

**CODE ENFORCEMENT BOARD**  
**City Commission Meeting Room**  
**100 North Andrews Avenue**  
**AUGUST 24, 2004**  
**10:00 A.M – 4:18 P.M.**

---

**ATTENDANCE**

**CUMULATIVE**

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

**BOARD MEMBERS PRESENT:**

Pat Hale, Vice-Chairman	26	3
Myrnabelle Roche	7	0
Sarah Horn	15	4
Gerald D. Jordan, Chairman	28	1
John Phillips	27	2
Rixon Rafter (absent from a.m. session)	25	4
Bobby Young	25	4

Bruce Jolly, Attorney

**BOARD MEMBERS ABSENT**

None

**STAFF PRESENT**

Assistant City Attorney  
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  
Robert Kisarewich, Fire Inspector

Margaret A. D'Alessio, Recording Secretary

**ALSO PRESENT:**

Richard Roughen (CE04070632)

Alan Kovich (CE04070632) &  
(CE03101792)

Robert Carroll (CE04071918)

Ronald Coleman (CE03080568)

Austin Ross (CE04050946)

Vernon Strickland (CE03081415)

Ed Thornton (CE04071885)

Hope Williams (CE04070632)  
Russell Parish (CE04040326)  
Edwardo Zegarra (CE04060425)  
Lee Williams (CE03102093)  
J. Frank Sorirh (CE9315471)  
& (CE9315471)  
Joseph Soroto (CE01100650)

Lee Williams (CE03102093)  
Bob Henry (CE03100824)  
Edward Jorgensen (CE98120378)  
James Barber (CE02070641)  
Earl Hinton (CE9107586)  
Seril Grossfeld (CE02011873 &  
CE00050662)  
Caldwell Cooper (CE01040993)  
Mike Stearns (CE02091636)  
Louis Roig (CE03041128)  
Alex McIntosh (CE03101792)  
Flora James (CE03111168)  
Robert Wickman (CE03101792)

Don Olsen (CE04070632 &  
CE03101792)

Alexander McIntosh (CE04070632)  
William LaRock (CE04040326)  
Jerry Dobak (CE98010167)  
Kathy German (CE9112490)  
Latasha Franklin (CE04040071)

Oliver Glass (CE01060665) &  
(CE01060666)

Cornelius Hall (C#9105799)  
Richard Coker, Jr. (CE99070234)  
Jesse Walden (CE9119039)  
Charles Walker (CE9004263)  
Mary Christenson (CE00062135)  
Jihad Abuznaid (CE02011873)  
& CE00050662)  
Christina Rachelson (CE03120338)  
Karen Beard (CE01071635)  
David Lewis (CE02091636)  
Sarah Morris (CE03011765)  
Harold Lindemann (CE03111720)

Chairman Gerald Jordan called the meeting to order at approximately 10:14 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. 03081415**

Blaisedale, Inc.  
1005 SW 15 Ave.

FBC104.9.3.1 – Expired permits.

Eve Bazer announced that Certified Mail had been sent to Blaisedale, Inc. and signed for on August 5, 2004, signature illegible. Certified Mail had also been sent to Vernon Strickland, Registered Agent of Blaisedale, Inc., and signed for on August 4, 2004, signature illegible. Certified Mail was also sent to Dale Koppel, Officer/Director, and signed for on August 5, 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 the representative of the owner for the remaining permit to be renewed within 60 days or a fine of \$50 per day would be imposed.

Vernon Strickland, attorney, stated that the owner accepted responsibility for the violations, and announced that there had been problems with the general contractor. He added that Permit #03081413 had been renewed on August 19, 2004.

Kenneth Reardon stated that once the permit was renewed, the violation would be in compliance.

**Motion** made by Pat Hale and seconded by Sara Horn to find in favor of the City granting that compliance was to be reached by October 23, 2004, or a fine of \$50 per day would be imposed. Board unanimously approved.

**Reference No. CE04070632**

Marina Holding Inc.  
2700 SW 25 Terrace

ULDR 47-22.9 – Signs without permits. Sec. 9-304(b) – Maintenance of parking area. BCA FFPC F-20.3 – Fire line not provided for docks on west side of marina. FBC 1015.2 - Safeguard on wooden stairway balcony short of 42” required. FBC 104.1 – Work without permits. FBC 104.2.4 – Plumbing work without permits. FBC 104.2.5 – Electrical work without permits. FBC 11-4.1.2 - No accessibility provided. FBC 1619.1 – Permanent facilities at marina not anchored. FBC 2301.2.1 - Floor joists constructed contrary to good engineering practices. FBC 2321.1 – Stairway and landing constructed and not anchored. FBC 3401.6 – Structure/fixtures in disrepair. NEC 110.12 – Electrical work not done neatly or in workmanlike manner. NEC 110.26(a)(1) – Obstruction of breaker panel. NEC 220.10 – Extensions of electrical system had no permits or inspections. Required engineering for load calculations not provided or

approved. NEC 300-5 – Conduit not buried to proper depth. NEC 400.3 – Use of flexible cords subject to physical damage throughout marina. NEC 400.8 – Flexible cords utilized throughout Marina to extend circuitry. NEC 555.10 – Electrical equipment not mounted as required. NFPA 1 3-5.2 – Access road does not provide suitable turn-around at dead end. NFPA 1 3-5.4 – Access road not properly identified as fire lane. NFPA 10 4-4.1 – Extinguishers not charged and missing certification tags. NFPA 303 4-10 – Phone required for emergency notification purposes (no coin required type). NFPA 303 4-11.2 – Fire detection not provided in required areas. NFPA 303 4-3.1 – Fire extinguishers not provided. NFPA 303 4-4.2 – Sprinkler system not provided as required. NFPA 303 4-5.1 – Fire standpipe system not provided for docks on the west side. NFPA 303 4-6 – No hydrants or private water supply system provided.

Eve Bazer announced that Certified Mail was sent to Marina Holding Inc., no date when signed, but signed for by Ray Finn. Certified Mail was sent to Jack Rogers, Registered Agent, Officer/Director, and no date with signature, but signed by Ray Finn. Certified Mail was also sent to Dorothy G. Rodgers, Officer/Director, no date on card, but signed for by Ray Finn. Certified Mail also sent to Fort Lauderdale Shipyard Mraina (tenant) and signed for on August 6, 2004, signature illegible.

Wayne Strawn, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that he had reached a Verbal Agreement to have a compliance plan provided by the owner to this Board within 30 days or a fine of \$50 per day, per violation, would be imposed. He advised that the following violations were in compliance: 47-22.9, 9-304(b), FBC 1015.2, FBC 2301.2.1, FBC 2321.1 and #2 of FBC 3401.6 was in compliance.

Wayne Strawn further stated that to resolve all the issues would be complicated because they were intertwined and would require a lot of work and time. He stated the City wanted a plan with fixed times for compliance to be provided. He

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 5

stated that when the plan was provided to this Board in September, then the Board could have the opportunity to make such plan an Order of the Board. He stated that if they did not comply within the projected time frames, then the matter could be brought back before this Board with an explanation. Otherwise, fines would apply.

Alan Kovich, electrical and fire protection engineer, stated that part of the fire protection has been installed at the facility. He stated there had been some problems regarding the water supply since it came from the County, and it took about 6 months to obtain the water. He stated that they had the electrical permit submitted for the eastern docks.

Chair Gerald Jordan asked if 30 days was sufficient time for a plan to be prepared. Mr. Kovich confirmed.

**Motion** made by Bob Young and seconded by Myrnabelle Roche to find in favor of the City that a projected plan would be provided on September 28, 2004, regarding time frames for compliance of the various violations, or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

**Reference No. CE04040326**

Russell Parish & William Larock  
1413 SW 19 Ave.

Sec. 9-306 – Peeling paint/stained surfaces. FBC 104.1 – Work without permits. FBC 104.2.11 – Mechanical work without permits. FBC 104.2.5 – Electrical work without permits.

Eve Bazer announced that Personal Service had been made to Russell Parish by Ursula Thime on August 21, 2004.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and the violations as listed on the agenda. He stated that in regard to FBC 104.1, the POD storage unit was in compliance, and FBC 104.2.11 was also in compliance. He stated that he had reached a Verbal Agreement with the owner and that they be given 180 days to bring the property into compliance, or a fine of \$25 per day, per violation, would be imposed.

Russell Parish and William Larock, owners, stated that they were living in the house and were in agreement.

Kenneth Reardon advised that they had been victims of contractor fraud, but the matter needed to keep moving forward.

**Motion** made by Pat Hale and seconded by Myrnabelle Roche to find in favor of the City and grant that compliance was to be reached by February 28, 2005, or a fine of \$25 per day, per violation, would be imposed. Board unanimously approved.

**Reference: CE03080568**

Ronald J. Coleman  
3005 Seville St.

FBC 104.1 – Work without permits. FBC 104.2.11 – Mechanical work without permits. FBC 104.2.4 – Plumbing work without permits. FBC 104.2.5 – Electrical work without permits. NFPA 101 7.2.2.6.3 – Single-exit stairway from 2<sup>nd</sup> floor required. NFPA 101 31.2.4 – Building only has one exit, which does not comply with NFPA.

Eve Bazer announced that Personal Service had been made to Sara Coleman (mother) at 4917 NW 51<sup>st</sup> St., Tamarac, FL 33319, by Skip Margerum on August 22, 2004.

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 for 90 days for compliance or a fine of \$100 per day, per violation, would be imposed, and that the Order be recorded.

Ronald Coleman, owner, stated that he would prefer more time and less of a penalty being imposed, but it was his intention to reach full compliance. He added that he was financially strapped and would not be able to comply within the 90 days.

Chair Gerald Jordan suggested that the owner supply a progress report to the Board within the 90 days.

Robert Pignataro advised that serious life safety issues were involved. He stated that balconies had been removed and certain second story areas had been enclosed. He stated that this was a very old case.

Mr. Coleman stated that the property had been sold in 1988 to a group which had caused a lot of trouble, and he had foreclosed on them in 1991. He stated that he lived out-of-town.

Robert Kisarewich, Fire Inspector, stated that the last two fire violations listed on the agenda regarding stairways needed to be addressed first. Otherwise, the

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 7

portion of the building that was affected by the stairway might have to be vacated.

**Motion** made by Pat Hale and seconded Sara Horn to find in favor of the City granting that compliance be reached by November 23, 2004, or a fine of \$100 per day, per violation, would be imposed, and that the Order be recorded.

Myrnabelle Roche suggested that the motion be amended to include that the last two NFPA items be brought into compliance or the building was to be vacated.

**Motion** made by Pat Hale and seconded Sara Horn to find in favor of the City granting that compliance be reached by November 23, 2004, or a fine of \$100 per day, per violation, would be imposed, and that the Order be recorded in accordance with the Stipulated Agreement. Also, that the unit affected by the removal of the stairway and not having a second means of egress should be brought into compliance within 30 days, or the unit was to be vacated.

Mr. Coleman stated that he leased the building to one tenant, and they subleased it to other individuals. The person in the subject unit had lived there for 12 years.

Pat Hale asked if orders were done by the Fire Department regarding the vacating of unsafe apartments. Robert Kisarewich replied that the Fire Marshall would do that in certain circumstances, but such issues had to be brought before him on a case-by-case basis.

Ronald Coleman stated that such issues had not been included in the Stipulated Agreement. He felt they would cause a lot of problems for him. He stated that he had a copy of a fire inspection from 2 years ago which had not mentioned the stairway problem. He reiterated that he would correct the small violations as soon as possible.

Bruce Jolly stated that this case had been presented to the Board as a Stipulated Agreement, and if the Board was concerned whether this agreement should be accepted, then the motion should be moved and voted upon. If the motion was rejected, then the case could be presented. He reiterated that this had been presented as a package deal, and it could not be changed in mid-stream.

Chair Gerald Jordan stated that he would vote against the motion as it was presently worded because he felt the owner should get 90 days for compliance. He explained that the motion could be voted on as stated and if it failed, then another motion could be made for the 90 days for compliance.

Pat Hale stated that now another issue came into play regarding copies of the fire inspections which had been done. She asked if the stairway had been in existence at the time of the inspection two years ago. Mr. Coleman stated that to

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 8

his knowledge, the stairway had not been in existence for the last 5 years. He explained it had been removed due to a problem with "peeping toms."

A motion was made as follows:

**Motion** made by Pat Hale and seconded Sara Horn to find in favor of the City granting that compliance be reached by November 23, 2004, or a fine of \$100 per day, per violation, would be imposed, and that the Order be recorded. Roll call showed: YEAS: Bob Young, Gerald Jordan, Pat Hale, and Sara Horn. NAYS: Myrnabelle Roche. Motion carried 4-1.

Bruce Jolly reiterated that the Stipulated Agreement had been accepted as presented.

Pat Hale reiterated to the owner that the Board was concerned about the safety of the tenant on the second floor. Pat Hale asked if permits for life safety issues received any type of priority in being granted. Bob Young stated that was not the case.

**Reference: CE04050946**

Barbara Swischuk  
814 SW 18 St.

FBC 104.1 – Work without permits.

Eve Bazer announced that Personal Service was made to Barbara Swischuk by John Gossman on August 14, 2004.

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 with the owner's representative for 180 days for compliance or a fine of \$25 per day would be imposed.

Austin Ross, friend of the tenant, stated that she had already begun proceeding on solving the problem.

**Motion** made by Pat Hale and seconded by Myrnabelle Roche to find in favor of the City granting that compliance be met by February 22, 2005, or a fine of \$25 per day would be imposed. Board unanimously approved.

**Reference: CE04071885**

Emil & Ellen Gasperoni  
4710 NW 15 Avenue, #A.

NFPA 101 4.5.5 – 2<sup>nd</sup> floor office unenclosed opening. NFPA 101 7.10.1.2 – Insufficient illuminated exit signs to direct egress. NFPA 101 7.5.2.1



- Exit sign directing egress from warehouse through wall. NFPA 1 1-16.1
- Breach in firewall (west) constructed without permits.

Eve Bazer announced that Certified Mail had been sent to Edit Marine #A (Tenant) and signed for on August 11, 2004, signature illegible. Certified Mail was also sent to Emil Sr. & Ellen Gasperoni and signed for on August 12, 2004 by K. Hode.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. She stated that the original violation had been written on July 16, 2003, with additional re-inspections on August 6, 2003 and January 24, 2004. She added that they had also received a time extension and as of August 23, 2004, the property was still not in compliance. She stated that the owner was not present, but the tenant was requesting 90 days for compliance and she did not object. She advised that if the property was not in compliance by the required time, that a fine of \$50 per day, per violation, be imposed.

Ed Barton, owner of Edit Marine and lessee of Gasperoni International, stated that the violations would be brought into compliance. He explained that he had hired an engineering company and Fire Watch to correct the violations. He advised that he already had hired a contractor and the plans were being prepared.

Chair Gerald Jordan advised the tenant that if they were not in compliance by the time specified that they should come before the Board and give a progress report, and possibly ask for a time extension.

**Motion** made by Pat Hale and seconded by Bob Young to grant in favor of the City and that the property be brought into compliance by November 23, 2004, or a fine of \$50 per day, per violation, would be imposed. Board unanimously approved.

**Reference: CE04071916**

Emil & Ellen Gasperoni  
4710 NW 15 Avenue, #A

NFPA 101 7.2.1.5.1 – Keyed lock attached to exit door. NFPA 101 40.3.4.1 – No fire alarm.

Eve Bazer announced that Certified Mail had been sent to Edit Marine, #A1 (Tenant) and signed for on August 11, 2004, signature illegible.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. She advised that NFPA 101 7.2.1.5.1 was in compliance. She stated that the original violation had been written on July 16, 2003, with additional re-inspections on August 6, 2003 and January 24, 2004. She advised that as of August 23, 2004, the property was still not in compliance. She stated that 90 days should be given for compliance or a fine of \$50 per day would be imposed.

Ed Barton, owner of Edit Marine and lessee of Gasperoni International, stated that he had 3 bays in the complex. He stated that one bay consisted of 12,300 sq. ft. and another was 9,800 sq. ft., and one of them required a fire alarm system to be installed. He stated that the owner was willing to pay for the system to be installed.

**Motion** made by Pat Hale and seconded by Bob Young to find in favor of the City granting that compliance be reached by November 23, 2004 or a fine of \$50 per day would be imposed. Board unanimously agreed.

**Reference: CE04071918**

Hunter Douglas  
5610 NW 12 Avenue, #206

NFPA 101 40.3.4.1 – No fire alarm system.

Eve Bazer announced that Certified Mail had been sent to the City of Fort Lauderdale and signed for on August 6, 2004, signature illegible. Certified Mail was also sent to Hunter Douglas Fabrication Company and signed for on August 8, 2004, signature illegible. Certified Mail was also sent to the Branch Manager and signed for on August 9, 2004, signature illegible.

Ivett Spence-Brown, Fire Inspector, stated the case number, address of the property, and violations as listed on the agenda. She advised that the original inspection had been written on October 1, 2003 for the fire alarm. Additional re-inspections had been done on October 28, 2003 and April 10, 2004, and as of August 24, 2004, the property was not in compliance. She stated that 60 days should be given for compliance or a fine of \$250 per day should be imposed.

Chair Gerald Jordan stated that it appeared the owner was ignoring the problem and suggested that they be given 90 days or a progress report was to be submitted to the Board.

Ivett Spence-Brown advised that she had written fire alarms up before in her area, and it did not take 90 days for the company to do the work. She stated that mostly electrical work was required. She stated she wanted to get their attention regarding this matter since they had been ignoring the problem. She felt that 60

days should be given in order to show that some progress was being made. She explained that the tenant had a small bay originally, but kept expanding the area and increasing their square footage. Therefore, that was why the fire alarm system was required.

John Phillips entered the meeting at approximately 11:03 a.m.

Bob Carroll, Branch Manager of Hunter Douglas, stated that they were the tenant in the location and were a short-time tenant with only 6 months left on their lease. He advised that they had no intention of renewing the lease because they needed more room than what was available. He stated that the City was the owner of the property and they were attempting to negotiate who was to pay for the system. He advised that the property was managed by East Group Properties.

Ivett Spence-Brown stated that they had served the tenant in accordance with instructions from the City Attorney's Office. She stated they felt it was the tenant's responsibility to bring the property into compliance.

Chair Gerald Jordan explained that normally the owner of the property was served, and not the tenant. He stated that the tenant was leaving in 6 months, and he did not feel a fire alarm would be necessary under such circumstances.

Mr. Carroll advised that permits had been pulled when the area had been expanded. He stated they had been in the 3 bays for about 18 months. He stated they had outgrown the facility and that was why they were not renewing the lease. He stated that they had always complied with everything, and that the property manager knew of their intentions to not renew the lease. He stated if the Board instructed him that they had to install the system, then he would request additional time. He advised that he had received bids from two contractors.

Pat Hale asked whose name was on the lease. Mr. Carroll stated he did not know since he was only the Branch Manager.

Eve Bazer stated that she had been informed by the Assistant City Attorney that the tenant was to be cited in this instance. Pat Hale asked if it was included in the lease that such repairs or improvements were to be the responsibility of the tenant. Eve Bazer stated that she was not aware of the situation.

Bruce Jolly stated that the City could pursue a tenant or an underlying owner, but the reason they normally pursued the owner was because it was easier to collect the fine. He stated that the lien rights went with the property. He stated if the City wished to pursue the violation against the tenant, they could do so, and a lien could run against a tenant's personal property. He reiterated that it was just easier to collect from an owner.

Pat Hale stated that they would not collect from the City. Bruce Jolly stated that was a different issue, but it did not mean that a tenant could escape code violations for which they were responsible.

Mr. Carroll stated that their lease would expire at the end of February, 2005.

**Motion** made by Pat Hale and seconded by Bob Young to find in favor of the City and grant until March 22, 2005, for compliance or a fine of \$250 per day would be imposed. Board unanimously approved.

**Reference: CE04060425**

Southland Corp.  
460 W. Broward Blvd.

FBC 104.1 – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Southland Corp. and signed for on August 6, 2004, signature illegible. Certified Mail was also sent to 7-Eleven, Inc. and signed for on August 5, 2004, signature illegible. Certified Mail was sent to Sandra D. Cunningham, Officer/Director, and signed for on August 10, 2004 by Sandra Cunningham. Certified Mail was also sent to Corporation Service Company, Registered Agent, and signed for on August 5, 2004, signature illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated the work had been completed against a Stop Work Order which had been issued. He advised that since such notice had been prepared, they had also replaced the 2 front doors without a permit. He suggested that 60 days be given for compliance or a fine of \$200 per day be imposed.

Eduardo Zegarra, contractor, stated that he did all repairs for the 7-Eleven Stores. He stated this situation had been an emergency because a car had hit the wall.

Kenneth Reardon stated that it was a crime that the work was done without a permit. He stated they had contacted the company and nothing had been done for a while, and then eventually it had been demolished. Plywood had been installed and the manager informed that a permit was necessary. He stated the floor was then poured without a permit and a Stop Work Order issued. He stated that the windows had also been installed. He advised that the work had been deemed unsafe.

Chair Gerald Jordan stated that when someone did not adhere to a Stop Work Order, he believed that was wrong and offensive.

Kenneth Reardon stated that this was an after-the-fact permit situation. He stated that the concrete and steel inspections were vital and would have to be certified by an engineer.

John Phillips asked if there had to be a product approval for the glass. Kenneth Reardon confirmed and stated that was part of the requirement.

**Motion** made by Sara Horn and seconded by John Phillips to find in favor of the City and grant until October 26, 2004 for compliance or a fine of \$200 per day would be imposed. Board unanimously approved.

**Reference: CE04070962**

Kenneth S. Hale  
2922 Banyan St.

FBC 104.1 – Work without permits. FBC 104.2.11 – Mechanical work without permits. FBC 104.2.11 – Installed window and wall air conditioning units without permits. NFPA 101 31.2.4 – Building only has one exit which is not in compliance with exceptions of NFPA. NFPA 101 7.2.2.6.3 – Single exit stairway required to be protected.

Eve Bazer announced that Certified Mail had been sent to Kenneth S. Hale and signed for on August 6, 2004, signature illegible. She also advised that Personal Service had been made to Kenneth Stuart Hale by Bob Pignataro on August 16, 2004.

Robert Pignataro, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He advised that they had reached a Stipulated Agreement with the owner for 120 days or a fine of \$100 per day, per violation, and that the Order be recorded.

**Motion** made by Pat Hale and seconded by John Phillips to find in favor of the City and grant until December 28, 2004 for compliance or a fine of \$100 per day, per violation, would be imposed, and that the Order be recorded. Board unanimously approved.

**Reference: CE04011958**

Scott L. Bryan  
1660 SW 22 Ave.

FBC 104.9.3.1 – Expired permits.

Eve Bazer announced that Certified Mail had been sent to Scott Bryan with no

date on the green card, and the signature was illegible.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He further stated that Personal Service had also been made by Inspector Stalinger on July 31, 2004. He stated that he had been in contact with the owner, and the permit was in for renewal and had been approved. Therefore, the owner had to go and pick it up and pay for it. He suggested that the owner be given 30 days for compliance or a fine of \$25 per day be imposed.

**Motion** made by John Phillips and seconded by Sara Horn to find in favor of the City and grant until September 28, 2004 for compliance or a fine of \$25 per day would be imposed. Board unanimously approved.

**Reference: CE04020473**

Robert & Elizabeth Flowers  
2021 SW 38 Ave.

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

Eve Bazer announced that Personal Service had been made to Robert Flowers by Ken Reardon on August 18, 2004.

Kenneth Reardon, Building Inspector, stated the case number, address of the property, and violations as listed on the agenda. He stated that the owner had torn part of the work out, and was going to appear before the Board of Adjustment so he could retain an office at the site. He suggested that the owner be given 180 days for compliance or a fine of \$25 per day, per violation, be imposed.

**Motion** made by John Phillips and seconded by Sara Horn to find in favor of the City and grant until February 22, 2005 for compliance or a fine of \$25 per day, per violation, would be imposed. Board unanimously approved.

**Reference: CE04031066**

Luis & Maria Martinez  
2815 SW 16 Ct.

FBC 104.1. – Work without permits.

Eve Bazer announced that Certified Mail had been sent to Luis & Maria C. Martinez with no date on the green card, but signed for by Luis Martinez.

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

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 15

a voicemail this morning stating that the bars had been removed from the windows, but he had not yet had a chance to inspect the premises. Therefore, he suggested that 180 days be given for compliance or a fine of \$1 per day be imposed. He stated that they had been doing this type of thing for bars on windows.

**Motion** made by John Phillips and seconded by Pat Hale to find in favor of the City and grant until February 22, 2005 for compliance or a fine of \$1 per day would be imposed. Board unanimously approved.

Chair Gerald Jordan stated that security bars on houses were given latitude due to various circumstances.

Kenneth Reardon stated that these bars did not appear to be on bedroom windows. He advised that this matter came to the inspectors from the Fire Marshall's Office.

**MEETING RECESSED AT 11:30 A.M.**

**MEETING RECONVENED AT 1:03 P.M.**

Rixon Rafter joined the Board for the afternoon session.

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: CE02091636**

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

Old Business

Eve Bazer announced that this case had originally been heard on February 25, 2003 with compliance ordered by August 25, 2003. On September 23, 2003, time was extended until January 21, 2004. On January 27, 2004 time was extended until May 26, 2004. On May 26, 2004 time was once again extended on August 25, 2004. Fines total \$17,050.

Mike Stearns, representing the owners of Dave's Rooming House, stated that the work required to correct the violations had been done, and had been done at the time the last extension had been requested. He explained there had been a "procedural hiccup" and they had not known that when they submitted for the building permit that they were to specify a change in occupancy for the structure. He advised that the structure never had a Certificate of Occupancy. He explained

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 16

that a Certificate of Completion had been issued, instead of a Certificate of Occupancy. He stated plans had been resubmitted. He stated that an item which arose during the inspection for the Certificate of Completion which was that the stairway had to be rebuilt. Plans were submitted for such work and advised that the building pre-dated building codes and the concept of a CO. He stated further that they made an agreement with the Chief Building Inspector as to what codes would apply to the structure. He asked for 90 days to be given to bring the property into compliance.

Wayne Strawn, Building Inspector, stated that he had no objection to giving them 90 days.

**Motion** made by Rixon Rafter and seconded by John Phillips to grant until November 23, 2004 for the property to be brought into compliance. Board unanimously approved.

**Reference: CE03011765**

International Beach Hotel Development, Inc.  
909 Breakers Ave.

Old Business

Eve Bazer announced that this case had originally been heard on February 25, 2003 with compliance ordered by June 25, 2003. On August 26, 2003 time was extended until November 24, 2003. On January 27, 2004 time was extended until March 27, 2004. On March 23, 2004 time was once again extended to May 22, 2004. On May 25, 2004 time was again extended to August 23, 2004. She advised that the property was not in compliance. Fines presently total \$6,400.

Sarah Morris, Property Manager, stated that there had been an ongoing problem with the wall, and they had received the permit one week ago. She stated that the problem was that the wall had been built on an easement, and Code did not permit them in such areas. She explained they had been cited for something that could not be rebuilt until the easement was vacated. She stated that the application had been submitted to vacate the easement and it was on the agenda for September 16, 2004. She explained that she would probably need time until November to get through the required process. She stated that if the vacation was approved, then they would begin construction immediately. She requested that they be given 180 days for compliance.

Kenneth Reardon, Building Inspector, stated that he was confident they were working diligently on the matter, and he had no problem with a 180-day extension of time.

**Motion** made by Pat Hale and seconded by John Phillips to extend the compliance date to February 22, 2005. Board unanimously approved.



**Reference: CE1071635**

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

Old Business

Eve Bazer announced that this case had originally been heard on February 25, 2003 with compliance ordered by August 25, 2003. On September 23, 2003 time was extended until January 21, 2004. On February 24, 2004 time was again extended to July 27, 2004. Fines total \$4,450.

Karen Beard, Executive Director Bonnet House, stated that they were working with the condominium regarding the wall.

Kenneth Reardon, Building Inspector, requested they also be given a 180-day extension of time.

**Motion** made by Rixon Rafter and seconded by Sara Horn to extend the compliance date to February 22, 2005. 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 time was extended to November 27, 2004. On November 25, 2004 time was again extended to January 24, 2004. On January 27, 2004 time was extended to February 26, 2004. On February 24, 2004 time was again extended to May 24, 2004. On May 25, 2004 no further time extensions were granted. On July 27, 2004 the case was heard and compliance was ordered by August 26, 2004. Fines total \$36,400.

Louis Roig, tenant, stated that they had received their permits. He advised that they needed an additional 90 days to complete the required work. He stated that the only violations that had to be complied with were the handicapped ramp, along with the parking. He advised they also had to build the handicap bathroom and other air conditioning work had to be done. He believed they would need more than the 90 days to complete all the work.

Wayne Strawn stated that the permit had been issued on August 13, 2004, and he did not object to an extension of time so the work could be completed.

**Motion** made by Rixon Rafter and seconded by Myrnabelle Roche to grant an extension of time for compliance until November 23, 2004. Board unanimously approved.

**Reference: CE03101792**

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

Old Business

Eve Bazer announced that this case had originally been heard on November 25, 2003 with compliance ordered by December 10, 2004. On January 27, 2004 time was extended to May 26, 2004. On May 25, 2004 time was again extended to August 25, 2004. Fines total \$115,400.

Alan Kovich, engineer, stated that the boats had been removed from the facility. He explained there was a fire protection system on the premises at this time which had been approved by the Fire Marshall as temporary fire protection. He stated there was a CO for Phase I, and 3 additional hose cabinets would be connected within 90 days. He stated they were able to work on one boat in the dry dock facility at this time which had been part of their approval process. He stated that other violations were pending, and they were going to demolish the building in the future. He requested that they grant them 90-120 day extension of time.

Mr. Kovich reiterated that they still had a problem with the bridge and the water and sewer to the facility. He reminded the Board that the owners to the south of this property owned the bridge, and they were currently in litigation regarding the matter. He reminded the Board that they had to work with the County regarding the water and sewer, and further stated that since they were crossing the Osceola Creek, it was a Florida waterway and they had to work with the City.

John Phillips asked out of the 31 citations issued, how many had been complied with at this time. Mr. Kovich advised that the following sections were in compliance: NFPA 1 3-7.1, NFPA 10 4-4.1, NFPA 303 4-10, NFPA 303 4-3.2.1, FBC 104.2.5, ULDR 47-22.9, NFPA 303 6-6.4, NFPA 303 6-6.6, NFPA 312 2-13, NFPA 33 4-2.2, and Sec. 8-146. He stated that in regard to FBC 104.1, only item #3 remained. He stated that they were not able to obtain an occupational license because of the violations. He also stated that in regard to BCA FFPC F-20.3, they had received a permit.

Wayne Strawn, Building Inspector, stated that he had spoken with the electrical inspectors and all violations had been removed regarding the NEC violations.

Mr. Kovich stated they also had 2 fixed piers and there was a potential to install a floating dock at the north pier because the pilings were permitted at the site. He

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 19

stated there was a pending lien on the property and the owner was looking for financing, therefore, they were requesting an abatement of the fines. He also stated they were requesting an extension of time in order to complete the demolition of the building, and complete the second phase of the fire protection system. He reminded the Board that they had a 90-day window regarding the fire protection system in accordance with the Fire Marshall's Office. He requested a 120-day extension of time.

Pat Hale stated there was no access to the property. Mr. Kovich explained they had a cross-access agreement between the property to the south and their property.

Wayne Strawn stated that due to the complexity of the problems at this site, he did not have any objection to granting an extension of time to solve such issues. He stated that normally the City was opposed to an abatement of fines, but that matter was up to the Board.

John Phillips asked about the litigation regarding the bridge.

Robert Wickman, owner, stated that this was a difficult problem and they were in litigation with the developer. He stated that they had been bad neighbors, and it had cost them in excess of \$1 Million for what had taken place. He explained they had taken a marina which had been active for 40 years, and had shut it down. He stated that it cost him about \$60,000 a month to own the marina and he had not received any money since November.

John Phillips stated that if the bridge, sewer and water were issues, then it appeared that the problems would continue until such matters were resolved. He stated that 90 days may not be a sufficient amount of time for compliance.

Mr. Wickman stated they had been in front of Judge Andrews, and they were not going to allow this matter to continue. He stated they would build a new bridge if necessary and sue the company later. He stated that they had a tenant who had been at their facility who would not leave and caused them additional problems. He stated they had not been paid and it had cost him about \$35,000 in legal fees to have the person evicted. He stated that they now had a bank loan which had \$100,000 set aside that they wanted to spend on resolving the fire issues so they could bring in some of the large yachts during the Boat Show, and begin collecting some revenue.

John Phillips explained that the Board did not abate the fines until the work was completed. Chair Gerald Jordan stated they had done it before.

Pat Hale asked if it would be possible for the owner to correct all the violations without a successful outcome of the lawsuit regarding the bridge.

Wayne Strawn stated they wanted a marina at the site and they would need the bridge.

Robert Kisarewich, Fire Inspector, stated that a bridge was necessary in order to have a marina at the site. He stated the owner had been cooperative with the Fire Marshall in regard to a game plan. He further stated that both parties were aware of what could be done with the property at this time. He stated the big stipulation would be in regard to fire department access. He explained that the agreement with the fire department now permitted them to maintain the one boat in the dry dock facility with a one-year time frame, and the fire line with the temporary fire pump was also set up on a one-year time frame.

Pat Hale clarified that in order to bring in the water from the main street, it was all tied in with the bridge. Robert Kisarewich stated that it was tied into developing a marina at the site.

Mr. Wickman stated that the water was on the other side of the canal and the developer of Marina Bay controlled the bridge.

Mr. Kovich explained that the developer controlled the entire parcel in front of their site. He stated they had agreed to repair the bridge and bring in the water and sewer across it, but it was stopped on the other side. He stated possibly that was done due to financial circumstances, but it was a profitable project. He felt confident the matter would be worked out in the near future or they would pay for the new bridge. He explained they wanted to submit plans for the property in the future.

Myrnabelle Roche asked if the Board could abate the fines, but have the pressure point that if an extension was granted, the fines could accrue again if compliance was not reached. Therefore, the owner would have the ability to refinance.

John Phillips asked if they could subordinate the lien to the bank financing.

Bruce Jolly stated the Board could abate the fines that had been ordered to be imposed, but this matter had not been reduced to a lien status. He explained that if the Board did that, it would be a departure from their normal procedure, but this situation was unique.

Mr. Wickman stated that the majority of their fines were due to the fact that an individual would not leave the premises.

Rixon Rafter asked how long it would take to build the bridge. Mr. Wickman stated he felt it could be pre-built and then installed at the site because they did not want to close down the site for more than one week.

**Motion** made by John Phillips and seconded by Bob Young to grant an extension of time until February 22, 2005, and that the fines be abated in their entirety.

Myrnabelle Roche stated that in her opinion the abatement was not due to the issue being out of the owner's control because the law was on the side of the property owner. She stated that she would vote for the abatement because the owner was attempting to repair the property and make it into a revenue producer.

Pat Hale asked if the owner would be able to safely bring in the boats for the Boat Show. She asked how many docks would be available.

Mr. Kovich stated they still had to get approval from the Fire Marshall for any additional boats over and above the one already being permitted.

Robert Kisarewich stated they had the use of the dry dock at this time for one boat only. Anything outside of that, they would have to supply fire department access, along with the second phase of the fire line completed and the docks permitted. He stated they were working with the Fire Marshall on the issues.

Mr. Kovich explained that the intent of the temporary diesel fire pump was to supply fire protection at the site, and not have to cross the bridge. He explained further they had an engineer at the site to do an analysis regarding the bridge. They were informed that the capacity of the existing bridge was not adequate for a fire truck. He stated that regarding obtaining permission for the additional boats for the Boat Show, he would have to continue working with the Fire Marshall.

Board unanimously approved the motion.

**Reference: CE03111168**

Osmond & Flora Baptiste  
129 SW 22 Ave.

Old Business

Eve Bazer announced that this case had originally been heard on April 27, 2004 with compliance ordered by July 26, 2004. Fines presently total \$250, and the owners were requesting an abatement of fines.

Flora (James) Baptiste, owner, stated that this was a rental property, and that she had received the permit.

Kenneth Reardon stated that the contractor had the plans approved, but had been slow in picking up the permit. He stated they had missed the compliance date by a few days. The owner had to finally call the contractor to pick up the permit.

**Motion** made by John Phillips and seconded by Rixon Rafter to abate the fines in their entirety. Board unanimously approved.

**Reference: CE03111720**

ESP Partners LLC  
228 SW 21 Ter.

Old Business

Eve Bazer announced that this case had originally been heard on March 23, 2004 with compliance ordered by September 19, 2004. No fines as of this date.

Harold Lindemann, co-owner, stated that they were requesting an extension of time. He explained that they had an architect doing the design, and then they were going to see if it would cost less to demolish the second floor or bring it up to Code. He requested that they be given a 180-day extension of time.

Kenneth Reardon, Building Inspector, stated that he did not have an objection to the 180-day extension of time. He stated that this was a warehouse.

**Motion** made by Pat Hale and seconded by Myrnabelle Roche that an extension of time be granted to February 22, 2005. Board unanimously approved.

**Reference: CE03121338**

TATA International  
1500 W. Commercial

Old Business

Eve Bazer announced that this case was originally heard on January 27, 2004 with compliance ordered by April 26, 2004. On May 25, 2004 time was extended to June 24, 2004. On June 22, 2004 time was again extended to July 24, 2004. Fines now total \$5,800. She advised that they were requesting an abatement of fines.

Chris Rachelson, General Manager of Travelodge, stated that they were now in compliance. She explained that the frame work was now down, and they were requesting an abatement of fines incurred during the month of April because she had not been able to get on the April agenda to request an extension, but such extension had been granted to her in a meeting held after that date.

Robert Pignataro, Building Inspector, stated that he did not object to an abatement of fines.

**Motion** made by John Phillips and seconded by Bob Young to abate the fines in their entirety. Board unanimously approved.

**BOARD RECESSED AT 1:58 P.M.**

**BOARD RECONVENED AT 2:10 P.M.**

Chair Gerald Jordan proceeded to introduce the Board and City staff who were present.

**Massey Hearings**

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

**Reference: CE01040993**

Chateau #2 Condo Assn  
629 NE 2 Ave.

Eve Bazer announced that this case had originally been heard on May 28, 2002 with compliance ordered by August 26, 2002. There were 4 sections of the Code in violation at \$50 per day. Fines presently total \$124,400. As of today's date, the property was not in compliance.

Caldwell Cooper, President of Condo Assn., stated he had become the President within the last 4-6 months. He stated that he had bought his first unit in this group about 4 years ago. He stated further that in 2002 he had spoken with Inspector Strawn in regard to water damage to an electric meter and door which was part of this case. He stated that those two items had been permitted and repaired in mid-2002. He stated that he was not aware of any other violations at that time since he had not been President of the Association. He stated that the last Association meeting prior to his becoming President had been held in 1986. He advised that on August 16, 2004, he had received a letter regarding the imposition of fines. Since receiving such letter, he had reviewed all the violations and spoke with Inspector Strawn, and it appeared there were only 4 items remaining that had to be complied with such as the balcony on the second floor with exposed rebar. He explained that he had hired an engineer and received a letter from him so he could hire a general contractor.

Mr. Cooper further stated that another issue was in regard to an exterior light fixture which had been installed in the parking lot. He explained that he had pulled a permit for that work and had also hired a contractor. He continued stating that the condo association had been cited for retroactive landscaping. He stated that he had employed a landscape architect and company and was waiting on their renderings to be submitted.

Mr. Cooper stated that he had bought into this situation, and was attempting to correct all the violations. He explained that all this work was being done at his expense because the other owners refused to pay any added costs or even their monthly dues. He requested that the Board grant him a 90-day extension so the work could be completed.

Mr. Cooper further stated that the 629 Building had also been cited for guardrails on balconies, and after investigating the situation, they were being deemed as-built and were legal. There was also a fence at the northern property line which was in disrepair, and he was going to have a survey done to show that the fence belonged to the owners to the north.

Mr. Cooper reiterated that he was requesting a 90-day extension, and after the work was completed, he wanted to return before the Board regarding an abatement of fines.

Pat Hale asked how many units were in this association. Mr. Cooper replied there were 15 units.

Wayne Strawn, Building Inspector, stated that he did not oppose an extension of time.

**Motion** made by John Phillips and seconded by Bob Young to grant an extension of time for compliance until November 23, 2004. Board unanimously approved.

**Reference: CE9004263**

Charles W. Walker  
2345 NW 14 St.

Eve Bazer announced that this case had originally been heard on June 13, 1991 with compliance ordered by June 27, 1991. There was one section in violation with a fine of \$150 per day. Fines presently totaled \$439,950, and the property was in compliance.

Wayne Strawn, Building Inspector, stated that the City was relying on the case history and reports of the Inspectors, and compliance had not been achieved on time.

Charles Walker, owner, stated that he wanted to present a paper to the Board from the Court pertaining to his property.

Wayne Strawn stated that the report showed the property was not in compliance.



Chair Gerald Jordan asked if the sheds had been removed from the property. Mr. Walker stated that the sheds had been removed. He advised that he had a small trailer on his property which was not presently licensed.

Wayne Strawn stated that he did not object to a 30-day extension of time so that he could go to the site and inspect the property.

**Motion** made by John Phillips and seconded by Rixon Rafter to grant an extension of time until September 28, 2004. Board unanimously approved.

John Phillips suggested that someone explain the situation to Mr. Walker so he would be aware of everything involved. He added that Legal Aid offered assistance to citizens.

**Reference: CE00062135**

WM Meredith TR Inc.  
1245 NW 01 Ave.

Eve Bazer announced that this case had originally been heard on September 26, 2000 with compliance ordered by November 28, 2000. She advised that 3 sections of the Code were in violation, and the fines presently totaled \$404,200. She stated that the property was not in compliance.

Mary Christensen, shareholder of the corporation, stated that this was a vacant house since it had been purchased in 1999. She stated that the property was to be sold in 2000, but the contract fell through because the buyer did not want to hire a contractor to repair the violations cited and bring it up to Code. Due to the expense involved, they had not been able to sell it. She advised that the remodeling had been done previous to their purchase of the property. She stated that she had paid for the new roof when the house was under contract, and some interior repair work had been done.

Chair Gerald Jordan asked why the property was not in compliance. Ms. Christensen stated that it would be a major project to bring the property into compliance because an architect would have to be hired to review the original plans and compare them to the present condition of the house. Then, she explained they would have to review the permits which had been obtained, and then new plans would have to be drawn up. She continued stating that it would be very expensive.

Chair Gerald Jordan asked if they had a plan for the future of the property. Ms. Christensen stated that if the fines were abated, she would be able to sell the property. She advised that she paid taxes and insurance on the house, along with maintaining it.

Chair Gerald Jordan stated that the code violations still had to be rectified.

Rixon Rafter asked what did Ms. Christensen see as a resolution to these problems. Ms. Christensen replied that she presently had a buyer for the property if the code violations were taken care of. Pat Hale reiterated that the code violations still existed and had to be corrected.

Robert Pignataro, Building Inspector, proceeded to show photographs of the subject property. He explained it had been a single-family home, and stated that it was one of the Kratenstein properties. He stated that he had actually caught the person inside doing the plumbing and alteration work, and asked them to stop the work and obtain a permit, but they had not done so. About one week later, he went back and they were still doing work and replacing the roof. Finally, the work stopped and he advised that it had been subdivided, and the electrical, plumbing and structural work was way out of control. He stated that the City wanted the fines imposed on this property.

**Motion** made by Rixon Rafter 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 in the amount of \$404,200 be imposed.

The Assistant City Attorney stated that there had been 3 sections of the Code not in compliance at \$100 per day. She explained that the Board could impose the fine up to the present time, or they could impose the \$100 per day, per violation, fine and keep the clock ticking.

Bruce Jolly stated that the motion could include both fines.

The motion was amended as follows:

**Motion** made by Rixon Rafter 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 in the amount of \$404,200 be imposed, and that the fine of \$100 per day, per violation, would continue to accrue.

Bob Young asked how could the fine be imposed if the property was not worth the money. Chair Gerald Jordan stated that this property would probably be turned over to the City Attorney's Office for resolution. He stated the neighborhood had to be protected. Bob Young stated that everyone was aware of the Kratenstein properties and he did not know how she could have purchased the property. Chair Gerald Jordan stated that this had been purchased before the scandal took place.

Board unanimously approved except for Bob Young who was opposed.

**Reference: CE9107586**

W.E. & Joan Hinton  
713 NW 19 Ave.

Eve Bazer announced that this case had originally been heard on August 8, 1991 with compliance ordered by August 23, 1991. She stated that one section of the Code had been in violation with a fine of \$100 per day. Fines presently totaled \$253,100. She stated that the property was in compliance.

Wayne Strawn, Building Inspector, stated that compliance was reported on July 30, 1998. He stated the Inspector had been Chuck Wygant who reported there had been no change in the property from 1992 to 1994. He stated the City was requesting an imposition of fines.

Walter Hinton, owner, stated that he had owned the property since 1961, and advised that there had been "bad blood" between himself and the Code Inspector. He felt that the situation had not been handled properly. He added that the compliance dates did not coincide because the inspector did not do things right. He stated that his wife had been on this Board in 1991-1992. Photographs were shown of the subject property from 1991.

Bob Young asked if an inspector had been to the site recently.

Wayne Strawn stated that the property was in compliance since 1998. Chair Gerald Jordan reiterated that there appeared to be a gap in dates between 1992 and 1998. He explained that he did not store things on the property, and only had one truck in the rear at this time. Wayne Strawn stated further that originally this had been Inspector Alman's case, and a report had been submitted which referred to photographs, but none were in the case file. He proceeded to read some of the reports submitted by the Inspector. He advised that Chuck Wygant had taken over the case in 1992-1993.

**Motion** made by Bob Young and seconded by Rixon Rafter to abate the fines in their entirety. Board unanimously approved.

**Reference: CE02011873**

Munaz Enterprises Inc.  
223 NW 6 St.

Eve Bazer announced that this case had originally been heard on April 23, 2002 with compliance ordered by May 23, 2002. She stated that 4 sections of the Code had been in violation with a fine imposed of \$50 per day. Fines presently totaled \$164,000. She advised that the property was not in compliance.

Sarah Grossfeld, attorney, stated that the properties at 223 NW 6 St. and 201 NW 6 St. were adjoining properties. She explained that the brother who had been in charge of the property for the family had problems and was no longer in the country. Another family member had taken over and they had appeared before the Special Master on August 12, 2004 and had requested additional time to meet with the inspectors. She stated the family was in the process of bringing the property into compliance. She stated that they were to appear before the Special Master again in September, and hopefully, the property would be in compliance. Then, they wanted to make an offer regarding the fines.

Ms. Grossfeld asked if this matter could be continued for 30 days. She advised that the property was a convenience store and was presently in foreclosure. She stated that an appraisal had been done and the property was valued at \$360,000. She stated the fines were in excess of the value of the property, but since it was in foreclosure they would have to refinance, and then they would be able to make an offer regarding the fines. Ms. Grossfeld stated that there had also been a nuisance abatement case about two years ago, and there had been the possibility that the Police Department was going to use the site as a substation. They decided not to do that, and permits had been pulled to make improvements so tenants could be obtained for the property.

Bruce Jolly stated that it might be appropriate to be consistent regarding these properties, but to address them separately.

Ms. Grossfeld further stated that there was one mortgage for the property, but the property appraiser had it listed with two folio numbers.

**Motion** made by Pat Hale and seconded by John Phillips that this matter be continued until September 28, 2004. Board unanimously approved.

**Reference: CE00050662**

Munaz Enterprises Inc.  
201 NW 06 St.

Eve Bazer announced that this case was originally heard on October 24, 2000 with compliance ordered by March 27, 2001. She stated that 6 sections of the Code had been in violation with fines set at \$100 per day. Fines presently totaled \$537,800. She advised that 2 sections of the Code remain in violation.

**Motion** made by Rixon Rafter and seconded by John Phillips that this matter be continued until September 28, 2004. Board unanimously approved.

**Reference: CE04040071**

Norman & Andrea Williams  
1517 NW 19 Ave.

Old Business

Eve Bazer announced that this was an old business case.

Latasha Franklin, sister-in-law of the owner, stated that they had pulled the blueprints for the property, and it appeared that the room had been included. She further stated that the Inspector had not yet been out to check the property. Therefore, she wanted an extension of time so the Inspector could come to the property.

Wayne Strawn, Building Inspector, stated that he had taken over this case from Douglas Kurtz. He stated if there was a dispute regarding compliance dates, he was not opposed to a 30-day extension of time so the records could be reviewed.

**Motion** made by John Phillips and seconded by Rixon Rafter that this matter be continued until September 28, 2004. Board unanimously approved.

**Reference: CE99070234**

Michael Zuro  
515 Seabreeze Blvd.

Eve Bazer stated that this case was originally heard on February 22, 2000 with compliance ordered by June 27, 2000. She stated that 4 sections of the Code had been in violation with a fine of \$50 per day. Fines presently totaled \$146,300. She advised that the property was in compliance.

Dick Coker, attorney, stated that this was the old RJ Landings property, and he explained that the violations involved the Pro Dive Enterprise which had been at the site. He explained that apparently Pro Dive had been a tenant who did not have an occupational license, but had made some improvements without a permit. He stated the matter would have been easy to resolve. He stated that they had a parking agreement with a lot across the street which was being developed now by Ocean Grand. He stated that they had an agreement that during the period of construction when parking would no longer be available, they would enter into an agreement with the City to use their lot down the street as a substitute. He explained that had been done. He explained that the City would not issue permits or an occupational license until the parking issue had been resolved. He stated that the matter had gone on for over a year. He explained that a timing issue had to be worked out, and once that had been done, then the

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 30

City would issue permits. He stated the Board needed to take into account the amount of time for which the City would not issue permits due to the parking issue. He asked that the Board grant a 30-day continuance for this matter so they could prepare a proper presentation.

John Phillips stated the issues were the gravity of the violations and any actions taken by the violators to correct the problem. He further stated they were entitled to their "day in court."

Rixon Rafter asked what amount of rent had Pro Dive Shop been paying at the property. Mr. Coker stated that it was about \$6,000 per month for about 4,000 sq. ft.

John Phillips asked why the City had not pursued the tenant in this case. Mr. Coker stated that he believed they had a choice.

Robert Pignataro, Building Inspector, stated that the City was not opposed to a 30-day extension of time.

**Motion** made by Bob Young and seconded by John Phillips that this matter be continued until September 28, 2004. Board unanimously approved.

**Reference: CE9112490**

Servell German  
1643 NW 10 Ave.

Eve Bazer announced that this case had originally been heard on September 24, 1991 with compliance ordered by October 24, 1991. She stated that one section of the Code had been in violation with a fine of \$200 per day. Fines presently totaled \$512,600. She advised that the property was in compliance.

Kathy German stated that she was the daughter-in-law of the owner, and advised that her mother-in-law lived at the property. She stated that her mother-in-law had become ill in 1986 and the son and daughter were to take care of the property. She stated she had recently been aware of this lien, and that was why she appeared at today's meeting. She stated that she had worked with the City and the Grant Program who had supplied a new roof and were helping her with the violations. The property was now in compliance. She advised that her mother-in-law had lived at this property for at least 23 years.

Wayne Strawn, Building Inspector, stated that the compliance was not timely, but there had been some extenuating circumstances. He stated that the owner had suffered from a stroke and various relatives had lived in the house. He was not sure if the woman had been capable of handling her property, and the people around her were not interested in helping to solve her problems. Therefore, he

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 31

stated that the City was not opposed to a reasonable abatement of fines, and possibly only the cost incurred by the City could be charged.

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

**Reference: CE9105799**

Cornelius Hall  
1705 NW 15 Ave.

Eve Bazer announced that this case had originally been heard on June 25, 1991 with compliance ordered by August 26, 1991. She stated that one section of the Code had been in violation with a fine of \$150 per day. Fines totaled \$712,050. She advised that the property was not in compliance.

Cornelius Hall, owner, stated that in 1991 the problem had been corrected which involved the removal of a carport. He stated that he had corrected the problem with the pool at the time.

Chair Gerald Jordan asked if the pool was in good condition as of this date. Mr. Hall replied that the pool was dirty but he was working on it. He advised that the carport had been removed. He further stated that the fence on the north side was there when he moved in. He explained that he wanted to get a permit and construct a wood fence at the site.

Pat Hale asked if a new roof had been installed in 1991. Mr. Hall confirmed and stated that a contractor had done it. Pat Hale stated that 13 years later, she did not think an after-the-fact permit could be obtained.

Rixon Rafter has if the property at one time had two carports. Mr. Hall replied there was only a single carport.

Wayne Strawn, Building Inspector, stated that the main issue was in regard to the bedroom which had been added to the west side of the building. Mr. Hall replied that it was a den. Wayne Strawn stated that in 1994 there had been no after-the-fact permit. He stated further that the owner had inherited the problem, but his brother was an attorney and he was to get an architect for Mr. Hall to help resolve the problem. Mr. Hall stated that they had hired an architect.

Chair Gerald Jordan reiterated that plans had to be submitted so a permit could be obtained. He suggested that 60 days be given.

Wayne Strawn stated that an amnesty search had been done on February 12, 2004, but the property had been listed as not being in compliance.

**Motion** made by Bob Young and seconded by Rixon Rafter that this matter be continued until October 26, 2004. Board unanimously approved.

Bob Young stated that he had a conflict of interest in regard to the next case.

**Reference: CE03100824**

BI-ADS Inc. & Westside Gazette  
545 NW 07 Ter.

Eve Bazer announced that this case had originally been heard on January 27, 2004 with compliance ordered by April 26, 2004. She stated that 12 sections of the Code had been in violation with a fine of \$50 per day. Fines presently totaled \$34,800. She stated that the property was not in compliance.

Bob Henry, owner, stated that he was working on the problems and had hired a contractor. He stated that he had received the notice late.

The Assistant City Attorney explained that a courtesy notice had been sent out in October, 2003.

Wayne Strawn, Building Inspector, stated that a master permit had been issued, and he stated that he was not opposed to granting additional time for correcting the violations.

**Motion** made by Rixon Rafter and seconded by John Phillips that this matter be continued until November 23, 2004. Board unanimously approved.

Bob Young returned to the Board.

**Reference: CE98010167**

Delphine Lavery  
808 NE 14 Ave.

Eve Bazer announced that this case had originally been heard on May 25, 1999 with compliance ordered by August 23, 1999. She stated that 4 sections of the Code had been in violation with a fine of \$25 per day. Fines totaled \$144,400. She stated that one section was in compliance.

Jerry Dobak stated that he was the legal guardian of Delphine Lavery who had been deemed mentally incapacitated. He stated that he was partially aware of the problems at the property, but not fully aware of the situation. He stated that Ms. Lavery was his aunt and he had tried to help her in the past, but she did not



CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 33

understand the problem. He advised that she was presently living in a retirement home, but she needed to move back to her house. He stated repairs needed to

be done before that could take place, but his hands were tied due to the judicial system. He stated that court orders were required for everything he wanted to do.

John Phillips asked why there was such a problem getting things approved through the guardianship because there were routine procedures. Mr. Dobak reiterated that it had taken 2 months for him to receive the papers pertaining to the guardianship.

Chair Gerald Jordan suggested that the Board grant a 60-day extension so then Mr. Dobak could return and provide a progress report to the Board.

**Motion** made by Bob Young and seconded by Rixon Rafter that this matter be continued until October 26, 2004. Board unanimously approved.

**Reference: CE98120378**

E.W. & Cathy Jorgensen  
2609 SW 13 PL

Eve Bazer announced that this case had originally been heard on January 26, 1999 with compliance ordered by December 22, 1999. She stated that one section of the Code had been in violation with a fine of \$250 per day. Fines totaled \$125,500, and the property was in compliance.

Kenneth Reardon, Building Inspector, stated that the property was in compliance, but had not been complied within the time frame ordered. He asked that an Order be given to impose the fine.

Edward Jorgensen, owner, stated that he was having health problems and asked if this matter could be heard on a different date. He stated that he lived at the property, and recently had been divorced.

Kenneth Reardon announced that the property came into compliance on May 8, 2001. He proceeded to read a chronological listing of the time extensions which had been granted. He explained that fines ran for the month of March, June, July and August of 2000, plus a period from December, 1999 to October, 2000.

**Motion** made by Rixon Rafter and seconded by Pat Hale that the fine be reduced to \$2,500. Board unanimously approved.

**Reference: CE03102093**

Lee & Susie Williams  
1116 SW 01 St.

Eve Bazer announced that this case had originally been heard on April 27, 2004 with compliance ordered by May 27, 2004. She stated that 4 sections of the Code had been in violation with a fine of \$250 per day. Fines totaled \$25,000 and the property was in compliance.

Kenneth Reardon, Building Inspector, stated that the property was in compliance. He explained the owner had been given 30 days to comply or a fine of \$250 per day, per violation would be imposed. He further stated that the fines began on May 28, 2004. He stated that the owner had missed a month in trying to get on the agenda and that was when the fines had begun. A time extension was granted and the property was brought into compliance during that time. He stated that the City had no objection to an abatement of fines.

**Motion** made by John Phillips to abate the fine in its entirety.

Chair Gerald Jordan stated that he did not agree to abate the fines, and he remembered that when Mr. Williams had been before the Board he had been very obstinate, and he had also been told to stop work which he ignored. He did not think Mr. Williams had shown any respect for the City. He announced that he would vote against a reduction in fines.

Mr. Williams stated that he had been unable to comply within the time period due to the City taking long in reviewing his plans.

Myrnabelle Roche seconded the motion.

John Phillips reiterated that the City was not opposed to an abatement of fines.

Kenneth Reardon stated that Mr. Williams had worked through the stop work order and had not done what was asked of him. After they got his attention, he had complied. He reiterated that the City's goal had been achieved. He stated that the fines were up to the Board.

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

**Reference: CE9315471**

J. Frank & Bernice Smith  
1102 SW 06 St.

Eve Bazer announced that this case had originally been heard on January 25, 1994 with compliance ordered by April 25, 1994. One section of the Code had been in violation with a fine at \$150 per day. Another section of the Code was in violation with a fine at \$250 per day. Fines totaled \$208,050. She advised the property was in compliance.

Wayne Strawn, Building Inspector, stated that there was a dispute regarding compliance dates and amounts. He stated that he believed their attorney was going to ask for additional time so the matter could be further investigated. He stated that he was not opposed to a 60-day extension of time so the dispute could be resolved.

Sonya Knight, attorney, stated they would like a 60-day extension of time.

Motion made by Rixon Rafter and seconded by Pat Hale that this matter be continued until October 26, 2004. Board unanimously approved.

**Reference: CE01100650**

S & L Management  
6500 NW 9 Ave.

Eve Bazer announced that this case had originally been heard on June 25, 2002 with compliance ordered by September 23, 2002. She stated that 16 sections of the Code had been in violation with a fine of \$50 per day. Fines totaled \$558,000 and the property was not in compliance.

Joseph Soroto, owner, stated that he had records to show that the property was in compliance.

The Assistant City Attorney stated that according to a printout from Code, it stated that the case was in compliance and no further action was required. Fine settlement still pending. The date on this was March 1, 2004. She stated it appeared it had been put in the computer after the Amnesty Program.

Mr. Soroto stated that the inspector had signed off on all the work that had been done. He stated that he had met on June 25, 2002 with the City and he had been instructed to hire an architect and general contractor. He stated that he had permit plans showing that he had complied.

Pat Hale stated the question was when the property had been brought into compliance.

Robert Pignataro, Building Inspector, stated that the property was not in compliance. He explained that there were permits for some of the work, but not all.

Chair Gerald Jordan stated that it appeared there was a dispute regarding compliance dates and suggested that the owner meet with the City to go over the records.

**Motion** made by Rixon Rafter and seconded by Bob Young that this matter be continued until September 28, 2004. Board unanimously approved.

**Reference: CE01060665**

Oliver C. Glass  
1602 NW 6 St.

Eve Bazer announced that this case had originally been heard on July 24, 2001 with compliance ordered by January 22, 2002. She stated that 7 sections of the Code were in violation with a fine of \$25 per day. Fines totaled \$165,200, and the property was not in compliance.

Oliver Glass stated that his father owned this property, and advised that except for 4 violations, the problems had been corrected. He stated that the property consisted of 2 buildings which was a grocery store and convenience store, but it was presently closed.

Bob Young advised that once the buildings were brought up to Code, the owner intended to rent the space out. Mr. Glass confirmed.

Robert Pignataro, Building Inspector, stated that he was not opposed to a 90-day continuation.

**Motion** made by Bob Young and seconded by Rixon Rafter to continue this matter until November 23, 2004. Board unanimously approved.

**Reference: CE01060666**

Oliver C. Glass  
1600 NW 6 St.

Eve Bazer announced that this case had originally been heard on July 24, 2001 with compliance ordered by January 26, 2002. She stated that 8 sections of the

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 37

Code had been in violation with a fine of \$25 per day. Fines totaled \$188,000 and the property was not in compliance.

Oliver Glass stated that this property was joined to the property discussed in the previous case.

Robert Pignataro, Building Inspector, stated that the City did not oppose a 90-day continuance.

**Motion** made by Pat Hale and seconded by Bob Young to continue this matter until November 23, 2004. Board unanimously approved.

**Reference: CE9119039**

Jessie Walden  
2336 NW 15 St.

Eve Bazer announced that this case had originally been heard on April 28, 1992 with compliance ordered by May 28, 1992. She stated that 1 section of the Code had been in violation with a fine of \$100 per day. Fines totaled \$446,700 and the property was not in compliance.

Jessie Walden, owner, stated that some of the work had been done. He advised that he owned the property since 1954. Chair Gerald Jordan advised that all the violations had to be corrected.

Wayne Strawn, Building Inspector, stated that he had been given this case and was not familiar with it, and had never been to the property. Therefore, he suggested that the Board grant a 30-day continuance so he could go and inspect the property and meet with the owner.

**Motion** made by Rixon Rafter and seconded by Bob Young to continue this matter until September 28, 2004. Board unanimously approved.

**Reference: CE02070641**

William Polk & Bonn Heli  
1604 SW 5 Ct.

Eve Bazer announced that this case had originally been heard on February 25, 2003 with compliance ordered by May 26, 2003. She stated that 3 sections of the Code were in violation with a fine at \$50 per day. Fines totaled \$13,050 and the property was not in compliance.

Kenneth Reardon, Building Inspector, stated that this was a special case, but the property was not in compliance. He stated that Jim Barber had been working with

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 38

the owners, and part of one section was in compliance. He suggested that they be given a 180-day extension of time. He stated that he did not oppose such extension of time.

Jim Barber, Contractor, stated that Estelle Abrahms was going after Sears in this matter because they were the ones who had done the project in 1991 without permits. They were claiming it was not their responsibility, but Ms. Abrahms stated it was their responsibility. He further stated that the windows and shutters were being taken care of. He explained the downstairs bathroom would be done last because the husband was elderly and ill, and it was the only one that he was able to use.

**Motion** made by Rixon Rafter and seconded by John Phillips to continue this matter until February 22, 2005. Board unanimously approved.

Bruce Jolly left the meeting at approximately 4:02 p.m.

Rixon Rafter stated that he would like to know the amount of fines as the cases were read.

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

CE02030345 (Fine \$317,600)	CE02051622 (Fine \$1,904)
CE9110548 (Fine \$2,086,800)	CE9302865 (Fine \$204,950)
CE9001042 (Fine \$246,650)	CE01050403 (Fine \$872,800)
CE9208029 (Fine \$429,100)	CE01080869 (Fine \$48,700)
CE02010746 (Fine \$159,700)	

John Phillips suggested that the notices regarding these cases be sent out in Creole. Pat Hale suggested that one side of the notice could be English and the other side Spanish. John Phillips stated that the Court notices now were in Spanish and Creole.

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 Pat Hale and seconded by Bob Young to find that the original Order was not complied with by the date set in the Order, and therefore, the fines would be imposed as listed. Board unanimously approved, except for John Phillips who opposed.

Eve Bazer announced that she needed to read into the record an Order of Compliance in regard to Case CE03071745.

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 39

**Cases Complied**

Eve Bazer announced that the following cases were in compliance:

CE04010376	CE04070836
CE04070974	CE04071971
CE03061038	CE03062548

**Cases with No Service**

Eve Bazer stated that the following cases had no service:

CE04052025	CE04010884
CE04031771	CE04041166

**Cases Withdrawn**

Eve Bazer stated that the following case had been withdrawn:

CE9404569	CE04050695
CE9009326	CE03051074
CE02051592	CE02061210
CE04041813	CE04032621

**Approval of Minutes – June 22, 2004 Meeting**

**Motion** made by Rixon Rafter and seconded by Bob Young to approve the minutes of the June 22, 2004 meeting. Board unanimously approved.

There being no further business to come before the Board, the meeting was adjourned at 4:18 p.m.

ATTEST:

\_\_\_\_\_  
Chairman, Code Enforcement Board

\_\_\_\_\_  
Margaret A. D'Alessio,  
Recording Secretary

CODE ENFORCEMENT BOARD MEETING

AUGUST 24, 2004

PAGE 40

NOTE: The agenda associated with this meeting is incorporated into this record by reference.