

**CODE ENFORCEMENT BOARD**  
**City Commission Meeting Room**  
**100 North Andrews Avenue**  
**MAY 25, 2004**  
**10:00 A.M – 4:08 P.M.**

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**ATTENDANCE**

**CUMULATIVE**

**From January, 2002**  
**Present      Absent**

**BOARD MEMBERS PRESENT:**

Pat Hale, Vice-Chairman	23	3
Myrnabelle Roche	4	
Sarah Horn	12	4
Gerald D. Jordan, Chairman	25	1
John Phillips	25	1
Rixon Rafter	22	4
Bobby Young	22	4
Howard Elfman, Alternate	P	

Bruce Jolly, Attorney

**BOARD MEMBERS ABSENT**

Pat Hale

**STAFF PRESENT**

Assistant City Attorney  
Farida Mohammed, Service Clerk  
Rose Reed, Community Inspections  
Sue Batchelder, Community Inspections  
Betty Costanza, Community Inspections  
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:**

Dominick Casale (CE03100829)  
And (CE02091580)  
Hope Calhoun (CE03111438)  
Donald Scarborough (CE04041274)  
James Paine III (CE03100829)  
Joseph Balocco (CE02091580)  
Aldolphus Williams (CE04031770)  
Richard Casale (CE02061888)  
Donna Rion (CE003081895)  
Dennis Wright (CE01020655)  
Bobby Henry (CE03100824)  
Ebrahim Asikarizdeh (CE03120383)  
Thomas Wworsley,III (CE00052076)  
David Fee (CE04020701)  
Sally Morris (CE03022765)  
Semaan Sleiman (CE04010969)  
Berbeth Jones (CE03070354)  
Christina Rachelson (CE03121338)  
David Lewis (CE02091636)  
Lillian Fell (CE02060922)  
Mike Stearns (CE02091636)

Vincent Fazio (CE03100829)  
Richard Mancinelli (CE03121658)  
John Wilkes (CE02091580)  
James Wickham (CE04030203)  
Patrick Harvard (CE03091152)  
Norman Williams (CE04040071)  
Joseph Scully (CE00052076)  
Anthony Taylor (CE03071392)  
Brian Larue (CE03091963)  
Goeffrey Andrews (CE03120383)  
John Andrews (CE00052076)  
Louis Roig (CE03041128)  
Jack Packar (CE03071744)  
Inez Lewis (CE02091636)  
Donald Olsen (CE03101792)  
Allan Kozich (CE03101792)  
Steven Rubin (CE03080101)  
Roy Devindra (CE03062263)  
Alex McIntosh (CE03101792)

Chairman Gerald Jordan called the meeting to order at approximately 10:07 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. CE02091580**

Benedict Fillichio  
2807 SW 15 Ave.

FBC104.1 – Work without permits. FBC  
104.2.4 – Plumbing work without  
permits. FBC 104.2.5 – Electrical work  
without permits.

Rose Reed stated that Personal Service had been made to Greg Bull on May 18, 2004 at 10:15 a.m., witnessed by Estelle Abrams. She further stated that Certified Mail had been sent to Denis J. Falter, President and Registered Agent of Floridale Mobile Home Colony, and signed for on May 19, 2004, signature illegible. She stated that Certified Mail had also been sent to Sephie J. Falter,

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Officer and Director of Floridale Mobile Home Colony and signed for on May 19, 2004, signature illegible. She also stated that Certified Mail had been sent to Benedict Fillichio and signed for on May 19, 2004, signature illegible. She stated that there was a Stipulated Agreement regarding this case.

Wayne Strawn, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated there was a Stipulated Agreement with regard to the Mobile Home Park. He stated that the respondents for the owner did not contest the violations. He explained that the Stipulated Agreement allowed for 4 months to cure all national electric code violations, and 1 year for the National Fire Protection Association violations and the FBC violations. He explained that there was a contract for sale regarding the mobile park. He stated that the buyers were present at today's meeting. He advised that the Stipulated Agreement also bound the new buyers to the terms of the agreement. He continued stating that since the new buyers intended to close the park, the Fire Marshall felt that one year was not out of the ordinary to provide them the necessary time to have all the trailers removed.

Mr. Strawn stated that the City had no objection to the time frame suggested. He added that there would be a fine of \$50 per day, per violation, imposed if the required timetable was not met.

Rixon Rafter asked if providing time to buy out all the owners and have them leave the premises was provided in the owners' planning. Mr. Strawn replied that he believed the owners were aware that there were State laws requiring notification and that guidelines were provided to direct the closing of the mobile park. He further stated that it was doubtful in his mind if all the electrical violations could be cured in 4 months, and therefore, they may have to return and ask for an extension of time. He explained that the violations were all intertwined. He stated that the owners agreed to return before this Board in 6 months and provide a progress report in connection with the compliance of the violations. He explained they did not want to give the owners too much time because they wanted the violations to be brought into compliance due to the fact that individuals were still living at the site, and there were life safety issues involved.

**Motion** made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 4 months to cure all national electric code violations, and 1 year for the National Fire Protection Association violations and the FBC violations or a fine of \$50 per day, per violation, would be imposed.

John Phillips entered the meeting at approximately 10:12 a.m.

Myrnabelle Roche asked if the Order could be recorded. Rixon Rafter and Bob Young accepted the proposed amendment.

Board unanimously approved.

**Reference No. CE03100829**

Dominick Casale  
617 SE 16 Ct

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

Rose Reed announced that service had been made by Personal Appearance by the owner and his representative. She stated that there was a Verbal Agreement in regard to this case.

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 90 days or a fine of \$100 per day, per violation, would be imposed, and also asked that the Order be recorded. He stated that the building was a wood frame single-story house.

Dominick Casale, owner, stated that Bernie Paine, the contractor, was present with him at today's meeting.

Bernie Paine, general contractor, stated that he had inspected the property and advised that the trusses had been altered. He further stated that it did not look unsafe, but did need to be corrected. He advised that he would have an architect and engineer do drawings to be submitted to the Building Department for a permit in order to correct the problem.

**Motion** made by Rixon Rafter and seconded by John Phillips to find in favor of the City granting 90 days for compliance or a fine of \$100 per day, per violation, be imposed, and that the Order be recorded. Board unanimously approved.

**Reference No. CE03111438**

Arthur & Shirley Stone  
754 N. Flagler Dr.

FBC 104.1 – Work without permits.

Rose Reed announced that Certified Mail had been sent to Arthur & Shirley Stone and signed for on May 18, 2004, signature illegible.

John Phillips announced that he had a conflict of interest in regard to this matter.

Robert Pignataro, 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 90 days or a fine of \$100 per day,

would be imposed. He stated that this was a warehouse.

Hope Calhoun, attorney, stated that the owner was agreeable to the terms set forth by the Inspector, and advised that they had retained an engineer to work on the problem.

**Motion** made by Rixon Rafter and seconded by Myrnabelle Roche to find in favor of the City granting 90 days for compliance or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

John Phillips returned to the Board.

**Reference: CE03121658**

Richard Mancinelli  
5419 NE 31 Ave.

FBC 104.1 – Work without permits.

Rose Reed announced that Certified Mail had been sent to Richard V. Mancinelli and signed for on May 19, 2004, signature illegible.

Mohammed Malik, 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 120 days or a fine of \$50 per day would be imposed.

Richard Mancinelli, owner, stated that he was agreeable to the terms of the Verbal Agreement.

Rixon Rafter asked if the owner had to appear before the Board of Adjustment. Mr. Mancinelli stated that he was not sure, and was going to inquire about the procedure involved. Mr. Malik added that he might have to appear before the BOA.

**Motion** made by Sara Horn and seconded by Howard Elfman to find in favor of the City granting 120 days for compliance or a fine of \$50 per day would be imposed. Board unanimously approved.

**Reference: CE03091152**

Mary Turner  
1531 NW 15 Ave.

FBC 104.1 – Work without permits.

Rose Reed announced that service was obtained by Personal Appearance.

Douglas Kurtcock, Building Inspector, stated the case number, address of the

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property, and violations as listed on the agenda. He explained that a Code Officer had originally cited this property for having illegal dog kennels in the rear of the property. After reviewing the matter with the Building Official, it was determined that the kennels were required to have building permits. He stated the City was willing to grant 30 days for compliance or a fine of \$50 per day would be imposed.

Patrick Harvard, representative of the owner, asked what were the requirements for building a doghouse.

Chair Gerald Jordan stated that Mr. Harvard would have to check with the building officials.

Mr. Harvard stated that last year he had the same problem, but an inspector at that time had told him everything was all right. He advised that he had 3 kennels on the property.

Mr. Kurtock further stated that the problem began when the case was originally filed by a Code Inspector because the animals at the facility had not been properly licensed or treated according to the Code. In addition, the Code Officer also stated that the structures the animals were living in were unsafe, not only to the animals but to the individuals nearby. He stated that he had taken a photograph of the structures and had taken it to the Building Official who had deemed that they were structures as indicated by the FBC and required a permit. He stated that was when his case began.

Chair Gerald Jordan stated that the structures had to be secured so as not to cause damage in case of a hurricane.

Bob Young stated that an architect could design something according to the guidelines of the Code.

Mr. Kurtock further stated that under the Florida Statutes and the FBC, these structures could be permitted if an architect or engineer deemed so and did a rational analysis based on the configuration of the structure, and was able to put some type of scientific calculation to the windload and design so the plans could be submitted. He stated that Mr. Harvard keeps insisting that they show him something in regard to the doghouse structure. He stated further that he did not have anything with him today, but he could meet with a Plans Examiner at the Building Department, and they would be able to show him a basic minimum design criteria for such structures.

John Phillips stated that the Code did not take into account every type of structure that plans could be submitted for, but guidelines could be provided.

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

**Reference: CE04031770**

Genevieve Hydman  
1712 NW 8 PL

FBC 104.1 – Work without permits. FBC

Rose Reed announced that service was made through Personal Appearance.

Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that the City had reached a verbale agreement for 60 days for compliance or a fine of \$25 per day would be imposed.

Adolphus Williams, friend of the owner, stated that the owner lived in NY and this was a rental property. He advised that the owner had hired a contractor who had replaced windows without a permit.

Rixon Rafter asked if the windows met the current Florida Building Code requirements.

Mr. Kurtock stated that the windows would meet the requirements of the Code if they had engineering and product approval. He advised that this problem could be remedied.

**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: CE04040071**

Norman & Andrea Williams  
1517 NW 19 Ave.

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

Rose Reed announced that Certified Mail had been sent to Norman and Andrea Williams ans signed for on May 18, 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 the City was asking for 90 days for compliance or a fine of \$25 per day, per violation, would be imposed. He advised that the owner had inherited the carport problems, but he was working on the maintenance of the property in connection with another violation.

Norman Williams, owner, stated that they had purchased this property in 1997 and the carport had already been enclosed. He stated that he was not aware of the violation until the Inspector had pointed out the problem. He asked if they had not been informed of the problem at the time of the purchase, why should it be up to them to resolve the matter.

Chair Gerald Jordan stated that the previous owner was to declare whether the carport had been previously altered. He announced that they should have provided a disclosure form to Mr. Williams. He stated that if Mr. Williams felt he had been misrepresented, then he should go back to the title company involved in the sale. Chair Gerald Jordan stated there was also a pre-sale survey that could be done before purchasing property. He further stated that an architect or engineer needed to be hired to draw up plans for the enclosure.

**Motion** made by Rixon Rafter and seconded by John Phillips 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: CE01100240**

John & Susan Storelli  
631 NE 18 Ave.

FBC 104.1 – Work without permits.

Rose Reed announced that Certified Mail had been sent to John P. Seiler, attorney, and signed for on May 18, 2004 by Helen Diamond. No green card was returned to Community Inspections.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that this matter had been going on for a while, and then he had revisited the property again on April 18, 2002. He also advised that the owner had applied for a variance, but had been denied.

Mr. Malik further stated that 60 days would be given for compliance or a fine of \$50 per day would be imposed.

**Motion** made by Sara Horn and seconded by Myrnabelle Roche to find in favor of the City granting 60 days or a fine of \$50 per day would be imposed. Board unanimously approved.



**Reference: CE04041274**

Vitality Distributors #306  
5600 NW 12 Ave.

NFPA 101 4.5.5 – 2<sup>nd</sup> floor has an unenclosed and unprotected vertical opening.

Rose Reed announced that Certified Mail had been sent to Vitality Distributors and signed for on May 18, 2004 by David Bishop. She stated that Certified Mail had also been sent to East Group Properties and signed for on May 18, 2004 by Luana Coats.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that the tenant was present at today's meeting. She stated that the annual inspection was done on July 17, 2002 with re-inspections on December 30, 2002 and March 18, 2003. She stated that she had gone several other times, but was not able to gain access. She advised that as of yesterday, the violations still existed. She further stated that the City was willing to grant 60 days for the permit and 90 days for the completion of the work or a fine of \$200 per day would be imposed.

Inspector Brown stated that she did not know if they would be able to comply, and had discussed the matter with the Landlord previously. She advised that they had to either close off the area or get a permit, and nothing had been done.

**Motion** made by Rixon Rafter and seconded by John Phillips to find in favor of the City granting 60 days for compliance or a fine of \$200 per day would be imposed, and that the Order be recorded.

Don Scarborough, tenant, stated that he had been at this property for the last 2 years. He explained that the second floor was used for storage. He stated that the Inspector had instructed him to get a smoke detector, and he had left a message on her phone in regard to the matter. He stated that he had hired a contractor who stated that by next Friday the smoke detector would be installed.

Inspector Brown clarified that the smoke detector was one of the alternatives that could be done if he went through the Fire Marshall. She stated he needed a fire alarm plus a smoke detector with early warning signs. She stated that he still had to go through the process and obtain a permit, and there had to be a second means of egress from the second floor.

Chair Gerald Jordan stated that a contractor had to do the work since it was commercial property. He reiterated that an architect or engineer had to be hired to draw up the plans, and then have them approved by the Fire Marshall.

Board unanimously approved.

**Reference: CE03011225**

Mark A. Metzler  
626 NW 10 Ter.

NFPA 10 4-4.1 – Fire extinguisher maintenance. NFPA 10 3-1.2.2 – Fire extinguisher missing from Apt. #3. NFPA 10 1-6.6 – Fire extinguisher not to be obscured from view. NFPA 1 1-10.1 – Smoke detectors not in working order.

Rose Reed announced that Certified Mail had been sent to Mark A. Metzler and signed for on May 18, 2004, signature illegible.

Dallas Shumaker, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated further that the violations still existed. He suggested the owner be given 3 weeks for compliance or a fine of \$100 per day, per violation, to be imposed. He stated that there had been an address issue, but the matter had been clarified. The owner had been serviced, but yet no one contacted them.

John Phillips suggested that 30 days be given for compliance. Inspector Shumaker agreed.

**Motion** made by Sara Horn and seconded by Bob Young to find in favor of the City granting 30 days for compliance or a fine of \$100 per day, per violation, be imposed. Board unanimously approved.

**Reference: CE04010228**

Nikolaos Papalazarou  
2000 E. Oakland Park Blvd. #109

FBC 704.3.1 – No fire wall between tenant.

Rose Reed announced that Certified Mail had been sent to Nikolaos Papalazarou and signed for on May 20, 2004, signature illegible.

Mohammed Malik, 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 be imposed.

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

**Reference: CE04030988**

Mortgage Electronic Registered  
Systems Inc.

C/O Household Finance Corp

1436 Holly Heights Dr.

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.

Rose Reed announced that Certified Mail had been sent to C.T. Corporation System, Registered Agent, and signed for on May 19, 2004 by Michael Kepwiss. Certified Mail was also sent to Mortgage Electronic Registered Systems, Inc., c/o Household Finance Corp and signed for on May 20, 2004, signature illegible. Certified Mail was also sent to Mortgage Electronic Registration Systems, Inc. and signed for on May 20, 2004 by Alicia Tucker. Certified Mail was also sent to C.J. Deler, Officer and Director, Household Finance Corp. and signed for on May 20, 2004 by Kevin Taylor. Certified Mail was also sent to Household Finance Corp. and signed for on May 20, 2004 by Kevin Taylor.

Mohammed Malik, Building Inspector, stated the case number, address of the property, and violations as written on the agenda. He further stated that they were recommending 30 days for compliance or a fine of \$100 per day, per violation, be imposed, and that the Order be recorded. He stated that this problem has existed for at least 2 years and properties were being flipped. He stated that he had seen work being done at the site and had put out a Stop Work Order.

**Motion** made by Sara Horn and seconded by John Phillips to find in favor of the City granting 30 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: CE04020703**

Vernell Reed

700 NW 4 Ave.

FBC 3401.6 – Structure/fixtures in disrepair.

Rose Reed announced that Certified Mail had been sent to Vernell Reed and signed for by Vernell Reed. She advised that the green card was not dated and was received back in Community Inspections on May 20, 2004.

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Douglas Kurtock, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He explained that originally he was going to have this declared as an unsafe structure and was a detached wood frame garage. He explained further that this neighborhood was presently undergoing renovation. He stated that the owner agreed to hire a contractor within 90 days and have the work done. He further stated that the roof had collapsed on the garage and vegetation was accumulating on the structure. Instead of having the building demolished, the property was salvageable and would be repaired. Therefore, he recommended the owner be given 90 days or a fine of \$10 per day would be imposed.

**Motion** made by Sara Horn and seconded by John Phillips to find in favor of the City granting 90 days for compliance or a fine of \$10 per day would be imposed. Board unanimously approved.

**Reference: CE04030207**

Jerry E. Keeler  
841 NW 15 Ter.

FBC 104.1 – Work without permits.

Rose Reed announced that Certified Mail had been sent to Jerry E. Keeler and signed for by Jerry Keeler. Green card was not dated and was returned to Community Inspections on May 21, 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 recommending 60 days or a fine of \$25 per day would be imposed. He explained this was a metal shed that had been constructed without a permit.

**Motion** made by Rixon Rafter and seconded by Myrnabell Roche 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.

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Rixon Rafter asked for further clarification of the withdrawing of Case CE04030203. Rose Reed explained that the property had been sold on May 3, 2004 and the new owner would have to be notified.

Douglas Kurtock, Building Inspector, stated that he had met with the owner and he was aware of the violations on the property and the requirements regarding the obtaining of an after-the-fact permit.

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**Reference: CE04031465**

Joseph & Charlotte M. Callejo  
3120 WN 65 Dr.

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

Rose Reed announced that Certified Mail had been sent to Joseph & Charlotte Callejo and signed for on May 18, 2004 by Jeff Callejo. She advised that there was a Stipulated Agreement for 60 days or a fine of \$25 per day, per violation.

**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 \$25 per day, per violation, would be imposed. Board unanimously approved.

**MEETING RECESSED AT 11:00 A.M.**

**MEETING RECONVENED AT 1:00 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: CE03071744**

CAL Associates  
2920 SW 4 Ave.

Old Business

Susan Batchelder stated that this case had originally been heard on February 24, 2004 with compliance ordered by May 24, 2004. There are no fines as of this date.

Jack Parker, attorney for the owner, stated that he was requesting a continuance for 60 days. He stated they had attempted to contact 23 contractors to do the work, and out of 23 they had received 2 responses. He stated that one came and provided a bid for the work and they had entered into a contract with him.

Mohammed Malik, Building Inspector, stated that the City was not opposed to the extension.

**Motion** made by Rixon Rafter and seconded by Myrana Belle Roche to grant a 60-day extension of time for compliance. Board unanimously approved.

**Reference: CE03070354**

Berbeth Jones-Murray &  
Glenn Murray  
3101 SW 12 Pl.

Old Business

Susan Batchelder announced that this case had originally been heard on July 22, 2003 with compliance ordered by January 22, 2004. On January 27, 2004 the time was extended until April 21, 2004. She stated that compliance was achieved by April 30, 2004 and May 5, 2004. Current fines total \$7,700.

Berbeth Murray, owner, stated that the property was in compliance and announced that this was a social service residential facility. She stated that they had to wait on the City to hook them up from the street to the building.

The Assistant City Attorney stated that the owner had given her a receipt from the City of Fort Lauderdale dated March 16, 2004, and it appeared she had paid for a hook-up to the 2" fire service water main.

Thomas Clements, Fire Inspector, stated that on January 27, 2004 he had met with the owner and had explained about time extensions and the procedure to be followed. He further stated that on April 30, 2004, he went to do the final inspection and that morning the CO had been issued regarding the sprinkler and fire alarm. He stated that all the work had been done, excluding the exit signs which had not been properly hooked up. He stated that on May 5, 2004, the signs were in compliance.

Chair Gerald Jordan asked the owner why the exit signs had not been done until later. Ms. Murray replied that she had been waiting on the permit.

**Motion** made by Bob Young and seconded by Rixon Rafter to abate all fines. Board unanimously agreed.

**Reference: CE02060922**

James R. & Lillian Fell  
632 SW 4 Ave.

Old Business

Susan Batchelder announced that this case had originally been heard on January 28, 2003 with compliance ordered by May 28, 2003. On June 24, 2003 the date was extended until September 22, 2003. Then again on October 28, 2003 the date was extended until January 26, 2004. On January 27, 2004 the time was once again extended until May 26, 2004. Fines now total \$6,240. She explained that this was a request for an extension of time.

Lillian Fell, owner, stated that she was attempting to get the permit. She stated further that she had to get a survey which had taken time and during that period of time she had been informed that the City had thrown away all the original paperwork. Therefore, she had to start all over. She had been notified that she had passed zoning, but changes had to be made. She announced that she could not do the changes required and explained to the department heads that the use of the building was not being changed. She stated that it was used for an office since 1988 when she had purchased it. She stated that she had applied for a variance so as to use the entire building as an office, and it had been granted. She stated that the previous owner had been an attorney and it had been zoned residential/office. She advised that the City wanted it kept as a duplex.

The Assistant City Attorney stated that she had no objection to a 6-month extension of time.

**Motion** made by Rixon Rafter and seconded by Bob Young to grant a 6-month extension of time. Board unanimously approved the motion

**Reference: CE03121338**

TATA International  
1500 W. Commercial BLvd.

Old Business

Susan Batchelder announced that this case had originally been heard on January 27, 2004 with compliance ordered by April 26, 2004. Current fines total \$2,700.

Chris Rachelson, General Manager Travelodge, advised that the front awning was not in compliance because it had been installed in 1990, but had not been inspected. She stated that she had requested an extension of time in January due to the fact that the hotel was scheduled for renovation. She explained they were hoping to carry a Holiday Inn Express flag and this was being contracted with Intercontinental Hotels by the end of November, 2004. She stated that they had architect renderings of the building, along with design plans. She explained they had not yet begun the permitting process. She stated that they were requesting a 90-day extension of time. She added that the awning would be removed as part of the renovation, and would cost over \$3,000.

John Phillips entered the meeting at approximately 1:25 p.m.

Robert Pignataro, Building Inspector, stated that this was a '98 case and the permit had never been finalized. He explained that the City's contention was that the awnings could be removed at any time, and realized they were going through a remodeling process, but the City was opposed to any extension of time.

**Motion** made by Bob Young and seconded by Rixon Rafter to grant a 30-day extension of time. Board unanimously approved.

Chair Gerald Jordan advised that once the property was in compliance, they could return before the Board regarding a request for an abatement of fines.

**Reference: CE04020701**

6681 LTD  
6689 NW 16 Terrace

Old Business

Susan Batchelder stated that this case was originally heard on March 23, 2004 with compliance ordered by April 22, 2004. Fines total \$6,400.

David Fee, owner, stated that the tenant had been cited for work done without a permit, along with violations regarding hazardous materials. He explained all violations were taken care of except for the permit. He stated they were requesting a 90-day extension of time, and an abatement of all fines. He advised that plans were going to be submitted for the work to the City.

Chair Gerald Jordan stated that once the property was in compliance, then the fines could be discussed.

Joe Sarafiano, tenant, stated that the architect had prepared the plans and the contractor was going to submit them to the City on Friday. He stated this was a plastic card manufacturing business.

Ivett Spence-Brown, Fire Inspector, stated that the flammable liquid violation was in compliance. She stated that the City was against the fines being stopped at this time because they had been issued a notice of violation on January 1, 2003 for the work to be stopped and obtain a permit for demolition. She explained they were tearing the building apart in order to construct walls. She stated they had not stopped the work. She explained that there had been a re-inspection of the property on January 22, 2003 and nothing had been done regarding the violation. She stated the work had been completed and not stopped as ordered. She stated that as of yesterday no application had been submitted for a permit.

Mr. Fee stated that he had pulled the demolition permit for the work. Afterwards, the space was turned over to the tenant. He advised they were going to apply for the permit on Friday.

The Assistant City Attorney stated that the City opposed the extension of time.



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Bob Young stated that the process had to be followed and it did not give them the right to do the work without a permit.

Bruce Jolly, attorney, stated that the Board's motion should read that they were going to remove the extension of time granted.

**Motion** made by Sara Horn and seconded by John Phillips to extend the time period. John Phillips voted in favor of the extension, but the remaining Board Members were opposed to any extension of time.

**Reference: CE02091636**

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

Old Business

Susan Batchelder announced that this case had originally been heard on February 25, 2003 with compliance ordered by August 25, 2003. On September 23, 2003 the date was extended to January 21, 2004. On January 27, 2004 the time was again extended to May 26, 2004. Fines total \$16,500.

Mike Stearns, attorney representing the owners, stated that they were requesting a 90-day extension of time. He stated they thought they had been in compliance. He advised they had pulled the building permit and completed the improvements in order to correct the violations, and stated that a Certificate of Completion had been issued by the Building Department. Now, a Certificate of Occupancy had not been issued. He explained the building had been built in the 1940's and never had a CO. He stated that the controversy was that the property had been annexed into the City from the County, and the ordinance stated that if the property was legal as far as the County was concerned, then it was legal for the City. He advised there had been no issues regarding zoning. He stated that the County had the property zoned as a rooming house. Since there was technically no CO issued by the County, there was no definitive proof that this was legally a rooming house.

Mr. Stearns further stated that the Inspector advised that the property had not been identified as a rooming house and the violations were listed to have the property comply as a rooming house. He stated that negotiations were conducted with the City as to what building codes actually applied. He stated further that it had been their understanding that once the improvements were completed, they would be issued a CO identifying the building as a rooming house. Instead, a Certificate of Completion had been issued and they had not gone through the process properly, and their request had to request a change in occupancy from residential to rooming house. He advised that was the dispute with the City. He stated there was no definitive evidence that the property had actually ever been a residence.

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Wayne Strawn, Building Inspector, stated that they were not opposed to the owner getting the CO, but the arguments presented should have been made known during the public hearing. He stated that individuals had appeared previously from all over the State wanting to testify to the use of the building, and counsel at that time did not permit the witnesses to speak. He stated the building needed a CO, and there was a finding of fact from this Board. He reiterated that a permit was needed to change the use of the building, and then it would conform to the building code requirements to meet the change of occupancy. He advised that Mr. Smith had gone out of his way to use the least stringent of codes due to the special circumstances involved in this case. He reiterated that Mr. Smith was no longer with the department, but the considerations given had been noted. He advised that a CO could not be issued without field inspections, and review by all disciplines involved. He stated that they were not opposed to a 90-day extension of time.

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

**Reference: CO03062263**

David & Jiwani Radhica Roy  
729 NW 7 Ter.

Old Business

Susan Batchelder announced that this case had originally been heard on August 26, 2003 with compliance ordered by September 25, 2003. On October 28, 2003 the date was extended to November 25, 2003. On November 25, 2003 the date was once again extended to February 23, 2004. On February 24, 2004 the date was again extended to May 24, 2004. Fines total \$8,000.

David Roy, owner, stated that he was requesting an extension of time. He explained that the architect's plans had failed and changes were constantly being made. He stated that he had recently hired a new architect, and therefore, was requesting an extension of time.

Wayne Strawn, Building Inspector, stated that the stairway had been removed. He stated they needed to consider removing all the work that had been done without a permit. He further stated then he would have to apply for a permit for the exterior doors. He explained there presently was only one exterior door for the 13,000 sq. ft. warehouse. He stated he was not opposed to an extension of time due to the fact that the warehouse was empty at this time.

**Motion** made by Bob Young and seconded by Rixon Rafter to grant a 120-day extension of time. Board unanimously agreed.

**Reference: CE03080101**

Joy Duval  
3701 Davie Blvd.

Old Business

Susan Batchelder announced that this case had originally been heard on January 27, 2004 with compliance ordered by May 26, 2004. There were no fines as of this date.

Steve Rubin, attorney representing the property owner of record, stated that the owner was deceased as of 1999, and he was technically representing her mother, Jacqueline Duval. He stated that the Probate case had been re-opened on May 19, 2004. He proceeded to distribute the concerned documentation to the Board. He explained that Joy Duval had acquired the property in 1993 and had operated the site as a used car sales lot. Formerly, the property had been in the County but annexed into the City where the use continued at this site.

Mr. Rubin stated that he was distributing copies of Occupational Licenses issued by this City to Ms. Duval through the late 1990's indicating that the property had been approved for such use. He stated that last year the property had been cited for a business use in a residential zone and the owner was instructed to cease all operations of the business. Other items were mentioned in the violation, including failure to obtain permits. He advised that the property had been rented since 1999 to a company known as South Florida Motor Cars. He stated there was the issue whether his client had received notice of the violation because it was sent to the property address. His client lived in Massachusetts and had always been a resident thereof. He advised that the tax records still showed the decedent's name and the property address for mailing purposes.

Mr. Rubin advised that he had filed a motion to change the name and address on the property. He stated they were requesting an extension of time.

Mr. Rubin explained that this Board had entered an Order on January 27, 2004 finding the property in violation. He stated that no one appeared to contest the allegations. He stated the major problem was the use issue and presently they had a tenant who was not being cooperative. He distributed a copy of the letter he sent to the tenant on April 15, 2004. He stated that they had lease which had been poorly drafted and 30 days notice was to be given to the tenant to cure any violations. He stated the mail had been returned and no response was received from the tenant. He further advised that today he had sent out another letter as required by the lease indicating that the tenant had not complied. He reiterated that he realized the problem was the owner's responsibility. He advised that to further complicate matters, the sole beneficiary of the estate was the decedent's minor child, and therefore, a guardianship was involved. He stated that the

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property was to be used to support the child until she reached 18 years of age. He advised this was an important asset of the estate which would be transferred to the Massachusetts Guardianship. He stated they needed time to evict the tenant and wanted to apply for a variance or special exception to confirm that the use of the property had always been the same and had been grandfathered in. He advised that they were requesting a one-year extension of time.

Wayne Strawn, Building Inspector, stated that he did not agree entirely about this matter. In a general sense, the overlay of what was stated had been correct, but he disagreed with several items but would not go into detail. He stated he had researched the property very carefully in regard to its history. He stated further if the attorney wanted to make a case in regard to the property's history and the issuance of occupational licenses, then it should be done before the Board of Adjustment. He stated he did not have any objection to a 90-day extension of time to give them such opportunity and present their arguments.

**Motion** made by Rixon Rafter and seconded by Bob Young to grant a 90-day extension of time.

Myrnabell Roche suggested that the first Order be recorded.

John Phillips stated that in reviewing the Motion it appeared there had to be corrective action taken by May 26, 2004. He stated they had appeared on a timely basis and felt they should be given more time.

Ms. Roche stated that she did not feel the Probate issue should be brought before this Board, but did understand the eviction process.

Mr. Phillips reiterated that Probate had to give notice, and he did not believe this matter would have to go before the Board of Adjustment. He felt a minimum of 6 months should be granted.

The Board approved the motion unanimously, except for John Phillips who opposed the motion.

**Reference: CE03101792**

New River Dry Dock Inc.  
2200 Marina Bay Dr. E.

Old Business

Susan Batchelder announced that this matter had originally been heard on November 25, 2003 with compliance ordered by December 10, 2003. On January 27, 2004 the date was extended until May 26, 2004. Present fines total \$122,200.

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Alan Kozich, architect, stated that he had been working on this property for several months and they had received some permits. The pilings had been cleaned up and the electrical problems had been complied with. He explained they were applying for a permit for the Quonset hut, and the covering had been removed and a new foundation poured. He stated that the docks had been permitted and inspected. He stated they were requesting an additional 90 days due to the fact that they were still having problems regarding the eviction of the owner of the boats at the site. A business was being conducted by the tenant from the houseboat at the site without City approval. He further stated they were going to proceed with getting a temporary diesel fire pump at the site to provide fire protection for the existing docks. Also, a permit was being applied for demolition of the existing building. He stated a temporary septic tank would be installed.

Mr. Kozich further stated they had other more permanent improvements that would be done, such as the installation of a bridge over the canal.

Chair Gerald Jordan stated there were 2 problems at this site. He reiterated that marinas were needed in the City.

Wayne Strawn, Building Inspector, stated that he was unaware of some permits which had been obtained. He stated that such permits had been received due to a note attached stating that boats could not be placed at the site due to not having the required fire protection. He stated this was progress of a sort and he did not think the Fire Marshall was aware of these matters. He was quite frustrated because 9-10 boats were still at the site which belonged to the tenant and there was no fire protection. The Fire Marshall's opinion, as of this morning, was that there should not be an extension of time.

Mr. Strawn further advised that the tenant had been charged criminally and he was in Broward County Criminal Court due to operating a business on the water without approval of the City Commission.

Mr. Kozich stated that his client had spoken to the tenant and had agreed that the boats would be moved to licensed marinas. Then, the owner would purchase the existing house boat. He stated they were doing everything possible.

Mr. Strawn continued stating that he could not speak on behalf of the Fire Marshall regarding an extension of time or for the Inspector. He stated there were a lot of problems at the site and he felt they should arrange for an electrical inspection so they could determine how many violations were in compliance at this point in time.

Mr. Kozich advised that they had been in contact with the electrical inspector who had stated that he would not provide anything in writing at this time. Mr. Strawn stated there had been an issue involving the operation of generators. Mr. Kozich

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replied that the inspector advised he would let the generator go. Mr. Strawn advised that ordinarily that would require a permit, and permission could not be given to go against the Code.

**Motion** made by Rixon Rafter and seconded by Bob Young to grant a 6-month extension of time, and then a progress report should be given regarding the items in compliance.

Myrnabelle Roche stated that technically the tenant was presently trespassing at the site.

Mr. Kozich explained that there was a month-to-month lease, and the tenant had not paid rent since July, 2003.

Roll call showed: YEAS: Bob Young, Rixon Rafter and Gerald Jordan. NAYS: Myrnabelle Roche, Sara Horn, John Phillips and Howard Elfman. Motion failed 3-4.

**Motion** made by John Phillips and seconded by Myrnabelle Roche to grant a 90-day extension of time. Board unanimously approved.

**Reference: CE03011765**

International Beach Hotel  
Development Inc.  
909 Breakers Ave.

Old Business

Susan Batchelder announced that this case had originally been heard on February 25, 2003 with compliance ordered by June 25, 2003. On August 26, 2003 the date was extended until November 24, 2003. On January 27, 2004 the time was once again extended to March 27, 2004. On March 23, 2004 the date was again extended to May 22, 2004. Fines presently total \$6,300.

Harry Malka, attorney for Breakers Beach Resort, stated that Sally Morris, Property Manager, was also present. He stated that this case was connected with the Bonnet House due to the wall separating the two properties from each other. He stated there had been problems in coordinating the work. He stated they were requesting a 90 day extension of time. He advised that plans had been denied on May 1, 2004, and other plans would be submitted.

Sally Morris, Property Manager, stated that the engineer had questions regarding the denial. She stated that one reason for the denial was an encroachment on a utility easement. She stated the wall had been on the easement for the last 30 years. She stated that possibly they might have to apply for a variance.

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Mohammed Malik, Building Inspector, stated that he had spoken to the engineer who was presently in the process of meeting with the City. Either the wall had to be moved or they had to apply for a variance.

Ms. Morris stated there was an 8" encroachment.

Mr. Malik stated they were willing to grant an extension of time due to the circumstances involved. He stated he was not sure if the 8" was from the wall or the piling.

**Motion** made by Sara Horn and seconded by Howard Elfman to grant a 90-day extension of time.

Ms. Morris advised further that this was an FPL underground easement. She stated that she had spoken with the Bonnet House and explained the problem. She reiterated this was a large problem due to the fact that the Bonnet House was an historical landmark.

Board unanimously approved the motion.

John Phillips announced that he had a conflict of interest in regard to this matter.

**Reference: CE03041128**

Isaac Fryd, TR

4950 W. Prospect Rd.

Old Business

Susan Batchelder announced that this case had originally been heard on July 22, 2003 with compliance ordered by October 20, 2003. On October 28, 2003 the date was extended to November 27, 2003. On November 25, 2003 the date was extended to January 24, 2004. On January 27, 2004 the date was once again extended to February 26, 2004. On February 24, 2004 the date was again extended to May 24, 2004. Fines presently total \$4,500.

Louis Roy, tenant, stated that he was applying for permits and that this was a sign company. He stated they had been approved by electrical and zoning, but revisions had to be made to the plumbing and air conditioning. He stated they were requesting a 90-day extension.

Douglas Kurtock, Building Inspector, stated that staff was opposed to the extension of time. He stated that this case had originated back in April, 2003 and had been before this Board various times for extensions and that plan reviews were to be submitted for permitting. Now, he stated that the tenant had plans in for review since February 23, 2004 and so far the only discipline which had passed was electrical. He reiterated that the other disciplines which were fire, mechanical, plumbing and zoning, had major criteria that needed repaired. He

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stated it was up to the Board regarding the extension of time, but reiterated that staff was opposed to any extension.

**Motion** made by Sara Horn and seconded by Rixon Rafter to grant a 90-day extension of time. Chair Gerald Jordan was in favor of the extension, but the remaining members of the Board were opposed to such extension of time. Motion failed 1-5.

Bruce Jolly stated that it was up to the Board, but they could make another motion regarding the matter.

**Motion** made by Myrnabell Roche and seconded by Bob Young to grant a 30-day extension of time. YEAS: Myrnabelle Roche, Rixon Rafter and Gerald Jordan. NAYS: Howard Elfman, Bob Young, and Sara Horn. Motion failed 3-3.

John Phillips returned to the Board.

**Reference: CE04010969**

Semaan G. Sleiman  
1632 NW 6 Ave.

Old Business

Susan Batchelder announced that this case had originally been heard on March 24, 2004 with compliance ordered by May 22, 2004. Fines presently total \$200.

Semaan Sleiman, owner, stated that he was requesting a 90-day extension of time. He stated there had been problems with his original contractor, and a new one had been hired.

Douglas Kurtcock, Building Inspector, stated that the City had no objection to an extension of time because the owner was working hard to comply.

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

**Massey Hearings**

Bob Young had a conflict of interest in regard to this matter.

**Reference: CE03100824**

BI-ADS Inc. & Westside Gazette  
545 NW 7 Ter.

Susan Batchelder announced that this case had originally been heard on February 27, 2004 with compliance ordered by April 26, 2004. She stated there



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had been violations regarding 12 sections of the Code at a fine of \$50 per day, and current fines now totaled \$16,800. She announced further that the property was not in compliance as of today's date.

Douglas Kurtock, Building Inspector, stated the case number and advised that the current status of this matter was that the owner had applied for the after-the-fact permits, and due to the complexity of the build-out, the permits had still not been issued.

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

Bobby Henry, owner, stated they were attempting to take care of the problem. He advised there had been a problem with the architect. He stated that Bob Young had been hired to solve the problem.

Mr. Kurtock stated further that all disciplines had been approved with the exception of one, but he felt that would be forthcoming.

Myrnabelle Roche asked if the violations would be corrected once the permits had been issued. Mr. Kurtock explained that the permit would only address FBC 104.1, and the other issues would have to be taken care of as a result of the work being processed.

Sara Horn asked why the owner was not requesting an extension of time.

Susan Batchelder explained the respondent had the responsibility to call to be placed on the agenda.

Bruce Jolly explained further that the case was before this Board because the City was seeking a determination from this Board because the violations had not been complied with in the time period allotted.

John Phillips reiterated that the purpose of the Massey Hearings was to give the owner a last chance to plead their case.

**The Board unanimously opposed the Motion made.**

**Motion** made by Sara Horn and seconded by Howard Elfman to grant a 60-day extension of time. Board unanimously approved.

Bob Young returned to the Board.

**Reference: CE02061888**

Richard A. Casale  
730 NW 6 Ave.

Susan Batchelder announced that this case had originally been heard on September 24, 2003 with compliance ordered by November 23, 2003. She explained that 5 sections of the Code had been in violation at \$100 per day. She announced that the property was in compliance as of April, 2004. Current fines totaled \$246,500.

Douglas Kurtock, Building Inspector, stated that this case involved an automobile repair facility. He stated that due to the nature of the different violations, it recently came into compliance.

Richard Casale, owner, stated that he had a couple false starts in regarding to bringing this property into compliance. He stated that a couple of years ago this building had been in compliance. He explained that when Mr. Kurtock came to examine some things, he had reviewed the history of the property. He stated that this was two buildings joined, and the City had looked at 728 NW 6<sup>th</sup> Avenue, and began the fines, but when it was redone it was listed as 730 NW 6<sup>th</sup> Avenue. He stated that Mr. Kurtock had restarted all the fines. He stated that all the work had been in compliance.

Mr. Kurtock further stated that his involvement brought him to the property at 730 NW 6<sup>th</sup> Avenue. He identified it as one building due to the nature of the fact that there were openings through tenant separation walls which incurred activity in both facilities within the confines of one structure. He stated that the violations noted at that time were ones which then existed. He explained he did not involve any prior violations in his case, nor fines from previous cases. He stated there was never any doubt in his mind as to the address of the building and had been worked under one structure. He stated that he had no idea regarding previous inspectors, previous violations, or unity of title issues which had no bearing on his case. He stated further that his case involved violations that existed within the building.

Mr. Casale stated that there were violations listed for lifts being moved and the wall separation. He explained that there were two buildings. He advised it used to belong to Walker Manufacturing and muffler work had been done there, and cars used to drive through both buildings. He stated that the left side had its own separation. He stated the pictures showed a tenant separation on the right side which was still opened. He stated that the tenant was still in the building.

Mr. Kurtock proceeded to show photographs of the building in question. He further stated that his initial violation and inspection report had been dated July 3,

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2002, and that report addressed violations regarding 730 NW 6<sup>th</sup> Avenue. He stated that he had addressed the fact that permits had been required for certain work done, including installation of a doorway closure, north tenant separation wall, installation of door for south tenant wall space, 4 lifts were installed for automotive repair, window installed from the parts room, and he had required that the building numbers meet Code requirements for 8" in height for a commercial structure, and that protective plastic sleeves were to be installed on all fluorescent light fixtures as required by the National Electric Code 410.80.

Mr. Kurtock continued stating that he had been brought into this case as a result of an occupational license inspection, which was required for the renewal of a license or the issuance of a new one. At that time the business was known as Direct Line Services, Inc. He further stated that inspection had facilitated his writing of the Code violations presented to this Board. He stated nothing else had circumvented this case.

Mr. Casale asked to look at the pictures submitted. He advised that he had previous discussions regarding this matter with Inspector Wayne Strawn. He stated that the tenant had done some work without a permit, but they did attempt to obtain one. He explained that process had been halted until items were brought into compliance such as the lifts under the old permit. This was where the problem arose. He stated that Mr. Strawn had informed him that the old findings had been involved.

Mr. Kurtock stated that they had entered a notice for a Code Board Hearing on August 8, 2002, and such notice included the following items: installation of 4 mechanical automotive lifts with electrical connections, installation of a pass-through window from the parts room, and construction of wall framing as a tenant fire separation. He stated that case had been presented to this Board and Mr. Casale had not attended that hearing.

Rixon Rafter reminded the Board that the fine stood at \$500 per day. He stated that the case did not come into compliance until two years later.

Mr. Casale reiterated that items on the list had been brought into compliance previously. He stated that he no longer owned the property.

The Assistant City Attorney announced that Wayne Strawn was on his way back to the meeting to assist in this matter, and suggested that the matter be tabled until he arrived.

**Reference: CE00052076**

Linda & Joseph Scully  
808 NW 9 Ave.

Susan Batchelder announced that this case had originally been heard on September 26, 2000 with compliance ordered by November 28, 2000. She advised that 5 sections of the Code had not been in compliance, but were now in compliance. Fines totaled \$51,555.

Robert Pignataro, Building Inspector, stated that the City was opposed to an abatement of fines because of the compliance dates. He advised of the compliance dates for the various sections as follows:

Section 301(a) was in compliance as of March 29, 2004.

Mr. Pignataro stated that counsel had failed to understand that there were several listings under 301(a) and it was not in total compliance until the last item was in compliance.

Section 301.1.(k) was in compliance as of January 30, 2004.

Section 47-21.3 was in compliance as of January 30, 2004.

Section 4804.1 was in compliance as of February 27, 2001.

Section 9-306 was in compliance as of February 27, 2001.

Chair Gerald Jordan asked if there were any unpermitted telephone booths at the site. Mr. Pignataro explained there had been two telephone booths at the site, one red and one blue. He proceeded to show photographs of those booths.

John Phillips asked for further clarification regarding the phone booths and when they had been removed.

Mr. Pignataro stated that an after-the-fact permit had been issued for a telephone in 1997, and stated he had not been at the site until 2000. He stated there had never been any inspections, and therefore, the permit was null and void. He stated the offices had been built with a permit, but were in disrepair. He stated he had been at the site in regard to an occupational license in 2000, and stated that the garage door had been leaning against the front door and there was a customer on site. He advised there had been no frame on the door, and some boards had been holding the garage door in place. He stated that he had not cited the owner for a garage door, but the owner finally had pulled such a permit.

Mr. Pignataro further stated that the owner had obtained an exhaust fan which was to exit out the building, which it did not. The owner then got a permit and the fan exited out the building. Recently, he found that paving had been done and he had been shown a drawing for the landscaping which had been signed off by the

City which included trees and hedges, but he only saw the hedges in place. He explained that two paving permits had been pulled. One failed in plan review because it did not show landscaping or handicap accessible parking spaces. To this day, none had been provided. He further stated that a final had been received on April 29, 2004 for resurfacing existing asphalt driveway. He stated that he wondered who had finalized that permit. He explained that while he was there, the offices that were in disrepair were now fully rebuilt, dry walled and painted, but had been done without a permit. Now, he was going to have to go back and site that work done without permits.

Mr. Pignataro continued stating that an application had been made for 4 roll-up garage doors which was inclusive of the items. Nothing as of this time had been dropped off in plan review. He stated there had been a lot of problems with this property. He further stated that when they sent in the overlay existing asphalt, the reason it failed in plan review was because they were asking for things that were not present at the job site. He proceeded to explain that the proposed work to be done in the right-of-way or on the site was not 700 sq. ft. as shown on the application.

John Andrews, representing the property owner, stated that the photographs presented showed one of his defenses in regard to the imposition of fines. He asked the Board to look at the photographs regarding the positioning of the phone booths. He stated that the red booth was not on the owner's property. He reiterated that the blue phone booth was on the property. He proceeded to distribute information regarding the listing of the violations, along with the Orders which had been entered. He stated this was the owner's proof of compliance. He stated the issue was the date of compliance. He stated that the City took the position that the matter was not corrected until the code inspector returned to the site and signed off on the final inspection. Then, the City stopped the imposition of fines or penalties. He stated that Florida Statute 162.09 stated that the fines and penalties accrued until they were corrected, not until the City's code inspector went back out and inspected the site.

Chair Gerald Jordan stated that he believed the property was in compliance after the final inspection.

Bruce Jolly stated that the Board needed to decide which way they wanted to pursue this matter. He explained they could take either position.

Chair Gerald Jordan asked the Board for their input as to when the property was considered in compliance.

Mr. Jolly stated that the property was in compliance when evidence was provided as to proof of compliance.

John Phillips stated that this was like a Burden of Proof issue, and when such a case arose in the Civil arena, the Burden of Proof was on the Plaintiff, and in a criminal case the Burden of Proof beyond a reasonable doubt was on the prosecutor. He felt this was a Burden of Proof issue, and in case of a tie, they almost would have to go with the property owner because they were dealing with an imposition, and if the Statute was properly read. He felt if the owner fixed the items, and if the inspector was unable to visit the property immediately, then they should be bound to err in favor of the property owner if there was a question regarding the compliance date.

Myrnabelle Roche asked if it was the duty of the property owner to call for the final inspection.

John Phillips interrupted and stated that he had been asking for further clarification of the Statute. He felt the Statute stated clearly the matter of the compliance date.

Bruce Jolly stated that this Board was not bound to follow either rule because each case should be done on a case-by-case analysis. He stated the matter of whether the inspector was able to go to the site would be a matter for this Board to resolve, but under the circumstances if the owner had made the effort to contact the City and the City did not respond, the Board could consider the matter. He reiterated the Board was not bound to rule in favor of the owner.

Rixon Rafter asked what had been the practice of this Board.

The Assistant City Attorney stated that Chapter 162.06 stated:

“Sets forth the powers of the Enforcement Board. Each Enforcement Board shall have the power to...(5) shall have the power to issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.”

The Assistant City Attorney further stated that the Orders stated: “It is the Order of the Code Enforcement Board that based on the foregoing, the allegations of the violations, the Respondent shall comply as follows...” She stated that was where the corrective action and the date and fine to be imposed were listed. She continued stating that section went on to state: “Upon complying, the Respondent shall notify the code inspector who shall inspect the property and verify compliance or non-compliance.” She reiterated that the Statute was clear that compliance occurred when it occurred. She stated they did not disagree with that either, but the City could not read minds. She further stated that the Board had ordered the property owner to contact the inspector, and this had been stated many times. She stated it was the property owner’s responsibility to call the inspector and ask for the inspection. She further stated if the inspector was unable to visit the site, then that was an administrative problem that needed to be

remedied. She stated that was not what had been stated in this case. She continued stating that this property owner had stated that he had come in compliance on a date other than the date stated by the inspector.

Robert Pignataro stated that he wanted to point out that "to-wit" in the Order stated that one had to obtain a permit for 3 of the violations which were against the South Florida Building Code. He stated he did not have to be there when the permit was obtained because he could check the information on the computer and then use the date listed as the compliance date.

Mr. Andrews stated their position was that the State law reiterated that the fines accrued until the violation was brought into compliance. He stated that he realized there were practical matters that had to be considered in this case, but he was prepared to prove right now to the Board that the items had been brought into compliance and could provide such dates. Then, the Board could decide whether the testimony of his client was correct or not. He stated that a packet of materials had been provided to the Board for their review regarding all compliance dates and their evidence.

Rixon Rafter stated that the question was were they in compliance by November 28, 2000. If not, then the Board was not interested in the compliance dates.

Mr. Andrews proceeded to explain that there had been two Orders. One was dated October 10, 2000 which gave a compliance date of November 28, 2000. A Supplemental Order was attached dated February 27, 2001 which gave a compliance date of May 28, 2001. However, it was stated in the Order that it was not retroactive meaning that any fines accrued from November 28, 2001 to February 27, 2001 would have accrued, and then after May 28, 2001 the fines would accrue again if there was no compliance. He explained there had been a window between November 28, 2000 and February 27, 2001 where fines would have accrued, and reiterated that the fines would have begun again on May 28, 2001 pursuant to the two Orders which had been issued.

Rixon Rafter reiterated that the question was whether the property was in compliance by November 28, 2000. Myrnabelle Roche stated that at the previous hearing she had requested information stating the City's dates and the property owner's dates so they could review the dates. She felt the information provided was the same as before. Mr. Andrews stated the information was different and he had both Orders and had numbered all items that were in compliance. He added that he was prepared to show when the items were brought into compliance item-by-item.

Sara Horn asked if they were contending that they were in compliance later than November 28, 2000. Mr. Andrews confirmed and stated that was true in regard to some of the items. Sara Horn asked if they were only contesting the amount of the fine, not the fact they had not been in compliance. Mr. Andrews stated that

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they had been in compliance regarding some items, but regarding some they were not. He stated he had such dates available along with the correct calculations. Sara Horn asked what did they feel were the correct amount of the fines for this case. Mr. Andrews replied the fine should be \$1,720.

Ms. Roche reiterated that she still did not see where some items had been in compliance. Mr. Andrews stated that he was prepared to offer an explanation in accordance with the documents he had presented.

John Phillips suggested that Mr. Andrews review his list with the Board. Mr. Andrews explained that the items were numbered, and coinciding numbers were placed on the bottom of the documents that corresponded to the numbers on the Order. He stated that he had numbered each item on the Order as suggested by the Board previously. Therefore, he had proof that certain items had been in compliance by the required date, but some had not been in compliance. He added that he also had a computation of each item and its fine and what was owed.

Mr. Andrews proceeded to go down the list of items and exhibits offering their explanations.

Joe Scully, owner, stated that he had done the work required and was in compliance. He stated that he had been unable to obtain a business license until the property was in compliance. He stated that he did agree that some fines were due and owing.

Mr. Andrews further stated that they believed the total fines should be \$1,720.

**Motion** made by Sara Horn and seconded by Bob Young that the fines be reduced to \$5,000. Board unanimously approved.

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**Reference: CE02061888**

Richard A. Casale  
730 NW 6 Ave.

Susan Batchelder announced that the Board should refer back to Case No. CE02061888 since Wayne Strawn was now present.

Wayne Strawn, Building Inspector, stated that he had a case which began in 1999 which had been resolved in September, 2001. He stated a full set of plans had been submitted in regard to building violations. He further stated that Mr. Casale had mentioned his name during Mr. Kurtcock's investigation, and he had stated there was a confusion regarding the addresses involved. He stated that he



had informed him that a set of plans had been submitted. He explained that one of the difficulties had been that the garage hoist as shown on the plans was not in the exact spot indicated. He explained further that the field inspectors were not to sign off on a plan unless everything was located as indicated on the plan, but it had been signed off. He stated he had seen the date in the computer, and therefore, the case had been complied with. He stated that Mr. Casale had explained that he had been absent from the property and was now renting it, and the tenant had since made other alterations since the issuance and sign-off of the previous permit in 2001. He stated there were mitigating circumstances with regard to his lien. He stated that was the only confusion that could have something to do with his case and Mr. Kurtock's. He explained that Mr. Kurtock's case dealt with violations created by the new tenant, and his case dealt with Mr. Casale who had direct control of the situation at the time.

Mr. Strawn further explained that the only connection had to do with the garage hoist which was on Mr. Kurtock's notice because they were not located in the same place. He reiterated that the matter should not have been signed off.

Chair Gerald Jordan stated that he could see where the confusion could possibly enter the picture.

Mr. Strawn reiterated that when the case was closed, all fines had been abated. He reiterated that Mr. Kurtock had a brand new set of violations, with the possible exception of the garage hoist. He stated that had been done by the tenant, and he had accepted notice, but then had died and previously had not informed Mr. Casale.

Mr. Casale stated that the permit had been pulled, but Mr. Kurtock would not proceed with any of the violations because of the other violations on the 728 building which had been previously taken care of. He stated they should have gone forward with the permit at that time because it stood on its own.

**Motion** made by Sara Horn and seconded by John Phillips to abate the fines in their entirety. YEAS: Howard Elfman, Sara Horn, John Phillips and Gerald Jordan. NAYS: Bob Young, Rixon Rafter, and Myrnabelle Roche. Motion passed 4-3.

**Reference: 01020655**

Dennis & Darnne Wright  
1223 NW 6 St.

Susan Batchelder announced that this case had originally been heard on July 24, 2001 with compliance ordered by November 27, 2001, and the date had been extended until April 22, 2001. She advised that 10 sections of the Code had been

in violation and fines totaled \$217,750. She announced that the property was in compliance.

Robert Pignataro, Building Inspector, stated that when he met with the owners they were to construct a dream building. He stated further that he had instructed them to demolish the building because it had a lot of violations. He advised that it had been known as the International Club and was a bottle club. He stated that finally last month the building had been demolished. Therefore, the violations were now in compliance.

Dennis Wright, owner, stated that he wanted to distribute some information to the Board. He introduced Christopher Mentors, his business partner. He further stated that this property was presently under the management of Simply IT (an information technology consulting company), which he was a co-founder of. He stated that the Board needed to understand who was standing in front of them.

Mr. Wright stated that he had previously lived at 420 NW 7 Avenue which was now the post office and had attended a local Boys' Club when he was younger on 2<sup>nd</sup> Street. He advised that he had attended Mt. Olive Baptist Church and was the grandson of Helen Morris who had founded Helen's Kindergarten and Nursery in 1954. She educated children for over 4 decades in the community. He advised that the business was owned and operated by his grandmother and father, Johnny Wright, who had been an active member of the City's Elk Lodge until his death in 1979. He announced the schools which he had attended and stated that he also had attended Alburn University where he had been a 3-year letterman. After graduating with a degree in management of information systems and returned to the City.

Mr. Wright stated further that the revitalization of Sistrunk Boulevard was very important to him personally. He stated his family had inherited several properties in the City from his grandmother. He stated that he did not know the tenant at this property and had not been its manager. He advised that Mr. Pignataro had advised him of the disrepair of the property back in 2001.

Sara Horn asked why the demolition had been delayed for such a long period of time.

Mr. Wright continued stating that he had purchased a controlling interest in the property and became the operation manager, and since had met with the various entities in the City to address the issues at the site. He removed the tenant and then demolished the property. He announced that his company was presently working with the CRA and Pamela Adams of Adams' Consulting to move forward with the construction of a new facility to be known as the Professional Business Center to be located at 1223 NW Sistrunk Boulevard. A business plan had been submitted to the CRA, along with a financial pro forma, and will submit a strategic investment program application. He advised that construction drawings had also

been submitted, along with façade drawings. He explained that their vision was that this center would provide small businesses the look and feel of a large corporation. He stated it would provide technology, financial and marketing services to all the clients serving as an incubator for the starting of small businesses. He stated it would serve as the headquarters for the company, and other tenants would be a Cyber Café. He announced that the estimated cost of this project was \$1.2 Million.

Mr. Wright reiterated that this center would be an asset to the community and its revitalization efforts, and to the City by bringing in new businesses and offering job opportunities to the area. He added that there would be an increase in revenue due to the collection of property taxes. He asked for this Board to give their support to his company by abating all fines on this property, and allowing their economic resources to be re-invested in developing a business to stimulate the realization of the Sistrunk Corridor economically, and provide a service for new and emerging businesses. He stated further that in return for the Board's support, they would be committed to doing their part to contribute to the long-term economic development of the City.

Sara Horn asked for how long had Mr. Wright been the sole owner of the property and why had the demolition been delayed so long. Mr. Wright replied that he was not the sole owner, but owned 2/3 of the property which gave him operational control. He stated he had been in this position for about 8 months.

Chair Gerald Jordan asked for further clarification as to the date when Mr. Wright took over the control of the site. Mr. Wright stated that this property had been inherited, and there had been some family and Probate issues which had to be resolved. Once he had been notified by Code, he had taken immediate action and took over the property. He advised that the demolition had taken place over 1 month ago.

Sara Horn asked the inspector if the owner had worked hard regarding the demolition of the property. Mr. Pignataro stated that the answer was no.

Mr. Wright stated that a project with another company was in the works previously, but that had not occurred. He stated that he was not aware of the procedure to be followed with the Inspector, but now he understood the process.

**Motion** made by Bob Young and seconded by Myrnabelle Roche to reduce the fine to \$5,000.

Bob Young reiterated that they were revitalizing that area and stated that \$5,000 could go a long way on 6<sup>th</sup> Street.

Board unanimously agreed to the motion.

**Reference: CE03081895**

William & Donna Rion  
1629 NW 5 Ct.

Susan Batchelder announced that this case had originally been heard on January 27, 2004 with compliance ordered by April 26, 2004. She stated that one section of the Code was not in compliance and fines had accrued to \$280. She added that the property was not in compliance.

Robert Pignataro, Building Inspector, stated that he had an inspector recently drive by the site, and the property was now in compliance. He added that the owner had called and left two messages stating that they were in compliance. He stated that he had not had the opportunity to visit the property. He explained the violation had been in connection with pavers in the swale installed without a permit.

Donna Rion, owner, stated that eventually she had removed the pavers due to the fact that the City had never gotten back to her regarding their original instructions that she should wait to hear from them and not remove the pavers.

**Motion** made by Sara Horn and seconded by John Phillips to abate all fines. Board unanimously approved.

**Reference: CE03071392**

Anthony B. Taylor  
1640 NW 9 Ave.

Susan Batchelder announced that this case had originally been heard on January 27, 2004 with compliance ordered by February 26, 2004. She stated that there had been one section of the Code not in compliance by the date ordered and fines had accrued at \$50 per day. Total amount of fines was \$3,100. The property was in compliance.

Douglas Kurtcock, Building Inspector, stated that the property was now in compliance.

Anthony Taylor, owner, stated that he had paid someone to do the work, but it had not been done. He advised that he had attempted to get a loan for the work at the property, but during research for the loan, it had been shown as a single-family home since 1989. The property was rezoned from a duplex to a single-family home 2-3 years ago, but plans had been submitted for a duplex.

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Therefore, the procedure had to be restarted. He asked if the fines could be reduced.

**Motion** made by Bob Young and seconded by John Phillips that the fines be abated in their entirety. Board unanimously approved.

**Reference: CE03120383**

Ideal Properties Ltd.  
6636 NW 20 Ave.

Susan Batchelder announced that this case had originally been heard on January 27, 2004 with compliance ordered by March 27, 2003. She stated that one section had a fine of \$50 per day accruing to \$400. The property was currently in compliance.

Douglas Kurtock, Building Inspector, advised that this was a commercial property in a warehouse area, and a bakery was the present tenant. He stated there had been 3 sections in violations regarding work done without a permit. A structural, electrical and plumbing permit had been required. He stated that the landlord had decided to remove the structural work bringing that portion into compliance. He stated the electrical permit had been applied for on April 5<sup>th</sup> and issued on that date as a walk-thru which put compliance 8 days after the ordered compliance date.

Jeff Andrews, property manager, stated that two permits had been pulled for this property which were electrical and plumbing.

Ebrahim Ashkarizadeh, tenant, stated that the permit had been pulled by the electrical contractor on April 5, 2004. The Inspector had not been able to visit the site for a sign-off inspection.

**Motion** made by John Phillips and seconded by Sara Horn to abate all fines on this property. Board unanimously approved.

**Reference: CE03091963**

Brian & Jeannie Larue  
6721 NW 22 Ter.

Susan Batchelder announced that this case had originally been heard on February 24, 2004 with compliance ordered by April 24, 2004. One section of the Code was in violation at \$25 per day. Fines total \$750. The property is not in compliance.

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Douglas Kurtock, Building Inspector, stated that this permit was ready to be picked up.

**Motion** made by John Phillips and seconded by Myrnabelle Roche that this case be deferred until June 22, 2004.

Brian Larue, owner, stated that he had gone over to pick up the permit today, but the line was too long and he did not want to be late for this meeting. He stated that he was selling this property and the closing was to take place on June 25, 2004, and asked if that would create a problem.

Bruce Jolly stated it would not create a problem, but the buyer would need to escrow the monies for the fine.

Board unanimously approved the motion.

Susan Batchelder continued with the cases presented for the imposition of fines as follows:

CE00062070

CE03082117

CE03081681

CE03110158

CE03071837

Ms. Batchelder announced that the above cases had not come into compliance by the time ordered by the Code Board, and the City was requesting the imposition of fines.

**Motion** made by Rixon Rafter and seconded by John Phillips to find that the original Order was not complied with by the date set in the Order, and therefore, the fines would be imposed as listed. Board unanimously approved.

Susan Batchelder announced that the Board had requested that Orders be recorded for Cases CE01081175 and CE03021409. She stated the cases had come into compliance prior to any imposition of fines, and the City was requesting that the Board approve the Order of Compliance.

**Motion** made by Rixon Rafter and seconded by John Phillips to approve the Order of Compliance for Cases CE01081175 and CE03021409.

**Approval of Minutes – April 27, 2004**

**Motion** made by Rixon Rafter and seconded by John Phillips to approve the minutes of the April 27, 2004 meeting. Board unanimously approved.

**Cases Complied**

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

CE04040650  
CE03101220  
CE04040920

**Cases with No Service**

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

CE03071845  
CE03090391  
CE03101523  
CE03120787  
CE03121467  
CE04011560  
CE04030200

**Cases Withdrawn**

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

CE04030203

There being no further business to come before the Board, the meeting was adjourned at 4:08 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.