

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
JULY 27, 2004
10:00 A.M – 4:07 P.M.

ATTENDANCE

CUMULATIVE

From January, 2002
Present Absent

BOARD MEMBERS PRESENT:

Pat Hale, Vice-Chairman	25	3
Myrnabelle Roche	6	0
Sarah Horn	14	4
Gerald D. Jordan, Chairman	27	1
John Phillips	26	2
Rixon Rafter	24	4
Bobby Young	24	4

Bruce Jolly, Attorney

BOARD MEMBERS ABSENT

None

STAFF PRESENT

Assistant City Attorney
Farida Mohammed, Service Clerk
Eve Bazer, Administrative Assistant II
Betty Costanza, Community Inspections
Wayne Strawn, Building Inspector
Kenneth Reardon, Building Inspector
Robert Pignataro, Building Inspector
Dallas Shumaker, Fire Inspector
Ivett Spence-Brown, Fire Inspector
Robert Kisarewich, Fire Inspector

Margaret A. D'Alessio, Recording Secretary

ALSO PRESENT:

Sandra Hankin (CE02081212)
John Arasi (CE03051896)

John Bria (CE03120005)
Steven Chess (CE02011803)

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 2

Francis Fane (CE02081212)

Louis Roig (CE03041128)

Clare Vickery (CE03042172)
Michael Flik (CE03071745)
Benjamin Olive (CE03080405 &
CE03080411, CE03080412,
CE03080413)
John Biggie (CE04020694)
Michelle Mason (CE01041442)
Ronald Klein (CE00032237)
Andre Ruel (CE00032237)
Henry Mazal (CE04020375)
Scott Copeland (CE98030202)
Kathryn Lloyd (CE97020226)
Marilyn Ciavatto (CE02091696)
Sam McFarland (CE03091782)
Chris Niles (CE04050947)
John Strauss (CE03120897)
Deanna Lobinsky (CE02070146 &
CE02070147)
Leclerc Addisson (CE04040337 &
Melanie Fataffel (CE04052138)
Nils Olsen (CE04020709)
Larry Sazant (CE03121296)
Milton Vargard (CE04061732)

Donald Arpin (CE03041128)
Harry Cibants (CE03102464)
Steven Schaeffer (CE03120593 &
CE03120655)
Elvira Hengstler (CE04020694)
Delareese Sorieh (CE01100960)
Shiraz Cassiny (CE03102462)
Ralph Disalvo (CE03100034)
Semaan Sleiman (CE04010969)
Miguel Sanchez (CE0402694)
George Morgan III (CE98030202)
Marilyn Ciavatto (CE02012037)
John Carroll (CE04040956)
Donald Karney (CE04050947)
Aidee Barba (CE03041515)
Jay Adams (CE02070146 &
CE02070147)
Polly Glasser (CE04040338)
Fernalo Ramirez (CE03062483)
Margarita Trotogott (CE04021068)
William Griner (CE04040770)
Richard Seabrook (CE04021423)

Chairman Gerald Jordan called the meeting to order at approximately 10:12 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. 04021423

David Ralston
2019 SW 9 Ave.

FBC104.1 – Work without permits. FBC
104.2.11 –Mechanical work without
permits. FBC 104.2.4 – Plumbing work
without permits.

Eve Bazer announced the case number, person's name and address of the property.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 3

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated there was a Verbal Agreement with the owner for the property to be brought into compliance within

180 days or a fine of \$25 per day, per violation, would be imposed.

Richard Seabrook, general contractor, stated that he had made an agreement with the inspector regarding getting their permits pulled.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City granting 180 days for compliance or a fine of \$25 per day, per violation, would be imposed. Board unanimously approved.

John Phillips entered the meeting at approximately 10:16 a.m.

Reference No. CE03120897

JAS Marine Service, Inc.
3131 SW 2 Ave.

FBC 104.1 – Work without permits. FBC 104.2.4 – Plumbing work done without permits. FBC 104.2.5 Electrical work done without permits. FBC 104.2.11 – Mechanical work done without permits. FBC 11-4.1.2(5)(a) – No handicap parking.

Eve Bazer announced that Certified Mail was sent to JAS Marine Service, Inc. and signed for on July 8, 2004, signature illegible. Certified Mail was also sent to John A. Strauss, Registered Agent/Officer/Director of JAS Marine Service, Inc. and signed for on July 8, 2004, signature illegible. Certified Mail was also sent to Melinda A. Strauss, Registered Agent/Officer/Director of JAS Marine Service, Inc. and signed for on July 8, 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 he had reached a Verbal Agreement to have the property brought into compliance within 180 days or a fine of \$100 per day, per violation, would be imposed

John Strauss, owner, stated that he had reached a Verbal Agreement with the inspector.

Rixon Rafter clarified that the property would be in compliance with the obtaining of the permits. Mr. Reardon stated the violations would be in compliance with the exception of the handicap parking which would not be in compliance with the obtaining of the permits.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 4

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to find in favor of the City granting 180 days for compliance or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

Reference No. CE03091782

Tony Chadwick
1492 SW 32 St.

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

Eve Bazer announced that Personal Service was made to Tony Chadwick, owner, by John Gossman on July 11, 2004. She also stated that Personal Service had been made to Evelyn Samayoa, Resident and Eife, by John Gossman on July 11, 2004. She added that Certified Mail had been sent to Tony V. Chadwick with no date on the green card, but signed by Tony V. Chadwick.

Kenneth Reardon, 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 contractor and that they be given 180 days to bring the property into compliance, with the exception of 30 days regarding violation FBC 104.1 (1) or a fine of \$50 per day, per violation, would be imposed.

Sam McFarland, general contractor, stated they were going to remove the fence.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 180 days for compliance, with the exception of 30 days for violation of FBC 104.1(1) or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE04040338

Shahid Showdhury
701 NE 13 St.

FBC 104.2.11 - Mechanical work
without permits.

Eve Bazer announced that Certified Mail had been sent to Shahid Chowdhury and signed for on July 8, 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 he had reached a Verbal Agreement with the owner's representative and asked that the owner be given 60 days for compliance or a fine of \$100 per day would be imposed.

Paula Glasser stated they were working on the violations.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 5

Kenneth Reardon advised they had made application, but the Mechanical Plans Examiner had kicked it back for additional information.

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 would be imposed. Board unanimously approved.

Reference: CE04040337

Metropol Health Care Assoc. Inc.
1016 NW 9 Ave.

FBC 104.1 – Work without permits. FBC 104.2.4 – Plumbing work done without permits. FBC 104.2.5 – Electrical work done without permits. FBC 104.2.11 – Mechanical work done without permits. FBC 106.1 – No Certificate of Occupancy. FBC 1203.4.2 – No ventilation in bathroom.

Eve Bazer announced that Personal Service was made to Leclerc Adisson, owner, by Ken Reardon on July 2, 2004. Certified Mail was sent to D&G Variety – Retail (tenant) and signed for on July 8, 2004, signature illegible. Certified Mail was also sent to Metropol Health Care Assoc., Inc. and signed for on July 8, 2004, signature illegible. Certified Mail was sent to Peter A. Rose, Registered Agent of Metropol Health Care Assoc., Inc. No date on green card and signature was illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the Property and violations as listed on the agenda. He stated there was a Verbal Agreement made for 180 days for compliance or a fine of \$50 per day, per violation, would be imposed, and that the Order be recorded.

Leclerc Adisson, owner, stated that he agreed to the terms of the Verbal Agreement. He advised that the property was not currently occupied.

Kenneth Reardon stated they wanted to open a driving school at the site, and the build-out had been done without a permit.

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

Reference: CE02070146

SODA LLC
1212 SE 1 Ave.

FBC 104.1 – Work without permits. FBC 104.2.11 – Mechanical work without permits. 47-34.2 D. – Carport enclosure denied by BOA (#02-24)

Eve Bazer announced that Certified Mail had been sent to Deanna Lobinsky, Registered Agent, and signed for on July 6, 2004, signature illegible.

Reference: CE02070147

SODA LLC
1216 SE 1 Ave.

47-34.2.D – Carport enclosure denied by BOA (#02-24). FBC 104.2.7 – Installed sign on awning without a permit.

Eve Bazer announced that Certified Mail had been sent to SODA LLC on July 6, 2004, signature illegible. Certified Mail was also sent to Deanna Lobinsky, Registered Agent, and signed for on July 6, 2004, signature illegible.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated there was a Verbal Agreement for a 60-day continuance. He explained they were attempting to work out various zoning issues.

Deanna Lobinsky, owner, stated that she agreed to the terms of the Verbal Agreement.

Motion made by Pat Hale and seconded by Sara Horn to grant a 60-day continuance. Board unanimously approved.

Reference: CE04050947

Margaret Ramona Gray, TR
1622 NE 12 Ter.

NFPA 101 1-16.8 – Electrical permit expired without having final inspections. NFPA 101 42.2.4.1 – No second means of egress provided.

Eve Bazer announced that Certified Mail had been sent to Margaret Ramona Gray, TR, and signed for on June 21, 2004, signature illegible.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 7

Dallas Shumaker, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised there were 3 additional addresses and there should have been a multiple listing. He announced the other addresses were 1620, 1626, and 1630 NE 12 Terrace. He advised they were asking for 180 days and he advised that he did not object. He further stated if the property was not then in compliance, a fine of \$150 per day, per violation, would be imposed. He advised they had already begun the permitting process. He also stated that all the addresses had the same violations.

Chris Niles, attorney, stated the City had required extensive electrical plans than what they had anticipated, but he did not feel there would be any problems complying within the time suggested. He advised they were also removing windows and adding a door to provide an additional egress.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City granting 180 days for compliance or a fine of \$150 per day, per violation would be imposed. Board unanimously agreed.

Reference: CE03121296

Bay Colony Exxon Inc.
5556 N. Federal HWY

FBC 104.1 – Work without permits. FBC 104.2.5 – Electrical work without permits. FBC 104.2.7 – Installed signs in windows without permits. FBC 11-4.6.4 – Accessible sign not according to Code.

Eve Bazer announced that Certified Mail had been sent to Bay Colony Exxon Inc. and signed for on July 8, 2004, signature illegible. Certified Mail was also sent to Gary A. Korn, Esq., Registered Agent, and signed for on July 8, 2004, signature illegible.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated a Verbal Agreement had been reached for 180 days for compliance or a fine of \$100 per day, per violation, would be imposed.

Larry Sazant, agent representing the owner, stated that the owner resided in New York, and this was a rental property. He further stated that the tenant had done the work and would make the necessary corrections, and was hiring the necessary professionals to do the work.

Motion made by Sara Horn and seconded by Pat Hale to find in favor of the City granting 180 days for compliance or a fine of \$100 per day, per violation, be imposed. Board unanimously approved.

Reference: CE04040770

Sable Resort Inc.
435 N. Ft. Lauderdale Beach Blvd.

FBC 104.1 – Work without permits. FBC 104.2.4 – Plumbing work without permits. FBC 104.2.5 – Electrical work without permits. FBC 104.2.7 – Signs without permits.

Eve Bazer announced that Certified Mail had been sent to HCRM Corp., Registered Agent, and signed for on July 8, 2004, signature illegible. Certified Mail sent to Jopseh R. Cook, Officer/Director and signed for on July 8, 2004, signature illegible. Certified Mail sent to Lawrence A. Duprey, Officer/Director, and signed for on July 8, 2004, signature illegible. Certified Mail sent to Cheryl Netto, Officer/Director, and signed for on July 8, 2004, signature illegible. Certified Mail sent to Sable Resort, Inc. and signed for on July 12, 2004, by Jeanette Bates.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated there was a Verbal Agreement for 90 days for compliance or a fine of \$100 per day, per violation, would be imposed.

Fred Griner, representing owner, stated that they had applied for the sign permit and this week they would apply for the other necessary permits.

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 \$100 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE04020709

Nils Olsen
3804 SW 12 Ct.

FBC 104.1 – Work without permits. FBC 104.2.11 – Mechanical work without permits. FBC 104.2.4 Plumbing work without permits. 9-280(g) – Exposed wire on sprinkler pump. 9-279(f) – Plumbing lines draining onto ground. Illegal plumbing. 9-281(b) – windows broken, ceilings collapsed, holes in walls, roof leaks.

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

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 9

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as written on the agenda. He asked for 180 days for compliance or a fine of \$100 per day, per violation, would be imposed. He added that the illegal Unit #3 was to remain vacant.

Nils Olsen, owner, stated that he had inherited the violations when purchasing the property. He stated that he had checked with zoning and he could make this a four-plex, but he had to obtain a contractor in order to complete the project. He advised that when purchasing the property, he had not been advised of the violations at the site. He stated the previous owner had split the apartment in half.

Kenneth Reardon advised that if the work could not be done in 180 days, then the owner should return before this Board and provide a detailed progress report.

Motion made by Rixon Rafter and seconded by Myrnabelle Roche to find in favor of the City granting 180 days for compliance or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE04021068

Margarita Trotogott.
230 SW 13 Ave.

47-16.6.A – Rear porch added without COA from the Historic Preservation Board. FBC 104.1 – Work done without permits.

Eve Bazer announced that Personal Service had been made on Margarita Trotogott (owner) by Mohammed Malik on July 18, 2004.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He asked that 180 days be given for compliance or a fine of \$50 per day, per violation, would be imposed.

Margarita Trotogott, owner, stated that she was going to make the necessary repairs. She advised that she had been speaking with some contractors and also with James Cromar, liaison to the Historic Preservation Board.

Motion made by Rixon Rafter and seconded by Bob Young 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: CE03041515

George Horn
215 SW 27 Ave.

FBC 104.9.3.1 – Expiration of permits.

Eve Bazer announced that Certified Mail had been sent to George Horn and signed for on July 9, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated there was a Verbal Agreement with a representative of the owner for 60 days for compliance or a fine of \$50 per day would be imposed. He advised that once the permit was renewed, the property would be in compliance.

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 \$50 per day would be imposed.

Kenneth Reardon corrected the amount of the fine and stated there was an agreement for 60 days or a fine of \$25 per day.

Motion was amended as follows:

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

Reference: CE04040956

John Patrick Carroll
2001 SW 38 Ave.

FBC 104.1. – Work without permits. 47-19.5 D.4 – Finished side of fence not facing neighboring properties.

Eve Bazer announced that Personal Service had been made to Penny Hahn (resident) by Ursula Thime on July 3, 2004. Certified Mail was also sent to John Patrick Carroll and signed for on July 8, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised that a permit had been issued in regard to FBC 104.1. He also advised that a Verbal Agreement had been reached regarding compliance for the other violation for 180 days or a fine of \$25 per day would be imposed. He stated the fence was still facing the wrong way, and the roof structure attached to the south wall of the house still needed a permit.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 11

Bob Young asked if they could place wood on the other side. Kenneth Reardon confirmed.

John Carroll, owner, stated that he would finish the fence and already had a permit for such work. He advised that he would finish the other side of the fence and it would be a double-sided one when complete.

Kenneth Reardon stated that the fence had to be completed in order to be in compliance.

Motion made by Rixon Rafter and seconded by Sara Horn to find in favor of the City by granting 180 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference: CE04061732

Milton Vergara
2901 Riomar St.

FBC 104.1 – Work without permits.
NFPA 1 6-1.3 – Electric circuit breaker
panel has exposed wiring.

Eve Bazer announced that Certified Mail had been sent to Milton Vergara and signed for on July 8, 2004, signature illegible.

Robert Kisarewich, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that there was an agreement for 180 days for compliance. He explained that this all was a result of a fire which had occurred at the hotel, and the existing fire alarm system did not break during the time of the fire. An emergency permit had been applied for so the fire alarm panel could be replaced. He advised that the new installation did not meet Code. He stated the system did operate, but some height requirements and system locations had to be changed. If compliance was not reached within the 180 days, then a fine of \$100 per day, per violation, would be imposed.

Marlo, representative of the owner, stated that they needed 6 months to do the work. He advised that \$10,000 was needed for the work, but the owner did not have the money.

Myrnabelle Roche proceeded to translate the situation to the owner's representative. She stated that the representative informed her that they had already begun the installation for changing the alarm system. The estimated cost was \$10,000 for the repairs, and they had already spent \$3,000 on upgrades. She stated they were short funds to finish the work.

Chair Gerald Jordan asked Ms. Roche to find out from the representative if the work could be done in 180 days and the necessary finances would be available.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 12

Ms. Roche informed the Board that the representative confirmed that the work would be done within the 180 days.

The name of the hotel was the Rio Mar.

Ms. Roche advised the representative that when he appeared again before this Board to bring with him a translator.

Motion made by Bob Young and seconded by Pat Hale to find in favor of the City granting 180 days for compliance or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE03062483

Fernando Ramirez
804 SW 22 Ter.

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

Eve Bazer announced that Certified Mail had been sent to Fernando A.O. Ramirez, Sandra Moreno, and Carlos Castillo and signed for on June 21, 2004, signature illegible. Certified Mail was also sent to Fernando A. O. Ramirez, Sandra Moreno, and Carlos Castillo and signed for on July 22, 2004, signature illegible.

Myrnbelle Roche proceeded to translate to Mr. Ramirez and swear him in. Mr. Ramirez agreed to tell the truth.

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 180 days for compliance or a fine of \$25 per day, per violation, would be imposed, and asked that the Order be recorded. He advised that a friend was with Mr. Ramirez who could translate.

Fernando Ramirez stated that he lived at the address listed.

Joseph Yogery, friend and previous neighbor, was also present.

Ms. Roche proceeded to explain the time being given for compliance, along with the proposed fine, to Mr. Ramirez. Mr. Ramirez confirmed.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City and grant 180 days for compliance or a fine of \$25 per day, per violation, would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE04052138

Rebecca J. Covey
522 SW 11 Ct.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Rebecca J. Covey and signed for on July 13, 2004 by Rebecca Covey. Personal Service was made to Rebecca Covey (owner) by Mohammed Malik on July 11, 2004. Certified Mail was also sent to Rebecca J. Covey, Registered Agent/Director and signed for on July 22, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He asked for 180 days for compliance or a fine of \$100 per day would be imposed.

Melanie Tassel, representative of the owner, stated that she did not have the authority to enter into any agreement. She stated it was her understanding that Mr. Reardon had spoken with the owner's contractor and they had made an agreement.

Kenneth Reardon advised there was no verbal agreement in this matter.

Motion made by Rixon Rafter and seconded by Pat Hale to find in favor of the City and grant 180 days for compliance or a fine of \$100 per day be imposed. Board unanimously agreed.

Reference: CE03120936

John B. Clark
2518 Tortugas Ln.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to John B. Clark and signed for on July 9, 2004, signature illegible.

Wayne Strawn, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He proceeded to show a photograph of the subject doors, and explained this area had been annexed. He advised that he had spoken to the owner's contractor today and they were working on the matter. He asked that 30 days be given for compliance or a fine of \$50 per day would be imposed.

Motion made by Pat Hale and seconded by Sara Horn to find in favor of the City and grant 30 days for compliance or a fine of \$50 per day would be imposed. Board approved unanimously.

Reference: CE04030200

Rovelton Miller
616 NW 14 Ave.

FBC 104.1 – Work without permits.

Eve Bazer announced that Personal Service had been made to Larry Wait (tenant in Apt. #2) by Mohammed Malik on May 22, 2004.

Wayne Strawn, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He proceeded to show photographs of the violations which still existed at the site. He stated there had been no communication with the owner. He asked that 60 days be given or a fine of \$100 per day would be imposed, and that the Order be recorded.

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

Reference: CE04070285

Dwain W. Higginbotham
1490 W. Broward Blvd.

FBC 104.1 – Work without permits. FBC
104.2.5 – Circuits added without permit.
FBC 3401.6 – Electrical circuits unsafe.

Eve Bazer announced that Certified Mail had been sent to Dwain Higginbotham and signed for on July 10, 2004, signature illegible.

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 for 90 days or a fine of \$50 per day, per violation, would be imposed. He explained that this was a tire shop.

Motion made by Rixon Rafter and seconded by Sara Horn to find in favor of the City granting 90 days for compliance or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE04061967

Noel J. Woodson, TR
1954 E. Sunrise Blvd.

NFPA 101 7.2.1.5.1 – Rear exit door
has padlock and slide bolt.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 15

Eve Bazer announced that Certified Mail had been sent to Shoe Repair PRO (tenant) and signed for on July 15, 2004 by Igor Rozov. Certified Mail had also been sent to Noel J. Woodson TR and signed for on July 15, 2004, signature illegible.

Pat Hale asked if the 3 properties belonged to the same owner. Robert Kisarewich stated that the owner was the same and mail had been sent to the tenants. He explained further that there were separate tenants, but the same ownership. Pat Hale asked if all 3 tenants had sealed their rear doors or had the tenant done it. Robert Kisarewich explained that the tenants had sealed the doors.

Robert Kisarewich further stated that the doors were sealed for security purposes.

Robert Kisarewich, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated there was an alleyway in the rear that was very secluded and the tenants had experienced break-ins through the rear doors. He stated that he was working with the owner who wanted to submit plans to the City to declassify those exit doors if he could meet the travel distance to the front door. He stated they were requesting 60 days or a fine of \$100 per day be imposed.

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

Reference: CE04061971

Noel J. Woodson, TR
1952 E. Sunrise Blvd.

NFPA 101 4-5.3.2 – Exit door blocked.

Eve Bazer announced that Certified Mail had been sent to Clothes Encounter (tenant) and signed for on July 15, 2004, signature illegible.

Robert Kisarewich, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that this was the same situation as the previous case, and advised that the violations still existed. He asked that 60 days be given for compliance or a fine of \$100 per day would be imposed.

Robert Kisarewich advised that the code requirement for the length of the building for meeting distance was 50 feet. He stated they had to see how to figure the storefront for the actual travel distance.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 16

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 would be imposed. Board unanimously approved.

Reference: CE04061997

2909 Vistamar LLC
2909 Vistamar St.
of stairway not fire rated.

NFPA 101 7.2.2.6.3 – Window within 10'

Eve Bazer announced that Certified Mail had been sent to Sea Gate Motel and signed for on July 14, 2004, signature illegible. Certified Mail was also sent to Robert DeBenedicitis, Manager, and signed for on July 15, 2004, signature illegible.

Robert Kisarewich, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated they had “dropped the ball” on this. He stated that somewhere in management they had thought the matter had been taken care of, and they were going to get the matter resolved. He asked that they be given 90 days or a fine of \$100 per day be imposed.

Motion made by Sara Horn and seconded by Rixon Rafter to find in favor of the City and grant 90 days for compliance or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference: CE03070608

#111 properties Inc.
111 SW 3 Ave.

47-16.6.A – Chain link fence and traffic balusters installed without COA from Historic Preservation Board. FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to #111 Properties Ainc. And signed for on July 9, 2004, by C. Bertolino. Certified Mail was sent to Cara E. Camaeron, Registered Agent, and signed for on July 12, 2004, by C. Bertolino. Certified Mail was also sent to Cara Ebert Cameron, Officer/Director, and signed for on July 9, 2004, by C. Bertolino.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He asked that 180 days be granted for compliance or a fine of \$25 per day, per violation, would be imposed. He explained that this was a parking lot located up from Second Street and across from Dicey Riley's.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 17

Motion made by Sara Horn and seconded by Bob Young to find in favor of the City and grant 180 days for compliance or a fine of \$25 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE04010823

Frank Murphy Halley, III
1120 SW 29 St.

FBC 104.9.3.1 – Expired permit.

Eve Bazer announced that Certified Mail had been sent to Frank M. Halley, III, and signed for on June 24, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He asked for 60 days to be given for compliance or a fine of \$50 per day would be imposed.

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

Reference: CE04030144

Richard Williams
817 SW 29 St.

18-27(a) -Trash on property and outside storage at east side of building. 9-279(g) - Septic tank and drain field back-up into apartments and rear yard. 9-280(b) – Missing window screens in building. 9-280(g) Stove in #4 not safe and not working. 9-306 – Building paint not maintained. 9-307(a) – Meter room door damaged. 9-313(a) – Building numbers not visible. FBC 104.1 – Work done without permits. FBC 104.2.11 – Mechanical work done without permits. FBC 3401.6 – Store in meter room – unsafe condition.

Eve Bazer announced that Service had been made via posting by Inspector Kenneth Reardon on July 8, 2004.

John Phillips asked how this was posted. Kenneth Reardon proceeded to explain. He added that copies were also provided to the City Clerk who posted it on the bulletin board.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He asked that 30 days be given for compliance or a fine of \$250 per day, per violation, be imposed.

Motion made by Sara Horn and seconded by Myrnabelle Roche to find in favor of the City granting 30 days for compliance or a fine of \$250 per day, per violation, would be imposed.

Kenneth Reardon stated that the tenants came and went and the property was almost uninhabitable. He stated that it appeared the septic tank issue had been resolved. He advised that this was an 8-10 unit apartment building.

Board unanimously approved.

Rixon Rafter stated there was a junkyard on Sunrise Boulevard, and stated the City was spending \$500,000 to improve the landscaping in the area, and asked if that person could be cited. Kenneth Reardon stated that it appeared they could be cited for not maintaining the property.

Reference: CE04032660

Florence LaForrest
705 SW Riverside Dr.

FBC 104.1 – Work done without permits. FBC 106.1 – Rear illegal apartment occupied without CO. FBC 704.3.1 – Required one-hour fire separation between living units not provided.

Eve Bazer announced that Certified Mail had been sent to Florence LaForrest and signed for on July 9, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He asked that 180 days be given or a fine of \$100 per day, per violation, be imposed. He added that the illegal unit was also to remain vacant.

Myrnabelle Roche asked what would happen if the apartment was occupied. Kenneth Reardon stated if it was occupied they would be in violation of this Board's Order, and the fine would begin. He stated that the owner was going to go through the process and attempt to make the apartment legal.

Motion made by Rixon Rafter and seconded by Bob Young to find in favor of the City and grant 180 days for compliance or a fine of \$100 per day, per violation, would be imposed. Board unanimously approved.

Reference: CE04040328

Rebecca Voss & Justin Grosso
1520 SW 27 Ct.

FBC 3401.6 – Exterior water heater corroded with exposed electrical wires. Unsafe condition. FBC 104.2.5 – Electrical work done without permits. 9-280(b) – Missing window screens. 9-281(b) – Trash at property. 47-21.8 A. – Missing ground cover.

Eve Bazer announced that Certified Mail had been sent to Rebecca Voss and Justin Grosso and signed for on July 10, 2004, by F. Lee.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated further that violations FBC 104.2.5, 9-281(b), and 47-21.8 A. were in compliance. He asked the owner be given 90 days for compliance for the remaining violations or a fine of \$50 per day, per violation, would be imposed, and asked that the Order be recorded.

Motion made by Sara Horn and seconded by Myrnabelle Roche to find in favor of the City and grant 90 days for compliance or a fine of \$50 per day, per violation, would be imposed, and that the Order be recorded. Board unanimously approved.

Reference: CE04051985

Ezra Oved & Rebecca Ovardia
1121 Guava Isle

FBC 104.1 – Work done without permits.

Eve Bazer announced that Personal Service had been made to Ezra Oved (owner) by Kenneth Reardon on July 20, 2004 at the Code Counter.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised there was a Stipulated Agreement with the owner for 180 days or a fine of \$25 per day would be imposed.

Motion made by Sara Horn and seconded by John Phillips to find in favor of the City and grant 180 days for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

Reference: CE04060011

Kevin Scheen
1700 SW 23 Ter.

FBC 104.2.11 – Mechanical work done
without permits. FBC 104.2.5 –
Electrical work done without permits.

Eve Bazer announced that Certified Mail had been sent to Kevin J. Scheen and signed for on July 21, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He asked that 120 days be given for compliance or a fine of \$50 per day, per violation, be imposed, and that the Order be recorded.

Motion made by Sara Horn and seconded by John Phillips to find in favor of the City and grant 120 days for compliance or a fine of \$50 per day, per violation, be imposed, and that the Order be recorded. Board unanimously approved.

MEETING RECESSED AT 11:35 A.M.

MEETING RECONVENED AT 1:01 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: CE02011803

Steven & Karen Chess
773 Middle River Dr.

Old Business

Eve Bazer announced that there was a Verbal Agreement in this matter.

Robert Pignataro, Building Inspector, stated that he was presenting this case for Mohammed Malik who was on vacation. He stated that this was going to go before the Marine Advisory Board before they would be able to proceed. He stated that the City was requesting a 180-day extension of time.

Motion made by Sara Horn and seconded by Bob Young to approve a 180-day extension of time. Board unanimously approved.

Reference: CE03051896

Denman Limited LLC
5470 NW 10 Ter.

Old Business

Eve Bazer announced that this case had originally been heard on July 22, 2003 with compliance by September 20, 2003. On October 28, 2003 time was extended to January 26, 2004. Then again on June 22, 2004, the date was extended to September 20, 2004. She announced that the property was not in compliance and that the fines totaled \$71,000.

John Arasi, General Contractor, stated that he was working with the future owner of the property. He stated that there had been some environmental issues, but they expected to close within the next 6-8 weeks.

Myrnabelle Roche asked if Mr. Arasi was qualified to discuss this matter since the closing had not yet taken place.

Mr. Arasi explained that he had a letter from Code Enforcement stating that his client was authorized to act in this matter. He stated that he also had a letter from the future owner.

Bruce Jolly explained that it was up to the discretion of the Board to act in this matter. He stated if the Board felt the evidence presented had been accurate and was a reason to grant this request, then they could proceed in that manner.

Myrnabelle Roche stated that she wanted to bring this item to the attention of the Board. She reiterated that the new owner did not yet close on this property.

Sara Horn stressed that the future owner had been before this Board at least twice, and she appeared adamant about getting the matter resolved. Therefore, she did not see any reason not to grant such extension.

Kenneth Reardon, Building Inspector, stated that he had met with Mohammed Malik, and the Board had provided a supplemental order. He stated that the compliance date was September 20, 2004. He stated that Inspector Malik requested that the Board grant an 8-day extension making the compliance date September 28, 2004. Then, an update could be provided to the Board at their next meeting on the situation.

Pat Hale asked if the original Order in this case had been recorded.

The Assistant City Attorney explained that no fine was imposed until the Board entered their Order which was done at the Massey Hearings. She stated if the first Order had been recorded, then it would put subsequent purchasers on notice

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 22

that code enforcement activity had taken place on the property, but it would not create a lien.

Bruce Jolly stated it would put the buyer on notice that there was a problem with the property.

Myrnabelle Roche reiterated that the key was that the Order had to be recorded. Bruce Jolly stated there needed to be something on the record showing action taken by the Board.

The Assistant City Attorney clarified that the Statute stated if the first Order was recorded, it would serve to notify subsequent purchasers that there was code enforcement activity at the site. Bruce Jolly reiterated that was the whole point. He suggested if the Board was concerned, then the Order should be recorded.

Motion made by Pat Hale and seconded by Bob Young to extend the compliance date to September 28, 2004, and that this Order be recorded. Board unanimously approved.

Reference: CE0312005

John & Georgiann Bria
219 SW 21 Ter.

Old Business

Eve Bazer announced that this case had originally been heard on March 23, 2004, with compliance ordered by July 21, 2004.

John Bria, owner, stated that he was going through the permitting process and had submitted plans.

Kenneth Reardon, Building Inspector, stated that they were asking for the Board to abate the 4 days of fines. He explained the violation had a fine of \$100 per day, per violation. He stated that he did not have a problem with abating such fine. He added that the City had not objection to granting him an additional 120 days for compliance. He stated that it would be appropriate for the fines to be abated since it had been a calendar problem.

Motion made by Rixon Rafter and seconded by Sara Horn to grant a 120-day extension of time. Board unanimously approved.

Rixon Rafter stated that the owner could appear before the Board once compliance was achieved and request an abate of fines.

Reference: CE02081212

Federal National Mortgage
1416 WN 11 St.

Old Business

Eve Bazer announced that this case had originally been heard on November 26, 2002 with compliance ordered by December 26, 2002. She advised the property was still not in compliance. Fines totaled \$57,800.

Sandra Hankin, on behalf of Fannie Mae, stated they had acquired this property through a foreclosure. She stated they were asking for a reduction in the fine. She announced that they wanted to be a part of the solution. She announced further that it had taken them a while to find a buyer for the property, and the liens had been an issue. They now had a buyer who was willing to enter into a stipulation and acquire the permits to begin the work needed. She stated that he was willing to try and do the work within 180 days. She reiterated that the impediment was the amount of the fines. She stated it was her understanding that the main problem had to do with permitting. She stated they were aware that plans had to be submitted, but they were not sure if work needed to be done. She stated the potential new owner was present at today's meeting.

Chair Gerald Jordan clarified that the property was worth about \$100,000 to \$140,000.

Scott Fane, potential new buyer, stated that the property consisted of a single-family home. He stated that he wanted this property for income purposes, and then possibly would sell it after a few years.

Ms. Hankin stated they had heard a rumor that there was to be a demolition of the house. She reiterated that Fannie Mae was requesting a reduction in fines, but were aware of administrative costs and some other issues. She felt that \$57,000 made this sale impossible.

Chair Gerald Jordan suggested that the fine be reduced to about \$10,000.

Wayne Strawn, Building Inspector, stated that the structure was unsafe. He stated the building permits were 10 years old and had failed inspections, and other final inspections had never been requested. He stated they never received a CO, and he had asked for an unsafe structure hearing. He stated the criteria he was following regarding it being an unsafe structure was that the Code had clearly stated that an abandoned job which had not received a CO was deemed unsafe. He stated the City did not want to demolish it, but felt they did not have a choice in resolving the matter. He added that the Building Code had been

changed since the issuance of the permits. He stated that John Heller, Building Official, explained that a new set of plans were needed.

Wayne Strawn stated that design professionals were needed, and possibly some destructive exploration would have to be done since it had failed many inspections. He stated that possibly they could meet with the Building Department to see what inspections had been passed and what benefits could be received in that regard. He stated the City's position was to impose a fine.

Chair Gerald Jordan stated that possibly the new investor would pay a fine, and get the property off the books. He suggested that the Board lower the amount of the fine.

Myrnabelle Roche asked if it was the City's position that the full amount of the fine stand. Wayne Strawn replied that it was a valid fine.

The Assistant City Attorney stated that the fine was still accruing because the property was not in compliance. She asked that the Board find that compliance had not been timely made, and therefore, they should impose a fine. She reiterated that the fine would continue to accrue until compliance was achieved.

Myrnabelle Roche asked what amount would the new buyer settle on so that he could make the repairs. Mr. Fane stated he was willing to repair the problems, but he was not willing to pay any liens. Myrnabelle Roche reiterated that she did not think the Board would abate the fines.

Ms. Hankin explained that Fannie Mae would pay the fine imposed by the Board or the house would be demolished.

Motion made by Myrnabelle Roche 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 \$15,000 be imposed.

John Phillips entered the meeting at approximately 1:31 p.m.

The Assistant City Attorney reminded the Board that the property was not in compliance, and if a fine of \$15,000 was imposed, it would not accrue even though the property was not yet in compliance. If the deal with Fannie Mae would fall through, then the lien on the property would only be for \$15,000.

Bruce Jolly stated the motion made would work, but this matter could be treated as though it was before the Board for the first time. He stated the original Order was not complied with, and therefore, a fine would be imposed for a certain amount. He stated that the Board could state that fines would not accrue for a specific period of time, but if compliance was not reached by a certain date, then a fine in a certain amount would accrue thereafter.

The Assistant City Attorney suggested they phrase the motion that the fine was being abated to \$15,000, and an extension of time would be granted for 90 days, after which time the fine would accrue at the rate specified in the first Order.

Myrnabelle Roche suggested that the fine be listed as in the previous Order.

Chair Gerald Jordan explained that after 90 days, the new owner could come before this Board and request an extension of time.

The motion was reworded as follows:

Motion made by Myrnabelle Roche 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 \$15,000 be imposed. After 90 days if a closing and sale did not occur, then the fines would begin accruing in the amount of the original Order.

Bob Young stated he did not object to an abatement of fines, but asked how Fannie Mae could purchase the property with the current violations.

The Assistant City Attorney explained that Fannie Mae had taken the property through a foreclosure.

Wayne Strawn further stated that they had foreclosed on a piece of property with an abandoned job site.

Board unanimously approved.

Reference: CE03041128

Isaac Fryd, TR
4950 W. Prospect Rd.

Old Business

Eve Bazer announced that this case had originally been heard on July 22, 2003 with compliance ordered by October 20, 2003. On October 28, 2003, compliance was extended until November 27, 2003. On November 25, 2003, time was extended to January 24, 2004. On January 27, 2004, time was once again extended to February 26, 2004. Heard on February 24, 2004, and time was extended until May 24, 2004. On May 25, 2004, the case was reheard and no time extensions were granted. The property was not in compliance. Total fines were \$96,000.

Louis Roig, tenant, stated that he was now in the permitting process. He stated that work had been done about 7-8 years ago without permits. He advised that they accepted the responsibility for the work and wanted to stay as tenants in the

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 26

building. He stated they had received the Occupational license and some permits were still needed for various items. He stated they were requesting another extension of time in order to complete the necessary work.

Don Arpin, general contractor, stated that there had been some extenuating circumstances. He explained that the Building Department had treated this as a new project. He explained further this was a Southern Bell building which had originally been built for coin collection from the pay phones. The building had been permitted in the past. He stated they had produced a previous permit from their files for some of the work. He added that when they had submitted the handicapped drawings, they had upgraded the parking lot areas. He stated that calculations had to be provided for the entire site as if a new building. He stated since there were violations, they were unable to walk the plans through the process.

Wayne Strawn, Building Inspector, stated that he would support a 30-day extension of time. He stated the permits would show a good faith effort, and then the Board could entertain what time was needed to complete the work.

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

Reference: CE03042172

Larry W. & Deborah Springs
3013 NE 20 Ct.

Old Business

Eve Bazer announced that this case had originally been heard on August 26, 2003 with compliance ordered by February 26, 2004. On February 24, 2004, compliance date was extended until June 23, 2004. She announced that the property was not in compliance, and that fines totaled \$15,100.

Clare Vickery stated that since they were approved for the location of the dock, they now had to obtain an after-the-fact permit. She stated they were requesting a 30-day extension, and were also requesting an abatement of fines.

Wayne Strawn, Building Inspector, stated that a 60-day extension be granted.

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

Chair Gerald Jordan announced that the abatement of fines could be addressed once compliance was achieved.

Reference: CE04011932

Plaza 15 Condo Assn
1600 SE 15 St.

Old Business

Reference: CE04020313

Plaza 15 Condo Assn
1600 SE 15 St.

Old Business

Reference: CE04020314

Plaza 15 Condo Assn
1600 SE 15 St.

Old Business

Eve Bazer stated that the condo association had been cited instead of the individual unit owners. She stated they were requesting to vacate the first Order, and then they would revisit the cases.

Motion made by Pat Hale and seconded by Rixon Rafter that the first Order on the above referenced cases be vacated. Board unanimously approved.

Lindwell Bradley, Supervisor Community Inspections, suggested that this item be tabled for one month so an inspector could check on the matter.

Motion made by Bob Young and seconded by Rixon Rafter to table this matter for one month so the structure could be re-inspected. Board unanimously approved.

BOARD RECESSED AT 1:55 P.M.

BOARD RECONVENED AT 2:00 P.M.

Massey Hearings

All individuals wishing to speak on these items were sworn in.

Reference: CE03110112

Executive Plaza Properties
5347 NW 35 Ave.

Eve Bazer announced that this case had originally been heard on March 23, 2004 and compliance ordered by June 21, 2004. She stated there was one

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 28

section in violation with a fine of \$200 per day. The total fines were \$7,000. The property was not in compliance.

Mike Sanchez, architect, stated that wind pressures were being requested, along with a full air-conditioning plan. He explained these requests were beyond the scope of the work which had been done, and therefore, was making this a lengthy process. He stated that only minor work items had been involved.

John Biggie, owner, stated that they had a detailed timeline of this matter and wanted to get things resolved.

Mr. Sanchez stated they were ready to do an as-built for the mechanicals and 60 days would probably be sufficient time.

Chair Gerald Jordan announced that once all the work was completed, they could return requesting an abatement of fines.

Ivett Spence-Brown, Fire Inspector, stated that the annual had been written in May, 2003, and nothing was done after that date in regard to making any corrections to the office violations. She stated there was more than one wall opened which compromised exiting, and was considered a life-safety violation. She stated if they opened a fire wall and the space was less than 10,000 sq. ft, but it became more due to the opening, than a fire alarm was required. She stated that no time extension should be granted.

Elvira Hengstler, real estate manager, stated that the property was first cited in 2003, but nothing had been done until she came along. She stated they had filed for a permit in March and since she started they had been responsive to the problem. She stated she did not understand why the City would not grant an extension. She stated the building was 20 years old and the tenant had been in that building for the same period of time. She added that it was a government agency.

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

Reference: CE02012037

Jason E. Ciavatto
1016 Guava Isle

Eve Bazer announced that this case had originally been heard on April 23, 2002 with compliance ordered by May 23, 2002. There was one section in violation with a fine of \$50 per day. Fines presently totaled \$4,750, and the property was in compliance.

Marilyn Ciavatto, owner, stated that they had tried to take advantage of the Amnesty Program, but no one had ever returned their calls. She remarked that this matter arose due to their wanting to refinance.

Chair Gerald Jordan asked if the property was in compliance in February, 2004. Ms. Ciavatto confirmed.

Bob Young stated that the owners should have come up to City Hall and inquired about making payment under the Amnesty Program. Ms. Ciavatto replied that they had made several calls to obtain additional information regarding the fine.

Kenneth Reardon, Building Inspector, stated that the property was not in compliance by the time ordered, but had come into compliance on August 27, 2002. Total fines were \$4,750, and announced they were eligible for the Amnesty Program and the amount would have been \$1,187.50. He stated that he did not know why they just did not come in and pay the amount. He stated he would probably not have any problem with them paying that amount. He explained this was in regard to an expired permit.

Kenneth Reardon explained there was going to be another case before the Board regarding another expired permit.

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, a fine of \$1,187.50 should be imposed. Board unanimously approved except for Sara Horn who opposed.

Reference: CE02091696

Jason E. Ciavatto
1016 Guava Isle

Eve Bazer announced that Kenneth Reardon was the inspector on this case.

Kenneth Reardon, Building Inspector, stated the case number and address of the property. He stated that the property had not been in compliance by the date ordered by the Board. He advised the property was in compliance on May 22, 2003. He stated they had been eligible for the Amnesty Program and a letter had been sent. He explained the entire fine totaled 42,650, and the amnesty amount would have been \$662.50. He stated they could have come in and paid the fine.

Marilyn Ciavatto explained that it was the same permit which had expired 3 times. Rixon Rafter asked how that happened. Ms. Ciavatto stated she did not know and her husband had been the one dealing with the situation.

Motion made by Pat Hale and seconded by Sara Horn to find that the original Order was not complied with by the date set in the Order, and therefore, a fine of \$2,650 should be imposed. Roll call showed: YEAS: Bob Young, Rixon Rafter, Pat Hale, and Sara Horn. NAYS: Myrabelle Roche, Gerald Jordan and John Phillips. Motion passed 4-3.

Reference: CE01041442

Citimortgage Inc.
1341 SW 30 St.

Eve Bazer announced that the property was in compliance, and fines totaled \$114,600.

Kenneth Reardon, Building Inspector, stated the case number and address of the property. He stated the property was not in compliance by the date ordered by this Board, but it had come into compliance on February 19, 2004. He asked that that the Board impose the fine. He advised that this was a single-family home.

Michelle Mason, attorney, stated that part of the problem was that this was a foreclosure property. She stated that after Citimortgage took over the property they had begun maintaining it and had removed the pool and doghouse. She advised that they had been unaware of the violation until they had attempted to convey the property in March, 2003. She stated that the mail had been addressed to Farmington Hills which was not a good address, and she realized they were responsible for that problem. She stated her client had spent \$7,000 to remove part of the structure. She requested an abatement of fines.

Chair Gerald Jordan clarified that a new address was listed with the City. Ms. Mason confirmed.

John Phillips asked when the Final Judgment had taken place. Ms. Mason replied that it was in January, 2002.

Kenneth Reardon stated that the case had been created on May 23, 2001.

John Phillips suggested that there be an abatement of fines because he did not feel it would damage the City in any way.

The Assistant City Attorney stated that Citimortgage had been cited after taking title to the property.

John Phillips asked what was the relationship between the first mortgage recorded on the property, and the City's Notice of Violation. Ms. Mason explained that the Notice dated June, 2002 had been sent to her client in Michigan. She

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 31

reiterated that their foreclosure proceedings began in October, 2001. She remarked that the code enforcement violation did not sit on title until there was actually a lien. She stated when they did their title search in 2003 was when they had discovered it. John Phillips felt that Citimortgage should re-open the case, re-amend and refile it, and get the same results which would clear the City's lien.

The Assistant City Attorney explained that they could not foreclose against themselves. Mr. Phillips explained they could re-open the case and add the City because their mortgage was first. He asked why they should not abate the fines.

Myrnabelle Roche stated she was opposed to abating the fine because they should have picked up on it when foreclosing. She felt they should be treated the same as any other property owner. Ms. Mason stated there was nothing of record, and therefore, they were not able to pick up on this. Pat Hale remarked that notices had been sent out. Ms. Mason remarked that Citimortgage could not represent themselves in the State of Florida. Ms. Roche stated she understood that and that was why it was sent to a corporate officer putting them on notice. Ms. Mason stated that part of the problem was that the mail had not been received. She stated they could re-foreclose for something missed. If the City had not sat on the lien for over one year, it could have been foreclosed on during their process.

John Phillips suggested that there be a 10% abatement of fines and felt this was the most they would get in this instance. Rixon Rafter disagreed, along with Myrnabelle Roche.

Kenneth Reardon stated that the compliance date had been July 26, 2002. He explained that on July 25, 2002 they had began running the fine on Section 104.1, and Section 106.1 was in compliance due to the property being vacant and boarded up.

Motion made by John Phillips to abate the fines in their entirety. Motion died for lack of a second.

Motion made by John Phillips to abate the fine to \$11,460. Motion died for lack of a second.

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 \$28,650 should be imposed. Board unanimously approved with the exception of John Phillips and Myrnabelle Roche who opposed.

Reference: CE04020375

Laurence Diskin, TR
1111 SW 21 Ave.

Eve Bazer announced that this case had originally been heard on March 23, 2004 with compliance ordered by June 21, 2004. There was one section in violation with a fine of \$100 per day. Fines presently total \$3,500. She advised the property was not in compliance.

Kenneth Reardon, Building Inspector, stated that Section 104.1 was not in compliance. He advised that he had met with the Manager who had informed him that the property was in compliance, and therefore, he was going out for an inspection tomorrow.

Pat Hale asked when the property had first been cited. Kenneth Reardon replied it had been first cited during an annual fire inspection on February 6, 2004.

Robert Mazall, Property Manager, stated that due to a misunderstanding on his part, he had thought they were in compliance. He asked that the fines be abated.

Kenneth Reardon stated that the Manager was asking for the Board to extend the compliance date by 30 days so that the property could be reinspected, and then afterwards the fines could be abated.

Motion made by Sara Horn and seconded by Pat Hale to extend the compliance date by 30 days. Board unanimously approved.

Reference: CE01100960

Dellareese Wilson Smith
1060 NW 23 Terrace

Eve Bazer announced that this case had originally been heard on January 22, 2002 with compliance ordered by March 23, 2002. Four sections of the Code were in violation with a fine set at \$50 per day, per violation. Fines presently total \$153,000.

Robert Pignataro, Building Inspector, stated that the property was not in compliance. Some applications had been submitted, but they had failed plan review on June 10, 2003. He advised that nothing had been done regarding the permits. He proceeded to list the violations involved. He advised there was a process number as of 2002.

Dellareese Smith, owner, stated that she had inherited the problems when she purchased the property in 2000. She stated that she had not been working and did not have money for the repairs.

Travis Smith, husband/owner, stated they had received notice about a hearing taking place on May 25, but they had not received it in time. Therefore, they were rescheduled to attend today's meeting, but they had not received that notification either. He stated that they had a letter stating they were in compliance as of July 23, 2002. He stated they were informed that the property had not been in compliance for a total of 4 months. He advised they had to get a new general contractor and work had been done.

The Assistant City Attorney advised that a letter had been sent to the owners on May 13, 2004, and that the first paragraph made no sense. She stated that it did state the property was in compliance, and a fine was to be imposed in the amount of \$6,000. She stated that they were going to review the file and asked if this matter could be recalled later on during today's meeting.

Therefore this matter was tabled while the file was being reviewed.

Reference: CE03102464

Harry J. Cibants
247 SW 33 Ct.

Eve Bazer announced that this case had originally been heard on March 23, 2004 with compliance ordered by June 21, 2004. Three sections of the Code were in violation with a fine of \$100 per day, per violation. She advised that current fines totaled \$10,500. She also stated that the property was not in compliance.

Kenneth Reardon, Building Inspector, stated that the fine should be imposed due to the fact that the property had not been in compliance as of the date ordered by this Board. He advised that this was a warehouse and was not in compliance as of this time.

Harry Cibants, owner, stated that the tenant was creating the problem. He stated it was his understanding that they were working with a contractor and that plans had been submitted. He asked for an extension of time to resolve the matter.

Chair Gerald Jordan reminded Mr. Cibants that he was the owner and responsible for the matter.

Kenneth Reardon stated the plans were reviewed but had failed and were sent back for corrections. He stated that he would not object to a 120-day extension.

Motion made by Rixon Rafter and seconded by Pat Hale to grant a 120-day extension of time. Board unanimously approved.

Reference: CE04010969

Semaan G. Sleiman
1632 NW 6 Ave.

Eve Bazer announced that this case had originally been heard on March 23, 2004 with compliance ordered by May 22, 2004. She stated that 2 sections of the Code were in violation with a fine of \$25 per day, per violation. Fines total \$200. She advised that the property was in compliance.

Wayne Strawn, Building Inspector, stated that there had been 2 days of fines. He suggested that the fines be abated. He informed the Board that this was a single-family home.

Semaan Sleiman, owner, stated that he had to hire a new contractor and was working to solve these problems.

Motion made by Pat Hale and seconded by Myrnabelle Roche to find that the original Order was not complied with by the date set in the Order, but that the fines be abated in their entirety. Board unanimously approved.

Reference: CE97020226

Kathryn L. Lloyd
1420 SW 29 St.

Eve Bazer announced that this case had originally been heard on September 26, 2000 with compliance ordered by January 23, 2001. She stated that 3 sections of the Code were in violation at a fine of \$50 per day, per violation. She stated that the fines presently totaled \$156,050, and the property was not in compliance.

Kenneth Reardon, Building Inspector, stated that he was requesting that this Board impose the fine set on this matter. He stated there were various dates for compliance because work had been done piece-meal. He advised the property was in total compliance on March 1, 2004.

Kathryn Lloyd, owner, stated that she had some personal problems and could not resolve this problem sooner.

Kenneth Reardon stated that once the work began, it had been done timely.

Motion made by Myrnabelle Roche and seconded by Pat Hale to reduce the fine to \$2,000. Board unanimously approved.

Reference: CE98030202

SUDHA Investment Co.
3401 Davie Blvd.

Eve Bazer announced that this case had originally been heard on February 23, 1999 with compliance ordered by August 22, 1999. Two sections of the Code were in violation with a fine of \$100 per day, per violation. Fines presently total \$62,300. The property was in compliance.

Tray Morgan, Morgan Real Estate, stated they were under contract to purchase the property. He stated they were acquiring the property on behalf of the City and were going to turn it into an entrance park.

The Assistant City Attorney stated that some environmental issues were involved, and therefore, were suggesting a continuance.

Mr. Morgan explained that they were going to swap this piece of property for another with the City. He stated it was located at the corner of Davie and SR 441.

Scott Copeland explained that he was under contract and the property being donated to the City was to give an entrance feature to an existing park.

Mr. Morgan advised that they were working with Cathy Connors of Parks and Recreation.

Sara Horn asked who was the owner of record for the property. Mr. Morgan stated they had been notified of the hearing, but he did not know why they were not present.

The Assistant City Attorney stated that the Property and Right of Way Committee had met in June, 2004, and this land swap had been discussed. A preliminary recommendation had been made that the City pursue this matter. She stated it was going to be discussed at a City Commission Conference Meeting sometime in September, 2004, to see if they wanted to pursue it. Then, if they approved it would return before the Property and Right of Way Committee for a final recommendation. The swap could then be done.

Sara Horn asked what if the fine was kept at its present amount. The Assistant City Attorney stated if the Board imposed the fine, the matter could still be pursued but it was unlikely they would take title.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 36

Bruce Jolly stated it could be pulled from the agenda. Myrnabelle Roche suggested that the item be continued.

Rixon Rafter stated that he felt the City Commission would be reluctant to review this matter.

Motion made by John Phillips and seconded by Myrnabelle Roche to continue this item until the Board's October meeting. Board unanimously approved.

Reference: CE01100960

Dellareese Wilson Smith
1060 NW 23 Terrace

The Board referred back to the above-listed case.

Robert Pignataro, Building Inspector, stated that the fine was \$153,000 and they were lowering it to \$115,700 because the electrical had been in compliance as of April 12, 2002. He stated they were requesting an extension of time to get the process started.

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

Reference: CE03080411

BMC Enterprises LLC
421 SE 16 St.

Eve Bazer announced that this case had originally been heard on October 28, 2003 with compliance ordered by December 27, 2003. She advised that 7 sections of the Code were in violation with a fine set at \$25 per day, per violation. Fines presently totaled \$5,600. She advised further that the property was in compliance.

Robert Pignataro, Building Inspector, stated that there were 4 cases and the first 2 were in compliance. He advised that the second case was as follows:

Reference: CE03080405

BMC Enterprises LLC
445 SE 16 St.

Fines total \$5,250 for this property. There were 7 sections of the Code in violation with a fine of \$25 per day, per violation.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 37

Robert Pignataro, Building Inspector, advised that both of the above cases were in compliance. He advised that the property was in compliance on various dates.

Benjamin Olive, Managing Member of BMC Enterprises, stated that they owned the two properties being discussed. He remarked that the properties were in compliance. He asked that the fines be abated which occurred between December 27, 2003 and January 27, 2004.

Motion made by Pat Hale and seconded by Sara Horn to abate the fines on both properties. Board unanimously approved.

Reference: CE03080413

BMC Enterprises LLC
416 SE 16 St.

Reference: CE03080412

BMC Enterprises LLC
420 SE 16 St.

Eve Bazer announced that 8 sections of the Code were in violation with a fine at \$25 per day, per violation. She stated that these cases were originally heard on October 28, 2003 with compliance ordered by December 27, 2003. Fines total \$9,050 for Case CE03080413, and advised that two sections were not yet in compliance. Fines totaled \$18,200 for Case CE03080412. She stated that the properties were not yet in compliance.

Robert Pignataro, Building Inspector, stated that both properties were in compliance except for the paving.

Benjamin Olive stated that they were in litigation with the contractor and were requesting a 60-day extension for the paving to be completed.

Michael Harry, general contractor, stated that zoning requested a new survey, and they had to go through landscaping and then would receive their permit.

Chair Gerald Jordan reiterated that once the property was in compliance then they could request a reduction or abatement of fines.

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

Reference: CE03071745

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

Eve Bazer announced that this case had originally been heard on September 23, 2003 with compliance ordered by December 23, 2003. She advised that 7 sections of the Code were in violation at a fine of \$100 per day, per violation. Total fines were \$29,100. She stated the property was in compliance.

Robert Pignataro, Building Inspector, stated that this was the Bahama Hotel. He stated they were getting ready to demolish the building.

Michael Flik, General Manager, stated that he was requesting that the fine be abated. He stated they were requested to let the public use their restrooms until the building was demolished. He stated they had paid \$20,000 to improve their facilities.

Motion made by Sara Horn and seconded by Pat Hale to abate the fines in their entirety. Board unanimously approved.

John Phillips left the meeting at approximately 3:10 p.m.

Reference: CE00032237

Inversiones El Elegido CA
1721 N. Andrews Square

Eve Bazer announced that this case was originally heard on October 28, 2000 with compliance ordered by February 27, 2001. She advised that 5 sections of the Code had been in violation with a fine set at \$25 per day, per violation. The current fines totaled \$80,275. The property was in compliance.

Robert Pignataro, Building Inspector, stated that this case had begun on March 31, 2000. He stated it was a convenience store/restaurant (in rear). He stated that the property was in compliance on December 15, 2003. He advised they had been cooking in the rear of the property with butane tanks.

The Assistant City Attorney stated that the City was requesting that the Board impose a fine in the amount of \$80,275 since the Order had not been complied with on a timely basis.

Ronald Kline, attorney, stated that the tenants had created the problem. He stated that the tenant had a stipulation with the City, but the owner had never

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 39

been made aware of the situation. He advised that on May 22, 2001 the City had recorded a lien against the property, but the owner had not received such notice. He stated that counsel for the City took the position that by mailing a Certified Letter to the country of Venezuela in violation of federal treaties they had with such country would constitute proper notice.

The Assistant City Attorney further stated that this was not relevant to today's hearing. She stated that service on the first Order and Notices of Violation were not to be discussed at this time. She stated that Notice of Hearing to today was successful since they were present. She advised that compliance had not been timely made, and she asked the Board to impose the fine.

Mr. Kline reiterated that his client had not received due process, nor had he received any notices. He stated that he had applied to refinance the property in February, 2004, and discovered the lien. He stated that they had hired a contractor and installed molding.

Andre Ruel, from Venezuela, stated that he worked for the President of the Company, and began explaining that molding had been installed. He stated that he had come to Florida to try and resolve this problem.

Robert Pignataro stated that the hood had never been inspected, and possibly another permit might have been issued that he was unaware of. He asked who managed the property when Mr. Ruel was in Venezuela. Mr. Ruel replied it was managed by Doug Fleishman. Mr. Pignataro stated that Mr. Fleishman was aware of these problems the entire time. Mr. Ruel stated they did not know that he had been aware of the problem.

Chair Gerald Jordan stated that the permit had never been finalized. He remarked that it only pertained to the range hood and not the other violations.

Bruce Jolly stated the building was in compliance, but the question was the date of the compliance. He stated the issue was whether the City's date of December, 2003 was the date of compliance, and then what the fines would be from that time. He stated this was both jurisdictional and practical, but if the Board believed this was an excuse for not taking action and wanted to consider this in regard to reducing the fine, then it was up to the Board to do so.

Mr. Jolly stated the first issue was the jurisdictional matter. He suggested that this Board reject such issue due to the timeliness issue and that it was not in proper form, and was not the opportunity to review such a matter. He stated that the Courts were the best place to raise such a matter.

Motion made 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 \$20,000 should be imposed. Motion died for lack of a second.

Motion made by Pat Hale 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 \$40,100 should be imposed. Board unanimously approved.

Mr. Kline reiterated that he did not believe that his client had received due process, and that the Board reconsider the motion regarding the fine in the amount of \$20,00. He felt the matter would not get resolved at the \$40,000 figure.

Chair Gerald Jordan stated that the Board had made their decision.

Reference: CE03100034

RJD Investments Inc.
105 N. Federal Hwy

Eve Bazer announced that this case had originally been heard on March 23, 2004 with compliance ordered by June 21, 2004. She advised that one section of the Code was in violation with a fine of \$100 per day. Fines totaled \$3,500. She stated the property was not in compliance.

Robert Pignataro, Building Inspector, stated that this was the Mobile Station on N. Federal Highway. He stated the property was in compliance except for the air conditioners.

Ralph DiSalvo, owner, stated that he was the operator of the Mobile Station. He stated that he had bought the property in the year 2000, and in 2002 had applied for a remodel permit. He stated the property was a non-conforming use and had been refused even with staff's recommendation. He advised that the adjacent property owners petitioned against him and wanted the property to remain as it was at the time. He stated that he was in the process of selling the property. He asked if there could be an extension of time. He stated that when he purchased the property, the tests had come back clean, but now they were showing the property as dirty. He stated they were waiting to have AIG on board, and the air conditioning was going to cost \$25,000. He stated that the sidewalk had been done, along with the restriping of the handicap parking was also done. He remarked that his intention was to sell the property and then the building would be demolished.

Motion made by Pat Hale and seconded by Myrnabelle Roche to grant a 60-day extension of time. Board unanimously approved.

CODE ENFORCEMENT BOARD MEETING

JULY 27, 2004

PAGE 41

Reference: CE03120655

John Copanos
700 NE 7 Avenue, #4

Eve Bazer stated that this case was originally heard on April 27, 2004 with compliance ordered by June 26, 2004. One section of the Code was in violation with a fine set at \$100 per day. Fines total \$1,000. The property was in compliance

Reference: CE03120593

Stevan R. & Janet M. Schaeffer
700 NE 7 Avenue, #5

Eve Bazer stated that this case was originally heard on April 27, 2004 and compliance was ordered by June 26, 2004. One section of the Code was in violation with a fine set at \$100 per day. Fines total \$1,000. The property was in compliance.

Stevan Schaeffer stated that he was requesting that staff check on the dates regarding compliance in this case. He remarked that the gazebos had been torn down on June 24th and 25th. The property was in compliance on June 26, 2004. He remarked that his neighbor's gazebo had been torn down on June 3 or 4, 2004.

Robert Pignataro stated that he had reinspected the property regarding Case 03120593 on July 7, 2004 and the gazebo had been torn down. He added that the trellis was removed at the other site also.

Motion made by Pat Hale and seconded by Sara Horn to abate the fines on both properties as listed. Board unanimously approved.

Mr. Schaeffer reiterated that staff did not know when the structures had been removed since they had not come out to inspect them at that time.

Eve Bazer continued with the cases presented for the imposition of fines as follows:

CE03082248, CE030806565, CE04010286 CE04020156, CE02932145,
CE03110112, CE03020405, CE04030961, CE00110292, CE96080422,
CE97101491, CE96080815, and CE9006789.

Ms. Bazer 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 Pat Hale 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.

Eve Bazer announced that she needed the Board to approve two release orders for Cases CE03091152 and CE04030988.

Motion made by Rixon Rafter and seconded by Bob Young to approve the two release orders for Cases CE03091152 and CE04030988.

Cases Complied

Eve Bazer announced that the following cases were in compliance:

CE04061947	CE04061973
CE04061976	CE04062026
CE04062035	CE04060712
CE04060721	CE04060729
CE04060741	CE04060755
CE04060774	CE04060778
CE04060803	CE04061533
CE04061534	CE04061539
CE04061547	CE04061559
CE02051273	CE03050970
CE03111714	CE04020511
CE04041717	

Cases with No Service

Eve Bazer stated that the following cases had no service:

CE04052025	CE04010884
CE04031771	CE04041150
CE04041166	

Cases Withdrawn

Eve Bazer stated that the following case had been withdrawn:

CE03080416	CE04010088
CE03020405	CE00041253

There being no further business to come before the Board, the meeting was adjourned at 4:07 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.