

**CODE ENFORCEMENT BOARD**  
**City Commission Meeting Room**  
**100 North Andrews Avenue**  
**September 23, 2003**  
**10:00 A.M – 3:20 P.M.**

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**CUMULATIVE ATTENDANCE**

**From January, 2003**

**Present                    Absent**

**BOARD MEMBERS PRESENT:**

Pat Hale, Vice-Chairman	9	0
Larry Hayes	9	0
Sarah Horn	7	2
Gerald D. Jordan, Chairman	9	0
John Phillips	9	0
Rixon Rafter	7	2
Bobby Young	6	3
Richard Guiffreda, Attorney		

**BOARD MEMBERS ABSENT**

None

**STAFF PRESENT**

Susan Batchelder, Administrative Assistant II  
Todd Hiteshow, Community Inspections Supervisor  
Sylvia Dietrich, Service Clerk  
Assistant City Attorney  
Mohammed Malik, Building Inspector  
Douglas Kurtock, Building Inspector  
Wayne Strawn, Building Inspector  
Ken Reardon, Building Inspector  
Robert Pignataro, Building Inspector  
Dallas Shumacher, Fire Inspector  
Lt. Steven Paine, Fire Inspector  
Ivette Spence-Brown, Fire Inspector

Margaret A. D'Alessio, Recording Secretary

**ALSO PRESENT**

Richard Galvez (CE02110103)  
Carolyn Jones (CE03061053)  
Herbert Neff (CE03071745)

**ALSO PRESENT (CONT'D)**

Damon Saunders (CE03070690)  
Justine Lake (CE02051684)  
Minerva Glaston (CE03022088)  
Barbara Glaston (CE03022088)  
Robin Hurley (CE03061822)  
Stephen Davis (CE03042289)  
Carolyn Wickham (CE03030960)  
Thomas Kelaher (CE02121206)  
Magda Apergis (CE03060008)  
Orestes Rivera (CE02061782)  
Louise Cooper (CE00110619)  
Ken McGraw (CE03051075)  
Steven Margolis (CE03032138)  
Braxton McClams (CE03021244)  
Stephen Cohen (CE03070264)  
Karen Beard (CE01071635)  
Barney Lowenstein (CE03011950)  
Robert Lochrie (CE01071635)  
Patricia Salerno (CE03011950)  
Francisco Montiel (CE03031355)  
David Lewis (CE02091636)  
Norman Stewart (CE02100344)  
Diego Moncayo (CE03040379)  
Michael Stearns (CE02091636)  
Frank Ruff (CE02110103)  
Fred Hughes (CE02110605)  
Scott McDuff (CE03040379)  
Rick Galvez (CE02091636)

At 10:19 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.**

Chair Gerald Jordan explained that the cases regarding claim of liens would be heard first.

The Assistant City Attorney stated that she wanted to apologize to the Board since they had planned on having a workshop meeting one-half hour before today's meeting, but somehow the ball had been dropped and the notices had not been sent out. She reiterated the workshop could be held before next month's meeting, and they could discuss the Massey Hearings, along with the Sunshine Law.

Chairman Gerald Jordan confirmed that the Board would like to have such a meeting scheduled.

The Assistant City Attorney also stated that they had promised to have a script with the language to be used for the Massey Hearings and that would also be provided at next month's meeting.

### **Claims of Lien**

Susan Batchelder, Clerk, proceeded to announce the claim of lien cases as follows:

### **Reference: CE02051684**

Georgette Harvey & Justine Lake  
1122 Waverly Road

Ms. Batchelder announced that this case had originally been heard on April 22, 2003 with compliance ordered by August 20, 2003. On September 8, 2003, Kenneth Reardon, Building Inspector, signed an Affidavit of Non-Compliance. Fines total \$4,950.

Kenneth Reardon, Building Inspector, announced that this property had come into compliance on September 17, 2003.

The Assistant City Attorney stated that the City was seeking a finding that compliance had not been timely made, and therefore, the Board would impose the fine of \$150 per day.

Justine Lake, owner, stated the property was in compliance and she had all the necessary permits. She stated she was also requesting that no liens or fines be imposed against the property. She explained since the property was in an historic area, it had taken her longer to receive the permits. She added that she also had to obtain a Certificate of Appropriateness for the windows and hurricane shutters, which had been approved on July 31, 2003. She stated she had actually received the certificate on August 25, 2003 and was then able to obtain the permits.

Kenneth Reardon, Building Inspector, confirmed the property was now in compliance.

The Assistant City Attorney clarified that the Board only impose the fine, the Board had to decide whether the property had been in compliance by the ordered date which it was not. It was the Board's decision whether to consider the circumstances described by the owner and mitigate, reduce or abate the fine. She stated if a fine was imposed, the City would record it and it would become a lien. She reiterated this hearing was for the Board to decide whether or not to impose a fine since compliance had not been met by the ordered date. She further explained that the lien was a ministerial process that the City went through in recording the Order to impose a fine.

Ms. Lake requested that the Board not impose a fine on her property.

Rixon Rafter stated that the case in point was permission for putting a claim of lien into place. The Assistant City Attorney explained that Chapter 162 required that a hearing be held, and the Board would then determine whether violations existed as alleged in the Notice of Violation. If such violations did exist, a compliance date would be set or a fine would be imposed. She stated that was the first order which this Board had typically done. She then explained that after the compliance date had passed, the City would bring back the case stating that compliance had not been met by the set date, and they would ask the Board to issue an Order to impose the fine.

Richard Guiffreda, attorney, stated the bottom line was procedural due process and added that the homeowner had the opportunity to either agree or disagree with the Inspector as to when the property came into compliance. He explained what made the constitutional issue important was that if the City elected to record the fine as a lien that was what implicated the property interests, which was what the Court was concerned with in regard to giving them the procedural due process. He stated this body needed to decide if they were going to impose a fine, and if so, how much, or abate the fines.

Rixon Rafter stated he was still confused because historically they had recommended to the City fines to be recorded. Mr. Guiffreda agreed, but stated that technically speaking according to the Statute it was purely up to the City whether to record it or not.

John Phillips entered the meeting at approximately 10:38 a.m.

**Motion** made by Sarah Horn and seconded by Larry Hayes to abate all fines. Board unanimously agreed.

John Phillips stated that he was not voting in regard to the previously discussed matter due to the fact that he had just recently entered the meeting.

**Reference: CE01071635**

Florida Trust for Historic Preservation Inc.  
900 N. Birch Road

Ms. Batchelder announced that this case had originally been heard on February 25, 2003. Compliance had been ordered by August 25, 2003. On September 8, 2003, Mohammed Malik, Building Inspector, signed an Affidavit of Non-Compliance. She added that there was only one section of the code that was not in compliance as of this time. Total fines \$1,400.

Robert B. Lochrie, Jr. stated he was a member of the Board of Trustees for the Florida Trust for Historic Preservation, and added that he was also Chairman of their Planning Committee for the Bonnet House.

Mr. Lochrie stated that this Board had granted an extension of time until November 26, 2003 to the Florida Fort Lauderdale Beach Resort. He stated that the problem was that their side of the wall had collapsed, but they had to fix their side of the wall before Florida Trust could repair their portion of it. He explained that Florida Fort Lauderdale Beach Resort had not yet completed their work, and therefore, Florida Trust was requesting 60 days from that date so their portion of the work could be completed.

Mohammed Malik, Building Inspector, stated that the City did not object to the extension of time.

**Motion** made by Pat Hale and seconded by Rixon Rafter that an extension of time be granted until January 27, 2004, and that all fines be abated. Board unanimously approved.

**Reference: CE00110619**

A. & Louise Cooper  
732 NW 19 Avenue

Ms. Batchelder announced that this case had originally been heard on November 28, 2000, with compliance ordered by May 27, 2001. No extensions of time had been granted. The Building Inspector signed an Affidavit of Non-Compliance in August, 2003. She further advised that 15 of the violations had been brought into compliance, but the fine would continue to run on the remaining violations. As of September 23, 2003, the fines total \$148,400.

Tiffany Huff stated she was Mrs. Cooper's granddaughter. She advised that the property had been boarded up for about 2 years, and they wanted to get approval from the City to demolish the building.

Rixon Rafter asked what impact this building had on the community.

Robert Pignataro, Building Inspector, stated the building had a negative impact on the neighborhood. He stated there were new homes being built in the area.

Bob Young stated that he had built about 10 homes in that area, and advised that Mrs. Cooper also owned other property across the street. He advised that the land itself was probably worth about \$15,000 to \$18,000.

Chairman Gerald Jordan reiterated that if a lien was placed on the property, they could attach all other properties owned by the individual.

The Assistant City Attorney stated that this property was in the northwest portion of the City. She stated that she had recently met with the District Commissioner and the Code Advisory Committee, who felt there was a tremendous problem with boarded-up buildings in that area. She stated they were a negative impact on the community.

John Phillips stated that they would be setting a bad precedent by feeling sorry for one person who had the opportunity to attend hearings and had received proper notice. He reiterated there was a procedure for abating fines. He added that he did not feel the fines should be abated or reduced at the time of the claim of lien. He suggested that the Board not reduce the fine.

Bob Young stated that the owner was probably not aware of what was going on and was over 90 years old, and not very well educated in the law. He felt these matters should be judged on a case-by-case basis.

John Phillips suggested that the Board table this matter and permit the owner to name a power of attorney or legal representative, and then have the matter addressed regarding the abatement of fines before the claim of lien was adopted. He stated if the owner or representative did not return before the Board, they would then be showing a complete disregard for the system.

The Assistant City Attorney stated that the City's position was that these hearings were being held to follow the requirements of Section 162.09 to impose a fine. The second part of that section dealt with the things the Board needed to consider when imposing a fine. She stated that she disagreed with Mr. Phillips, and the City's position was that they could consider extenuating circumstances when imposing fines. She explained the

fine could be reduced or abated based on the owner's testimony.

Mr. Guiffreda stated that if one read Section 162.09, the City decided whether a lien was recorded or not, and could execute the satisfaction of lien. After the fines were imposed and a lien was established through recording, and if it went unpaid for 3 months, then this Board could authorize the local governing body to foreclose on the lien which was a different issue.

The Assistant City Attorney advised that the City had not foreclosed on any properties in the year that she had been employed with them. She stated that a workshop was to be scheduled later this year to discuss this matter with the City Commission.

Mr. Guiffreda stated that one could look at this in two ways. The first way was that due process required that a homeowner have notice before the fine was imposed and the City could then record if desired. The other way was that if there was to be a foreclosure, there could be a need for another hearing before the foreclosure process was started. He further stated the footnote offered suggestions as to how to handle these matters. He reiterated the important point was that the homeowner had a chance to state their case.

The Assistant City Attorney explained that the Massey case imposed the requirement to offer the property owner to be heard at a hearing. The footnote stated that the Board could impose a fine, and the City would send a notice stating if the owner wanted to contest the matter, a hearing would be scheduled. This was being done in Charlotte County, but the City of Fort Lauderdale had taken a different approach and stated that before the Board imposed a fine, they would offer the property owner the opportunity to be heard at a hearing. Mr. Guiffreda stated that he felt that was a better system.

**Motion** made by Bob Young and seconded by Rixon Rafter that the fine be reduced to \$10,000.

The Assistant City Attorney clarified that this Board did not have authority to order a demolition.

Mr. Phillips stated the Board could not pick numbers out of the air. He stated that since the City had a formula of about 15%, the owner would get away with a small fine after violating the law for a long period of time. He asked what justification was being imposed. He further stated that the Massey Hearing was like the Governor giving a last minute reprieve at 11:59 before an execution. He felt there should be a good faith reason why this should not be recorded. He suggested they not record the lien today and have them come back before the Board stating their reasons for a reduction in fines. He felt the Board was making a snap judgment in this case.

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

Mr. Guiffreda explained that Massey was concerned with the final imposition of whatever the fine was without due process, and the Court chastized the fact that the Board had relied on the Inspector's affidavit without considering the factors in Section 162.09.2.B, which were the gravity of the violation, any actions taken by the violator to correct the violation, and any previous violations committed by the violator. It also stated that an enforcement board may reduce the fine imposed pursuant to this Section. He stated that it appeared this was a two-step process. There were initial hearings to determine if a violation existed, how much the fine would be per day if the violations were not corrected, and the date for compliance. Before the fine could be determined, the homeowner was entitled to another hearing which was the due process issue. He felt that Massey invited this Board to revisit the issue.

The Assistant City Attorney explained that Massey invited the Board to reconsider the per diem amount of the fine, but not to re-litigate the case. She further stated that the Section explained that the Board was to impose the fine, and once the Order was given to impose the fine, the City would choose whether to record it or not. She explained further this Board could not direct the City to record it or not.

Mr. Guiffreda further stated if the property owner did not pay the fine within 3 months, then the Board could make a recommendation regarding foreclosure.

The Assistant City Attorney stated that the case would be presented for claim of lien. She read the language from the Order as follows: "Order imposing a fine/claim of lien." The statute states: "A certified copy of the Order imposing a fine can be recorded or may be recorded in the public records and would become a lien on the property."

Mr. Phillips stated that the Massey hearing was for a claim of lien, and not just for establishing a lien. The Assistant City Attorney further stated that people were entitled to challenge the City's contention that the property was not in compliance by the date of the first order. Before the Massey Hearing, the Inspector had just signed an affidavit which was presented to the Board, and the form was signed stating "Order imposing a fine/claim of lien." She further reiterated that Chapter 162.09 was quite clear. Mr. Phillips reiterated that the citizens needed to know what they could expect.



**Reference: CE03032138**

Steven Margolis  
2027 SW 29 Avenue

Ms. Batchelder announced that this case had originally been heard on April 22, 2003 with compliance ordered by August 20, 2003. No extensions had been granted and the property was not in compliance. She advised that on September 8, 2003, Kenneth Reardon, Building Inspector, signed an Affidavit of Non-Compliance.

Steven Margolis, owner, stated that he had purchased the property and had not realized that permits were needed for certain types of work. He advised that he had hired a contractor and the plans would be submitted.

Rixon Rafter asked why this was considered a Massey Hearing.

The Assistant City Attorney explained that the property was not in compliance, and they were attempting to end cases and not have them go on forever. She further stated that compliance had not been timely made, and therefore, the Board would impose the fine they had threatened originally to impose. She stated the fine was \$10 per day and would continue until the property was brought into compliance.

Pat Hale stated that if the owner had come before this Board and asked for an extension of time, this matter would not be before this Board today.

**Motion** made by Rixon Rafter and seconded by Larry Hayes that the Order Imposing a Fine against this property be issued and recorded due to the fact that the respondent failed to come into compliance by the date ordered and that the fine of \$10 per day be imposed. Board unanimously agreed.

**Reference: CE02061782**

Orestes P. & Marta V. Rivera  
2879 SW 14 St.

FBC 104.1 – Work without permits. FBC 106.1  
– Required Certificate of Occupancy

Ms. Batchelder announced that Personal Service was made to Sandra Rivera by Inspector Reardon on August 20, 2003.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement was reached with the owner for 90 days for compliance or a fine would be imposed of \$25 per day, per violation.

Orestes Rivera, owner, stated that the work should be done prior to the 90 days.

**Motion** made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and order 90 days for the property to come into compliance or a fine of \$25 per day, per violation would be imposed. Board unanimously agreed.

**Reference: CE03061053**

Carolyn Jones  
2901 SW 5 St.

FBC 104.9.3.1 – Expired permits.

Ms. Batchelder announced that Personal Service had been made to Carolyn Jones by Inspector Reardon on August 30, 2003.

Kenneth Reardon, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that a verbal agreement was reached for the property to come into compliance within 180 days or a fine would be imposed of \$10 per day.

Carolyn Jones, owner, stated that she acknowledged the Verbal Agreement.

**Motion** made by John Phillips and seconded by Sarah Horn to find in favor of the City and order 180 days for the property to come into compliance or a fine of \$10 per day would be imposed. Board unanimously approved.

**Reference: CE03071745**

Sable Resorts Inc.  
401 N. Ft. Laud. Beach Blvd.

FBC 104.1 – Work without permits.  
FBC 104.2.7 – Sign without permits.  
FBC 11-4.6.1 – Required handicap parking.  
FBC 11-4.6.4 – Required handicap signage.  
FBC11-4.8 - Required accessible ramp for building entry.

Ms. Batchelder announced that Certified Mail had been sent to Cheryl Netto, Registered Agent, and signed for on September 11, 2003 by M. Janots. Certified Mail was also sent to Lawrence Duprey, President, and signed for on September 11, 2003 by M. Janots. Certified Mail was also sent to The Deck Restaurant (tenant) and signed for on September 11, 2003 by Renate Flik.

Robert Pignataro, Building Inspector, stated the case number, address of the property and violations per the agenda. He further stated that they had entered into a Verbal Agreement with the owner for the property to be brought into compliance within 90 days or a fine of \$100 per day, per violation would be imposed.

Herbert Neff, contractor, stated that the work should be done within the 90 days. He stated that the only problem he foresaw was obtaining the permits from the Building Department.

**Motion** made by John Phillips and seconded by Pat to find in favor of the City and order Compliance in 90 days or a fine of \$100 per day, per violation be imposed, and that the Order be recorded. The Board unanimously agreed.

**Reference: CE03061868**

Gary D. Brown  
3200 N. Ocean Blvd. #1607

FBC 104.1 – Work without permits. FBC  
104.2.5 – Electrical work without permits.

Ms. Batchelder announced that Certified Mail had been sent to Gary Brown and signed for on September 16, 2003 by C. Joseph.

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 owner for the property to come into compliance within 60 days or a fine of \$50 per day, per violation would be imposed.

Robin Hurley, representing Mr. Brown, stated that they agreed with the terms of the Verbal Agreement.

**Motion** made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and order compliance in 60 days or a fine of \$50 per day, per violation would be imposed. Board unanimously agreed.

**Reference: CE03042289**

Stephen Scott Davis  
1221 NE 3 Ave.

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

Ms. Batchelder announced that the owner of the property was Stephen Scott Davis. She further stated that Certified Mail had been sent to Stephen Scott Davis and signed for on September 18, 2003 by Stephen Scott Davis.

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 owner for 90 days or a fine of \$50 per day, per violation would be imposed.

Stephen Scott Davis, owner, stated that he had purchased the property in July, 2003 and was in the process of working with the sellers through the terms of an escrow agreement for them to work with the City to bring the property into compliance.

**Motion** made by Rixon Rafter and seconded by Larry Hayes to find in favor of the City and order compliance in 90 days or a fine of \$50 per day, per violation be imposed. Board unanimously approved.

**Reference: CE03051075**

Thomas L. & Keli C. McGraw  
2831 NE 36 St.

FBC 104.1 – Work without permits.

Ms. Batchelder announced that Personal Service was made to Keli McGraw by Inspector Nobles on September 14, 2003. She also stated that Certified Mail had been sent to Thomas & Keli McGraw and signed for on September 12, 2003 by Keli McGraw.

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 reached with the owner for 90 days or a fine of \$50 per day, per violation would be imposed.

Keli McGraw, owner, stated that they agreed with the terms of the verbal agreement.

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

**Reference: CE03030960**

Marvin & Carolyn Wickham  
2711 SW 15 Avenue

FBC 104.1 – Work without permits

Ms. Batchelder announced that Personal Service had been made to Carolyn Wickham by Inspector Malik on September 13, 2003. She also stated that Certified Mail had been sent to Marvin and Carolyn Wickham and signed for on September 13, 2003 by M. Wickham.

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 reached with the owner for 45 days or a fine of \$250 per day would be imposed, and requested that the Order be recorded. He added that the carport was still in violation.

Carolyn Wickham, owner, stated the violations had been incurred under the name of Coyle and she had thought the matter had been taken care of before he had moved to Texas. She added that she had recently found out about the matter and had called Mr. Coyle who stated that he had given the plans to the Wickhams. She then submitted the plans to the City.

Rixon Rafter stated that he did not think 45 days was a reasonable amount of time considering what had to be done to get the work started. He asked if the City had any objection to granting 90 days. Mr. Reardon stated that 90 days would be acceptable.

Chairman Jordan asked why the fine was being set so high. Mr. Reardon explained that the Board had entered an Order against the previous property owner, false affidavits were filed, permits were revoked, and the property needed to be brought into compliance.

**Motion** made by Rixon Rafter and seconded by Bob Young to find in favor of the City and order compliance in 60 days or a fine of \$250 per day would be imposed and that the order be recorded. Board unanimously agreed.

**Reference: CE03070264**

Sunrise Middle River Dev. LLC  
& Marina View LLC  
2025 E. Sunrise Blvd.

FBC 104.9.3.1 – Expired permits.

Ms. Batchelder announced that Certified Mail had been sent to Richard Mogerman, Registered Agent, and signed for on September 11, 2003 by Richard Mogerman. She also stated that Certified Mail had been sent to Sunrise Middle River Dev LLC and signed for on September 11, 2003, but the signature was illegible. Certified Mail had also been sent to Steven Cohen, Registered Agent, Marina View LLC, and signed for on September 13, 2003 by Kirk Johnson. She also added that Certified Mail had been sent To Marina View LLC and signed for on September 13, 2003 by Kirk Johnson.

Robert Pignataro, 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 owner for 30 days or a fine of \$100 per day, per violation would be imposed, and for the Order to be recorded.

Steven Cohen, owner of property located 5300 NW 12 Avenue, stated that he agreed to the terms of the verbal agreement and permits had been applied for, and inspections would be conducted within the next 30 days.

Pat Hale asked about the difference in the address that was given. Mr. Cohen stated the address was his office. He stated that the property in question was vacant land.

Rixon Rafter asked if this was the lot that was being proposed for a hotel project. Mr. Cohen confirmed.

**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 \$100 per day would be imposed, and for the Order to be recorded. Board unanimously approved.

**Reference: CE02121206**

Swiss Village Holdings, Inc.  
624 NE 4 Ave.

Swiss Village Holdings, Inc.  
630 NE 4 Ave.

Swiss Village Holdings Inc.  
634 NE 4 Ave.

ULDR 47-19.5.D.4 – Improper fence placement. Sec. 9-304(b) – Maintenance of parking area. Sec. 9-305(b) – Required ground cover. FBC 104.9.3.1. – Expired permits.

Ms. Batchelder announced that Personal Service had been made to Thomas Kelaher, Director by Inspector Nobles on September 14, 2003. Certified Mail had also been sent to Thomas & Martha Kelaher, Directors, and signed for on September 13, 2003, signature illegible.

Kenneth Reardon, Building Inspector, stated the cases numbers, addresses of the properties and violations per the agenda. He added that all three properties had the same violations, and all the violations were in compliance with the exception of Sec. 9-304(b). He further stated that a verbal agreement had been reached with the owner for

30 days in come into compliance or a fine of \$100 per day, per violation, per property, would be imposed, and that the Order be recorded.

Tom Kelaher, owner, stated that he agreed with the terms of the verbal agreement.

**Motion** made by Pat Hale and seconded by Larry Hayes to find in favor of the City and orcer compliance in 30 days for each of the 3 properties or a fine of \$100 per day, per violation, per property would be imposed. The motion further ordered the recording of the Order in the Public Records. Board unanimously agreed.

**Reference: CE03011950**

Patricia Salerno  
1827 N. Dixie Hwy.

FBC 3401.6 – Structure/fixtures in disrepair.  
FBC 104.1 – Work without permits.

Ms. Batchelder stated that personal appearance was being made by the owner.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that FBC 3401.6 was in compliance. A verbal agreement had been reached regarding violation FBC 104.1 for 60 days or a fine of \$50 per day would be imposed.

Patricia Salerno, owner, stated that she agreed with the terms of the verbal agreement, and added that it was an income property.

**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 \$50 per day, per violation would be imposed. Board unanimously agreed.

**Reference: CE03060008**

Haralambos J. & Magda Apergis  
3673 Davie Blvd.

Sec. 15-28 – Required occupational license.  
FBC 104.1 – Work without permits.

Ms. Batchelder announced that Personal Service had been made to Magda Apergis by Inspector Pignataro on September 7, 2003. Certified Mail was also sent to Haralambos & Magda Apergis and signed for on September 16, 2003 by M. Apergis.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that a verbal agreement had been reached with the owner 60 days or a fine of \$100 per day, per violation would be

imposed.

Magda Apergis, owner, stated that she agreed with the terms of the verbal agreement.

**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. Board unanimously agreed.

**Reference: CE03022088**

H. & Minerva L. Glaston  
3623 Davie Blvd.

ULDR 47-25.3.A.3.d.iv – Required landscape buffer.  
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.  
FBC 3401.6 – Structure/fixtures in disrepair.

Ms. Batchelder announced that this case was continued from the July 24, 2003 hearing.

Wayne Strawn, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He reported that FBC 104.2.5 was in compliance. He announced that partial compliance had been achieved regarding FBC 104.1 since the short masonry wall had been removed; FBC 104.2.11 since the fan had been removed; and FBC 3401.6 since the short wall had been removed. He further stated that the other violations still existed. He stated that he was asking for two different timeframes regarding compliance as follows:

6 months	-	ULDR 47-25.3.A.3.d.iv
90 days	-	for the remaining violations

Mr. Strawn explained that regarding ULDR 47-25.3.A.3.d.iv, the owner might apply for some type of relief with the Board of Adjustment, and this section would not be in compliance until the wall itself would be completed. He added that if compliance was not achieved in the specified timeframes, then he requested a fine of \$50 per day, per violation to be imposed.

Minerva Glaston, owner, stated that her daughter, Barbara Glaston, was in attendance at today's meeting also. Barbara Glaston stated that in 1993 the roof had been redone by Titus Brothers, and the rotted deck wood had been replaced.

Mr. Strawn stated that a section of the ceiling had fallen in the corner of the building,



and he noticed the rafters had been spliced. He stated it was logical to think that the roofing contractor had spliced the rafters at the time the roof was being replaced, but he was not sure. If that had been done, the roofing contractor had exceeded the scope of his permit and license. He explained that anytime something was spliced between supports, it required an engineer because it was an unsound engineering practice.

Chairman Jordan stated they needed an engineer or an architect to certify that the splices were strong enough to hold the roof.

Larry Hayes asked if there was someone on site to monitor the work. Ms. Glaston stated she would be there. Mr. Hayes reiterated that someone of responsibility needed to be at the site to follow-up on the work.

Mr. Strawn further stated that most of the violations had been created by the tenants who wanted changes. He explained that someone had applied for a business license and that was how these violations were discovered.

**Motion** made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and order compliance within 180 days for ULDR 47-25.3.A.3.d.iv and within 90 days for each of the remaining violations or a fine of \$50 per day, per violation be imposed. Board unanimously approved.

**Reference: CE03021244**

Braxton & Kimberly McClam  
1316 NW 12 St.

FBC 104.1 – Work without permits.

Ms. Batchelder stated that service was obtained by personal appearance by the owner.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He asked that 60 days be granted for compliance or a fine of \$10 per day be imposed.

Rixon Rafter asked when the windows had been installed.

Braxton McClam, owner, replied that the windows had been installed in February, 2003. Mr. Kurtock explained that they were waiting on clarification of their plans so they could apply for a building permit. Product approval and preliminary work had been done. He felt the timeframe specified would be sufficient.

**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 \$10 per day would be imposed. Board unanimously approved.

**Reference: CE03070690**

Damon Saunders  
1328 NW 19 Ave.

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 announced that Personal Service was made to Vanessa Saunders by Inspector Nobles on September 20, 2003.

Douglas Kurtcock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated the property was a single-family residence. He advised that the Code Department had been called to the property by the Police Department and had found the site in severe derelict condition. He further stated the owner had been advised of his options which were to file for an after-the fact permit or to remove the addition. He asked that 90 days be granted for compliance or a fine of \$10 per day, per violation be imposed.

Damon Saunders, owner, explained that he had received a loan from the Money Store who was to obtain the permits and do the work. He advised that he had paid \$13,000 for the work and had taken out a second mortgage for it.

Bob Young asked if the owner had gone back to the Money Store regarding this problem. He stated he was out-of-town attending school and had just received this letter.

Rixton Rafter stated the patio was just not the problem, but it included the addition. Mr. Saunders added that the other things were on the property when he had purchased it.

Mr. Kurtcock explained that an addition had been added to the original structure which encompassed a patio that had been built by the Money Store. The conditions of the addition were so deplorable that he almost had to tag the building as an unsafe structure. None of the workmanship had been up to code, and basically the tenants had to be removed. He stated that the owner wanted the time to remedy the problem through demolition.

**Motion** made by Rixton Rafter and seconded by Sarah Horn to find in favor of the City and order compliance within 90 days or a fine of \$10 per day, per violation be imposed. Board unanimously approved.

**BREAK WAS TAKEN AT 12:00 A.M.**

**BOARD RECONVENED AT 1:04 P.M.**

**All individuals wishing to speak on the cases to be heard were sworn in.**

Chairman Jordan proceeded to introduce the Board.

**Reference: CE02110103**

Frank Ruff, Tr  
1101 W. Commercial Blvd. Old Business

Ms. Batchelder announced that this case was a request for an extension of time and had originally been heard on February 25, 2003 with compliance ordered by August 25, 2003. Fines total \$1,400.

Frank Ruff stated that this was a serious matter and he wanted to resolve the problem today. He further stated that on January, 2002 he had applied for a permit, and in February had met with Al Weber from the Building Department. On March 1, 2003 he had hired an engineer who provided a solution to the problem, and a meeting was held on September 13, 2003 with various city officials and the solution presented. He had

been informed that due to the events of 9/11 the plans presented could not be approved. He was told if he removed the tires to an adjacent building, he would then be in compliance. He had leased the building and had removed the problem. He thought the problem was solved, but evidently it was not. He explained that a permit was needed to further rectify the problem. Mr. Ruff stated that he was in financial difficulty due to the City tying up all his properties, and added that this was a family business.

John Phillips stated that this matter had been explained to the owner several times. Mr. Ruff stated that he wanted all fines abated and wanted an extension of time to get the problem resolved. He suggested 4-6 months would be necessary due to the difficulty of obtaining permits in this City. He added that he had hired an engineer to help him

Ms. Batchelder clarified that this request was for an extension of time to come into compliance.

Rick Galvez, engineer, stated he had been hired by Mr. Ruff to address some safety concerns. He stated that a solution was prepared, and the Fire Marshall accepted it from a technical point of view, but was concerned about the combustible loading and the effect it could have on a fireman.

Bob Young stated that information pertained to a different case than the one being heard today.

Pat Hale asked if the engineer had any drawings regarding the second floor opening. Mr. Galvez stated that issue had been discussed with the Fire Marshall and the Building Official. He reiterated that as long as the tires had been removed from the location, the floor opening ceased to be an issue since there was no longer combustible loading occurring at the facility.

Rixton Rafter stated that was the issue being discussed today.

Ivett Spence-Brown, Fire Inspector, stated that two different cases were involved. She stated that the tires had nothing to do with the unenclosed unprotected vertical opening. She stated the tire case was passed on to Robert Pignataro. She then proceeded to explain the history of the case. She stated that as of yesterday nothing had yet been done to remedy the violations.

Pat Hale asked if the Engineer had plans regarding the vertical opening. Mr. Galvez replied he did not.

**Motion** made by Rixon Rafter and seconded by John Phillips to grant an extension of 180 days for compliance.

Ms. Brown stated it was up to the Board if they wanted to grant a 6-month extension of time, but she wanted it known that the second floor was occupied, and the warehouse abutted the building. She reiterated there was no exit from that area.

Motion failed with the following NAY votes: Pat Hale, Larry Hayes, and Bob Young.

**Motion** made by Bob Young and seconded by John Phillips to grant a 60-day extension of time due to life safety issues being involved. Board unanimously approved.

**Reference: CE03040379**

Parkway Commerce Center LTD  
1919 NW 19 St.

Old Business

Ms. Batchelder announced that this was a request for an abatement of fines. She stated that the case had originally been heard on April 22, 2003 with compliance ordered by June 21, 2003. All violations were in compliance with the exception of NFPA 101 8.2.3.1.2 which came into compliance on September 23, 2003. Fines total \$6,750.

Scott McDuff, representing the owner, stated that he had a notice from Officer Paine stating that the property was in compliance, and was requesting an abatement of fines.

Chairman Jordan asked why it had taken so long to bring the property into compliance. Mr. McDuff stated that some inspections had been done, but one regarding framing and partial screw inspection had not been logged on the computer. He advised there was a two-week wait until the next inspection could be done.

Ms. Batchelder announced there was an error regarding the fines and the correct amount was \$14,500.

Steve Paine, Fire Inspector, stated that they had inspected Building #2 and the wall was in compliance. He stated they had no objection to the abatement of fines.

**Motion** made by Sarah Horn and seconded by John Phillips to approve the abatement of fines. Board unanimously approved.

**Reference: CE02091636**

D.R. & Inez C. Lewis  
2889 SW 16 St.

Old Business

Ms. Batchelder announced that this case had originally been heard on February 25, 2003 with compliance ordered by August 25, 2003. Fines total \$14,000.

Mike Sterns, attorney for the owners, stated that they were requesting an abatement of fines, and to request an extension of time for compliance. He explained this case arose out of the annexation into the City of Fort Lauderdale. He added that the property was in compliance as far as the County was concerned. He stated that the City wanted all the work done at one time, and therefore, plans were submitted in June, 2003. Since then, there was a "good faith dispute" between the owner and the Building Department as to which codes applied to this residence which had been built in the 1940's. He advised that plans were going to be resubmitted to the City, and there was one remaining issue they were in disagreement with and that pertained to the width of stairs. Estimates were being received regarding such repair, and then it would be a business decision as to whether the owner would continue fighting the Building Department on the issue or not. He added they were requesting 180 days for compliance.

Chairman Jordan explained that normally fines were not abated until the work was entirely completed.

David Lewis, owner, stated that when the City took over, he had gone to apply for a license. The inspector did not approve the building, and the owner then hired an engineer to assist in solving the matter.

Mr. Sterns advised that the County had zoned the property as a rooming house, and the City had adopted that.

Wayne Strawn, Building Inspector, explained that he had been to the property to do a license inspection. He stated the dwelling was built as a single-family house. The City took the position that the conversion into a rooming house had not been permitted, and a CO was never issued. The building had not been reviewed by Broward County in that perspective, and had not been approved per the building code. He explained that the County had issued a non-conforming use, but did not address the building issues. He added that the second floor ceiling heights were less than 7' which did not meet the minimum housing code of the City. He added there were other deficiencies which had been listed on the notice. He stated the City was holding to their position and was insisting they go through the Building Department to insure the minimum requirements were met.

Mr. Strawn further stated that the issues did not involve FBC 2301.3.1 dealing with the rear patio. A permit had been issued and signed off and it was not a violation at this time. He stated he was not opposed to a 4-month extension of time because there had been on-going effort to resolve the problems. He added that he was opposed to a 6-month extension of time. He stated if they did widen the stairway a permit would be forthcoming, and the other issues would not take a lot of time to resolve.

Mr. Sterns stated he had a zoning certificate from the County identifying the structure as a rooming house. He stated that the County had insisted that a firewall be installed next to the subject stairs, and now they were being asked to tear out that wall, widen the stairs, and then replace the wall.

**Motion** made by Bob Young and seconded by Rixon Rafter to grant an extension for compliance of 120 days. Board unanimously approved.

**Reference: CE03031355**

O.M. & Blanca C. Guillen  
6351 NE 20 Ter.

Old Business

Ms. Batchelder announced that this case had originally been heard on June 24, 2003 with compliance ordered by September 22, 2003. No fines as of this date.

Francisco Montia, representing his brother, stated that they were requesting a 60-day extension of time.

Mohammed Malik, Building Inspector, stated that the City had no problem regarding the extension of time, and plans had already been submitted to the City.

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

**Reference: CE02100344**

Norman Stewart  
1430 SW 34 Ter.

Old Business

Ms. Batchelder stated that this case had originally been heard on March 25, 2003 and compliance ordered by April 8, 2003 regarding Sec. 9-281(b). The remaining violations were to be in compliance by June 23, 2003. On June 24, 2003, the time was extended until July 24, 2003, and on July 22, 2003 the date was once extended to September 20, 2003. She advised the only section that fines had been imposed on was Sec. 9-281(b). Fines total \$1,900, and the City was recommending a settlement of \$950.

Norman Stewart, owner, stated that the permit process appeared to be geared towards contractors. It was suggested to him that he needed a contractor to pull the permits. He stated the building had been rehabilitated and an enhancement to the neighborhood. He asked if the fines could be abated which were as a result of trash and debris on the property. He felt there had been a misunderstanding regarding the timeframe involved. He added that the work had been slowed down due to the permitting process.

Kenneth Reardon, Building Inspector, stated that he agreed with the owner that the property was now an enhancement to the neighborhood. He stated that the delay in the permitting process did not relate to the fines which had been imposed. He explained there had been trash in the yard for 19 days and the fine was \$100 per day. He added that John Simmons had arrived at the \$950 settlement figure due to the fact that there was effort being made by the owner in solving the issues.

Mr. Stewart clarified that the permitting process had nothing to do with the trash removal, but he was concentrating on the permitting process due to the confusion involved. He added that a lot of the trash was in the back and only a sand pile in the front yard due to the construction. He thought he had complied with that issue, but some confusion reigned regarding that matter.

Mr. Reardon acknowledged there appeared to be some miscommunication with the workmen on the site.

**Motion** made by Sarah Horn and seconded by John Phillips to grant an abatement of fines. Board unanimously agreed.

**Reference: CE02110605**

Fred G. Hugues  
812 SW 11 Ave.

Old Business

Ms. Batchelder announced that this case had originally been heard on January 28, 2003 with compliance ordered by May 27, 2003. On June 24, 2003 the time was extended until September 22, 2003. She stated that FBC Sections 104.2.11 and 104.9.3.1 were in compliance, and the remaining sections had come into compliance on September 12, 2003. Fines total \$4,050, and the City was recommending a settlement of \$600.

Kenneth Reardon, Building Inspector, stated that the property came into compliance after the owner had requested to be placed on the agenda.

Fred Hugues, owner, stated that he was requesting an abatement of fines. He added that the permitting process appeared to take a long time. He stated that he thought the title was clear when purchasing it.

Mr. Reardon explained that the violations and an Order had been against the previous owner.

**Motion** made by Rixon Rafter and seconded by Larry Hayes to abate the fines. Board unanimously agreed.

**Reference: CE03050407**

LP RLM & RLM Management LLC  
1052 NW 53 St.

FBC 104.2.5 –Electrical work without permits.  
FBC 104.2.11 – Mechanical work without permits.  
FBC 104.1 – Work without permits.  
FBC M 401.2 – Motor vehicles part of the operation.  
FBC 3401.6 – Structure/fixtures in disrepair.

Ms. Batchelder announced that this was a new business case and there was a Stipulated Agreement between the partner and Inspector Strawn calling for compliance within 127 days or a fine of \$50 per day, per violation be imposed. The compliance date would be January 27, 2004.



**Motion** made by Pat Hale and seconded by Sarah Horn to approve 127 days for compliance or a fine of \$50 per day, per violation would be imposed. Board unanimously approved.

Ms. Batchelder explained that compliance dates did not always fall on the Hearing dates. Individuals automatically thought they would be placed on the agenda, which was not the case.

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Pat Hale asked if there was to be a Code Board meeting in December. Ms. Batchelder advised that was up to the Board. She asked what would happen to the individuals who were given timeframes that would fall within the holidays.

Ms. Batchelder explained that a time was given today to individuals to come into compliance. She advised individuals who called to request an extension of time for compliance would be put on the January agenda, and fines would run during the timeframe. She further stated they could request an abatement of such fines. She reiterated that the idea was not for these individuals to return, but to bring the properties into compliance. She suggested that when the Board set the compliance dates, if they were concerned enough time was not being allotted, then the date should be extended at that time. She felt the Board should not encourage the owners to return before the Board seeking extensions. She advised that this was one of the only municipalities that allowed individuals to return and request extensions.

**Reference: CE03010394**

Augustin F. Albero  
4040 Galt Ocean Dr. #710

FBC 104.1 – Work without permits.  
FBC 104.2.4 – Plumbing work without permits.  
FBC 104.2.5 – Electrical work without permits.

Ms. Batchelder stated that Service had been obtained via Unclaimed Certified Mail attempted on August 27, 2003, September 5, 2003, and September 14, 2003, and the green card had been returned to Community Inspections on September 18, 2003.

Mohammed Malik, Building Inspector, stated the case number, address of the property and the violations as listed on the Agenda. He further stated the City was requesting 60 days for compliance or a fine of \$50 per day, per violation be imposed.

**Motion** made by Larry Hayes and seconded by Bob Young to find in favor of the City and order compliance within 60 days or a fine of \$50 per day, per violation would be imposed. Board unanimously approved.

**Reference: CE02061228**

United Investment Funding Inc.  
1225 NW 14 Ct.

FBC 104.1 – Work without permits.

Ms. Batchelder announced that Certified Mail had been accepted by Paul Blithe, the current owner of the property.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they were asking for 30 days for the property to come into compliance or a fine of \$50 per day be imposed.

**Motion** made by Rixon Rafter and seconded by Sarah Horn to find in favor of the City and order compliance within 30 days or a fine of \$50 per day be imposed. Board unanimously approved.

**Reference: CE03030070**

New Life Christian Fellowship  
2158 NW 6 Ct.

FBC 104.1 – Work without permits.

Ms. Batchelder announced that Certified Mail had been sent to New Life Christian Fellowship Inc. and signed for on September 15, 2003 by Arthur Green.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they were asking for 30 days for the property to come into compliance or a fine of \$50 per day be imposed. He explained that this was a multi-family dwelling that had been converted into a church. He stated that chain link fences were permitted in this area, but the canopies were not attached.

**Motion** made by Larry Hayes and seconded by Sarah Horn to find in favor of the City and order compliance within 30 days or a fine of \$50 per day be imposed. Board unanimously approved.

**Reference: CE03062027**

Oak Tree Plaza Assn Inc.  
4700 W. Prospect Rd.

FBC 104.1 – Work without permits.

Ms. Batchelder announced that Certified Mail had been sent to Oak Tree Plaza Assn., Inc. and signed for on September 11, 2003, signature illegible. She stated that Certified Mail had also been sent to Pro Property Management, Registered Agent, and signed for on September 11, 2003 by Carlyne S. Certified Mail was also sent to John McCarthy,

Treasurer/Director and signed for on September 15, 2003 by John McCarthy.

Douglas Kurtcock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they were asking for 30 days for the property to come into compliance or a fine of \$100 per day be imposed. He further stated that this was an office/warehouse complex and the interior had been renovated without permits.

**Motion** made by Sarah Horn and seconded by Bob Young to find in favor of the City and ordered compliance within 30 days or a fine of \$100 per day would be imposed. Board unanimously approved.

**Reference: CE03041137**

Matthew J. DeLillo  
831 SW 28 St.

FBC 104.9.3.1 – Expired permits.

Ms. Batchelder announced that Personal Service had been made to Matthew DeLillo by Inspector Pignataro on September 7, 2003.

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

**Motion** made by Sarah Horn and seconded by Pat Hale to find in favor of the City and order compliance within 30 days or a fine of \$100 per day would be imposed. Board unanimously agreed.

**Reference: CE03070269**

Videona B. Bautista Rev. Liv. Tr  
1839 SW 1 Ave.

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.

Ms. Batchelder announced that Certified Mail had been sent to Videona B. Bautista Rev. Liv. Tr. And signed for on September 15, 2003 by Hernandez, first name illegible.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they had signed a Stipulated Agreement with the representative who appeared at today's hearing, Robert Casner,

and they were asking for 60 days for the property to come into compliance or a fine of \$50 per day, per violation be imposed, and that the Order be recorded. Mr. Pignataro added that there appeared to be no legal documentation showing that he was a representative of the owner.

Ms. Batchelder stated Mr. Pignataro wanted the Stipulation read because there had been communication with a representative service; but the City was not presenting it for approval. The City was requesting a Finding of Fact.

**Motion** made by Bob Young and seconded by Sarah Horn to find in favor of the City and order compliance within 60 days or a fine of \$50 per day, per violation would be imposed, and that the Order be recorded. Board unanimously agreed.

**Reference: CE03071725**

Antonio & Maria V. Curatolo  
829 NE 1 Ave., #1

FBC 104.1 – Work without permits.

Ms. Batchelder announced that Certified Mail had been sent to Antonio and Maria Curalto signed for on September 12, 2003 by Antonio Curalto.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they were asking for 30 days for the property to come into compliance or a fine of \$100 per day be imposed, and that the Order be recorded.

**Motion** made by Larry Hayes and seconded by Bob Young to find in favor of the City and order compliance within 30 days or a fine of \$100 per day be imposed, and that the Order be recorded. Board unanimously approved.

**Cases Complied**

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

CE02121292  
CE02121829  
CE03051844  
CE03060089  
CE03062535  
CE03072072

**Cases with No Service**

Ms. Batchelder stated that the following cases had no service:

CE02110020	CE03021874
CE02111210	CE03060963
CE03021141	CE03061827
CE03021305	CE03071396

Ms. Batchelder announced there had been no respondents for 3 other compliance hearings and asked if the Board would approve the imposition of the liens.

Rixon Rafter asked for the amount of the liens involved.

Ms. Batchelder advised that after reading the minutes and listening to the tapes from the August meeting, she needed to clarify that the fine amounts were not disclosed regarding the cases for imposition of fines. She stated that the Board had been given a list of cases because the only thing in question was whether the property was in compliance or not. She stated there were cases appearing on the lien sheet that could also appear as old business cases; the reason they had not been removed from the lien sheet was because the individuals tended to not show up at the hearings, and sometimes the Board had not abated the fines. If the Board did grant an extension, that Order was pulled from the total.

CE02110396 – 440 SW 30 Terrace – Fines \$280 – one violation, property not in compliance.

CE03020326 – 2319 NE 33 Avenue – Fines \$6,600 – not in compliance. 1 of 5 violations were in compliance.

CE03050180 – 1071 NW 53 Street – Fines \$17,600 – not in compliance. One violation on the property.

Mr. Rafter asked if the fines could be included in the back-up material from this date forward. Ms. Batchelder reiterated that the fines were accruing daily. Mr. Rafter stated he understood that, but it would give an approximate amount.

John Phillips suggested that two columns be added to their listing sheet. One for an amount as of the date of the meeting, and the original date of compliance as ordered.

Ms. Batchelder stated that she normally did her calculations the night before the meeting so they could be as accurate as possible. She stated the sheets also could change due to properties coming into compliance or individuals paying their fines. She

explained that the Massey Hearing, was not in reference to the fines, other than imposing them. The hearing was regarding compliance.

Mr. Rafter suggested that two blank columns be added to the list and the figures could be given orally, along with the dates of compliance.

Mr. Phillips stated what was wrong with the Massey Hearings was that there was no indication that the affidavits had been given to the homeowners. The City does grant one last opportunity for the individuals to contest their cases.

Ms. Horn reiterated that in one of today's cases, they were helping the heirs of the property owner and not the property owner. Chairman Jordan stated that the owner had lost their property in that case and the property was to be demolished.

Mr. Young stated the problem was that the lawyers showed up in an attempt to work out a solution, and time was wasted because that should be done ahead of time. He also stated that individuals were not properly educated regarding the laws and did not understand the process. Therefore, he felt cases should be dealt with individually. He reiterated they attempted to be fair to everyone.

Mr. Phillips felt they should have procedural integrity of fairness in dealing with cases.

**Motion** made by Rixon Rafter and seconded by John Phillips to approve the Minutes of the August 26, 2003 meeting. Board unanimously approved.

**Motion** made by Rixon Rafter and seconded by Larry Hayes to approve the 3 cases presented for claims of lien. Board unanimously agreed.

**Motion** made by Rixon Rafter and seconded by John Phillips that no December meeting be held by the Code Enforcement Board. Board unanimously approved.

**Motion** made by John Phillips and seconded by Larry Hayes to adjourn the meeting. Board unanimously agreed.

The Board was reminded that next month the Board would convene at 9:30 a.m. for a one-half hour workshop to be held before the scheduled monthly meeting.

CODE ENFORCEMENT MEETING  
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There being no further business before the Board, the meeting was adjourned at approximately 2:34 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.