

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
February 22, 2005
10:00 A.M – 3:45 P.M.

From January 2005

<u>Board Members</u>	<u>Attendance</u>	<u>Present / Absent</u>	
Pat Hale, Chair	P	2	0
Howard Elfman	P	1	1
Sarah Horn	P	2	0
Sam Mitchell	P	1	0
John Phillips	A	1	1
Rixon Rafter, Vice Chair	P	2	0
Myrnabelle Roche	A	1	1
Doug White	P	1	0
Bobby Young	P	2	0
 Bruce Jolly, Board Attorney	 P		

Staff Present

Assistant City Attorney
Eve Bazer, Administrative Assistant II
Lynda Crase, Assistant Service Clerk
Farida Mohammed, Clerk III
Lindwell Bradley, Code Supervisor
Thomas Clements, Fire Inspector
Robert Pignataro, Building Inspector
Ken Reardon, Building Inspector
Dallas Shumaker, Fire Inspector
Wayne Strawn, Building Inspector
Mohammed Malik, Building Inspector
Lisa Edmondson, Recording Secretary

Also Present:

Nai Jen Wu, CE04070719	Henry Bonner, CE04061744
Nicole Carter, CE04091380	Andrea Bonner, CE04061744
Dick Yin Yueng, CE05012049	Kerston Mory, CE04061744
Sui Ping Cheng, CE05012049	Jackie Byrne, CE05010178
Margarita Trotogott, CE04021068	Melissa Fax, CE03101760
John Gettinger, CE99010158	Ronald Glammers, CE03101760
Lillian Fell, CE02060922	Robert Heaton, CE04082176
LeClerc Addison, CE04040337	Hector Flores, CE03080416
Alan Kozich, CE02071478, CE03101792	William Dwyer, CE04041377

Donald Jolsen, CE03101792
Edward Klem, CE04071925
Angelina Nemeth, CE03071409
Mark Goldstein, CE03071409
Michael Reilly, CE04060425
Karen Beard, CE01071635
Sally Morris, CE03011765
James Barber, CE02070641
Alexander McIntosh, CE03101792
Joseph Vincenzo, CE04071925
Ronald Coleman, CE03080568
Andrew Demos, CE30121296
Stephen Simmons, CE03121296
Oscar Bellow, CE03072355

Carol Clarkson, CE00041188
Charles Ladd, CE00041188
George Sarafianos, CE04020701
Robert Gordon, CE04020701
Carl Motes, CE03101760
Robert Ruth, CE03101760
Dane Crichton, CE03090388
David Klein, CE04051213
Hope Calhoun, CE00041188
Johnny Vaughn, CE04101430
Patrick Sullivan, CE04101430
Stephen Cahen, CE03111504
Cara Cameron, CE03070608

Chair Hale called the meeting to order at approximately 10:00 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 CE05012049

2501 Davie Boulevard Property LLC
2501 Davie Boulevard
Tenant: Shanghai Garden

Sec. 1 13-3.2.2: No hood protection for kitchen smoker; Sec. 1 6-1.2: Improper wiring;
Sec. 101 13.2.10: No exit sign in kitchen area;
Sec. 101 13.2.9: No emergency light in kitchen area; Sec. 96-8 5.1.2: Penetration into cooking hood

Ms. Bazer announced that certified mail addressed to the company and the registered agent had both been accepted on February 10, 2005.

Mr. Thomas Clements, Fire Inspector, testified that he had visited the property several times since November 2004 after a car had run into the building. Sections 1 13-3.2.2, 1 6-1.2, 101 13.2.10, and 101 13.2.9 were still not complied and he saw no evidence that permits had been obtained.

Mr. Richard Yueng, representative of the owner, stated that after the accident last year, they had tried to repair the building but had difficulty finding parts for the electrical. He claimed the other violations were repaired already. He requested more time to finish repairs. Inspector Clements confirmed that permits were required for all the repairs. He recommended compliance within 60 days or a fine of \$100 per day, per violation.

Motion made by Mr. Rafter, seconded by Mr. Elfman, to order compliance within 60 days or a fine of \$100 per day, per violation would be imposed. Board unanimously approved.

Reference CE04061744

Henry Bonner
1129 Northeast 3rd Avenue

Sec. 104.1: Work without permits;
Sec. 104.2.4: Plumbing work without permits

Ms. Bazer announced that the City was requesting a 30-day continuance in this case.

Motion made by Mr. Elfman, seconded by Mr. Rafter, to grant a 30-day continuance. Board unanimously approved.

Reference CE04051788

Martha Nusser & Samuel Torres
3001 Southwest 9th Avenue

Sec. 104.9.3.1: Expired permits

Ms. Bazer announced certified mail addressed to the owner had been accepted on February 10, 2005.

Mr. Kenneth Reardon, Building Inspector, testified that the violation existed as cited and recommended 30 days to comply or a fine of \$100 per day.

Mr. Samuel Torres, owner, told the Board he was in the process of renewing the permits.

Motion made by Mr. Rafter, seconded by Mr. White, to order compliance within 30 days or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference CE05010178

M & H Automotive Inc.
3560 West Broward Boulevard

Sec. 104.1: Work without permits;
Sec. 101 7.4.1.1: No second exit for 2-story structure; Sec. 101 37.2.9: Emergency lighting required

Ms. Bazer announced that certified mail addressed to the company president, the registered agent and the director had all been accepted on February 10, 2005.

Mr. Thomas Clements, Fire Inspector, testified that there was no permit for the 2-story structure inside the building, there was no second exit provided in the 2-story structure, and there was no emergency lighting. Inspector Clements noted that he had first visited the property in 2003. Several extensions had been granted due to the complexity of the project. Inspector Clements had spoken with the architect, Alan Kozich, this morning about plans for the structure. He had told Mr. Kozich he would recommend 120 days to comply or a fine of \$100 per day, per violation.

Motion made by Mr. Rafter, seconded by Mr. Young, to order compliance within 120 days or a fine of \$100 per day, per violation would be imposed. Board unanimously approved.

Reference CE04070719

Nai Jen Wu
500 Southwest 15th Street

Sec. 3401.6: Structure/fixtures in disrepair;
Sec. 104.2.5: Electrical work without permits

Ms. Bazer announced that certified mail addressed to the owner had been accepted on February 10, 2005.

Mr. Ken Reardon, Building Inspector, testified the violations were as cited. He had spoken with the owner concerning plans for the building and informed him that the building must be vacant until the violations were complied. Inspector Reardon presented a copy of the inspection report to the Board and recommended ordering compliance within 180 days or a fine of \$100 per day, per violation.

Motion made by Mr. Rafter, seconded by Mr. Young, to order that the building remain vacant and violations be complied within 180 days or a fine of \$100 per day, per violation would be imposed. Board unanimously approved.

Reference CE04091380

Nicole Carter
528 Southwest 24th Avenue

Sec. 104.2.11: Mechanical work without permits

Ms. Bazer announced that certified mail addressed to the owner had been returned unclaimed three times: January 24 and 26, and February 5, 2005.

Mr. Kenneth Reardon, Building Inspector, testified that the violations existed as cited. He presented a copy of the inspection report and photographs of the property and recommended compliance within 90 days or a fine of \$10 per day.

Ms. Nicole Carter, owner, stated that she was trying to obtain a permit but was having difficulty finding a contractor who would pull the permit as they had not done the work. The central air was in the house when she purchased it.

Mr. Lindwell Bradley, Code Supervisor, confirmed that he had spoken with Ms. Carter and clarified what needed to be done.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to order compliance within 90 days, by May 24, 2005, or a fine of \$10 per day would be imposed. Board unanimously approved.

Reference CE05012067

David Laos
1451 Northwest 21st Street

Sec. 1 1-4.5: Storage in meter room;
Sec. 10 4-4.1: Fire extinguisher maintenance

Ms. Bazer announced that certified mail had been accepted on February 12, 2005.

Mr. Dallas Shumaker, Fire Inspector, testified that the violations still existed as cited. He recommended ordering compliance within 30 days or a fine of \$150 per day, per violation.

Motion made by Ms. Horn, seconded by Mr. Young, to order compliance within 30 days or a fine of \$150 per day, per violation. Board unanimously approved.

Reference CE04090731

Rose Flores
900 Guava Isle

Sec. 104.1: Work without permits

Ms. Bazer announced that certified mail addressed to the owner had been accepted on January 21, 2005.

Mr. Ken Reardon, Building Inspector, testified that the violations still existed as cited. He presented photographs of the property and a copy of the inspection report and recommended compliance within 30 days or a fine of \$100 per day.

Motion made by Ms. Horn, seconded by Mr. Rafter, to order compliance within 30 days or a fine of \$100 per day. Board unanimously approved.

Chair Hale suggested that Massey cases be heard in the morning session and the new and old business cases be heard in the afternoon. She had sent an email to Lori Milano, Community Inspections Director, about this the previous evening.

The Board was in recess from 10:35 a.m. until 11:30 a.m.

Reference CE04101430

Performance Trading Inc.
2800 Northwest 62nd Street

Return Hearing

Mr. Robert Pignataro, Building Inspector, stated that he had a verbal agreement with the owner to obtain permits within 4 months of today's date.

Mr. John Vaughn, architect, agreed that he had spoken with Inspector Pignataro and agreed to comply within 4 months.

Motion made by Ms. Horn, seconded by Mr. Rafter, to grant a 120-day extension to June 28, 2005. Board unanimously approved.

The Board was in recess from 11:35 a.m. to 1:00 p.m.

Reference CE03101792

New River Dry Dock, Inc

Return Hearing

2200 Marina Bay Drive East

Ms. Mohammed announced that this case was originally heard on November 25, 2003 with compliance ordered by December 10, 2003 and no fines had accrued to date.

Mr. Alan Kozich, architect, explained that there was a problem obtaining access road easements to put in a roadway and they were dealing with the neighboring property owner to try to resolve this issue. They were currently using a culvert to access the property. There was one boat at the facility now being worked on. He requested a 180-day extension. He offered to provide color-coded charts to describe the progress of the project.

Mr. Wayne Strawn, Building Inspector, stated that the illegal business and houseboat had left the property. No boats were currently docked at the facility, and there were no current life safety issues.

Mr. Mitchell noted that there were three pages of violations and wanted clarification as to which violations still existed. Inspector Strawn gave a brief history of the violations at the property and stressed that the issue of Fire Department access must be resolved – the marina could not operate until this was accomplished. He noted that the boats and businesses had all been removed; this had solved potential life safety issues.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 180-day extension, to August 23, 2005. Board unanimously approved.

Reference CE04041377

William Dwyer
2160 Southwest 36th Avenue

Request for Extension

Ms. Mohammed announced that this case was originally heard on June 22, 2004 with compliance ordered by October 20, 2004. One of the two original violations was still not complied.

Mr. William Dwyer, owner, stated that he was currently working on the windows; most of the shutters were already installed. He requested an additional 4 months to comply

Mr. Ken Reardon, Building Inspector, stated he had no objection to an additional 4 months to comply.

Motion made by Mr. White, seconded by Mr. Mitchell, to grant a 120-day extension, to June 28, 2005. Board unanimously approved.

Reference: CE04082176

DFD Capital Development Corp.
731 North Federal Highway

Request for Extension

Ms. Mohammed announced that this case was originally heard on January 25, 2005 with compliance ordered by February 24, 2005. None of the three original violations was complied and no fines had accrued to date.

Mr. Robert Heaton, employee of the owner, stated that he had written a letter to Lori Milano, Community Inspections Director, on February 10, 2005 explaining why the owner felt the property was now complied.

Mr. Ken Reardon, Building Inspector, testified that he had not been contacted to reinspect the property. Mr. Heaton stated that the bathroom at the rear of the building was now used for storage only.

Inspector Reardon said he could see from outside the building that the illegal wall and roof had been removed. He had been unable to gain access to the bathroom to confirm compliance, but there had been no permits issued for this work. Inspector Reardon confirmed that the property owner had the right to abandon the bathroom, but permits must be obtained and the plumbing and electrical removed. He felt the proper permits could be obtained in 60 days.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 60-day continuance. Board approved 6 – 1 with Mr. Mitchell opposed.

Reference CE02071478

RE Acquisitions Inc.
1719 South Andrews Avenue

Massey Hearing

Ms. Mohammed announced that this case was originally heard on May 27, 2003 with compliance ordered by November 27, 2003. The property was now complied and fines had accrued in the amount of \$1,400.

Mr. Alan Kozich, Architect for the owner, requested abatement of the fines.

Mr. Ken Reardon, Building Inspector, testified that there had been calendar problems and fines had run. He had no objection to abatement of the fine.

Motion made by Mr. Rafter, seconded by Mr. Young, to abate the fine. Board approved unanimously.

Reference CE03071409

Angelina Nemeth
5921 Northeast 14th Way

Massey Hearing

Ms. Mohammed announced that this case was originally heard on March 23, 2004 with compliance ordered by September 19, 2004. The property was now complied and fines had accrued in the amount of \$390.

Mr. Mark Goldstein, attorney for the owner, stated that all of the improvements had been made prior to his client's purchase of the property. His client had obtained all needed after-the-fact permits. He requested that the fine be abated.

Mr. Mohammed Malik, Building Inspector, stated that he had no objection to abating the fine.

Motion made by Mr. Rafter, seconded by Mr. White, to abate the fine. Board unanimously approved.

Reference CE04020701

6681 Ltd. Request for Abatement
6689 Northwest 16th Terrace

Ms. Mohammed announced that this case was originally heard on March 23, 2004 with compliance ordered by April 22, 2004. The property was now complied and fines had accrued in the amount of \$61,000.

Mr. George Sarafianos, General Manager, explained that they had needed an after-the-fact permit for the office renovations. He requested abatement of the fine.

Mr. Dallas Shumaker, Fire Inspector, confirmed that all violations were complied and said he had no objection to abatement of the fines.

Motion made by Mr. Rafter, seconded by Ms. Horn, to abate the fine. Board unanimously approved.

Reference CE04060425

Southland Corp. Request for Abatement
460 West Broward Boulevard

Ms. Mohammed announced that this case was originally heard on August 24, 2004 with compliance ordered by October 23, 2004. The property was now complied and fines had accrued in the amount of \$6,200.

Mr. Michael Reilly, contractor for the owner, explained that he was 7-11's contractor for the west coast. He had hired a contractor to make repairs; the contractor had left the job unfinished and Mr. Reilly had hired another.

Mr. Ken Reardon, Building Inspector, testified that work had continued despite a Stop Work Order. Mr. Reilly had appeared in August and was given until October to obtain a permit. The fine had run for one month.

Mr. White was very concerned that Southland Corporation had just ignored the Stop Work Order. Mr. Reilly told the Board that 7-11 Incorporated was given notice and it sometimes

took a while for information to reach him. Mr. White felt that the store manager should have stopped the work immediately, as he received a copy of the Stop Work Order as well.

Motion made by Mr. Rafter, seconded by Mr. Young, to find the property was not complied by the ordered date and impose the fine. Board unanimously approved.

Reference CE04051213

David Klein
2061 Southwest 37th Terrace

Massey Hearing

Ms. Mohammed announced that this case was originally heard on November 23, 2004 with compliance ordered by January 25, 2005. The property was still not complied and fines had accrued in the amount of \$1,350.

Mr. David Klein, owner, stated he had received everything from the contractor and they were ready to obtain the permit. The process had taken longer than he had anticipated.

Mr. Ken Reardon, Building Inspector, stated the contractor had not submitted the correct documents the first time. He suggested a 90-day extension.

Motion made by Ms. Horn, seconded by Mr. Mitchell, to grant a 90-day extension. Board unanimously approved.

Reference CE02070641

William & Heli Polk
1604 Southwest 5th Court

Request for Abatement

Ms. Mohammed announced that this case was originally heard on February 25, 2003 with compliance ordered by May 26, 2003. The property was still not complied and fines had accrued in the amount of \$40,350.

Mr. James Barber, general contractor for the owner, requested an additional 90 days to comply.

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

Motion made by Ms. Horn, seconded by Mr. Rafter, to grant a 90-day extension, until May 24, 2005. Board unanimously approved.

Reference CE03080568

Ronald Coleman
3005 Seville Street

Request for Extension

Ms. Mohammed announced that this case was originally heard on August 24, 2004 with compliance ordered by November 23, 2004. The property was still not complied and fines had accrued in the amount of \$37,800.

Mr. Coleman stated that he had called several demolition companies but they had not called him back. He confirmed that the apartment building was currently occupied.

Mr. Robert Pignataro, Building Inspector, did not know why Mr. Coleman was having such trouble finding a demolition company.

Mr. Rafter suggested that Mr. Coleman evict the tenants first; the demolition companies might be more cooperative.

Mr. Lin Bradley, Community Code Supervisor, stated that he did not object to a 90-day extension to evict the tenants and obtain a demolition permit.

Inspector Pignataro confirmed for Mr. Young that this was an unsafe structure with serious life safety issues and Mr. Coleman had been told to demolish the property a long time ago.

Motion made by Ms. Horn, seconded by Mr. Young, to grant a 90-day extension. Board approved 4 – 3 with Mr. Mitchell, Mr. White and Mr. Elfman opposed.

Reference CE99010158

John Gettinger
629 Northwest 7th Avenue

Massey Hearing

Ms. Mohammed announced that this case was originally heard on September 28, 1999 with compliance ordered by March 26, 2000; the property was now complied and fines had accrued in the amount of \$100,050.

Mr. John Gettinger, owner, gave a brief history of the property and explained that the fines were against the former tenant. He and the tenant had agreed that the tenant would pay for and correct his violations and Mr. Gettinger would bring the rest of the property up to code. The tenant had later moved out and claimed to have made some payment toward the fine. Mr. Gettinger was unsure how much, if any, of that fine the tenant had actually paid.

The Assistant City Attorney stated that the violations had been corrected in early 2001 and in October of 2001, the City Commission approved a \$15,000 settlement of the \$100,050 fines. John Simmons had indicated that the tenant, Mike Reed, was to pay the fine within 90 days, but it did not appear that any payments had ever been made.

Mr. Robert Pignataro, Building Inspector, stated he agreed with the facts as presented by the owner and the Assistant City Attorney.

Mr. Jolly stated the Board must now find the property was not complied, then decide the fine amount to record for the lien.

Motion made by Mr. Rafter, seconded by Mr. Elfman, to find the property not complied by the ordered date and impose the fine of \$15,000. Board approved 5 – 2 with Mr. Mitchell and Mr. White opposed.

Reference CE04071925

Geraldine Sullivan & Ed & Ann Klem Massey Hearing
2491 Northwest 16th Court

Ms. Mohammed announced that this case was originally heard on October 26, 2004 with compliance ordered by November 25, 2005. The property was not yet complied and fines had accrued in the amount of \$ 2,700.

Mr. Joseph Vincenzo, contractor for the owner, explained that he had completed all work except the kitchen cabinets and electrical work. He felt 60 days should be enough time to finish.

Mr. Wayne Strawn, Building Inspector, said the owner had made tremendous effort to comply. The fine had run because the owner was unaware he needed to appear in January. Inspector Strawn had no objection to a 60-day extension.

Motion made by Ms. Horn, seconded by Mr. Young, to grant a 60-day extension to April 26, 2005. Board unanimously approved.

Reference CE03072355

George & Mary Sivore Request for Extension
6795 Northwest 17th Avenue
Tenant: American Powder Coating

Ms. Mohammed announced that this case was originally heard on April 27, 2004 with compliance ordered by June 26, 2004. The property was not complied and fines had accrued in the amount of \$24,000.

Mr. Oscar Bellow, engineer for the owner, requested a 90-day extension. Some of the violations had already been complied and the owner had hired Mr. Bellow to draw new plans for permits, and a plumber and electrical contractor to address those violations.

Mr. Wayne Strawn, Building Inspector, stated that the mezzanine had been permitted by the County but in a different form. All living quarters had been removed from the mezzanine. He did not object to a 90-day extension.

Motion made by Ms. Horn, seconded by Mr. Rafter, to grant a 90-day extension to May 24, 2005. Board unanimously approved.

Reference CE03101760

Felcor Suites Limited Partnership Request for Abatement

555 Northwest 62nd Street

Ms. Mohammed announced that this case was originally heard on April 27, 2004 with compliance ordered for August 25, 2004. The property was now complied and fines had accrued in the amount of \$ 10,250.

Mr. Carl Motes, attorney for the owners, requested abatement of the fines. He noted that the scope of the project had grown at the first Special Magistrate hearing. The order had subsequently been modified and new plans submitted, permits obtained, and the work completed. The additional modifications and loss of revenue had cost the hotel approximately \$50,000.

Mr. Wayne Strawn, Building Inspector, explained that there had been extenuating circumstances achieving ADA standards at the hotel.

Motion made by Ms. Rafter, seconded by Mr. White, to abate the fines. Board unanimously approved.

The next two cases were heard together

Reference CE01071635

Florida Trust for
Historic Preservation
900 North Birch Road

Request for Extension

Ms. Mohammed announced that this case was originally heard on February 25, 2003 with compliance ordered by August 25, 2003. The property was still not complied and fines had accrued in the amount of \$ 4,500.

Ms. Karen Beard, Executive Director of Bonnet House Museum and Gardens, stated that this was related to the Fort Lauderdale Beach Resort property.

Motion made by Ms. Horn, seconded by Mr. Young, to grant a 180-day extension to August 23, 2005. Board unanimously approved.

Reference CE03011765

International Beach
Hotel Development
909 Breakers Avenue

Request for Extension of Time

Ms. Mohammed announced that this case was originally heard on February 25, 2003 with compliance ordered by June 25, 2003; the property was not complied fines had accrued to \$6,400.

Ms. Sally Morris, Property Manager for the Breakers Hotel, stated they needed a vacation of easement from the City before the wall could be repaired. She was trying to get on the

Planning and zoning board agenda for March 17, 2005 but was unsure if she would have Techco's sign-off on the property by then.

Mr. Mohammed Malik, Building Inspector, stated that he did not object to a 6-month extension for both these cases.

Motion made by Ms. Horn, seconded by Mr. Young, to grant a 180-day extension to August 23, 2005. Board unanimously approved.

Reference CE03090388

Twenty-Three Inc.
1509 Northeast 4th Avenue
Tenant: Capital Mortgage

Massey Hearing

Ms. Mohammed announced that this case was originally heard on June 22, 2004 with compliance ordered by September 20, 2004. The property was complied and fines had accrued in the amount of \$3,150.

Mr. Dane Crichton, owner, stated that plans for the building had been revised and approved in December. He requested abatement of the fine.

Mr. Malik Mohammed, Building Inspector, stated he had no objection abatement of the fine.

Motion made by Mr. Rafter, seconded by Ms. Horn, to abate the fines. Board unanimously approved.

Reference CE00041188

Clarkson-Bergman Family Partnership
2400 West Broward Boulevard
Sunset Colony Mobile Home Park

Massey Hearing

Ms. Mohammed announced that this case was originally heard on September 25, 2001 with compliance ordered by January 22, 2002. The property was complied and fines had accrued in the amount of \$118,620.

Ms. Hope Calhoun, attorney for the new owner, gave a brief history of the property and stated she had met with the City, but they had been unable to agree on a fair settlement. The owner felt he was being punished for something over which he had no control over and for which he had not been responsible.

Ms. Calhoun confirmed for Chair Hale that the money for the lien had not been put in escrow when the sale took place. Mr. Charles Ladd, president of Riverbend South, gave a brief financial history of the property and explained that the property had been in receivership and Riverbend South had stepped in and purchased the property and paid back lease payments to the Clarksons.

Mr. Wayne Strawn, Building Inspector, stated that the property owner's first concern had been the residents and this had led to slower compliance.

Ms. Bazer confirmed that she had met with Ms. Calhoun and John Simmons and the City had determined it would accept 1/3 of the total fines: \$39,000. Ms. Calhoun stated they had never received a list of itemized costs from the City. Her client was willing to pay \$20,000. Ms. Bazer reminded everyone that the owner would have another opportunity to meet with Ms. Bazer, who would then make a recommendation to the city Commission.

Motion made by Ms. Horn, seconded by Mr. Rafter, to reduce the fine to \$30,000 and impose the fine. Motion failed 3 – 4 as follows: Mr. Elfman: No; Ms. Horn: Yes; Mr. Mitchell: No; Mr. Rafter: Yes; Mr. White; No; Mr. Young: No; Chair Hale: Yes.

Motion made by Mr. Mitchell, seconded by Mr. Young, to reduce the fine to \$23,800 and impose the fine. Motion failed 2 – 5 as follows: Mr. Elfman: No; Ms. Horn: No; Mr. Mitchell: Yes; Mr. Rafter: No; Mr. White; No; Mr. Young: Yes; Chair Hale: No.

Motion made by Mr. White, seconded by Mr. Elfman, to reduce the fine to \$39,540 and impose the fine. Motion failed 3 – 4 as follows: Mr. Elfman: Yes; Ms. Horn: Yes; Mr. Mitchell: No; Mr. Rafter: No; Mr. White; Yes; Mr. Young: No; Chair Hale: No.

Motion made by Ms. Horn, seconded by Mr. Rafter, to reduce the fine to \$30,000 and impose the fine. Motion passed 6 – 1 as follows: Mr. Elfman: Yes; Ms. Horn: Yes; Mr. Mitchell: No; Mr. Rafter: Yes; Mr. White; Yes; Mr. Young: Yes; Chair Hale: Yes.

Reference CE03121296

Bay Colony Exxon, Inc.
5556 North Federal Highway
Tenant: Fleet Repair

Massey Hearing

Ms. Mohammed announced that this case was originally heard on July 27, 2004 with compliance ordered by January 19, 2005. Two of the original four violations were still not complied and fines had accrued in the amount of \$ 7,300.

Mr. Andrew Demos, attorney for the owner, stated that the after-the-fact permits were in process now. Chair Hale confirmed that the bays were not in use, but the convenience store was.

Mr. Stephen Simmons, attorney for the tenant, stated that Leonari Inc. was the current leaseholder; the previous tenant had done work without permits. Leonari Inc. had been under the impression that the architect had taken care of the permit. When he discovered that the architect had not, the lessee had hired Mr. St. Louis, the contractor, to obtain the permits.

Mr. Robert Pignataro, Building Inspector, stated he had no objection to a 60-day extension.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to grant a 60-day extension to April 26, 2005. Board unanimously approved.

Reference CE03080416

Floval Oil Corp.
1075 West Sunrise Boulevard
Tenant: Marathon Gas Station

Request for Extension

Ms. Mohammed announced that this case was originally heard on October 28, 2003 with compliance ordered by February 25, 2004. Eight of the original twelve violations were still not complied and fines had accrued in the amount of \$48,800.

Mr. Hector Flores, employee of Floval Oil, requested a 180-day extension. The company wanted to erect a new building on the site but was experiencing problems with the DOT regarding the setback.

Mr. Wayne Strawn, Building Inspector, stated that the remaining violations related to the small island building that would be demolished anyway. There were no life safety issues and Inspector Strawn did not object to the 180-day extension.

Mr. Mitchell stated that he wanted a maintenance commitment. Mr. Flores stated that the current property manager was keeping the property well. Inspector Strawn noted that maintenance was much improved. He admitted that this had been an issue in the past.

Motion made by Mr. Rafter, seconded by Mr. White, to grant a 180-day extension to August 23, 2005. Board unanimously approved.

Reference CE02060922

James & Lillian Fell
632 Southwest 4th Avenue

Request for Extension

Ms. Mohammed announced that this case was originally heard on January 28, 2003 with compliance ordered by May 28, 2003. None of the original four violations was complied and fines had accrued in the amount of \$6,480.

Mr. Ken Reardon, Building Inspector, informed the Board that the permit application had been filed. Once the permit was obtained, the tenant could apply for an occupational license. He felt a 60-day extension would be sufficient.

Motion made by Mr. Rafter, seconded by Mr. White, to grant a 60-day extension to April 26, 2005. Board unanimously approved.

Reference CE04021068

Margarita Trotogott
230 Southwest 13th Avenue

Massey Hearing

Ms. Mohammed announced that this case was originally heard on July 27, 2004 with compliance ordered by January 19, 2005. The property was still not complied and fines had accrued in the amount of \$3,300.

Ms. Margarita Trotogott, owner, started that she had had great difficulty finding a contractor because the work had done by her nephew. She had recently found a contractor to go through the permit process. In the meantime, Ms. Trotogott must also go before the Historic Preservation Board but still had no blueprints for the project. She requested an extension of time.

Mr. Ken Reardon, Building Inspector, stated that the project was still at square one and recommended a 90-day extension.

Motion made by Mr. White, seconded by Mr. Mitchell, to grant a 90-day extension to May 24, 2005. Board unanimously approved.

Reference CE04040337

Metropol Health Care Association Massey Hearing
1016 Northwest 9th Avenue

Ms. Mohammed announced that this case was originally heard on July 27, 2004 with compliance ordered by January 19, 2005. The property was still not complied and fines had accrued in the amount of \$9,900.

Mr. LeClerc Addison, owner, requested additional time to comply. He had hired an architect and a general contractor who had submitted plans for permits but some revisions were required. The tenant had since moved out and Mr. Addison had decided to undo the work that had been done, rather than apply for after-the-fact permits.

Mr. Ken Reardon, Building Inspector, agreed to a 90-day extension.

Motion made by Mr. Young, seconded by Mr. Mitchell, to grant a 90-day extension. Board unanimously approved.

Reference CE03070608

#111 Properties Inc. Massey Hearing
111 Southwest 3rd Avenue

Ms. Mohammed announced that this case was originally heard on July 27, 2004 with compliance ordered for January 19, 2005. The property was not yet complied and fines had accrued in the amount of \$1,650.

Ms. Cara Cameron, a principal at 111 Properties, informed the Board that a portion of the fence was located in the historic district. She had appeared before the historic

Preservation Board in December and her request for a Certificate of Appropriateness was approved.

Mr. Ken Reardon, Building Inspector, confirmed with Ms. Cameron that the permit was filed on 333 Northwest 2nd Street, therefore, the permit was on the wrong parcel. He recommended a 60-day extension to sort out the address issue.

Motion made by Ms. Horn, seconded by Mr. White, to grant a 60-day extension to April 26, 2005. Board unanimously approved.

Reference CE03111504

Julia Nicolaou Mavris
3057 Center Avenue

Request for Extension

Ms. Bazer announced that this case had originally been heard on February 24, 2004 with compliance ordered by May 24, 2004. Two of the three original violations were still not complied and fines had accrued in the amount of \$3,400.

Mr. Stephen Cahen, attorney for the owner, explained that it had taken three months to get most of the permits issued; the electrical permit was still forthcoming.

Mr. Mohammed Malik, Building Inspector, stated that the building permit was just issued today. He felt thirty days should be sufficient for the electrical permit.

Motion made by Mr. Rafter, seconded by Ms. Horn, to grant a 30-day extension. Board unanimously approved.

Approved for Imposition of Fine

Motion made by Mr. Rafter, seconded by Ms. Horn, to find the following cases were not complied by the date specified and therefore the fines would be imposed.

CE03062483

Fine - \$ 2,475

CE03091782

Fine - \$ 3,300

CE04020709

Fine - \$ 19,800

CE04021423

Fine - \$ 8,700

CE02072386

Fine - \$ 125,100

Motion made by Mr. Rafter, seconded by Mr. White, to release orders for the following cases. Board unanimously approved.

CE03102597

CE03102497

CE03102530

CE04011595

Motion made by Mr. Rafter, seconded by Ms. Horn, to accept the minutes of the January 2005 meeting. 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:

CE04070665 CE04100094

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:

CE05011073 CE04081702 CE04110257 CE04120809

Cases Rescheduled

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

CE03101523 CE04050192 CE03090391

Cases Withdrawn

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

CE04101322 CE02011803

There being no further business to come before the Board, the meeting adjourned at 3:45 P.M.

Chair, Code Enforcement Board

ATTEST:

Lisa Edmondson,
Recording Secretary

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