

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
October 26, 2004
10:00 A.M – 3:30 P.M.

Board Members Present

Attendance

Gerald D. Jordan, Chair	P
Pat Hale, Vice-Chair	P
Myrnabelle Roche	A
Sarah Horn	P
John Phillips	P
Rixon Rafter	P
Bobby Young	P
Howard Elfman	P
Bruce Jolly, Attorney	P

Staff Present

Assistant City Attorney
Susan Batchelder, Community Inspections Supervisor
Eve Bazer, Administrative Assistant II
Thomas Clements, Fire Inspector
Betty Costanza, Community Inspections
Robert Kisarewich, Fire Inspector
Mohammed Malik, Building Inspector
Robert Pignataro, Building Inspector
Kenneth Reardon, Building Inspector
Dallas Shumaker, Fire Inspector
Wayne Strawn, Building Inspector
Lisa Edmondson, Recording Secretary

Also Present

Benjamin Olive, CE03080413, CE03080412
Jerry Dobak, CE98010167
Jessie Walden, CE9119039
Thomas Kelaher, CE04020156
Dan Taylor, CE98030202
Andree Etienne, CE99080132

Maud Molmeme, CE99080132
Sheryl Dickey, CE03092396
Vincent Fazio, CE02091580
William Dwyer, CE04041377
Don Olsen, CE04070632
Devindra Roy, CE03062263
Allen Kozich, CE04070632, 02071478
Alexander McIntosh, CE04070632
Richard Roughen, CE04070632
Carolyn Jones, CE03061053
Emmanuel Salvant, CE03061053
Kamil Elhassani, 909 NW 6th Street
Dominick Casale, 2807 SW 15th Avenue
Jason Rice, 2807 SW 15th Avenue
John Carroll, CE03091916
Hope Calhoun, CE03091916
Steven Cahen, CE03111504
John Wilkes, CE02091580
Thomas Landmeier, CE04061917
Patricia Hayes, CE04071242
John Morton, CE04071242
John Biller, CE04060813

Chairman Gerald Jordan called the meeting to order at approximately 10:05 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 CE04060813

Constantin Foca
3040 Northeast 40th Court

Sec. 104.1: Work without permits;
Sec. 104.2.11: Air conditioning units installed without permits; Sec. 104.2.4: Plumbing work without permits; Sec. 104.2.5: Electrical work without permits

Mr. Mohammed Malik, Building Inspector, testified that he had a verbal agreement with the general contractor, John Biller, to comply within 180 days or a fine of \$50 per day.

Mr. John Biller, general contractor, stated that he agreed to pull the permit and complete the work within 180 days.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to approve the verbal agreement calling for compliance within 180 days or a fine of \$50.00 per day, per violation. Board unanimously approved.

Reference CE04061917

Thomas Landmeier
1128 Northeast 16th Street

Sec. 47-21.8: Missing ground cover;
Sec. 104.1: Work without permits;
Sec. 104.2.11: Air conditioning units installed
without permits; Sec. 104.2.5: Electrical work
without permits

Ms. Bazer announced that personal service had been made by Inspector Ackley on October 9, 2004.

Mr. Mohammed Malik, Building Inspector, testified that he had a stipulated agreement with the owner to comply within 180 days or a fine of \$50.00 per day, per violation would be imposed.

Mr. Thomas Landmeier, respondent, started that he thought it would take 4 to 6 weeks to get the plans from an architect; he was in the process of hiring a general contractor and landscape company.

Motion made by Mr. Phillips, seconded by Ms. Horn, to approve the stipulated agreement calling for compliance within 180 days or a fine of \$50.00 per day, per violation. Board unanimously approved.

Reference CE04071242

Trust of Patricia Hays
609 Northeast 5th Avenue

Sec. 104.2.11: Mechanical work without
permits; Sec. 3401.6: Structure/fixtures in
disrepair

Ms. Bazer announced that certified mail had been accepted on October 15, 2004.

Mr. Robert Pignataro, Building Inspector, testified that he had a verbal agreement with the owner to comply all violations by the January, 2005 hearing or a fine of \$100 per day, per violation, would be imposed, and the order would be recorded.

Ms. Patricia Hays, respondent, informed the board that a permit had been issued on September 22, 2004 and agreed to comply by the January hearing date.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to approve the verbal agreement calling for compliance of all violations by the January, 2005 hearing date or a fine of \$100 per day, per violation would be imposed. Board unanimously approved.

Reference CE04100313

Abraham & Ruth Narkes
3090 West Broward Boulevard #B

Sec. 1 1-16.3: Non-permitted use;
Sec. 101 7.9.2.1: Emergency light does not
illuminate area

Ms. Bazer announced that certified mail had been accepted by the owner on October 14, 2004 and by the tenant on October 12, 2004.

Mr. Thomas Clements, Fire Inspector, testified that Section 101 7.9.2.1 was now complied; only Section 1 1-16.3 remained. He recommended 180 days to comply Section 1 1-16.3 or a fine of \$50 per day.

Motion made by Mr. Rafter, seconded by Ms. Hale, to find in favor of the City and order compliance with Section 1 1-16.3 by the January, 2005 hearing or a fine of \$50 per day would be imposed. Board unanimously approved.

Reference CE04071925

J.C. & Willard Thompson
2491 Northwest 16th Court

Sec. 104.1: Work without permits;
Sec. 104.2.5: Electrical work without permits;

Ms. Bazer announced that certified mail had been accepted on October 8, 2004.

Mr. Wayne Strawn, Building Inspector, testified that on October 22, 2004, Edward Klem had come into the office and signed a stipulated agreement to comply by January 25, 2005 or a fine of \$50 per day, per violation would be imposed.

Motion made by Mr. Rafter, seconded by Ms. Horn, to approve the stipulated agreement to comply by the January, 2005 hearing or a fine of \$50.00 per day, per violation would be imposed. Board unanimously approved.

Reference CE04041136

James Webb
801 Northeast 17th Street

Sec. 104.1: Work without permits;
Sec. 104.2.11: Mechanical work without permits;
Sec. 104.2.5: Electrical work without permits;
Sec. 106.1.2: Certificate of occupancy changed;
Sec. 3401.6: Structure/fixtures in disrepair;
Sec: 704.3.1: Required firewall

Ms. Bazer announced that on October 26, 2004, Inspector Malik received a letter from Mr. Webb requesting 120 days to comply.

Mr. Mohammed Malik, Building Inspector, read a portion of the letter and testified that he had subsequently obtained a stipulated agreement from the owner to comply within 210 days or a fine of \$50 per day, per violation. Section 104.2.11 was also currently complied.

Motion made by Mr. Rafter, seconded by Mr. Young, to approve the stipulated agreement to comply within 210 days or a fine of \$50 per day would be imposed and the order would be recorded. Board unanimously agreed.

Reference CE04051804

Herman Pinto
1301 Northeast 17th Avenue

Sec. 104.1: Work without permits;
Sec. 104.2.11: Mechanical work without permits;
Sec. 104.2.4: Plumbing work without permits;
Sec. 104.2.5: Electrical work without permits;

Ms. Bazer announced that certified mail had been accepted on October 14, 2004.

Mr. Mohammed Malik, Building Inspector, testified that he had put a Stop Work order on the site but work had not been stopped. He recommended compliance by the February, 2005 hearing or a fine of \$50 per day, per violation and the order would be recorded.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to find in favor of the City and order compliance within 120 days or a fine of \$50 per day, per violation would be imposed and the order would be recorded. Board unanimously approved.

Meeting Recessed AT 10:40 A.M.

Meeting Reconvened AT 1:00 P.M.

Reference CE03061053

Carolyn Jones
2901 Southwest 5th Street

Massey Hearing / Request for Extension of Time

Ms. Bazer announced that this case was originally heard on September 23, 2003 with compliance ordered by March 23, 2004; on April 27, 2004 the date was extended to October 24, 2004.

Ms. Carolyn Jones, owner, explained that the property was still for sale; she had brought the prospective new owners to the hearing. The prospective owners were experiencing a cash flow problem and Ms. Jones requested a 90-day extension. Mr. Samuel Gaspar, one of the prospective owners, stated that the investors had a general contractor on staff and requested additional time.

Mr. Kenneth Reardon, Building Inspector, recommended an extension to the January, 2005 hearing.

Motion made by Mr. Young, seconded by Mr. Rafter, to grant an extension to the January, 2005 hearing and to record the order. Board unanimously approved.

Reference CE03060782

Mahyoub & Sons, Inc.
909 Northwest 6th Street
Tenant: Bass Brothers Supermarket

Massey Hearing / Request for Extension of Time

Ms. Bazer announced that this case was originally heard on February 24, 2004 with compliance ordered by May and August, 2004; on June 22, 2004 the date was extended to October and December, 2004.

The respondent requested an additional 120 days to comply due to problems with the air conditioning unit. Mr. Wayne Strawn, Building Inspector, testified that the tenant had made great efforts to comply and he had no objection to an extension.

Mr. Young did not want to grant any more extensions after this one.

Motion made by Mr. Young, seconded by Ms. Hale, to grant an additional 120 days to comply. Board unanimously approved.

Reference CE02091580

Benedict Fillichio
2807 Southwest 15th Avenue
Florida Mobile Home Park

Massey Hearing / Request for Extension of Time

Ms. Bazer announced that this case was originally heard on May 25, 2004 with compliance ordered by November 2004 and May 2005.

Mr. John Wilkes, representative for the new owners, explained that an electrician had been hired prior to the sale and most of that work was now complete. The new owners intended to submit for re-zoning. The remaining units should be moved out at the end of the year. Mr. Wilkes agreed to provide status reports on the project

Mr. Wayne Strawn, Building Inspector, testified that the engineering report did not state that the electrical issues were all complied, it stated there were temporary solutions for the life safety issues. Mr. Strawn was not opposed to a 6-month extension.

Motion made by Mr. Young, seconded by Mr. Rafter, to grant an extension for the electrical violations to May 25, 2005 and to record the order. Board unanimously approved.

Reference CE03091916

Navarro Enterprises, LTD
1337 Southwest 21st Terrace

Massey Hearing / Request for Extension of Time

Ms. Bazer announced that this case was originally heard on October 28, 2003 with compliance ordered by April 28, 2004; on April 27, 2004 the date was extended to October 25, 2004.

Ms. Hope Calhoun, attorney for the owner, explained that the project had been through the DRC and traffic and parking studies were now being done. She requested an additional 6 months to comply and promised to return every 2 months with status reports.

Mr. John Carroll, the building engineer, explained that the project now needed to go through the Building Department and the Board of Adjustment.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a six-month extension to April 26, 2005. Board unanimously approved.

Reference CE03111504

Julia Marvis
3057 Center Avenue

Massey Hearing / Request for Extension of Time

Ms. Bazer announced that this case was originally heard on February 24, 2004 with compliance ordered by May 24, 2004; on June 22, 2004 the date was extended to October 20, 2004. The property was not yet complied and fines had accrued in the amount of \$3,300.

Mr. Steve Cahen, attorney for the owner, explained that the owner was in the process of evicting the tenant and requested an additional 120 days to comply. The owner had already had an architect draw new plans and submitted them to the Building Department, which now wanted a survey.

Mr. Mohammed Malik, Building Inspector, testified that he had no objection to an extension.

Motion made by Mr. Phillips, seconded by Mr. Young, to grant a 120-day extension and record the order. Board unanimously approved.

Reference CE04041377

William Dwyer
2160 Southwest 36th Avenue

Massey Hearing / Request for Extension of Time

Ms. Bazer announced that this case was originally heard on June 22, 2004 with compliance ordered by October 20, 2004. The property was not yet complied and fines had accrued in the amount of \$500.

Mr. William Dwyer, owner, explained that the air conditioning units had been removed and the windows still needed shutters. He had a general contractor but needed an engineer to work on the carport. He requested an additional 120 days to comply.

Mr. Kenneth Reardon, Building Inspector, testified that he had no objection to an extension.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant an extension to the February 2005 hearing date. Board unanimously approved.

Reference CE04070632

Marina Holding Inc.
2700 Southwest 25th Terrace

Massey Hearing / Request for Extension of Time

Ms. Bazer announced that this case was originally heard on August 24, 2004 with compliance ordered by September 28, 2004; on September 8, 2004 the date was extended to October 26, 2004.

Mr. Allen Kozich, attorney for the owner, explained that a timeline for the project had been developed and approved by Inspector Strawn. Mr. Kozich explained the various items and their expected completion dates and requested an additional 90 days to comply.

Mr. Wayne Strawn, Building Inspector, testified that he had no objection to a 90-day extension.

Motion made by Mr. Rafter, seconded by Ms. Hale, to grant an extension to the January, 2005 hearing date. Board unanimously approved.

Reference CE03062263

David Roy & Jiwani Radhi
729 Northwest 7th Terrace

Massey Hearing / Request for Extension of Time

Ms. Bazer announced that this case was originally heard on August 26, 2003 with compliance ordered by September 25, 2004; on October 28, 2003 the date was extended to November 25, 2003; on November 25, 2004 the date was extended to February 23, 2004. Three of the original five violations were still not complied and fines had accrued in the amount of \$11,350.

Mr. Devindra Roy, the owner's son, explained that they had experienced problems with the architect. He asked for a 90-day extension to address some engineering concerns.

Mr. Wayne Strawn, Building Inspector, testified that the safety violations had been complied and he did not object to an extension.

Motion made by Mr. Young, seconded by Mr. Rafter, to grant an extension to the January, 2005 hearing date. Board unanimously approved.

Reference CE02071478

RE Acquisitions Inc.
1719 South Andrews Avenue

Massey Hearing / Request for Extension of Time

Ms. Bazer announced that this case was originally heard on May 27, 2003 with compliance ordered by November 27, 2003; on November 25, 2003 the date was extended to March 24, 2004; on March 23, 2004 the date was extended to June 21, 2004; on June 22, 2004 the date was extended to September 20, 2004; on September 28, 2004 the date was extended to October 26, 2004. The property was not yet complied and fines had accrued in the amount of \$1,600.

Mr. Allen Kozich, attorney for the owner, requested an additional 90 days to comply. Mr. Kenneth Reardon, Building Inspector, stated that he had no objection to the extension.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to grant an extension to the January 2005 hearing date. Board unanimously approved.

Reference CE03092396

St. John United Methodist Church
449 Northwest 15th Avenue

Massey Hearing / Request for Extension of Time

Ms. Bazer announced that this case was originally heard on October 28, 2004 with compliance ordered by November 18, 2003; on November 25, 2003 the date was extended to January 28, 2004; on January 28m, 2004 the date was extended to May 27, 2004; on June 22, 2004 the date was extended to September 21, 2004. The property was not yet complied and fines had accrued in the amount of \$6,700.

Ms. Cheryl Dickey, church representative, requested an additional 6 months to obtain permits and rezoning for the church expansion. Mr. Dallas Shumaker, Fire Inspector, stated that he objected to an additional 6 months but would agree to 120 days.

Motion made by Mr. Rafter, seconded by Mr. Elfman, to grant a six-month extension to April 26, 2005. Board unanimously approved. Mr. Young recused himself from this case.

Reference CE98030202

Sudha Investment Company
3401 Davie Boulevard

Massey Hearing

Ms. Bazer announced that this case was originally heard on February 23, 1999 with compliance ordered by August 22, 1999. The property was now complied and fines had accrued in the amount of \$67,500.

Mr. Wayne Strawn, Building Inspector, testified that the property was only complied when criminal prosecution was begun against the property owner. The City was requesting imposition of the fines. The final compliance date was April 3, 2001; only one or two of the violations had not been complied for an extended period of time.

Mr. Dan Taylor, representative for Sudha Investment Company, stated that the property was purchased as an investment for the owner's brother-in-law. Originally, a gas station had been on the property and the tenant had committed all of the violations. The brother-in-law had then disappeared, leaving the owner to deal with the tenant. It had taken the owner until 2002 to get rid of the tenant and he had also had to pay the tenant \$60,000 to leave.

The owner had never received the notices; they were being delivered to the brother-in-law. The most serious issues were environmental and the Department of Planning and environmental Protection became involved to perform testing on the property and report on the results. The owner had entered into an order with the County, and paid a penalty. The site was now clean.

Now, Mr. Trey Morgan of Morgan Realty had entered into a contract to purchase the property and intended to use it as a park entrance. The contract stipulated that the buyer would be responsible to comply the property and it had taken so long that the buyer was becoming anxious and the owner was now determining if the City was interested in the property. Mr. Taylor requested a reduction of fines so the sale could proceed.

Inspector Strawn stated that he supported a reduction of the fine by 35% or more. He noted that the owner had never appeared before the board until there was criminal prosecution. Mr. Taylor admitted that the owner was responsible but was very bad at managing the property.

Motion made by Mr. Young, seconded by Ms. Hale, to reduce the fine to \$22,000. Board unanimously approved.

Reference CE99080132

Andree Etienne & Le Fort Petit-Frer
544 Northeast 14th Place

Continued from September 28, 2004 Hearing

Ms. Bazer announced that this case was originally heard on October 26, 1999 with compliance ordered by January 25, 2000. The property was now complied and fines had accrued in the amount of \$98,000. The compliance date was October 2, 2002.

Ms. Andree Etienne, respondent, stated that she was hospitalized for various illnesses during the time of the violations and she was not physically or financially able to make repairs. She had hired an architect to make plans and it had taken a very long time for him to complete them. She had then hired someone to make repairs and this person had taken her money, demolished the porch and then left. Ms. Etienne was unaware that she should appear to ask for more time.

Mr. Mohammed Malik, Building Inspector, testified that this was another inspector's case originally; he could only verify information found in the file.

Motion made by Mr. Rafter, seconded by Mr. Young, to reduce the fine to \$500. Motion passed 7 to 1 with Mr. Phillips opposed.

Reference CE04020156

Thomas & Martha Kelaher
1524 Southwest 5th Place

Continued from September 28, 2004 Hearing

Ms. Bazer announced that this case was originally heard on April 27, 2004 with compliance ordered by June 26, 2004. Two of the original four violations were now complied, two were not, and fines had accrued in the amount of \$24,200.

Mr. Kenneth Reardon, Building Inspector, confirmed that the window and plumbing violations were not yet complied.

Mr. Thomas Kelaher, respondent, confirmed that the Building Department had not yet completed their review and they were still awaiting permits. Mr. Kelaher had tried to expedite matters, but was told by the Building Department that he would have to be patient. He asked for another extension of time. He also noted that some of the notices had been sent to the wrong address. Inspector Reardon felt Mr. Kelaher was under the erroneous impression that simply applying for the permit would stop the fines.

Motion made by Mr. Rafter, seconded by Ms. Hale, to grant an extension to the January, 2005 hearing date and to toll the fines. Board unanimously approved.

Reference CE03080412

BMC Enterprises, LLC
420 Southeast 16th Street

Request for Extension of Time

Ms. Bazer announced that this case was originally heard on October 28, 2003 with compliance ordered by December 28, 2003. The property was not yet complied and fines had accrued in the amount of \$24,200.

Mr. Benjamin Olive, the managing partner of the LLC, stated that only the parking area paving needed to be completed. The only remaining issue was to pass Engineering. He requested additional time to complete the parking lot repairs.

Mr. Robert Pignataro, Building Inspector, testified that everything else was complied. He felt 90 days would be sufficient time to complete the parking area.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant an extension to the January, 2005 hearing date. Board unanimously approved.

Reference CE03080413

BMC Enterprises, Inc.
416 Southeast 16th Street

Request for Extension of Time

Ms. Bazer announced that this case was originally heard on October 28, 2003 with compliance ordered by December 28, 2003. Six of the original eight violations were complied, two were not, and fines had accrued in the amount of \$10,550.

Mr. Benjamin Olive, the managing partner of the LLC, stated that this property had the same parking issues remaining. He requested the same extension as he had for the previous case.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant an extension to the January, 2005 hearing date. Board unanimously approved.

Reference 9119039

Jessie Walden
2336 Northwest 15th Street

Ms. Bazer announced that this case was originally heard on April 25, 1992 with compliance ordered by May 28, 2002. The property was not yet complied and fines had accrued in the amount of \$453,400.

Mr. Wayne Strawn, Building Inspector, testified that he had visited the property in the beginning of September and found the property still littered with trash. Mr. Walden was prosecuted by the code team and the property had been complied at some point in 1995. Inspector Strawn felt that the fine had, at some point, been corrected to take the period of compliance into account. He was surprised that Mr. Walden had not been criminally prosecuted again.

Mr. Jessie Walden, owner, stated that some of the trash was for his work. He had already moved a lot of the trash. Mr. Walden thought he could clean the property in 90 days.

Mr. Young stated that he had spoken to many people to get them to encourage Mr. Walden to clean the property up. He suggested allowing Mr. Walden until January to clean up the property.

Chair Jordan noted that the Board had bent over backwards and was giving Mr. Walden one more chance. Mr. Young was not sure if the City could remove vehicles if they worked, were licensed, and were located on a homesteaded property. Mr. Young then offered to help Mr. Walden get the property cleaned up. Mr. Jolly cautioned Mr. Young against becoming personally involved and wanted the Board to discourage this type of behavior in the future. Mr. Young recused himself from the vote.

Motion made by Mr. Rafter, seconded by Ms. Hale, to continue the case to the January, 2005 hearing. Board unanimously approved.

Reference CE99110812

Kevin Smith
1222 Northwest 7th Avenue

Continued from September 28, 2004 Hearing

Ms. Bazer announced that this case was originally heard on January 25, 2000 with compliance ordered by May 25, 2000. The property was now complied and fines had accrued in the amount of \$45,325. The City was requesting imposition of the fines. Most of the violations were complied on February 8, 2001; the last section was complied on January 25, 2000. There was some confusion as Ms. Bazer's records showed the property in compliance and Inspector Pignataro said that he had not complied it.

Mr. Robert Pignataro, Building Inspector, testified that the property was not complied.

Motion made by Mr. Rafter, seconded by Ms. Hale, to impose the full fine of \$45,325. Motion failed with only Mr. Rafter in favor.

Motion made by Mr. Phillips, seconded by Ms. Hale, to continue the case to the November 23, 2004 hearing. Board unanimously approved.

Cases Complied

Ms. Bazer announced that the below listed cases were in compliance. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE04100315
CE04050110

CE04100345
CE03120322

CE04091378
CE04041093

CE04100336

Cases Pending Service

Ms. Bazer announced that the below listed cases had been withdrawn pending service to the respondents. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE04011595 CE04100317 CE04050038 CE03101523

There being no further business to come before the Board, the meeting was adjourned at 3:30 p.m.

Chairman, Code Enforcement Board

ATTEST:

Lisa Edmondson,
Recording Secretary

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