking so long to repair the landscaping. Mr. Cancemi stated he had received the bids for the landscaping, but had started work with the architect in connection with the illegal apartment in the rear.

Motion made by Rixon Rafter and seconded by Pat Hale to grant 120 days for the property to come into compliance or a fine of \$50 per day, per violation would be imposed thereafter. Board unanimously agreed.

Reference: CE02100142

Weber Holdings LLC
3042 N. Federal Highway

NFPA 101 7.1.3.2.1 - Missing (1) one-hour fire rated enclosures with protected assemblies.
NFPA 101 7.2.2.3.2 – Missing landings at egress doors.
NFPA 101 39.2.9.1 - Insufficient emergency lights or exit signs.
NFPA 101 7.2.2.5.1 - Double key locks on exit doors.
NFPA 1 4-9.1 - Obstructed exit discharge.
NFPA 101 39.3.4.1 - Required fire alarm.

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Ms. Batchelder stated that Certified Mail had been sent to Frederic L. Weber, Registered Agent, and Manager, signed on March 29, 2003 by Frederic L. Weber. Certified Mail was also sent to Weber Holdings LLC signed on March 29, 2003 by Frederic L. Weber.

Dallas Schumacher, Fire Inspector, stated the case number, address of the property and violations per the agenda. He further stated that plans had been submitted and the owner was requesting additional time in order to come into compliance. He recommended 4 months for the owner to bring the property up to code, and fine of \$100 per day, per violation.

Don Zimmer, architect, stated that Dr. Weber was not the original owner, and the violations were already existing. Mr. Zimmer stated he had been hired in August, and the owner had received a 6-month extension at that time. He explained this was a 3-story office building.

Ms. Batchelder explained this extension was received from the Fire Marshal prior to the case coming to the Code Enforcement Board.

Motion made by John Phillips and seconded by Rixon Rafter to grant a 6-month extension for compliance or a fine of \$100 per day, per violation would be imposed.

Pat Hale asked if the violations were life safety issues. Inspector Lucas stated that all the violations were life safety issues.

Mr. Zimmer stated the elevator door was a huge issue since it opened into the stairwell, and he was receiving confusing comments and directions regarding the issue.

Board unanimously agreed on the motion.

Reference: CE03032277

Sunset Colony Annex Inc.
2600 SW 2 Ct.

FBC 2301.2.1 – Required supporting structure for service entrance conductors and main disconnects. FBC 3401.6 - Structure/fixtures in disrepair. NEC 550-23.(a) – Required travel distance. NEC 550-23(f) - Required mounting height of service pedestals. NEC 300-5(a) – Required burial depth of electrical conduits. ULDR 47-21.8 - Landscape maintenance.

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Ms. Batchelder stated that Certified Mail had been sent to Sunset Colony Annexing, signed on April 3, 2003 by A. Borges. Certified Mail was also sent to Richard Sepler, Registered Agent, signed on April 3, 2003 by A. Borges. Also Certified Mail was sent to Robert Yawitt, Director, signed on April 8, 2003, signature illegible.

Wayne Strawn, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that this was a portion of what was Sunset Colony Mobile Home Park approximately 3.5 acres. He stated that the property was owned by Mr. Sepler and called the property Sunset Colony Annex Inc. Last June the owner had been notified of the violations, but as of this date no remedial action had taken place. He proceeded to show photographs of the site. He explained that Craig Stevens had written the electrical violations which applied to the service entry. Mr. Strawn stated the method of design had been bad to begin with, and he felt it was amazing the structure had not let go.

Craig Stevens, Electrical Inspector, stated that Sunset Colony had been notified on June 21, 2002 as to the safe working condition of the service. He explained that the main mast was supported by some pieces of banding iron nailed to the pole. If they let go, there would be serious damage.

Chairman Jordan asked if the remaining portion of Sunset Colony was being vacated. Mr. Strawn stated there were 10 acres in the middle of the part that a vacation notice had been given to its occupants. He explained there were other issues regarding the operation of the park. He stated that the City did not recognize the splitting of the park from a zoning perspective. He explained it was the City Attorney's position that there would either be one mobile home park or none.

Mr. Strawn explained that violations FBC 2301.2.1 regarded the supporting structure for the main service, and FBC 3401.6 dealt with the condition being unsafe. Two other issues dealt with electrical equipment throughout the park. He explained the park was not properly grounded and was in deteriorating condition. He stated that Craig Stevens had also written up various sections of the National Electric Code on the property. He stated there was a landscape plan when the park had been developed in the 60's which no longer was being conformed to. He stated there was the possibility that the property would be sold, and there could be a discontinuance of the operation of the mobile home park. He explained they were asking for a finding of fact for the City, and that it also be recorded. He stated they were asking that the time period for compliance be 30 days. He stated further the owner had received a \$74,000 bid which might not be inclusive of everything that was needed. He stated that whatever time period would be granted by this Board, they should be required to report every 30 days regarding compliance of the property since there had been problems in getting issues resolved. Many times the owner had been buying time and not addressing the problems.

Marc Sarnoff, attorney, stated that a bid of \$74,000 had been submitted to Inspector Strawn which would address a number of the issues which the City had raised. He stated it might not be financially viable for this section of the park to continue operation. He explained they had the contract out for bid for other contractors to come in. He stated there were senior citizens living in the park and he believed the State Statute provided a time frame of 6 months to a year for the individuals to move out of the park. He was not sure if that was constitutional. He stated they were asking for a 90-day extension. He was attempting to find out if some temporary repairs could be done within a 35-45 day time period which could be viable. He explained that essentially it might not be viable for this park to continue its operation.

Rixon Rafter asked how many mobile homes were located on the 3.5 acre site. Mr. Sarnoff believed there were 37 or more homes.

Chairman Jordan stated that the City needed a "game plan" for the site. He further stated it appeared they were attempting to determine if it was viable to keep the mobile home park operating. It was his understanding that they might not have to comply with the Florida State Statute, but the Legislature had determined that was a minimum amount of time needed for vacating the residents. Mr. Sarnoff stated that Mr. Sepler would not want to displace individuals from their homes.

Mr. Sarnoff explained if they received a 60-day extension, they would know by that time if it was viable to retain the mobile home park.

Mr. Rafter asked what type of communications did they have with the homeowners regarding the potential for vacating the property. Mr. Sarnoff stated that Sunset Annex and the homeowners were hopeful that their property would remain in operation. Mr. Rafter explained there were different types of vacations and Wilton Manors was presently going through that process. Mr. Sarnoff explained that a Receiver had been appointed for the other part of the mobile home park. He further stated that possibly they could return with a short-term solution regarding the violations Mr. Stevens had cited.

Mr. Stevens stated that they should be able to acquire some additional bids within 30 days, and he felt the first bid of \$74,000 was not out of the reasonable realm for such work. He stated the entire electrical infrastructure needed to be replaced. He continued stating that within the 30 days they should be able to decide if it was viable to proceed or not.

Mr. Sarnoff agreed to report back to the Board within 30 days.

Motion made by Rixon Rafter and seconded by Bob Young to record the Order and that a status report be given every 30 days.

Bob Young asked if this section of the park had been cited at the same time the other portion had been cited. Mr. Strawn confirmed and stated he had not scheduled a hearing sooner because the parcel had been under the control of the Receiver until recently. Mr. Sepler's parcel had been on a long-term land lease which had expired, and therefore, Mr. Sepler took over control of the small portion of the park. Mr. Sepler was then cited, and previous to that time the engineers working for the Receiver had examined the situation, and the Receiver supposedly was working on a resolution which had not yet been done. Mr. Strawn stated there had been general knowledge of the problems at this park for quite a number of years.

Mr. Sarnoff explained the procedure the Receiver had followed regarding the property. He explained they were waiting to go before the Judge for a status report. He continued stating that the notices of violation originated back to October, 2001.

Mr. Phillips asked why the owner had not intervened with the Courts in order to acquire the tenant to comply with the violations.

Mr. Rafter called the question.

Mr. Jolly stated that the Board should either vote on the matter and make a determination regarding time for compliance, or the Board should vote to give an enlargement of time.

Motion made by John Phillips to amend the motion and find in favor of the City to grant a 30-day for compliance and record the Order.

Mr. Rafter stated he wanted to know if they received any more bids and a progress report. He felt it was one giant stalling tactic, but if they watched closely they could affect more leverage. He stated he would change his motion as follows:

Motion made by Rixon Rafter and seconded by Larry Hayes to grant a 30 days to bring the property into compliance, record the Order, or a fine of \$50 per day, per violation would be imposed. Board unanimously agreed.

Reference: CE02030236

Transwestern Beach Place LLC
17 S. Ft. Lauderdale Beach Blvd.

Old Business

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Ms. Batchelder stated this was a request for an abatement of fines. She explained that Jeff Lucas was the original Inspector, but Dallas Schumaker would present this case. She stated that NFPA 101 8.2.3.2.1(b) came into compliance on April 21, 2003. She announced the case was originally heard on April 23, 2002 with compliance ordered by October 23, 2002. On November 26, 2002, the date was extended until February 24, 2003. On March 25, 2003, the date was again extended to April 24, 2004. All fines had been abated in February, 2003. The fines began again for the period between February 24, 2003 and March 25, 2003. The fines total \$2, 800.

Dallas Schumaker, Fire Inspector, stated the Fire Marshal was in agreement regarding the abatement of fines.

Ron Mastrianna stated that it took time to cure the problems due to the process.

Motion made by Rixon Rafter and seconded by Pat Hale to abate the \$2,800 fine on the property. Board unanimously agreed.

Reference: CE03040378

BIC Corp
5101 NW 9 Ave.

FBC 104.1.1 - Work without permits.
NFPA 13 5-1.1 - Fire sprinkler head missing.
NFPA 13 3-9.2 - Caps on Fire sprinkler
connection missing.

Ms. Batchelder announced that Certified Mail had been sent to Clement Busse, Registered Agent, signed on April 12, 2003 by C. Busse. Certified Mail was also sent to Casandra Mettlach, Director, signed on April 12, 2003 by T.R. Mettlach. Certified Mail was also sent to BIC Corp signed on April 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 on May 3, 2002 an inspection had been conducted and violations were cited and a compliance date for 30 days was given. In December, 2002, two violations were still not complied with, and the tenant promised to comply within 30 days. Another annual inspection had been done on April 11, 2003, and the same violations were still present on the site. He explained the tenant was to move out within 30 days, and the owner was requesting 30 days in order to receive bids to bring the system into compliance. He stated the City had no objection to the request, but that a fine of \$250 per day, per violation be imposed after the 30 days if the property was still not in compliance.

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Dawne Gone, BIC Corporation, stated he was the property manager, and he did not have knowledge of the violations until 9 days ago. He explained he had already received two bids and the tenants were scheduled to vacate the property.

Motion made by John Phillips and seconded by Larry Hayes to find in favor of the City and grant 60 days for the property to come into compliance or a fine of \$50 per day, per violation be imposed thereafter. Board unanimously agreed.

Reference: CE03020882

B I C Corp
957 W. Commercial Blvd.

FBC 104.2.7 - Sign without permits.
FBC 104.2.4 - Plumbing work without permits.
FBC 104.2.5 - Electrical work without permits.

Ms. Batchelder stated that Certified Mail had been sent to Clement Busse, Registered agent, signed on March 28, 2003 by Clement Busse. Certified Mail sent to Cassandra Mettlach, Director, signed on March 28, 2003 by T.L. Mettlach. Certified Mail was also sent to Candra Busse, Vice-Director, no date on the green card and received back in Community Inspections on April 7, 2003. Also, Certified Mail was sent to BIC Corp., signature illegible and no date on the green card. It was received back in Community Inspections on April 7, 2003.

Chairman Jordan asked if staff had Mr. Gone's address so the tenant would now be by-passed when notices were sent out. Ms. Batchelder stated the owner of the property had been served as required. Mr. Gone stated that the owner lived in Boca Raton and the notice had been sent to his Registered Agent, but no notice came to the office. He stated that staff had the office address.

Mohammed Malik, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated the FBC 104.24 was in compliance. He stated the City was recommending 90 days for the property to come into compliance, or a fine of \$50 per day, per violation be imposed thereafter.

Pat Hale asked what type of building was on the site. Mr. Gone explained it was a strip shopping center and the tenant had moved in and had work done without permits. He stated they had sent the tenant a registered letter stating they had to obtain a permit for the work or they would have to remove the work that had been done. The tenant had removed everything that had been done, and the plumbing permit had been pulled and it would take them 90 days to complete the work. He stated that they had told him the sign did not have to be permitted. Mr. Malik explained the sign had to be permitted.

Motion made by Rixon Rafter and seconded by Larry Hayes to grant 90 days for the property to come into compliance, or a fine of \$50 per day, per violation be imposed thereafter. Board agreed unanimously.

Reference: CE03010104

Keystone Halls Inc.
302 NW 8 St.

FBC 104.1 - Work without permits.
FBC 104.2.5 - Electrical work without permits.
FBC 104.2.11 - Mechanical work without permits. Section 25-17 - building numbers to be a minimum of 8" in height.

Ms. Batchelder announced that personal service had been made to the Property Manager, Mr. Sweeney on April 20, 2003 by Inspector Malik.

Douglas Kurtock, Building Inspector, stated the case number, address of the property and violations per the agenda. He stated that the City was recommending 30 days for the property to come into compliance, or a fine of \$25 per day, per violation be imposed thereafter, and that the Order be recorded.

Ronald Malec, Treasurer of Keystone Halls, Inc., stated they were a not-for-profit group who ran half-way houses. He stated they had purchased this abandoned house from HUD. He explained that they had applied for a permit for the fence, but the survey was wrong and the street had not been depicted. Then, they went back for a new permit and it could not be issued because it was a triplex and not a duplex. He attempted to have a fencing contractor do the work, but he did not have a license, therefore, they were now going to have a general contractor do the work.

John Phillips asked how many people lived at the address. Mr. Malec stated there were five people living there, and they had an occupational license. He explained further there were 3 separate units. He stated he had bought 14 homes previously.

Mr. Phillips asked if the tenants paid to live at the premises. Mr. Malec explained that as part of the rehabilitation process the residents paid \$125 per week for room and board, including food. He stated it was transitional housing and the idea was that the individuals were on a rehabilitation program and were supposed to obtain jobs. He further stated this was the only property they owned which was not a single-family dwelling. He further explained that the Oxford Case which had gone to the Supreme Court stated if one was operating as a family unit for rehabilitated individuals, it constituted a family, but he explained he was not thoroughly familiar with the details of the case.

Motion made by Bob Young and seconded by Rixon Rafter to grant 30 days for the property to come into compliance or a fine of \$25 per day, per violation be imposed thereafter, and that the Order be recorded. Board unanimously agreed.

Reference: CE02080290

The Mayhue Corporation
416 N. Federal Hwy

Sec. 15-28 – Required Occupational License.
Sec. 47-19.9 – Non permitted outdoor display
of merchandise. 47-20.8 – Parking lot
maintenance. FBC 104.1 – Work without
permit. FBC 11-4.6.4 – Required accessibility
signage.

Ms. Batchelder announced that this case was continued from the March 25, 2003 meeting.

Mohammed Malik, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that the City Attorney had stated that there had not been proper service since the tenant had received the notice.

Jonathan Streisfeld, on behalf of the owner, stated that the landlord should speak to the Board about the violations and see how the matter could be resolved. They were also going to attempt to work with the tenant to see what could be done.

Mr. Jolly stated that the owner was here and the tenants caused the violations. He further stated that the attorney who represented the landlord was satisfied the work would be done, and the tenant was accepting the responsibility. He stated it might not be the appropriate thing to do.

Sheridan Mills, on behalf of Doug Wallace - tenant, stated they were in a "Catch-22" position because the occupational license could not be issued due to the display of the outdoor furniture.

Mr. Phillips stated he had spoken with the tenant regarding possible purchase of some outdoor furniture, but he had not engaged in a contract as of this time. Mr. Jolly explained that he was compelled to disclose the matter, but he did not have to reclude himself only if it would make him more comfortable in the situation.

Doug Wallace, tenant, stated that most violations had been addressed and corrected. He stated that the outdoor display was the exception. He stated that before leasing the property, he had gone to the City for permission to display the furniture on the property and verbal permission had been granted, but was told he would not be permitted to store it outdoors.

Mr. Malik stated he asked for Mr. Wallace to get the permission in writing.

Ms. Mills reiterated that the furniture was only being displayed outdoors and not stored. She explained there were numerous businesses in the area displaying their products outdoors. She further stated the City was not willing to put into writing the verbal permission that had been granted.

The Assistant City Attorney proceeded to read City Ordinance Section 47-19.9, Outdoor Uses. She reiterated that outdoor sales were not permitted in the City, and there was no variance procedure available for this type situation.

Mr. Rafter stated that the Commission was trying to work through new laws in this area as a result of an ongoing twice a month flea market conducted by the GLCC. He stated there were no rules in the City to permit this, and the City Attorney's Office was instructed to propose an ordinance which would permit some type of outdoor sales.

The Assistant City Attorney explained the City ordinance did not permit outdoor sales, however, they did have a procedure which bypassed such a rule for special events. The flea market was told they could have a once-a-month special event. She explained they wanted this Board to find that a violation existed, and give the property owner time to bring the property into compliance.

Pat Hale asked if they could enclose the area with a fence. The Assistant City Attorney reread the ordinance. Mr. Jolly suggested that such a solution might not be economical or feasible.

Mr. Malik stated that the City was looking for an Order.

Motion made by Bob Young and seconded by Rixon Rafter that 90 days be granted to bring the property into compliance or a fine of \$50 per day, per violation would be imposed thereafter. Board unanimously agreed.

Reference: CE00080137

New River Boat Club Inc.
3001 State Road 84

Old Business

Ms. Batchelder stated that there was an error on the agenda, and this was not a request for an abatement of fines. She stated the property was still in violation in regard to Section 3806.2(c). She stated the date for compliance had been scheduled for January 3, 2001 in regard to Section 3806.2(c) on the Order dated October 26, 2000. Time was extended on February 27, 2001 to April 28, 2001. Time was again extended on April 24, 2001 to June 26, 2001. She announced that time was extended on June 26, 2001 to September 25, 2001, and again extended to December 22, 2001 on the Board's Order of October 23, 2001. Time was then extended to March 23, 2002 on the Board's Order of January 22, 2002, and then extended to October 21, 2002 on the Board's Order of July 23, 2002. Time was again extended to December 21, 2002 on the Board's Order of October 22, 2002, and once again extended to January 25, 2003 on the Board's Order of November 26, 2002. On January 28, 2003, time was once again extended to March 29, 2003. The fines accrued from the beginning had been abated. New fines have accrued since March 29, 2003 which total \$2,400. She explained this was a request for an extension of time.

Don Olsen, New River Marina, stated that he wanted to thank the Board for their cooperation in the past and they had come into compliance with their other marina. He stated that Kenneth Reardon had worked with them on the matter. He stated that he had received a good education regarding the City's building process and allowed him to pass the GC exam with the State of Florida.

Mr. Olsen stated that New River Boat Club was requesting a 90-day extension of time in order to obtain the County water for their fire system. He explained they were presently waiting on a date for the final tap, and then the City Building Department needed to be notified of the hook-up. He explained that the County OES had not recorded their agreement until February which did not permit them to get in line for the project. He stated he had spoken with Jim Walton, County Engineer Inspector, and a date would be scheduled. He stated they were also requesting the abatement of fines which had accrued since March, 2003 because they had not been notified of the March meeting by the City until after the closing date set for the agenda.

Wayne Strawn, Building Inspector, stated that possibly Ms. Batchelder could further explain the procedure as to why the marina had accrued fines.

Ms. Batchelder explained that they had been at the previous meeting and the Order they received was an extension of the compliance date. Mr. Strawn remarked they were now waiting on the County for hook-up.

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

Chairman Jordan explained that until the property was in compliance, the fines could not be abated.

Reference: CE02080131

Esposito Enterprises Inc.
3145 NE 9 St.

Old Business

Ms. Batchelder stated that this case had originally been heard on October 22, 2002 with compliance ordered by January 20, 2003. On January 28, 2003, the date was extended until April 28, 2003. The fines total \$1,050 and ran from January 21st to the 28th.

Deborah Toye, representing the owners, stated that this property had formerly been a T-shirt shop and when they attempted to upgrade the property discovered some work had been done before they took possession of it. Therefore, the property had to be brought into compliance. She explained the tenant was very cooperative and had retained the services of an architect. She stated it was now a tattoo shop and the property had been upgraded by the tenant. She was requesting additional time for the property to be brought into compliance and suggested a 60-day extension.

Mohammed Malik, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated the City did not object to the extension of time.

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

Reference: CE00061909

Gregory L. Jackson, G. I. Horowitz
& Elton S. Stevens
609 SW 01 Avenue

Old Business

Ms. Batchelder announced that this case had been withdrawn due to there being a lien on the property.

Reference: CE03040379

Parkway Commerce Center Ltd.
1919 NW 19 St.

NFPA 1 7-3.1.1 - Required fire sprinkler system maintenance. NFPA 13 3-9.2 – Listed caps missing on sprinkler connection. NFPA 13 3-2-.9.2 - Approved sprinkler wrench

missing from repair kit. NFPA 1 3-7.1 –
Required fire rated wall.

Ms. Batchelder stated that Certified Mail had been sent to Parkway Commerce Center Ltd and signed for on April 11, 2003 by Jiminez. Certified Mail was also sent to Adler PCC, Inc. General Partner, signed for on April 11, 2003 by Jiminez. Certified Mail was then sent to Joel Levy, Registered Agent, signed for on April 11, 2003 by Jiminez.

Steve Paine, Fire Inspector, stated the case number, address of the property and violations per the agenda. He further stated that only two violations had been corrected and those were NFPA 13 3-9.2 and NFPA 1 3-7.1. He proceeded to show photographs of the site, and stated there were two proposals, one from a fire contractor and another from a general contractor stating the repairs would be made on the remaining violations within 30 days. He remarked these were life safety violations.

Motion made by Rixon Rafter and seconded by Pat Hale to grant 60 days for the property to come into compliance or a fine of \$250 per day, per violation would be imposed thereafter. Motion passed 5-3.

Reference: CE02081818

Mortgage Electronic Reg Systems, Inc. 1444 NW 5 Avenue	FBC 104.1 - Work without permits. FBC 3401.6 - Structure/fixtures in disrepair. FBC 104.2.4 - Plumbing work without permits. FBC 104.2.5 - Electrical work without permits. FBC 104.2.11 - Mechanical work without permits.
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Ms. Batchelder announced that Certified Mail had been sent to Mortgage Electronic Reg Systems Inc. signed by Gerald Linn - no date on the green card and was received back in Community Inspections on April 4, 2003. Certified Mail was also sent to CT Corp. System, Registered Agent, signed by Michael Kepwiss on March 31, 2003.

Douglas Kurtock, stated the case number, address of the property and violations per the agenda. He further stated that the City was requesting 60 days for the property to come into compliance or a fee of \$50 per day, per violation would be imposed, and also requested that the Order be recorded.

Mr. Kurtock explained this property was originally a duplex which had been illegally converted into a four-plex and an addition was then added on making it a five-plex. He stated the property was now vacant.

Motion made by Rixon Rafter and seconded by John Phillips to grant 60 days for the property to come into compliance or a fine of \$50 per day, per violation would be imposed thereafter. It was further ordered that the Order be recorded. Board unanimously agreed.

Reference: CE02100750

Yvonne & Sydney Brown
1444 NW 5 Ave.

FBC 104.1 - Work without permits.

Ms. Batchelder stated that Personal Service was made to Darwin Wilson, Resident, by Inspector Pignataro on April 19, 2003.

Douglas Kurtcock, Building Inspector, stated the address, case number and violations listed on the agenda. He stated further that this was a single-family home and they had installed a new roof without a permit. The City was requesting 30 days so the owners could obtain the permit and a fine would be imposed thereafter of \$10 per day.

Motion made by Pat Hale and seconded by John Phillips to grant 30 days to come into compliance or a fine of \$10 per day would be imposed. Board unanimously agreed.

Reference: CE03021337

Sonya D. Hankerson &
David McDowell
1126 NW 18 Avenue

FBC 104.1 - Work without permits.
FBC 104.2.11 - Mechanical work without permits.
FBC 104.2.4 - Plumbing work without permits.
FBC 104.2.5 - Electrical work without permits.

Ms. Batchelder stated that Certified Mail had been sent to Sonya Hankerson and David McDowell and signed for on March 29, 2003, signature illegible.

Douglas Kurtcock, Building Inspector, stated the case number, address of the property and the violations as listed on the agenda. He stated that the property was a single-family residence, and the City was requesting 30 days so the owner could resolve some issues with the City in order to obtain funding for the completion of the project or a fine be imposed of \$10 per day, per violation thereafter. He further stated that it was his opinion that 60 to 90 days should be granted. He explained that if the owner did not obtain the funds to complete the project, it would then be removed and the property would then be in compliance. He proceeded to show photographs of the site.

Motion made by Rixon Rafter and seconded by John Phillips to grant 60 days to come into compliance or a fine of \$10 per day, per violation be imposed thereafter. Board unanimously agreed.

Board recessed at 12:00 p.m.

Board reconvened at 1:00 p.m.

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

Reference: CE01100240

John & Susan Storelli
631 NE 18 Ave.

FBC 104.1 - Work without permits.

Ms. Batchelder announced that Personal Service had been made to Mr. Storelli by Inspector Margerum on April 13, 2003. Certified Mail was also sent to Johny and Susan Storelli signed for on March 28, 2003 by Susan Storelli. She stated the City recognized the fact that they needed to request a continuance. They had a notice of appearance from Mr. Siler who was a State Representative and was presently in session.

Mr. Jolly explained the case would automatically roll over.

Motion made by Rixon Rafter and seconded by Larry Hayes to approve the request for continuance of this case. Board unanimously agreed.

Mr. Jolly stated that 5-6 months ago he had prepared a Resolution for the City Commission which was to be presented at tonight's meeting, but the matter had been withdrawn and staff wanted to submit a memorandum regarding the Resolution.

Mr. Jolly continued stating that effective next month there would be a new procedure for hearing non-compliant applications for liens. He explained that the Second District Court of Appeals regarding landowner laws before liens stated that as a predicate to foreclosure, were to be given notice and an opportunity to be heard. If no owner appears, the Board would be informed that the property was not in compliance, and things could move forward.

Mr. Jolly left the meeting at approximately 1:03 p.m.

Ms. Hale asked how long properties could be listed as having no service. Ms. Batchelder explained they had to serve the address of record, but there was a procedure to post the property under Florida Statute 162 which Community Inspections had just started to use. Due diligence had to be made and then the property could be posted.

Reference: CE03021179

David Chrastek
1730 NE 63 Ct.

FBC 104.1 - Work without permits.
FBC 104.2.4 - Plumbing work without permits.
FBC 104.2.5 - Electrical work without permits.
FBC 104.2.11 - Mechanical work without permits.
FBC 3401.6 - Structure/fixtures in disrepair.

Ms. Batchelder stated that Personal Service had been made to David Chrastek by Inspector Malik on April 5, 2003. She stated there was a signed Stipulated Agreement calling for compliance within 180 days or a fine of \$50 per day, per violation would be imposed.

Motion made by Rixon Rafter and seconded by Larry Hayes to grant 180 days for the property to come into compliance or a fine of \$50 per day, per violation would be imposed. Board unanimously agreed.

Reference: CE02021820

Richard Krigel
409 SW 11 St.

FBC 104.9.3.1 - Expired permits.

Ms. Batchelder stated that Personal Service was made to R. Krigel by Inspector Malik on April 5, 2003.

Ken Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He stated that the City was requesting 30 days for a renewal of the permit or a fine of \$200 per day be imposed.

Motion made by Rixon Rafter and seconded by Larry Hayes to grant 30 days for the renewal of the permit or a fine of \$200 per day would be imposed. Board unanimously agreed.

Reference: CE02031962

Jennifer L. Wingfield
1501 SW 35 Terrace

FBC 104.9.3.1 - Expired permits

Ms. Batchelder announced that Personal Service had been made to William Roslund (Fiancé) by Inspector Malik on April 5, 2003.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and the violations per the agenda. He stated the City was seeking 30 days for the property owner to bring the property into compliance or a fine of \$50 per day be imposed thereafter.

Mr. Rafter asked if this permit had been issued under the old rules did the property owner now have to go back and conform to the new laws. Mr. Reardon confirmed, but stated that did not apply in this case.

Motion made by Rixon Rafter and seconded by Larry Hayes to approve 30 days for the property to come into compliance or a fine of \$50 per day would be imposed thereafter. Board unanimously agreed.

Reference: CE02091696

Jason E. Ciavatto
1016 Guava Isle

Old Business

Ms. Batchelder stated this case was originally heard on January 28, 2003 with compliance ordered by February 27, 2003. Current fines total \$2,650.

Jason Ciavatto, owner, stated he had a lien on the property, and his father had sold him the home but the lien had been settled at the closing.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that in February, 2000, his father had been cited for work without permits. He failed to meet the requirements of the Board, fines ran, and the property was brought into compliance with the issuance of a permit. A lien settlement was done with John Simmons and the City Commission set a settlement of \$3,425 which was paid.

Mr. Reardon stated the permit then expired and they filed another case against the property. The house was sold prior to the recording of the lien, so therefore the lien was

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released. The Order was ignored and the fines started. A new case began on January 30, 2002 when the son purchased the property. An Order was received and the permit was renewed.

Mr. Phillips entered the meeting at approximately 1:13 p.m.

Mr. Reardon stated there were no finals on the work. Permit #0051724 was expired. Ms. Hale reiterated that a new permit was needed. Mr. Rafter stated they also had to get a final inspection.

Motion made by Rixon Rafter and seconded by Pat Hale to grant a 30-day extension for the owner to renew his permit. Board unanimously agreed.

Reference: CE02081375

Joseph W. Homer, VI
218 SW 15 St.

FBC 104.9.3.1 – Expired permits.

Ms. Batchelder stated that Personal Service had been made to Joseph Homer by Inspector Malik on April 5, 2003. Certified Mail was also sent to Joseph Homer and signed for on April 8, 2003, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He stated they were requesting the property owner be given 90 days to comply or a fine of \$100 per day would be imposed thereafter.

Motion made by John Phillips and seconded by Pat Hale to find in favor of the City and that 90 days be granted to come into compliance or a fine of \$100 per day be imposed thereafter. Board unanimously agreed.

Reference: CE02101538

Randolph Williams
260 SW 20 Ave.

FBC 104.9.3.1 – Expired permits

Ms. Batchelder stated that Certified Mail had been sent to Randolph Williams and signed on April 8, 2003 by Randolph Williams.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He stated they were seeking 30 days for the owner to comply or a fine of \$100 per day be imposed thereafter.

Motion made by Rixon Rafter and seconded by John Phillips that 30 days be granted for the property to come into compliance or a fine of \$100 per day be imposed thereafter. Board unanimously agreed.

Reference: CE02010945

Louis E. Jezdimir
11 SW 13 St.

FBC 104.14 – Work without permits

Ms. Batchelder stated that Personal Service had been made to Louis Jezdimir by Inspector Pignataro on April 19, 2003.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He stated this was an unusual case. He stated they had violated the ordinance with the installation of illegal signs. They promised to remove them, but did not do so. He explained that the sign was taken down, but the metal frame remained and was in violation. He asked for 30 days to have the framework removed or a fine of \$250 per day be imposed thereafter.

Motion made by John Phillips and seconded by Rixon Rafter to grant 30 days for the property to come into compliance or a fine of \$250 per day would be imposed. Board unanimously agreed.

Reference: CE03031342

John Greenfield
1220 Riverland Rd.

FBC 104.1 – Work without permits

Ms. Batchelder stated that Personal Service had been made to John Pratt (family friend at the property) by Inspector Pignataro on April 6, 2003. Certified Mail had also been sent to John Greenfield, signed by John Greenfield on April 9, 2003.

Mr. Phillips asked if there was anything in the record to show that service on the family friend qualified. Ms. Batchelder stated that the green card had been signed by him. Mr. Reardon stated the friend was house sitting and probably did not constitute good service, but the wife had responded today and he had come to a verbal agreement with her. He stated they were in the final steps for permitting and they were asking for 60 days to comply or a fine of \$100 per day be imposed.

Motion made by John Phillips and seconded by Rixon Rafter that they find in favor of the City and grant 60 days for the owner to come into compliance or a fine of \$100 per day be imposed thereafter. Board unanimously agreed.

Reference: CE03032138

Steven Margolis
2027 SW 29 Ave.

FBC 104.1 – Work without permits.
FBC 106.1 – Required Certificate of
Occupancy. FBC 104.2.11 – Work without
mechanical permit. Sec. 9-281(b) – Trash,
rubbish and derelict vehicle on property.

Ms. Batchelder announced that Personal Service had been made on Steven Margolis by Inspector Reardon on April 11, 2003. Certified Mail had also been sent to Steven Margolis signed for on April 11, 2003 by Steven Margolis.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He stated that all violations were in compliance with the exception of FBC 104.2.11, and asked the owner be given 120 days to comply or a fine of \$10 per day be imposed thereafter.

Motion made by John Phillips and seconded by Rixon Rafter that they find in favor of the City and grant 120 days for the property to come into compliance or a fine of \$10 per day be imposed thereafter. Board unanimously agreed.

Ms. Batchelder stated that Case CE03031526 was an old business case and there was no respondent.

Cases Pending Service

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

CE02051632
CE02111383

Cases Complied

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

CE02080896	CE03032408	CE03040377
CE03032406	CE03032410	
CE03032407	CE03032411	

Cases Withdrawn

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

CE02101593

Cases Rescheduled

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

CE03021303

Ms. Batchelder announced that due to the new procedure involving liens nothing would be discussed or approved at today's meeting.

Motion made by Pat Hale and seconded by Rixon Rafter 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.