

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
APRIL 27, 2004
10:00 A.M – 3:50 P.M.

ATTENDANCE

CUMULATIVE

From January, 2002
Present Absent

BOARD MEMBERS PRESENT:

Pat Hale, Vice-Chairman	23	2
Myrnabelle Roche	3	
Sarah Horn	11	4
Gerald D. Jordan, Chairman	24	1
John Phillips (Entered at 1:20 P.M.) (John Phillips absent from morning session)	24	1
Rixon Rafter	21	4
Bobby Young	21	4

Bruce Jolly, Attorney

BOARD MEMBERS ABSENT

John Phillips (from morning session)

STAFF PRESENT

Assistant City Attorney
Eve Bazer, Administrative Assistant II
Farida Mohammed, Service Clerk
Douglas Kurtcock, Building Inspector
Wayne Strawn, Building Inspector
Mohammed Malik, Building Inspector
Ken Reardon, Building Inspector
Robert Pignataro, Building Inspector
Robert Kisarewich, Fire Inspector
Dallas Shumaker, Fire Inspector
Thomas Clements, Fire Inspector
Ivett Spence-Brown, Fire Inspector

Margaret A. D'Alessio, Recording Secretary

ALSO PRESENT:

Gary Brown (CE04040637)
James Braxton (CE02032145)
Bill Saydarath (CE03111009)
Stevan Schaeffer (CE03120593 &
(CE0312055)
Belizaire Prophete (CE04021233)
James Nelson (CE04020314)
Robert Ruth (CE03101760)

Anita Fried (CE03111009)
Andre Rodier (CE03121820)
Annette Jayne (CE03111009)
James Staton (CE04010376)
Marionela Aviles (CE04010468)
Mary Lou Adams (CE03050407)
Israel Lopez (CE03090082)
Sivananthan Shirharan (CE03070356)
George Costanza (CE03091165)
James Murphy (CE03020131)
Joseph Scully (CE00052076)
Mins Koo (CE03091754)
Nancy Masse (CE03080562)

Nai J. Wu (CE03100374)
Flora Baptiste (CE03111168)
Charles Moody (CE03102093)
Thomas Kelaher (CE04020156)

Bradley Topouski (CE04020314)
Melissa Fax (CE03101760)
James Brady (CE03110911.
CE03102530, CE03102506,
CE03102497 and CE03102597)
Jack Marraccini (CE03121820)
Ronald Lamers (CE04010376)
David Sorenson (CE04011685)
Jose Munguia (CE04010468)
John Carroll, Jr. (CE03091916)
Carolyn Jones (CE03061053)
John Slattery (CE03070356)
Philip Bacigaluppi (CE03091165)
Edorado Meloni (CE03072155)
John Andrews (CE00052076)
Perry Peterson (CE00052076)
Leoncid Albarran (CE04020671)

Chairman Gerald Jordan called the meeting to order at approximately 10:11 a.m., and proceeded to introduce the Board and explain the procedure for today's meeting.

NOTE: All individuals wishing to speak on any of the cases on today's agenda were sworn in.

Reference No. CE04010376

Dynamic Investments of South
Florida, LLC
800 NW 11 Ave.

FBC104.1 – Work without permits.

Eve Bazer stated that Certified Mail had been sent to Dynamic Investments of South Florida, LLC and signed for on April 20, 2004, signature illegible. Certified Mail was also sent to E.G. Covers Gunter and signed for on April 21, 2004, signature illegible.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they had reached a verbal agreement with the owner of the property for 90 days or a fine of \$25 per day would be imposed.

Jim Staton, owner, stated that he was in agreement with the terms set forth by the Inspector.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting 90 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference No. CE04020313

Plaza 15 Condo Association Inc.
1600 SW 15 St. #412

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.

Eve Bazer announced that Certified Mail had been sent to Plaza 15 Condo Association, Inc. and signed for on April 15, 2004, signature illegible.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that he had reached a verbal agreement with the owner to have the property brought into compliance within 60 days or a fine of \$100 per day, per violation, would be imposed. He added that the work had been done by the tenant.

Chair Gerald Jordan stated that since no one was present for this item, the matter would have to be delayed until next month.

Reference No. CE04020314

Plaza 15 Condo Association Inc.
1600 SW 15 St. #510

FBC 104.1 – Work without permits. FBC104.2.11 - Mechanical work without permits. FBC 104.2.4 – Plumbing work without permits. FBC 104.2.5 – Electrical Work without permits.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 4

Eve Bazer announced that Certified Mail had been sent to Plaza 15 Condo Association, Inc. and signed for on April 15, 2004, signature illegible. She stated that a verbal agreement had been reached with the owner.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He stated that he had reached a verbal agreement with the owner for 60 days or a fine of \$100 per day, per violation, would be imposed, and the Order was to be recorded.

Bradley Topouski, owner, stated that James Nelson was purchasing the unit from him.

James Nelson, new owner, stated that he would be responsible for the repairs after the purchase, and the closing was to take place on or before May 5, 2004.

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to find in favor of the City granting 60 days for compliance or a fine of \$100 per day, per violation, would be imposed, and that the Order be recorded. Board unanimously approved.

Bob Young entered the meeting at approximately 10:21 a.m.

Reference: CE03111009

Jaffe of Cypress Inc.
6316 NW 9 Ave.

FBC 104.1 – Work without permits. FBC 403.2 – Separate bathrooms not provided for a food service facility seating more than ten people. FBC 11-4.1.1(1)(a) – Accessible bathrooms not provided as required for newly designed restaurant area.

Eve Bazer announced that Certified Mail had been sent to Jaffe of Cypress, Inc. and signed for on April 14, 2004, signature illegible. Certified Mail was also sent to Bruce J. Goldman, Registered Agent, and signed for on April 13, 2004 by Goldman. Certified Mail was also sent to Norman S. Jaffe (Director) and signed for on April 13, 2004, signature illegible.

Wayne Strawn, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that a verbal agreement had been reached for 180 days for compliance or a fine of \$50 per day, per violation, would be imposed. He stated that Ross Realty were the Managers of the property and agreed to the time period. He explained permits were needed to add a bathroom to the facility. He explained further that the violations would not be cured until the work was actually done.

Rixon Rafter asked if there were any problems anticipated in obtaining the necessary permit. Mr. Strawn stated that a plan was going through plan review at this time. He was hopeful that they would be able to overcome all difficulties.

Annette Jane, Ross Realty, stated they were working with the owners regarding the problems.

Bill Sadayrath, owner, stated that the property was a Thai restaurant, and he was in agreement with what was being proposed.

Motion made by Pat Hale and seconded by Sarah Horn to find in favor of the City granting 180 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03101760

Felcor Suites Ltd Prtnr
555 NW 62 St.

FBC 11-4.21 – Shower stalls do not comply. – FBC 11-4.23 – Guest bath does not meet requirements and does not provide handicap accessibility. FBC 11-4.26.1 - Guest bath facilities do not meet requirements and does not provide handicap accessibility. FBC 3401.6 – failure to maintain building/structure. Modifications made to handicap suites which alter or impede accessibility of shower/bath areas. FBC 11-4.26.3 – Guest bath does not meet requirements and does not provide handicap accessibility.

Eve Bazer announced that Certified Mail had been sent to Felcor Suites Ltd Prtnr and signed for on April 15, 2004, signature illegible. Certified Mail to C.T. Corporation System (Registered Agent) and signed for on April 15, 2004 by Michael Kepwiss. Certified Mail to Felco Lodging Trust Inc. (General Partner) signed for on April 19, 2004, signature illegible.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that this site was the Sheridan Suites Hotel located on Cypress Creek Road, west of Andrews Avenue. He stated that this case had been ongoing for several months, and they finally had been able to assemble the management personnel of the corporation out of Texas, along with their professional staff, in order to make the necessary corrections at the site. A verbal agreement was reached for 90 days or a fine of

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 6

\$250 per day, per violation, would be imposed. He stated that the 90 days would include preparation of the plans, submission for the permits, and the actual work being done to convert the existing bathrooms to be in conformability with the new accessibility codes.

Melissa Fax stated that she was with Felcor Lodging Trust in Irving, Texas.

Robert Ruth stated that he was the architect and they had just been retained.

Mr. Kurtock stated that the design professional had indicated that he would need 45-60 days to create the drawings, and once submitted it would be a conversion type permit, and did not have to go through all the criteria. He explained it would be strictly a plumbing discipline. He felt 30 days were well within the limit of such a permit. However, if after the 60 days, they could return and ask for an extension of time. He explained further that the owner would have to do a reassignment of the engineering for the hotel to provide 5% of the total number of suites available for handicapped. He stated he was presently dealing with 14 units and 2 of them had major problems with the accessibility requirements.

Chair Gerald Jordan suggested that more than 90 days be given for this job. Mr. Kurtock stated he had no objection to providing additional time for the project. He reiterated to the Board that this case had been ongoing since October, 2003, and it had taken this long to get the ownership and professional management together.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 120 days for compliance or a fine of \$250 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03121820

Felcor Suites Ltd Prtnr
555 NW 62 St.

FBC 104.1 – Work without permits. FBC
FBC 104.2.11 – Mechanical work
without permits.

Eve Bazer announced that Certified Mail had been sent to Felcor Suites Ltd. Prtnr and signed for on April 15, 2004, signature illegible. Certified Mail was also sent to C. T. Corporation System (Registered Agent) and signed for on April 15, 2004 by Michael Kepwiss. Certified Mail was sent to Felco Lodging Trust Inc., General Partner, and signed for on April 19, 2004, signature illegible. Certified Mail was also sent to Felcor Suites Ltd. Prtnr and signed for on April 19, 2004 by Andrea Cox.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that a verbal

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 7

agreement had been reached for 60 days for compliance or a fine of \$100 per day, per violation, would be imposed. He explained that this case involved work done without permit, primarily the installation of air conditioning for the hotel. It had been brought to their attention due to the nature of the installation. A crane had been used which had interfered with the Executive Airport flight plan. Plans were submitted for permits and a review had taken place and corrections were

being made. He reiterated that 60 days was an adequate amount of time for the work to be completed.

Jack Marracini, Vice-President of Engineering for Felcor Lodge and Trust, stated that the work would be done in the required time limit.

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

Reference: CE04011685

Sophia Enterprises Inc.

435 S. Ft. Laud Beach Blvd.

FBC 11-4.8 – Installed aluminum ramp over sliding window and not in accordance with requirements. Sec. 9-313(b) – No numbers on store. NEC 410.85 – Light bulbs missing lenses or covers.

Eve Bazer announced that Certified Mail had been sent to Sophia Enterprises and signed for on April 15, 2004, signature illegible. Certified Mail to David Sorensen, Registered Agent, Officer and Director and signed for on April 15, 2004, signature illegible.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that two sections were in compliance and those were FBC 11-4.8 and Sec. 9-313(b). He stated that a verbal agreement had been reached for 30 days or a fine of \$100 per day would be imposed. He explained they were asking for 30 days to install the light bulb covers.

Mr. Tantiari, tenant, stated they were going to purchase the covers and install them.

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to find in favor of the City granting 30 days for compliance or a fine of \$100 per day would be imposed. Board unanimously approved.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 8

Reference: CE03110911

Ruth Latrobe c/o Said Hamid
Hamedani, Tr et al
529 N. Ft. Laud. Beach Blvd.

FBC 3401.6 – Structure/fixtures in
disrepair

Eve Bazer announced that Certified Mail had been sent to James C. Brady and signed for on April 17, 2004 by Abbie McCray.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that 120 days would be given for compliance or a fine of \$100 per day would be imposed, and the Order was to be recorded.

Chair Gerald Jordan asked if any life safety issues were involved.

James Brady, attorney, stated that the canopy had been repaired in the past, perhaps inappropriately. He explained they had submitted plans, but they were informed they had to appear before the Beach Redevelopment Advisory Board. He stated that there was no falling debris and the canopy was safe at this time.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 120 days or a fine of \$100 per day would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE03102530

Merrimac Inc.
551 N. Ft. Laud Beach Blvd.

FBC 104.1 – Work without permits. FBC
104.2.11 – Mechanical work without
permits.

Eve Bazer announced that Certified Mail had been sent to Merrimac, Inc. and signed for on April 16, 2004 by Jerry Traino. Certified Mail was also sent to Ramola Motwani, President/Director, and signed for on April 16, 2004 by Jerry Traino. Certified Mail was also sent to Ashok Dalal, Registered Agent, and signed for on April 19, 2004 by Hylton Gordon. Certified Mail was also sent to James C. Brady and signed for but signature was illegible. The green card was not dated and was returned to Community Inspections on April 20, 2004.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that Section FBC 104.1 was in compliance because a permit had been issued yesterday. He stated that 60 days would be granted for compliance in regard to FBC 104.2.11

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 9

or a fine of \$100 per day would be imposed. He further stated that in regard to FBC 3401.6, they would grant 60 days for compliance or a fine of \$100 per day would be imposed, and that the Order be recorded.

James Brady, attorney, stated that they understood that by obtaining the mechanical permit, the section would be in compliance. He advised that they agreed on the 60 days being provided.

Robert Pignataro reiterated that regarding FBC 3401.6 the work had to be completed in order for it to be in compliance.

Mr. Brady stated they had received the permit for filling in the holes from the air conditioning units, but needed the permits to affix the units to the wall.

Chair Gerald Jordan stated that there were 5 properties involved and this had been an ongoing issue.

Mr. Brady explained that the permit records showed that permits had been obtained for the window units, but the Inspector had stated that the permits were not for the units which had been installed. He stated that evidently different units had been installed than what had been applied for and they were not contesting the issue.

Robert Pignataro further stated that all the units for the permits did not match the amount of units that were on the site. He stated that permits had been issued for some, but in other buildings no permits had been issued. He added that units had also been added without permits. He proceeded to show the location of the site on the map. He stated that 60 days would be granted for compliance or a fine of \$100 per day, per violation, would be imposed, and asked that the Order be recorded.

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

Bob Young asked why it was taking so long for these properties to come into compliance. Mr. Brady stated that he could not answer that question.

Board unanimously approved.

Reference: CE03102506

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 10

Gold Coast Merrimac Beach

Hotel Inc.

545 N. Ft. Laud Beach Blvd.

FBC 104.1 – Work without permits. FBC 104.2.11 – Installed a.c. units without permits. FBC 3401.6 –Structure/fixtures in disrepair

Eve Bazer announced that Certified Mail had been sent to Gold Coast Merrimac Beach Hote. Inc. and signed for on April 16, 2004, signature illegible. Certified Mail was sent to Ramola Motwani, Director, and signed for on April 16, 2004 by Jerry Traino. Certified Mail was sent to James C. Brady and signed for, but signature was illegible. Green card received back in Community Inspections on April 20, 2004. Certified Mail to Ashok Dalal, Registered Agent, and signed for on April 20, 2004 by Hylton Gordon.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated further that FBC 104.1 was in compliance. He stated that regarding FBC 104.2.11 a mechanical permit was needed, and therefore, 60 days would be granted for compliance or a fine of \$100 per day would be imposed. He stated that regarding FBC 3401.6, 60 days would be granted or a fine of \$100 per day would be imposed and asked that the Order be recorded.

James Brady, attorney, stated they were in agreement regarding the work to be done and the compliance dates.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 60 days for compliance or a fine of \$100 per day be imposed regarding FBC 104.2.11 and FBC 3401.6, and that the Order regarding FBC 3401.6 be recorded. Board unanimously approved.

Reference: CE03102497

Beach Breeze Resort Motel, Inc.

550 Breakers Ave.

FBC 104.1 – Work without permits. FBC 104.2.11 – Mechanical work without permits.

Eve Bazer announced that Certified Mail had been sent to Beach Breeze Resort Motel, Inc. and signed for by Jerry Traino. Green card was not dated and was

received back in Community Inspections on April 20, 2004. Certified Mail was also sent to Ramola Motwani, Secretary/Director, and signed for on April 16, 2004 by Jerry Traino. Certified Mail was sent to James Brady and signed, but signature was illegible. Green card was not dated and received back in

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 11

Community Inspections on April 20, 2004. Certified Mail was sent to Ashok Dalal, Registered Agent, and signed for on April 20, 2004 by Hylton Gordon.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised that FBC 104.1 was in compliance. He stated further that they were granting 60 days for Section 104.2.11 or a fine of \$100 per day would be imposed, and asked that the Order be recorded. He advised that while he was reinspecting, he had come across

additional violations and had granted them 10 days for compliance regarding such violations. He explained there had been a green pool, but through Mr. Brady's efforts the matter had been resolved. He advised there was a broken window at the Breakers which had not yet been repaired and there were tenants in the unit.

James Brady, attorney, stated that the pool had been brought to his attention and the issue had been resolved. He advised that the contractor had also been hired in regard to the broken window.

Chair Gerald Jordan stated that there were serious violations at the site and they were "milking" the property. He realized the property was for sale and hopefully the sale could be accelerated. He believed the Central Beach Alliance was probably not happy about the condition of these properties.

James Brady stated that the City had been diligent in recognizing the life safety issues at the site and distinguishing them from the other building issues.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting 60 days for compliance or a fine of \$100 per day would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE03102597

Merrimac Inc.

544 Breakers Ave.

FBC 104.1 – Work without permits. FBC
104.2.11 – Mechanical work without permits.

Eve Bazer announced that Certified Mail had been sent to Merrimac Inc. and signed for on April 16, 2004 by Jerry Traino. Certified Mail was sent to Ramola Motwani, President/Director, and signed for on April 16, 2004 by Jerry Traino. Certified Mail was sent to Ashok Dalal, Registered Agent, and signed for on April

19, 2004 by Hilton Gordon. Certified Mail was sent to James Brady and signed for on April 17, 2004, by Abbie McCrey.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 12

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as written on the agenda. He further stated that FBC 104.1 was in compliance. He advised that 60 days would be granted for compliance regarding Section FBC 104.2.11 or a fine of \$100 per day would be imposed, and asked that the Order be recorded.

James Brady, attorney, stated they were in agreement with the terms stated regarding compliance.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting 60 days for compliance or a fine of \$100 per day would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE04010468

Marianella Aviles &
Jose Andres Munguia
1510 SW 32 Ct

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Marianella Aviles & Jose Andres Munguia and signed for on April 15, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that a verbal agreement had been reached with the owner for 30 days or a fine of \$50 per day would be imposed. He added that upon receipt of the permit, the property would be in compliance.

Marianella Aviles, owner, stated that she agreed with the terms regarding compliance.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 30 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference: CE03111168

Osmond & Flora Baptiste
129 SW 22 Ave.

FBC 104.1 – Work without permits. Sec.
9-313(b) – Building numbers not
properly displayed.

Eve Bazer announced the case number and address of the property.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that a verbal

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 13

agreement had been reached for 90 days or a fine of \$25 per day, per violation, would be imposed.

Flora Baptiste, owner, stated that this was a rental property and she was in agreement with the terms set forth above.

Chair Gerald Jordan stated that the house numbers could be put up immediately. Ms. Baptiste agreed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 90 days for compliance or a fine of \$25 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE04020156

Thomas & Martha Jo Kelaher
1524 SW 5 Pl.

FBC 104.1 – Work without permits. FBC 104.2.4 – Plumbing work without permits. Sec. 9-280(b) – Flora overgrowth on property. Sec. 9-281(b) – Trash and/or inoperable vehicles on property.

Eve Bazer announced that Certified Mail had been sent to Thomas M. & Martha Jo Kelaher and signed for on April 15, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that Section 9-280(b) was in compliance. He further stated that he had reached a verbal agreement with the property owner regarding FBC 104.1 and FBC 104.2.4 for 60 days, and Sec. 9-281(b) for 7 days or a fine of \$100 per day, per violation, would be imposed.

Tom Kelaher, owner, stated that this was a rental property and acknowledged that he was in agreement with the terms for compliance as stated above.

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City granting 60 days for compliance regarding FBC 104.1 and FBC 104.2.4, and 7 days for Sec. 9-281(b) or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03100374

Nai Jen Wu
500 SW 15 St.

FBC 104.1 – Work without permits.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 14

Eve Bazer announced that Certified Mail had been sent to Nai Jen Wu and signed for on April 17, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that a verbal agreement had been reached with the owner for 30 days or a fine of \$100 per day would be imposed.

Nai Jen Wu, owner, stated that this was a rental property. He explained that the fence company was going to take care of the problem and then he would be in contact with Inspector Reardon.

Motion made by Rixon Rafter and seconded by Sarah Horn to find in favor of the City granting 30 days for compliance or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference: CE03120593

Stevan & Jane Schaeffer
700 NE 7 Ave, #5

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Stevan & Janet Schaeffer. Green card was not signed or dated and was returned to Community Inspections. US Postal Website confirmed that the Certified Mail had been delivered on April 15, 2004 at 1:40 p.m. in Fort Lauderdale 33304.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they were granting 60 days for compliance or a fine of \$100 per day would be imposed, and asked that the Order be recorded.

Stevan Schaeffer, owner, stated that he had built a gazebo and was informed that an architect or engineer would have to draw up plans.

Chair Gerald Jordan stated that if he did not hire an architect or engineer, then he would have to remove the gazebo.

Mr. Schaeffer stated that he had contacted several engineers and many would not get involved with this project. He stated he finally had found an engineer who was willing to draw up the plans, but there were scheduling problems.

Robert Pignataro stated that the violation had been turned in by a Broward County Inspector who had been in the area watching it built. He advised that they had been given 30 days by the officer and nothing was done.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 15

Motion made by Rixon Rafter and seconded by Sarah Horn to find in favor of the City granting 60 days for compliance or a fine of \$100 per day would be imposed and record the order. Board unanimously approved.

Reference: CE03120655

John Copanos
700 NE 7 Ave., #4

FBC 104.1 – Work without permits.

Eve Bazer announced that the builder is representing the owner.

Robert Pignataro, Building Inspector, stated the case number, and violations as listed on the agenda. He stated this was next door to the gazebo. He recommended that 60 days be given for compliance or a fine of \$100 per day be imposed and record the order.

Mr. Schaeffer built the pergola for the owner.

Bob Young stated that a person doing this type of work needed to be licensed. He stated that he was on the licensing board and advised that individuals were now getting fined for working without a license. He cautioned that with the County watching, serious problems could be incurred.

Chair Gerald Jordan stated that such violation was a third degree felon.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting 60 days for compliance or a fine of \$100 per day would be imposed and the order be recorded. Board unanimously approved.

Reference: CE04021233

Belizaire & Oliane Prophete
1317 NW 1 Ave.

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

Eve Bazer announced that Personal Service had been made to Belizaire Prophete on April 24, 2004 by Inspector Mohammed Malik.

Douglas Kurtcock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He continued stating that this was a duplex and part of the problem was that it had been initiated by a Code Enforcement Officer on February 4, 2004 for an illegal conversion of one of the units. He explained the evidence from the inspector showed that a front bedroom had been blocked off and rented to a tenant marked as Unit A. The interior had several deteriorated elements, including electrical, plumbing and cabinetry. He

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 16

stated they were asking for 60 days for compliance or a fine of \$25 per day, per violation, would be imposed.

Mr. Kurtock explained that in checking the permit history, it showed the structure had always been a duplex. He added that the citing officer had claimed that there were 3 tenants in the structure at that time. He stated that the owner claimed the tenant had been evicted. He stated that the tenant was to have met with Office #248, Debbie Haskins, who had filed the complaint due to the living conditions at the site. It was explained that one of the bedrooms had been blocked off. He proceeded to show a photograph of the site, along with one showing a "For Rent" sign in the front window which stated that one room was available for rent. In addition, the citing inspector had met with the owners on March 8, 2004 to explain the violations. The owner claimed the tenant had been evicted, and the officer had requested proof of the situation. No specific proof was provided, and therefore, the case was transferred to him.

Mr. Prophete, owner, stated the tenant had a derelict vehicle at the site, and he requested for time to bring the property into compliance.

Rixon Rafter stated that all necessary repairs had to be made to the property. Bob Young stated that the owner had been given 60 days to do the repair work. He asked if the person doing the work and being paid was a licensed contractor. Mr. Prophete stated he was not sure, but stated that one of the contractors wanted too much money and he could not afford it.

Pat Hale asked how much of the work required permits. Mr. Kurtock explained that he needed a plumbing and electrical permit for the connections. He stated the door could be removed because it had not been installed with a permit. Rixon Rafter reiterated that licensed contractors were needed to do the necessary work. He explained that the contractors would pull the necessary permits.

Bob Young stated that an owner permit could not be obtained because it was rental property. Mr. Kurtock stated that the owner could not obtain a permit because the property was not in compliance. He explained that the nature of the cabinetry could be facilitated repair. He stated the permits could be done as walk-throughs since they were for maintenance only, and he felt 60 days was sufficient time to obtain such permits.

Chair Gerald Jordan clarified that the apartment should not be rented until the work was done. Mr. Kurtock replied that he could not rent it until at least the electrical work was done due to life safety issues being involved. Pat Hale asked if there was a tenant on site at this time. Mr. Prophete confirmed and stated he had to have a tenant in order to pay his bills.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 17

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City granting 90 days for compliance or a fine of \$25 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE04040637

6681 LTD

6681 NW 16 Ter.

NFPA 101 7.5.1.7 – Emergency light and exit signs directing egress from office through warehouse. NFPA 1 1-4.4 – Unable to access area for inspection. NFPA 101 7.2.1.5.1 – Keyed lock attached to exit door 6687. NFPA 101 40.3.4.1 – No fire alarm.

Eve Bazer announced that Certified Mail had been sent to 6681 LTD signed for on April 16, 2004, signature illegible. Certified Mail sent to David Fee, Registered Agent, signed for on April 16, 2004, signature illegible. Certified Mail was also sent to DHF Corp, General Partner, and signed for on April 16, 2004, signature illegible.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. She stated that the original violations had been written on November 25, 2002. She advised that additional inspections had occurred on January 22, 2003, March 12, 2003, and September 15, 2003. As of today's date only NFPA 1 1-4.4 was in compliance. She stated the City was giving 30 days for compliance for Section NFPA 101 7.5.1.7 and NFPA 101 7.2.1.5.1, and 60 days for NFPA 101 40.3.4.1 or a fine of \$200 per day, per violation, would be imposed.

Gary Brown, attorney representing owner, stated that the attorney of record was out of town and he had been handed this matter last night. He stated they were requesting that this item be tabled until the Board's May meeting. He advised that he had spoken with the client and he felt they did not need to install a fire alarm due to the fact that the building was 9,642 sq. ft., and the requirements stated that an alarm was required for 10,000 sq. ft.

Chair Gerald Jordan stated that fact should have been brought to the City's attention a long time ago. He felt the owner was dragging his feet.

Pat Hale asked for further clarification of the 10,000 sq. ft. requirement. Inspector Brown stated that when she had done the original inspection she had asked the tenant about the square footage of the building and what the lease had stated, and nothing had been mentioned prior to this time about the size. Today, she asked about the information in the lease, and she was informed it stated 10,000 square feet. Inspector Brown further stated that she did not have a problem if the

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 18

tenant could prove the square footage was less than 10,000 sq. ft, but she had a problem with the tabling of the life safety violations which were easy to repair. She stated that nothing had been done as of today's date.

Bruce Jolly, attorney for the Board, stated they were seeking that this matter be continued.

Motion made by Rixon Rafter and seconded by Pat Hale to continue this case until the Board's May meeting. The Board unanimously opposed continuing this matter until May, 2004.

Motion made by Rixon Rafter and seconded by to find in favor of the City granting 30 days for compliance of NFPA 101 7.5.1.7 and NFPA 101 7.2.1.5.1 and 60 days for compliance for NFPA 101 40.3.4.1 or a fine of \$200 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03102093

Lee & Susie Williams
1116 SW 01 St.

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

Eve Bazer announced that Certified Mail had been sent to Lee & Susie Williams and signed for on April 19, 2004 by S. Williams.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated the work was completed in violation of a Stop Work Order issued on October 22, 2003. He proceeded to show photographs of the site. He further advised that the building was completed and now occupied. The City was requesting 30 days for compliance or a fine of \$250 per day, per violation, would be imposed. He advised the owner had 6 months from the date of the original report, and no attempts had been made to comply.

Lee Williams, owner, stated that this was a rental property comprised of 4 units. He stated they thought their improvements were cosmetic and they also had a roof replaced.

Chair Gerald Jordan stated that a Stop Work Order was a serious matter. Mr. Reardon stated that the photographs showed the walls had been removed and kitchens demolished and new air conditioning units. Mr. Williams explained that the walls were not removed but had rotted out.

Bob Young reiterated that Mr. Williams understood the work needed permits. Mr. Williams stated that he agreed a mechanical permit was necessary, but he

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 19

believed the other repairs had been cosmetic. He stated that it was his understanding if things were not altered and replaced as they were previously, then permits were not required.

Kenneth Reardon reiterated that the City was asking for 30 days or a fine of \$250 per day, per violation, be imposed, and that the Order be recorded.

Motion made by Pat Hale and seconded by Rixon Rafter to find in favor of the City granting 30 days for compliance or a fine of \$250 per day, per violation, would be imposed, and that the Order be recorded. Board unanimously approved.

Bruce Jolly stated that the violations would be corrected with the pulling of permits. Mr. Williams continued to discuss the problem. Mr. Jolly stated for Mr. Williams to submit the application, and if there was a delay down the road which was attributable to the City, then he would not be penalized for the matter. He instructed him to stay in contact with the City and get the work done. Chair Gerald Jordan stated that Mr. Jolly was implying that if Mr. Williams submitted an application for a permit and the City delayed the matter, then it was not his fault. He disagreed with such a statement. Mr. Williams continued to pursue the discussion, and Chair Gerald Jordan stated the matter was closed and he was instructed what to do.

Reference: CE02032145

James Braxton
1524 NW 9 Ave.

FBC 104.1 – Work without permit.

Eve Bazer announced that Personal Service was made to Steven Rafin, resident, on April 25, 2004 by Inspector Robert Pignataro.

Douglas Kurtcock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that they were recommending 60 days for compliance or a fine of \$25 per day would be imposed. He explained that the illegal conversion consisted of an enclosure of a carport and the owner could obtain a permit for it, or he could remove the violation in order to comply. He stated that the structure was a duplex.

James Braxton, owner, stated that this was a rental property. He remarked that the violations had been existing when he had purchased the property.

Chair Gerald Jordan stated that before purchasing the property the owner could have received a pre-sale survey.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 20

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City granting 60 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference: CE04040401

Victoria Park Land Company
817 NE 16 Ave.
Apt. #3 prohibit escape via windows.

NFPA 101 31.2.1 – Security screens on

Eve Bazer announced that Certified Mail had been sent to Victoria Park Land Company and signed for on April 15, 2004, signature illegible. Certified Mail to Nancy Hodges, Registered Agent, signed for on April 16, 2004, signature illegible.

Robert Kisarewich, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated the violations still existed on the apartment as of today. He recommended 30 days be given for compliance or a fine of \$200 per day be imposed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 30 days for compliance or a fine of \$200 per day would be imposed. Board unanimously approved.

Reference: CE02062028

Klairmont Family Association LP
100 Isle of Venice

ULDR 47-19.4.D.1 – No dumpster enclosure.

Eve Bazer announced that Certified Mail had been sent to Klairmont Family Associates, LP and signed for on April 17, 2004, signature illegible.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He further stated they were recommending 60 days or a fine of \$100 per day be imposed, and that the Order be recorded.

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to find in favor of the City and grant 60 days for compliance or a fine of \$100 per day be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE04011206

The Las Olas Company, Inc.
901 E. Las Olas Blvd.

FBC 104.2.5 – Electrical work without permits. FBC 104.2.7 – Sign without permits.

Eve Bazer announced that Certified Mail had been sent to The Las Olas Company, Inc. and signed for on April 15, 2004, signature illegible. Certified Mail was also sent to Joseph E. Nialecek, Director, and signed for on April 16, 2004, signature illegible. Certified Mail was also sent to Robert Fleet Van, President, and signed for on April 15, 2004, signature illegible. Certified Mail sent to James N. Hyde, Director, and signed for on April 15, 2004, signature illegible. Certified Mail sent to Hendry Land, Director, signed for on April 15, 2004, signature illegible.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised that the violations were now in compliance due to having received permits.

Reference: CE04011932

Plaza 15 Condo Association, Inc.
1600 SE 15 St. #200

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.

Eve Bazer announced that Certified Mail had been sent to Plaza 15 Condo Association, Inc. and signed for on April 15, 2004, signature illegible.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He stated he was recommending 60 days or a fine of \$100 per day, per violation, be imposed, and that the Order be recorded.

Motion made by Bob Young and seconded by Myrnabelle Roche to find in favor of the City and grant 60 days for compliance or a fine of \$100 per day, per violation, would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE4020313

Plaza 15 Condo Association, Inc. #412
1600 SE 15 St.

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.

Eve Bazer announced that Certified Mail had been sent to Plaza 15 Condo Association, Inc. and signed for on April 15, 2004, signature illegible.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated the City was recommending 60 days or a fine of \$100 per day, per violation be imposed, and that the Order be recorded.

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to find in favor of the City and grant 60 days for compliance or a fine of \$100 per day, per violation, would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE03072355

George & Mary Sivore
6795 NW 17 Ave.

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.

Eve Bazer announced that Certified Mail had been sent to George & Mary Sivore and signed for on April 19, 2004, signature illegible.

Douglas Kurtcock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that the City was recommending 60 days for compliance or a fine of \$50 per day, per violation, be imposed. He explained this was a commercial establishment within a warehouse complex.

Motion made by Sarah Horn and seconded by Rixon Rafter to find in favor of the City and grant 60 days for compliance or a fine of \$50 per day, per violation be imposed. Board unanimously approved.

Reference: CE04011486

John David
1701 NW 8 Ave.

FBC 104.1 – Work without permits.

Eve Bazer announced that Personal Service was made to Dwain Swaby (son) on April 25, 2004 by Inspector Robert Pignataro.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that the City was recommending 30 days for compliance or a fine of \$50 per day be imposed.

Motion made by Myrnabelle Roche and seconded by Bob Young to find in favor of the City and grant 30 days for compliance or a fine of \$50 per day be imposed. Board unanimously approved.

Reference: CE 04011671

Charles Demps
1208 NW 7 Ter.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Charles Demps and signed for on April 15, 2004 by Charles Demps.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated the City was recommending 30 days for compliance or a fine of \$50 per day be imposed. He advised that this was a single-family home.

Motion made by Bob Young and seconded by Rixon Rafter to find in favor of the City and grant 30 days for compliance or a fine of \$50 per day be imposed. Board unanimously approved.

Reference: CE04030300

Roosevelt & Sandra Tukes
615 NW 10 Terrace

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Sandra and Roosevelt Tukes and signed for by Sandra Tukes. Green card was not dated and was received back in Community Inspections on April 20, 2004.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that the City was

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 24

recommending 30 days or a fine of \$25 per day be imposed. He further advised that Section A under FBC 104.1 was in compliance as of April 1, 2004. He advised that no application had yet been made by the owner for a permit regarding Section B.

Motion made Rixon Rafter and seconded by Myrnabelle Roche to find in favor of the City and grant 30 days for compliance or a fine of \$25 per day be imposed. Board unanimously approved.

Reference: CE04030958

Mary Ann & Chris Mercogliano
647 NW 13 Ter.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Mary Ann Mercogliano & Chris Mercogliano signed for on April 19, 2004, signature illegible.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated this was a single-family residence and the City was asking for 30 days or a fine of \$25 per day be imposed.

Motion made Rixon Rafter and seconded by Bob Young to find in favor of the City and grant 30 days for compliance or a fine of \$25 per day be imposed. Board unanimously approved.

MEETING RECESSED AT 12:04 P.M.

During the lunch break the Assistant City Attorney discussed the general principles that regulate and control the proceedings of this Board.

The Assistant City Attorney explained that she would go over the procedure used by this Board, and the statutes and ordinances which controlled the Board.

The Assistant City Attorney stated that this hearing was held pursuant to Chapter 162 of the Florida Statutes. She explained there were two parts to such statute and they were in the first part known as the Local Government Code Enforcement Board Act. She stated that she would provide copies to the Board at a later date. She explained that the two most important provisions of Chapter 162 were the ones which set up the procedure for the hearings. She explained further there were two types of hearings at this time. The first hearing pertained to the cases where the Inspector had cited a property, and the Clerk announced service had been made to the property owner. The property owners appeared or had a representative appear, and at the end of the hearing if the Board determined that the Inspector's allegations were correct, the Board moved to support such

allegations and to grant a time period for compliance, and if compliance was not met then a fine at a certain amount would be imposed.

The Assistant City Attorney further stated that she had been with the City for about 1½ years and prior to that time, the department was running these hearings which did not strictly adhere to the requirements of the Statute. She stated that then there was to be a second hearing held, which in the past had not always been done, pursuant to Chapter 162.09, at which time the Inspector was to reiterate the allegations of the case and state whether the property was in compliance or not by the time set. Therefore, if the property was not in compliance, then the Inspector was to ask the Board to reiterate the amount of the fine to be imposed on the property. She explained that was the Massey Hearing, and it could be called the 162.09 hearing or a compliance hearing. She stated that possibly it was confusing calling it a Massey Hearing.

The Assistant City Attorney re-explained that Massey was a case which came out last February from Charlotte County that stated before a fine was imposed, the property owner was to be given the opportunity to challenge the City's contention that the time for compliance had past without compliance being reached. She explained that the case did not state that a hearing had to be held, and only stated that the property owner had to be given the opportunity to challenge the City's assertion. She stated that the City had decided to give everyone a hearing. She continued stating that other cities and counties were doing things differently. She explained that there had been some discussion as to whether the ruling in Massey controlled what happened in this City since that was the Second District Court of Appeal, and the City of Fort Lauderdale was in the Fourth District Court of Appeal. She stated that opinions from other districts did not necessarily control what happened here, but she did not feel that the Massey case had created anything new. She felt they articulated what the Statute had not said explicitly.

The Assistant City Attorney further stated that in Chapter 162.09, it stated:

“In determining the amount of the fine, if any, the Enforcement Board shall consider the following factors: (1) the gravity of the violation; (2) any actions taken by the violator to correct the violations; and (3) any previous violations committed by the violator.”

The Assistant City Attorney stated that the Massey Court had state that if people were not given the opportunity for a hearing, when would the Board consider the 3 factors mentioned above. She further stated discussions were being held with Community Inspections to see if the two agendas could be merged. She stated that if the Board had any questions or suggestions, they should contact her. She felt the City had a lot of work to do in order to rehabilitate some of the Orders which had been recorded incorrectly. She stated that the older cases would be placed on the agenda from time to time because prior to 1999, the City had never

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 26

done the second Orders. Prior to 2003, the City never held a hearing for the second Order. She explained that in order for the City to be able to foreclose on the properties, they needed to proceed forward and begin handling the older cases. She reiterated that once the second Orders were recorded, this Board would lose their jurisdiction over the case because it created a lien in favor of the City. She explained if the property owners were not given the opportunity to challenge the City's assertion, the Orders would not have been valid and the liens would not have been perfected.

The Assistant City Attorney continued stating that the Board had a choice, and if they did not want to impose a fine, an Order could be issued stating that no fines would be imposed. She further explained that the older cases that would be brought before this Board, either never had the second Order recorded, or had it recorded without a Massey Hearing. She stated that all facts would be presented to the Board at the time the cases were presented.

Myrnabelle Roche stated that in the agendas possibly they could include the violations. The Assistant City Attorney confirmed, and stated they needed to have the cases included in the agendas and in the categories as listed presently, such as abatement of fines and extensions of time. She felt the abatement of fine request was actually a Massey Hearing. She explained if requests for extensions of times were made before the Massey Hearings were held, then they would receive more than 2 hearings.

Ms. Roche asked when the property owners received the notice for the Massey Hearings were they being told it was that type of hearing, and pursuant to which Section of the Code it applied, so they would have an understanding of why they were appearing. The Assistant City Attorney stated that they received a letter explaining that the City was attempting to lien their property, and a hearing was going to be held. She further stated that they may edit the letter to include the amount of the fine. She added that the letter was pretty clear explaining that this was the second hearing being held on the matter.

Rixon Rafter stated that the City was going to pursue the course of trying to execute 40 property liens. He asked if they were now going to actually lien the property. The Assistant City Attorney stated that she did not know what the word "execute" meant, but at this time the Board was being asked to impose a fine. The Chairman then signed an Order imposing the fine/claim of lien, and when a Certified Copy was made of that Order and taken to the Public Records Recording Office, it then became a lien on the property. She stated that the City Commission wanted the City to begin foreclosing on the property and two proposals had been received from law firms that were interested in doing such work for the City. She further explained they were now in the process of putting such cases together so the firms could begin their work.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 27

Mr. Rafter further asked if such cases would have gone through the Massey Hearings. The Assistant City Attorney explained that every case would have had a Massey Hearing.

Chair Gerald Jordan stated that discussion arose every meeting regarding these Massey Hearings, and he maintained that he liked how this Board had been conducting the process. He reiterated that this Board wanted more latitude in order to make decisions. He stated that they were aware of the parameters of the law, but certain times necessitated for the Board to hear the property owner's evidence.

The Assistant City Attorney further stated that the Board could reduce a fine after considering the gravity of the violation and any actions taken by the violator to correct the violations. She stated that was pretty much the scope of anything anyone might be stating.

Chair Gerald Jordan stated that he felt this Board was doing an excellent job, and he had been adamant over the years about not giving the City money and giving the property owners a break. Now, that the City needed more money, he was often times more in favor of monies being paid to the City.

The Assistant City Attorney stated that she was not finding fault, and realized this was a new process facing the Board without a good explanation. She reiterated that the matter had been confusing for everyone involved. She stated this was her most recent attempt to help clarify the issue.

The Assistant City Attorney proceeded to offer some explanations regarding ex parte communications. She explained that involved adversarial proceedings involving two parties. She stated this procedure offered the right to appeal based on the record of the proceedings. She stated that the ordinance creating this Board was very clear as to who was needed to serve on the Board so various areas of expertise were represented. She stated the Board's job was to help the non-professionals make sense of what was being said at these proceedings. She explained there was a presumption that conversation with a party, without another party present, created a prejudice that would influence a decision and that was not to be done. She stated there was a State Statute explaining that the City could create an ordinance which would remove such presumption by setting up a disclosure procedure.

Chair Gerald Jordan stated that last year he had written a letter to the Director of Community Inspections, with copies to the members of this Board, regarding a property that had over \$700,000 worth of fines on it. He had asked for a report to be given to the Board.

Bruce Jolly stated that this Board had the power to ask for specific information from the City asked for a matter to be placed on the agenda.

The Assistant City Attorney proceeded to re-explain the rules of the Sunshine Law. She stated that this Board was subject to such law meaning that when more than one Board member was in the same room, the meeting had to be publicly noticed and minutes were to be taken. The meeting also had to be opened to the public. She stated this included letters, e-mails and phone calls. She stated that if the Board had any questions, they could call her. She explained that she could not discuss any specific case, but could answer general questions.

Bruce Jolly explained that no Board Member should attempt to uncover information regarding a specific case in order to provide a status report to an involved individual.

MEETING RECONVENED AT 1:07 P.M.

Chair Gerald Jordan proceeded to introduce the Board.

Note: All individuals wishing to speak on any of the cases on this afternoon's agenda were sworn in.

Reference: CE03091916

Navarro Enterprises Ltd.
1337 SW 21 Ter.

Old Business

Eve Bazer announced that Certified Mail had been sent to Navarro Enterprises, Ltd. and signed for on April 16, 2004 by Rozanne Brown. Certified Mail was also sent to Gerry Cataldo and signed for on April 16, 2004 by Ken Myers. Certified Mail was also sent to Nicholas G. Navarro, Registered Agent, and signed for on April 16, 2004 by Rozanne Brown. Certified Mail was also sent to Samagoo, Inc., General Partner, and signed for on April 16, 2004 by Rozanne Brown. She advised they were requesting an extension of time.

John Carroll, engineer, stated that the Board had granted a six-month extension to bring the property into compliance. He advised that they needed some additional time because they had purchased property and added parking and revised the site plan. He stated they were requesting another 6 months in order to go through the City's process.

Thomas Clements, Fire Inspector, stated that he was not opposed to a 6-month extension and after that time period, they would impose a fine of \$50 per day, per violation.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 29

Motion made by Bob Young and seconded by Rixon Rafter to grant a 6-month extension of time for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03050407

RLM LP & RLM Management LLC
1052 NW 53 St.

Old Business

Eve Bazer announced that Certified Mail had been sent to Rauch Weaver, c/o Mary Lou Adams, and signed for on April 16, 2004, signature illegible. Certified Mail was also sent to RLM LP & RLM Management and signed for on April 21, 2004 by Lee Monti. She advised they were requesting an extension of time.

Mary Lou Adams, Property Manager, stated they had been retained on April 12, 2004. She stated that she did not think the property owner understood previously what was to be done. She explained they were commercial property managers and had been in business for over 30 years. She stated their company name was Rauch Weaver. She explained they were in the process of hiring a contractor to survey the work that needed to be done. She advised they represented the owner of the property. She further stated that she believed the owner of the property had relied on the tenant who had done nothing in regard to the matter.

Wayne Strawn, Building Inspector, stated that it had been his impression that the tenant was to attend today's meeting, and outline the efforts he had made in order to bring the property into compliance. He stated the tenant was Direct Food USA Distributor. He explained the tenant had problems getting his plans approved which dealt with a walk-in freezer. He reiterated that many times there were difficulties with mechanical plans. He advised that no one was present from that company at today's meeting. He stated he was afraid they would give up and then there would be no compliance. He reiterated there was a new management company at this time so the problem would most likely be handled one way or the other. He stated he was not opposed to an extension of time being granted. He suggested that 90 days be given for the extension.

John Phillips entered the meeting at approximately 1:20 p.m.

Mr. Strawn further stated that the owner had received a permit and had taken responsibility for the new garage door which had been installed. He reiterated that after 90 days, a fine of \$50 per day, per violation, would be imposed.

Motion made by Rixon Rafter and seconded by Bob Young to grant a 90-day extension for compliance or a fine of \$50 per day, per violation, would be imposed.. Board unanimously agreed.

Reference: CE03061053

Carolyn Jones
2901 SW 5 St.

Old Business

Eve Bazer announced that Certified Mail had been sent to Carolyn Jones and signed for on April 17, 2004 by Carolyn Jones. She announced they were requesting an extension of time.

Carolyn Jones, owner, stated that there had been no final inspections. She advised that she was in the process of selling the property and the closing date had been set for May 11, 2004. She stated that she was requesting a 6-month extension of time. She stated the buyer was purchasing the property "as is," and the violations had been explained to the new owners.

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to grant a 6-month extension of time, and that the Order be recorded.

John Phillips stated that he was concerned if the new owners understood what "as is" meant in regard to this property. Myrnabelle Roche reiterated that the buyer was taking the risk in purchasing this property.

The Assistant City Attorney stated that since the owner advised she was in the process of selling the property, the City would record the first Order which would be sufficient in putting subsequent purchasers on notice that Code Enforcement activity was present regarding this property.

Board unanimously approved the motion

Reference: CE03090082

Israel & Milka Lopez
1205 NW 1 Ave.

Old Business

Eve Bazer announced that Certified Mail had been sent to Israel & Milka Lopez and signed for on April 19, 2004 by Israel Lopez. She stated they were requesting an extension of time.

Israel Lopez, owner, stated that he was requesting an extension of time due to the fact that his plans had not yet been reviewed by the City. He stated that he was requesting an additional 3 months.

Douglas Kurtz, Building Inspector, stated that the City had no objection to an extension of time. He advised that FBC 104.2.11 was in compliance.

Motion made by Myrnabelle Roche and seconded by Rixon Rafter to grant a 90-day extension for the one violation. Board unanimously approved.

Reference: CE03070356

The Continental Condo Association, Inc.
3233 NE 32 Ave.

Old Business

Eve Bazer stated that Certified Mail had been sent to The Continental Condo Association and signed for on April 19, 2004, signature illegible. Certified Mail was sent to Dawn Winters, Treasurer, signed for on April 19, 2004, signature illegible. Certified Mail was sent to John Moschetto, Vice President, and signed for on April 19, 2004, signature illegible. Certified Mail was sent to F. Deangelis, Director, signed for on April 19, 2004, signature illegible. She stated they were requesting an extension of time.

John Slattery stated they were requesting a 6-week extension of time. He advised that they should be done with the structural repairs by tomorrow, and painting also had to be done.

Chair Gerald Jordan suggested that 60 days be granted for compliance.

Mohammed Malik, Building Inspector, stated that he had no objection to the extension of time. He advised that this was a unique project.

Motion made by Rixon Rafter and seconded by Pat Hale to grant a 60-day extension of time for compliance. Board unanimously approved.

Reference: CE03091165

Philip Bacigaluppi
1345 NW 7 Ter

Old Business

Eve Bazer announced that Certified Mail had been sent to Phillip Bacigaluppi and signed for on April 19, 2004, signature illegible.

Phillip Bacigaluppi, owner, stated that this was an investment property. He explained it was supposed to be a 3/2, but had discovered that the conversion from a 2/1 had never been formally inspected and signed off. He requested that they receive a 6-month extension. He advised that he was also dealing with the title company in regard to this property.

Douglas Kurtcock, Building Inspector, stated that he wanted to verify the conditions at this property as stated by Mr. Bacigaluppi were accurate. He stated that this case was originally ordered with a fine of \$50 per day, per violation, and

the City did not have any objection to a 6-month extension of time. He further stated that he asked that in the Board's motion they be specific adding that the property had to be maintained and secured during the time. Mr. Bacigaluppi stated that he would have no problem abiding by such a condition.

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to grant a 6-month extension of time and that the property be maintained and secured, and that the Order be recorded. Board unanimously approved.

Approval of Minutes

Motion made by Rixon Rafter and seconded by Pat Hale to approve the minutes of the March 21, 2004 meeting. Board unanimously approved.

Orders of Compliance

Eve Bazer stated that she would read into the record the cases so the Orders of Compliance could be released for the following cases: CE03030960, CE03011456, and CE03071725.

The Assistant City Attorney stated that Chapter 162.07 stated: "If the City recorded the first Order and the property came into compliance before the time for compliance was due, the City needed to obtain an Order of Compliance that could be recorded which would clear up the public records."

Reference: CE03030960

Marvin & Carolyn Wickham
2711 SW 15 Avenue

Eve Bazer announced that Kenneth Reardon had been the inspector for the property, and the case had complied before fines had accrued.

Motion made by Rixon Rafter and seconded by Bob Young to issue an Order of Compliance on the subject property. Board unanimously approved.

Reference: CE03011456

Randy Orr & Adams Levinson
1527 SW 20 Avenue

Eve Bazer announced that Kenneth Reardon had been the inspector for the property, and the case had complied before fines had accrued.

Motion made by Pat Hale and seconded by Rixon Rafter to issue an Order of Compliance on the subject property. Board unanimously approved.

Reference: CE03071725

Antonio & Maria Curatolo
829 NE 1 Avenue #1

Eve Bazer announced that Robert Pignataro had been the inspector for the property, and fines had accrued to \$1,000 which had been abated at the CEB meeting on 11/25/03.

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to issue an Order of Compliance on the subject property. Board unanimously approved.

Approval of Minutes – February 11, 2004 Meeting

Motion made by Pat Hale and seconded by Myrnabelle Roche to approve the minutes of the February 11, 2004 meeting. Board unanimously approved.

MEETING RECESSED AT 1:50 P.M.

MEETING RECONVENED AT 2:00 P.M.

All individuals wishing to speak in regard to any of the cases to be heard were sworn in.

Massey Hearings

Reference: CE03072155

Tennis Club #2 Condo Assn.
701 NW 19 Street

Eve Bazer announced that this case had originally been heard on February 24, 2004, and compliance was ordered by March 24, 2004. One Section had a fine imposed of \$100 per day and fines totaled \$3200. She advised the property was not in compliance.

Douglas Kurtock, Building Inspector, stated the case number and advised that this was a multi-level condominium development. He explained the case arose due to failure to maintain the property which consisted of deterioration of the concrete balconies and railings. As a result, this case began in July, 2003 and a condo association operated this property. He stated no applications had been made for permits and none had been issued.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 34

Edoardo Meloni, attorney, stated that the property was to into compliance with the hiring of a general contractor and to apply for permits by March 25, 2004. He advised that the Association had attempted to do so, but had not yet been able to comply. He explained that under the Statute one of the requirements was that the Association had to obtain competitive bids before assigning a contract to an individual. He stated that the Association had assigned a contract today. He asked that the Order imposing the fine not be issued, and that the Association be given an additional 10 days for compliance and obtaining the permits.

Mr. Meloni stated that the Association had not been in good financial condition, and they had to apply for a loan in order to finance the work required. He stated that had taken longer than expected, and reiterated that they had not ignored the Board's Order.

Chair Gerald Jordan stated that 10 days would not be sufficient time to come into compliance, and reiterated that they had to apply for a permit. He reiterated that just by obtaining a process number would not bring them into compliance.

Douglas Kurtcock stated that the violation on this case was not for work without a permit. He explained that the violation was for failure to maintain the property, and therefore, issuance of a building permit would only be part of the compliance factor. He stated that the work would have to be done, approved and then inspected since life safety issues were involved.

Motion made by Rixon Rafter and seconded by Bob Young to find that the original Order was not complied with by the date set in the Order, and therefore a fine of \$100 per day, per violation, would be imposed for each date the violation continued. Board unanimously approved.

Reference: CE03020131

Thelma Murphy
2481 SW 8 Street

Eve Bazer announced that this case had originally been heard on October 28, 2003 with compliance ordered by January 26, 2004. One Section had been fined at \$10 per day, and fines now total \$510. The property was in compliance.

Kenneth Reardon, Building Inspector, stated the case number and stated that it took until March 17, 2004 for the property to be in compliance with the issuance of a permit. He reiterated that the property was not in compliance on January 27, 2004 as ordered and asked for the Board to impose the fine.

Rixon Rafter asked when the owner had first applied for the permit. Mr. Reardon replied they had gone through a process and the owner could probably provide the details. He stated that the case was originally cited on January 31, 2003.

James Murphy, husband of the owner, stated that he had done the work without the necessary permits. He explained he had tried to get a homeowner's permit, but then had to hire a general contractor to obtain the necessary permits. He asked for the Board to grant some leniency regarding this matter. He stated that more time was needed for the work to get done.

Mr. Reardon stated that the permit had been issued on March 17, 2004. Chair Gerald Jordan stated that inspections would be necessary once the work was completed.

Motion made by Sara Horn and seconded by Pat Hale to abate the fine. Board unanimously agreed.

Reference: CE00052076

Joseph L. & Linda Scully
808 NW 9 Avenue

Eve Bazer announced that this case had been heard on September 26, 2000 and compliance was ordered by November 28, 2000. She explained there were 5 sections set with a fine of \$15 per day with fines totaling \$51,555. She added that the property was in compliance.

Robert Pignataro, Building Inspector, stated that the compliance dates were as indicated, but counsel evidently had a different opinion. He stated that he did pass-by inspections on the property.

Rixon Rafter asked what were the compliance dates. Mr. Pignataro replied as follows:

301.a	Compliance by 3/29/04
301.k	Compliance by 1/30/04
47-21.3	Compliance by 1/30/04
4804.1	Compliance by 1/30/04
9-306	Compliance by 11/28/00

The Assistant City Attorney stated that 9-306 was part of the building maintenance code and were minimum standards for exterior building structures and exterior building walls that were to be maintained in a secure and attractive manner.

John Andrews, representing property owner, stated that there appeared to be an issue regarding the dates of compliance, and what was required under the Order. He stated that he had pulled the permit history of this structure which was a warehouse building on 9th Avenue. He stated that one of the items initially cited

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 36

as a violation was the office. He explained that when the owner received his NOV from the Code Inspector he had been instructed to demolish offices which were allegedly built without a permit. The history showed that permits had been issued for such offices, and therefore, he had been required to demolish structures which deed in fact have a permit. He explained that when the enforcement order was issued, the language had been slightly different and the owner did not have legal counsel and did not understand the difference in the language.

Mr. Andrews further stated that he had a copy of the original Order which stated: "Offices built without a permit, loft built without a permit...." He stated that the owner had demolished those at his own expense and was now looking at a \$50,000 fine, and part of it dealt with removing structures which had been authorized by the Code. He added that he also had the permit history from the Internet which he proceeded to distribute to the Board.

Mr. Andrews continued stating that the Order dated October 10, 2000 extended the compliance date to May 28, 2001. He explained the owner attempted to comply with the Code, but the interpretation of the Code Inspector regarding the compliance date was when he inspected the work. Mr. Andrews stated the law as set forth in Florida Statute 162.09 required that the fines be abated or terminated at the time of compliance. He stated that he realized problems occurred when individuals did not call for inspections. He stated that the State Law did not require the homeowner or property owner to call the City and request the final inspections. He stated that he had two witnesses, including the owner and a representative of the door company, testifying as to the compliance of the property. He stated that he would go over the list regarding compliance dates.

Mr. Andrews reiterated that the loft and offices were part of the original drawings and had them available for review. He continued stating that there was a permit for a window unit dated August 26, 1969, and a permit for a pay phone dated August 27, 1997. He stated that the Code Inspector stated that permit had been for a different phone. He stated he was not aware there had been two different phones and there appeared to be a dispute as to whether there were two different phones or not. The client advised him that there had only been one phone involved and would testify to such. He further stated that a landscape permit had been issued on July 25, 2002 and had been applied for on January 3, 2001. He stated that he did not understand why it had taken from January, 2001 to July, 2002 to obtain the permit, but those were the facts. He continued stating that there was no requirement for a permit for the fire extinguisher and it had been replaced during the week of June 7, 2000. He explained that on November 30, 2000 a permit had been issued for exit and entrance lights but it had not been cited by the Building Department. He remarked that AP stated it was a Code violation and an original citation had been issued for it. He further stated that the fire extinguisher had been on the original code enforcement officer's handwritten report.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 37

Mr. Andrews further stated that the air conditioner unit was also on the report. He stated that the items were corrected with permits, and fines were to accrue only until the compliance date occurred. He stated there was a record stating that compliance had taken place and permits had been pulled, but he would have to refer back to the owner regarding whether the work had been completed or not. He further stated that he wanted to call the witnesses to testify.

The Assistant City Attorney objected to such procedure and explained the witness was to testify regarding a garage door, but it was not part of the Board's Order. Therefore, the testimony would not be relevant as to whether the requirements of the Board's Order were complied with by the date specified.

Mr. Andrews stated that his client advised him that Alan Vordermeier, who had been a member of this Board, had advised him at a hearing that the garage door was part of the issue. He stated if that was not part of today's hearing, then such witness would not testify.

Bruce Jolly stated that such violation was not before this Board. Mr. Andrews stated they had been informed that it was part of the issue.

Mr. Andrews proceeded to call forth Mr. Scully to testify regarding the compliance dates and times.

Joe Scully, owner, stated that these problems at the property were still continuing and had been ongoing for a few years. He stated he had health problems regarding the matter, and had hired Mr. Andrews to resolve the problem.

Mr. Andrews asked Mr. Scully to review the issues which had been part of the original Order entered by this Board. Such list was reviewed and commented on. Mr. Scully stated that he had lost a long-term lease tenant due to these problems and that should not have happened. He reiterated that he wanted this matter resolved.

The Assistant City Attorney stated that the discussion on the issues should be limited to when the violation had been corrected, and not whether the violation had occurred. She stated that this case had already been before this Board, and the Order stated such violations had existed. She stated further that this Board had determined that pay phones had been installed without permits. She stated she did not mind the owner going through the particular violations and what their records showed regarding a date for compliance, but the fact as to whether the violation had occurred had been previously decided.

Mr. Pignataro stated that regarding the offices, he had cited them for being in disrepair. He explained the air condition was in an office ventilating into the garage area and it was not allowed to do that. It was to ventilate outside the building. He stated the garage door was actually falling off the rails and a tenant

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 38

was to be moved in. He stated he had been at the site due to the fact of an occupational license. He stated these were findings of fact and had been determined previously by this Board. He stated that he did not have the "before" photographs with him today, but did have the "after" ones taken when he went to re-inspect. He showed a photograph as to where the pay phone had been installed.

Mr. Pignataro stated further that regarding the overlay existing asphalt, the printout showed an "A" in front of the listed permit meant application only.

Motion made by John Phillips and seconded by Rixon Rafter to table this matter until the Board's May meeting.

Bruce Jolly stated that they needed to figure out how much was actually owed. He further suggested that a number be arrived at based upon the dates, and then the Board could make a determination.

Mr. Scully stated he had an estimate of \$14,000 to repair the offices.

Board voted unanimously in favor of the motion.

Reference: CE03091754

P.M. & Valentina Reynolds
917 N. Ft. Lauderdale Beach Blvd.

Eve Bazer announced that this case had originally been heard on October 28, 2003 with compliance ordered by November 27, 2003. She stated there was a fine on one section at \$100 per day, and fines totaled \$700. She added that the property was in compliance.

Robert Kisarewich, Fire Inspector, stated one section had not been in compliance. He advised that he had gone to the site on December 3, 2003 and the property had still not been brought into compliance. He stated they had only cut the extension cords and taped them together, thereby not having any physical connection. He stated when he spoke to the Manager, the Manager had become irate and refused to sign the inspection form. He stated that when the time came for re-inspection he was going to ask for a Code Inspector to go along. He advised that the Fire Marshall had assigned this to Estelle Abrahams who had gone to the site and discovered the problem had been resolved. He stated he was only able to back-up the date to when he had received a call from the store stating they were in compliance. He stated they took their word on the matter and back-dated the date of compliance to December 5, 2003. He advised that this was a mercantile store on the beach.

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 39

Shawn Coo, son of the tenants, stated that his parents did not speak English and did not understand things unless they were pointed out. Therefore, the inspector had done so and they had attempted to resolve the problems. He stated that he was working most of the time and could not be present when the inspector had arrived. He stated that the cooler was removed and everything was in compliance. He stated they did not have any problems previously and asked if the fines could be abated on this property.

Rixon Rafter asked how they could conduct business if they were unable to speak English. Mr. Coo stated it was all done through computers and other technology. He added that he ordered the merchandise for them.

Motion made by Pat Hale and seconded by Bob Young to find that the original Order was not complied with by the date set in the Order, and therefore, a fine of \$100 would be imposed for each date the violation continued. Board unanimously approved.

Reference: CE03080562

Berkley South Condo Assn. Inc.
3015 N. Ocean Blvd.

Eve Bazer announced that this case had originally been heard on October 28, 2003 with compliance ordered by January 26, 2004. One section was being fined at \$100 per day with fines totaling \$9,100 and such violation was not in compliance. She further added that another section was being fined at \$100 per day with fines totaling \$7,800 which property was in compliance.

Robert Pignataro, Building Inspector, stated that the Property Manager had informed him that he had made a mistake. In regard to FBC 704.3.1 he had stated that a permit had to be obtained, and he should have stated that the fire drywall should have been installed. He stated that such work had been signed off and he did not have a problem going back on that. He stated the permit had been issued on January 26, 2004 and the property was in compliance. He explained there had been a problem getting the railing permitted.

Nancy Masse, Property Manager, stated that she had been hired at the end of December, 2003, and her first meeting with Inspector Pignataro had been on the date of compliance. She had been informed by the architects that they were in compliance. Inspector Pignataro informed her the property was not in compliance and she met with him in order to find out what had to be done. She stated that the main issue was that on February 5th they were to proceed with the railings, but the permit had not been issued until April 14, 2004 when she and the inspector had walked the permit through. She asked if the Board would consider the date of application as the compliance date. She stated that she had a copy of the inspection record if the Board wanted to review it. She stated that the railing

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 40

had to be manufactured, but she had hoped the other work would be done within 7-10 days.

Mr. Pignataro stated that they had recently discovered that the 704.3 Section was in compliance.

Rixon Rafter asked if anyone had informed her that if they could not meet the Order of Compliance date that they should request an extension of time. Ms. Masse stated that no one had informed her of that matter, but Mr. Pignataro had supplied her with a phone number to call and be placed on the Board's agenda. She stated that she had not really asked for advice and had worked with the Building Department and the Inspector. She stated that she realized there had been some confusion regarding the railing and the permitting process.

Motion made by Rixon Rafter and seconded by Pat Hale to find that the original Order was not complied with by the date set in the Order, and therefore a fine of \$1000 would be imposed. Board unanimously approved.

Eve Bazer announced that no other respondents were present and she was going to read into the record the remaining Massey cases.

Reference: CE97121049

The Assistant City Attorney stated that Cases CE97121049 and CE98020002 were older cases that had been brought before this Board in 1997 and 1998, an Order was entered and recorded, but the City was now asking for the fine to be imposed that had been included in the First Order. She advised that CE97121049 had fines totaling \$108,150. Kenneth Reardon, Building Inspector, stated that he thought two sections had been involved and the fines would be double such amount. He stated the property was not in compliance. She stated that service had been made on the property owner.

Motion made by Sara Horn and seconded by Bob Young to find that the original Order was not complied with by the date set in the Order, and therefore a fine of \$50 per day, per violation, would be imposed for each date the violation continued. Board unanimously approved.

Reference: CE98020002

The Assistant City Attorney stated that in regard to Case CE98020002 it was originally heard on February 24, 1998 with compliance ordered by May 25, 1998. Rixon Rafter corrected the date and stated that compliance had been ordered by August 24, 1998. The Assistant City Attorney stated it was her understanding

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 41

that there had been an extension of time. She advised there were two violations involved.

Wayne Strawn, Building Inspector, stated that one violation dealt with the maintenance of a building in a historic district, and the other violation dealt with the safety of the structure. He explained there was extensive termite damage and life safety issues were involved. He stated there was a fine of \$50 per day, per violation, on this property since August 24, 1998.

Motion made by Sara Horn and seconded by Rixon Rafter to find that the original Order was not complied with by the date set in the Order, and therefore a fine of \$50 per day, per violation, would be imposed for each date the violation continued.

Bob Young asked if life safety issues were involved, why could the buildings not be ordered for demolition. Mr. Strawn explained they could not obtain approval from the Historic Preservation Board.

Mr. Reardon explained that he had appeared before the Unsafe Structures Board about 8 years ago, and the City did not see fit to override the decision of the Historic Preservation Board.

Board unanimously approved.

Reference: CE04020671

Teresa Dominguez
3939 Davie Blvd.

Eve Bazer announced that this case had originally been heard on March 24, 2004 with compliance ordered by April 6, 2004. She advised that one section was being fined at \$100 per day, and fines totaled \$1,200. She stated that the property was in compliance.

Motion made by Rixon Rafter and seconded by Bob Young to find that the original Order was not complied with by the date set in the Order, and therefore since the property was in compliance, no fines would be imposed. Board unanimously approved.

Eve Bazer stated that she was going to read into the record the remaining Massey Hearings, and explained that she would then request a motion from the Board to impose such fines as listed. The cases were as follows: CE03030470, CE03040989, CE03050426, CE03091210, and CE01030345.

Motion made by Rixon Rafter and seconded by Bob Young to find that the original Orders were not complied with by the dates set in the Orders, and

CODE ENFORCEMENT BOARD MEETING

APRIL 27, 2004

PAGE 42

therefore the appropriate fines would be imposed as identified on the list presented for approval. Board unanimously approved.

Cases Complied

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

CE04040366

CE04040603

CE04040606

CE04011866

Cases with No Service

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

CE03071845

CE03090391

CE03120787

CE03121467

CE04011560

CE03011225

Cases Withdrawn

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

CE04020687

Cases With No Appearance

Ms. Bazer stated that the following cases had no one appear:

CE0307034

CE03020870

Motion made by Rixon Rafter and seconded by Bob Young to adjourn the meeting.

CODE ENFORCEMENT BOARD MEETING
APRIL 27, 2004
PAGE 43

There being no further business to come before the Board, the meeting was adjourned at 3:50 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.