

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
June 28, 2005
10:00 A.M – 12:50P.M.

From January 2005

<u>Board Members</u>	<u>Attendance</u>	<u>Present / Absent</u>	
Pat Hale, Chair	P	4	2
Sarah Horn	P	6	0
Sam Mitchell	P	5	0
John Phillips [11:45]	P	5	1
Rixon Rafter, Vice Chair	P	6	0
Myrnabelle Roche	P	5	1
Doug White	A	2	3
Bobby Young	P	6	0
Bruce Jolly, Board Attorney	P		

Staff Present

Assistant City Attorney
Eve Bazer, Administrative Assistant II
Lindwell Bradley, Community Inspections Supervisor
Lynda Crase, Service Clerk
Thomas Clements, Fire Inspector
Robert Kisarewich, Fire Inspector
Bob Pignataro, Building Inspector
Ken Reardon, Building Inspector
Ivette Spence-Brown, Fire Inspector
Lisa Edmondson, Recording Secretary

Also Present:

*Donna Aven, owner's representative, CE04121374
*Ernest Scott, owner, CE04121374
Walter Shott, owner, CE05031249
*Jason Rice, engineer, CE02091580
*Robert Symington, owner, CE03072355
Robert Wickman, owner, CE04070632
Hope Calhoun, owner's attorney, CE04070632
Doug Bates, new owner's attorney, CE04070632
*Vincent Fazio, owner, CE02091580
*John Wilkes, attorney, CE02091580
*Jennifer Ames, owner's attorney, CE02091580
*Ronnie Goldberg, tenant, CE02091580

*Kenneth Hale, owner, CE04070962
*Ronald Coleman, owner, CE03080568
*John Strauss, owner, CE03120897
*James Poola, manager, CE03120897
Alan Kozich, attorney, CE05010178
Berbeth Jones, owner, CE97020871
*Pat Paduano, general contractor, 9306099
Christopher Williams, owner, CE05050693
*Chris Perera, Executive Director, CE00030790
*Robert Flowers, owner, CE04020473
William Dwyer, owner, CE04041377
*Peter Balzer, CE04010824
James Birch, director, CE05020564
*Kiril Guenov, property manager, CE03090391
*Guillermo Echezabel, architect, CE04021068
Peter Lebron, real estate broker, CE04111533
*Nick Ekonomou, owner, CE04061048
*Nicole Nicely, owner, CE04091380
*Lillian Fell, owner, CE02060922
*Kamil Elhassani, tenant, CE03060782
*Danny Lee, owner, CE04120809
*Brain Burns, contractor, CE04120809
Dexter Banton, owner, CE05050308
Anthony Rembert, owner's representative, CE05050308

*Massey Hearing

Chair Hale called the meeting to order at 10:08 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.

1. Reference CE05031249

Talt Corp.
6791 Northwest 17th Avenue

Sec. 101 40.3.4.1: No fire alarm

Ms. Bazer announced that certified mail addressed to the owner and tenant had both been accepted on June 14, 2005. She also stated that the inspector had a verbal agreement with the owner to comply.

Ms. Ivette Spence-Brown, Fire Inspector, testified that the owner was in the process of obtaining a permit now. Inspector Spence-Brown informed the Board that she had an agreement with the owner to comply within 30 days or a fine of \$50 per day.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to order compliance by July 26, 2005, or a fine of \$50 per day would be imposed. Board unanimously approved.

2. Reference CE02091580

Hammocks at Edgewood Developers
2807 Southwest 15th Avenue

Request for Extension

Ms. Bazer announced that this case was originally heard on May 25, 2004 with compliance ordered by September 26, 2004 and May 24, 2005. The property was still not complied and fines had accrued to \$25,550.

Mr. John Wilkes, attorney for the owner, stated that his client had worked with City staff to resolve the violations and noted that many of the violations were already complied. Mr. Wilkes noted that the amended order from May had not included all of the violations.

Mr. Robert Kisarewich, Fire Inspector, agreed that there had been an oversight with the previous amendment to the order. He noted that he had met with the owner and they were working with staff to resolve all of the issues. On June 24, 2005, the owners had sent a letter to the fire marshal listing a timetable for each violation to be complied.

Mr. Jolly advised the Board that they should amend the May order to include all of the violations.

Motion made by Ms. Roche, seconded by Mr. Young, to amend the May 25, 2005 order to indicate that all of the violations had been granted a 30-day extension. Board unanimously approved.

Mr. Wilkes asked that they be granted an extension until January 1, 2006 for the remaining violations. The mobile homes were already given notice to move by November 2005. Mr. Wilkes stated he had clarified the remaining violations with City staff. He agreed to return as often as the Board wished to keep them apprised of the situation.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant an extension to January 24, 2006 for the violations not yet complied and to request that the owner appear on September 27, 2005 to provide a status report to the Board. In a roll call vote, motion passed 4 – 2 as follows: Ms. Horn, Yes; Ms. Roche, No; Mr. Mitchell, No; Mr. Young, Yes; Mr. Rafter, Yes; Chair Hale, Yes.

3. Reference CE97020871

Berbeth Jones Murray
3631 Southwest 14th Street

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

Ms. Bazer announced that certified mail addressed to the owner had been accepted on June 15, 2005 and personal service had been made to the owner by Inspector Reardon on June 23, 2005.

Mr. Ken Reardon, Building Inspector, stated that the violations existed as cited and he had a verbal agreement with the owner to comply within 7 months or a fine of \$25 per day. He presented photos of the property and a copy of the inspection report. Mr. Reardon explained that Mrs. Murray, the new owner, had purchased the property without knowing the violations existed.

Motion made by Ms. Roche, seconded by Mr. Rafter, to order compliance by January 24, 2006 or a fine of \$25 per day would be imposed. Board unanimously approved.

4. Reference CE04111533

Grant Armitt
301 Southwest 8th Street

Sec. 104.1: Work without permits

Ms. Bazer announced that certified mail addressed to the owner had been accepted on June 14, 2005.

Mr. Ken Reardon, Building Inspector, stated he had a verbal agreement with the owner to comply within 90 days or a fine of \$100 per day. He presented photos of the property and a copy of the inspection report.

Mr. Peter Lebron, the owner's real estate broker, stated the City had requested some additional drawings from the engineer; this had caused a delay.

Motion made by Ms. Horn, seconded by Mr. Rafter, to order compliance by September 27, 2005 or a fine of \$100 per day would be imposed. Board unanimously approved.

5. Reference CE05020564

Our Lady of Peace Chapel
2241 Davie Boulevard

Sec. 104.1: Work without permits

Ms. Bazer announced that certified mail addressed to the owner had been accepted on June 20, 2005 and certified mail addressed to the director of the company had been accepted on June 15, 2005.

Mr. Ken Reardon, Building Inspector, stated that the violations existed as cited and he had a verbal agreement with the owner to comply within 60 days or a fine of \$25 per day. He presented photos of the property and a copy of the inspection report.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to order compliance by August 23, 2005 or a fine of \$25 per day would be imposed. Board unanimously approved.

6. Reference CE05050693

NTN Associates LLC
1140 Northwest 55th Street

Sec. 101 40.3.4.1: No fire alarm

Ms. Bazer announced that certified mail addressed to the tenant had been accepted on June 15, 2005.

Ms. Ivette Spence-Brown, Fire Inspector, testified that there was no fire alarm. Inspector Spence Brown noted that the original citation was dated December 23, 2003; the fire marshal had granted a six-month extension to August 18, 2004 and an additional 120-day extension was granted on August 17, 2004. Nothing had been done and no permit had yet been issued. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Mr. Christopher Williams, property owner, stated that the tenant had asked for the extensions because they were confused about whether they were required to comply with some of the violations based on the building occupancy. Bids were obtained in spring 2004 and the tenant had requested another extension from the fire marshal in order to obtain the funding. The fire marshal had advised them to appear before the Code Enforcement Board to request any further extensions. Because of the delays, they had needed to obtain revised bids. Mr. Williams anticipated a supplier would be selected next week and that company would apply for the fire alarm permit within 45 days.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to order compliance by July 26, 2005 or a fine of \$100 per day would be imposed. Board unanimously approved.

7. Reference CE04070632

Marina Holding Inc.
2700 Southwest 25th Terrace

Request for Extension

Ms. Bazer announced that this case was originally heard on September 28, 2004 with compliance ordered by September 28, 2004. The compliance date had been extended 4 times a total of 267 days and no fines had accrued as yet.

Ms. Hope Calhoun, attorney for the owner, explained that the bankruptcy hearing had determined that the owner was responsible for complying the violations. The judge would sign this order in 20 days and her client already had a contract with someone to perform the repairs. The tenant should vacate the premises by September.

Mr. Doug Bates, representative of the tenant, informed the Board that they were attempting to expedite the judge's signing of the order.

Mr. Robert Kisarewich, Fire Inspector, listed the violations and noted which were complied and which were not and presented current photos of the property. Inspector Kisarewich presented a letter from the County dated June 22, 2005 stating there was no plan to supply water to a fire suppression system with the temporary hydrant, but noted that once the water was used for fire service, the County could not cancel the service. The County also acknowledged that the meter was paid. Inspector Kisarewich presented the letter from Charles England at Water and Waste Water Services addressed to Inspector Kisarewich and a copy of the permits status report.

Inspector Kisarewicz acknowledged there would be new tenants and the owner would be responsible for repairs. He recommended an extension of 30 days.

Motion made by Mr. Rafter, seconded by Ms. Roche, to grant an extension to July 26, 2005. Board unanimously approved.

8. Reference CE04041377

William Dwyer
2160 Southwest 36th Avenue

Request for Extension

Ms. Bazer announced that this case was originally heard on June 22, 2004 with compliance ordered by October 20, 2004; on October 26, 2004 the date was extended to February 23, 2005; on February 23, 2005 the date was extended to June 29, 2005. The property was not complied and fines had accrued in the amount of \$ 250.

Mr. William Dwyer, owner, requested another 120 days to comply; he had gotten the air conditioner and windows inspected and now needed to deal with the carport structure.

Mr. Ken Reardon, Building Inspector, had no objection to allowing an additional 120 days.

Motion made by Mr. Rafter, seconded by Ms. Horn, to grant an extension to October 25, 2005. Board unanimously approved.

9. Reference CE05010178

M & H Automotive Inc.
3560 West Broward Boulevard

Request for Extension

Ms. Bazer announced that this case was heard on February 22, 2005 with compliance ordered by June 28, 2005. The property was not complied and no fines had accrued to date.

Mr. Alan Kozich, architect, informed the Board that the drawings were now complete and the storage mezzanine had been taken down. He requested an additional 90 days to comply.

Mr. Thomas Clements, Fire Inspector, had no objection to allowing an additional 90 days.

Motion made by Mr. Young, seconded by Mr. Rafter, to grant a 90-day extension to September 27, 2005. Board unanimously approved.

10. Reference CE05050308

Dexter Banton
614 Northwest 9th Avenue
Tenants: Super Duper Liquor Store,
Papa's Jamaican Restaurant

Sec. 15-28: Required occupational license;
Sec. 18-27(a): Trash on property;
Sec. 47-19.4 D.7: No water supply and drain for
dumpster; Sec. 47-19.4 D.8: Open dumpster

enclosure gates; Sec. 47-20.20 H: Parking area in disrepair; Sec. 47-21.9 G.1: Code-required landscaping; Sec. 47-22.9: Signs without permits; Sec. 47-34.1 A.1: Permitted uses; Sec. 9-306: Peeling paint/stained surfaces; Sec. 104.1: Work without permits; Sec. 104.2.11: Mechanical work without permits

Ms. Bazer announced that certified mail addressed to the owner had been accepted on June 14, 2005.

Mr. Bob Pignataro, Building Inspector, stated that the violation existed as cited. Inspector Pignataro explained that this was an old case, begun in 1998. He presented photos of the property and a copy of the inspection report and permit history and recommended ordering compliance within 30 days or a fine of \$250 per day, per violation. He also asked the Board to record the order.

Chair Hale asked if any violations had been corrected in 7 years. Inspector Pignataro explained that only one violation had been corrected, regarding a wiring permit for a cooler. He explained the other open violations and noted, "that place stinks; it's filthy. For a restaurant and a liquor store to occupy that space; they should be shut down; it's horrible." He did not know if the Health Department was involved with the property.

Inspector Pignataro explained that Greg Bruton, Deputy Planning Director, had sent a letter to Essan Abdo of L.A. Package Store at 610 Northwest 9th Avenue, copied to Mr. Banton, the owner, dated March 29, 2005, notifying him that the "I" zone in which the store was located did not allow a package store. It also stated that the application for the occupational license contained false information. The letter then informed Mr. Abdo that the occupational license was rescinded and the operation of the package goods store should cease. Inspector Pignataro presented a copy of this letter.

Mr. Anthony Rembert, representative of the owner, claimed that several repairs had been done and were permitted and inspected. He agreed to return with the signed permits. Mr. Rembert stated that the owner was currently in court with the liquor store after serving the operators with an eviction notice in March 2005. The restaurant had been at this location for over 30 years and the liquor store had been there only since last fall. Mr. Rembert stated that Mr. Banton had plans and a contract to perform repairs to the building, parking area and landscaping and were awaiting a permit since November.

Inspector Pignataro said there was a permit application in 1995 for an after the fact permit to replace the walk-in cooler. Two applications were made in 1997 to enclose the dumpster enclosure. This permit, issued in 2000, had expired and been renewed in 2002. Mr. Rembert said he submitted these plans to the building Department and offered to return with the application and comments from the City.

Mr. Lin Bradley, Community Inspections Supervisor, said it was possible that the application was submitted, but if it was returned, it was up to Mr. Banton to make corrections and return it.

Motion made by Mr. Rafter, seconded by Mr. Young, to order compliance by July 26, 2006 or a fine of \$250 per day, per violation and to record the order. He also asked Mr. Rembert to return in 30 days with any permits and other evidence proving that they had "done something constructive since 1998." Board approved with Mr. Mitchell opposed.

11. Reference 9306099

Albert & Jeanette Moustakis Request for Extension
1010 Southwest 2nd Court

Ms. Bazer announced that this case was first heard on February 22, 1994 with compliance ordered by April 8, 1994. Two of the original seven violations were still not compiled and fines had accrued to \$ 596,850.

Ms. Pat Paduano, general contractor, informed the Board that the plans should be back in the Building Department this week and they should soon have a permit. He had been working with the Building Department for four months.

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

Motion made by Mr. Young, seconded by Mr. Rafter, to grant an extension to August 23, 2005. Board unanimously approved.

12. Reference CE04070962

Kenneth Hale Request for Abatement
2922 Banyan Street

Ms. Bazer announced that this case was first heard on August 24, 2004 with compliance ordered by December 30, 2004. The property was complied on May 3, 2005 and fines had accrued to \$10,000.

Mr. Kenneth Hale, owner, stated that it had taken much longer than anticipated to hire the architect and contractor and fines had accumulated while he waited to get on the agenda for the April meeting. He informed the Board that all of the permits had been issued. He asked for abatement of the fines.

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

13. Reference CE00030790

Tops Revival Inc. Request for Abatement
1801 Davie Boulevard

Ms. Bazer announced that this case was first heard on April 25, 2000 with compliance ordered by May 23, 2000. The property was complied on September 27, 2000 and fines had accrued to \$6,300.

Ms. Chris Perera, Executive Director of Just for Kids, stated they had assumed the mortgage in 2003. They were unaware when they took over the property that fines existed and had learned of the fines when they applied for a Non-profit Association Improvement Loan through the City. The City Attorney informed them that the loan could not be awarded until the fines were cleared up; she was therefore requesting abatement of the fines.

Mr. Thomas Clements, Fire Inspector, did not know the history of the violations. He had spoken with the fire marshal, who said he had no objection to abatement of the fines.

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

14. Reference CE02060922

James & Lillian Fell
632 Southwest 4th Avenue

Request for Abatement

Ms. Bazer announced that this case was first heard on January 28, 2003 with compliance ordered by May 28, 2003. The property was complied and fines had accrued in the amount of \$6,240.

Ms. Lillian Fell, owner, said the property was finally complied and the fines accrued because she had been unaware of a meeting she should have attended.

Mr. Ken Reardon, Building Inspector, said he had no objection to abatement of the fine.

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

15. Reference CE04121374

E. Scott Inc.
5181 Northwest 9th Avenue
Tenant: Sonny's Stardust

Request for Abatement

Ms. Bazer announced that this case was first heard on March 22, 2005 with compliance ordered by March 22, 2005. The property was complied on April 29, 2005 and fines had accrued to \$27,000.

Ms. Donna Aven, owner's representative, stated there were extenuating circumstances; Mr. Scott had been in the hospital for colon cancer while he was trying to resolve the violations. She asked for abatement of the fines.

Ms. Ivette Spence-Brown, Fire Inspector, said it was up to the Board to decide whether to reduce or abate the fines. She noted that Mr. Scott had medical and financial problems.

Ms. Bazer confirmed that fines had accrued for one month.

Motion made by Mr. Rafter, seconded by Mr. Young, to abate the fines. In a roll call vote, motion passed 4 – 2 as follows: Ms. Horn, Yes; Ms. Roche, No; Mr. Mitchell, No; Mr. Young, Yes; Mr. Rafter, Yes; Chair Hale, Yes.

Mr. Phillips arrived at 11:45 a.m.

16. Reference CE04120809

Danny Lee
215 Southwest 17th Street

Massey Hearing

Ms. Bazer announced that this case was first heard on April 26, 2005 with compliance ordered by May 24, 2005. The property was complied on June 21, 2005 and fines had accrued to \$1,350.

Mr. Danny Lee, owner, explained that he had hired someone to install the pavers and he had never obtained the permit or done the work. City staff had then helped him to obtain the permit himself. He asked that the fines be reduced or abated.

Mr. Ken Reardon, Building Inspector, agreed that Mr. Lee had complied but felt the City should receive some compensation.

Motion made by Mr. Rafter, seconded by Ms. Roche, to reduce the fine to \$350. Board unanimously approved.

17. Reference CE03090391

Bernadine High
2617 Northeast 13th Court

Request for Extension

Ms. Bazer announced that this case was first heard on June 22, 2004 with compliance ordered by October 20, 2004. One of the original seven violations was still not complied and fines had accrued to \$10,150.

Mr. Kiril Guenov, property manager, requested 30 more days to comply. Only one violation remained and this was awaiting a final inspection.

Mr. Ken Reardon, Building Inspector, stated the only remaining violation was for the Certificate of Occupancy and he had no objection to an extension.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant an extension to July 26, 2005. Board unanimously approved.

18. Reference CE03072355

George & Mary Sivore
6795 Northwest 17th Avenue

Request for Extension

Ms. Bazer 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 \$29,100.

Mr. Robert Symington, owner, said they had bought the building unaware of the violations. They were making progress with all of the permits and planned to complete repairs as soon as the permits were obtained.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to grant an extension to August 23, 2005. Board unanimously approved.

19. Reference CE03120897

Billit Investments, Inc
JAS Marine Services, Inc
3131 Southwest 2nd Avenue

Request for Abatement

Ms. Bazer announced that this case was originally heard on July 27, 2004 with compliance ordered by January 19, 2005. The property was complied and fines had accrued in the amount of \$2,500.

Mr. John Strauss, owner, requested abatement; they had accrued fines because there had been no meeting in December.

Mr. Ken Reardon, Building Inspector, confirmed that the owner had worked with him to correct the problems.

Mr. Strauss noted that all of the inspectors and City staff he had dealt with were "excellent."

Motion made by Mr. Rafter, seconded by Mr. Phillips, to abate the fines. Motion passed with Mr. Mitchell opposed.

20. Reference CE03080568

Ronald Coleman
3005 Seville Street

Request for Abatement

Ms. Bazer announced that this case was originally heard on August 24, 2004 with compliance ordered by November 23, 2004. The property was complied and fines had accrued in the amount of \$37,200.

Mr. Ronald Coleman, owner, said the building was complied through demolition, which had cost \$17,500. The fines had accrued because he had missed the deadline for the November meeting and the December meeting was cancelled.

Motion made by Mr. Rafter, seconded by Mr. Young, to reduce the fine to \$10,200. In a roll call vote, motion passed 4 – 3 as follows: Ms. Horn, No; Ms. Roche, Yes; Mr. Mitchell, No; Mr. Phillips, No; Mr. Young, Yes; Mr. Rafter, Yes; Chair Hale, Yes.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to reconsider. In a roll call vote, motion failed 2 – 5 as follows: Ms. Horn, No; Ms. Roche, No; Mr. Mitchell, Yes; Mr. Phillips, Yes; Mr. Young, No; Mr. Rafter, No; Chair Hale, No.

21. Reference: CE04091380

Nicole Carter
528 Southwest 24th Avenue

Request for Extension

Ms. Bazer announced that this case was originally heard on February 22, 2005 with compliance ordered by May 23, 2005. The property was not complied and fines had accrued in the amount of \$350.

Ms. Nicole Carter, owner, requested an additional 30 days to comply; she had experienced difficulty finding someone to get the permit for her.

Mr. Ken Reardon, Building Inspector, said he felt 30 days would be enough time.

Motion made by Mr. Phillips, seconded by Mr. Rafter to grant an extension to July 26, 2005. Board approved unanimously.

22. Reference CE04061048

Biscayne Villas Acquisition Corp.
421 Southwest 11th Street

Request for Abatement

Ms. Bazer announced that this case was originally heard on January 25, 2005 with compliance ordered by April 25, 2005. The property was complied and fines had accrued in the amount of \$5,600.

Mr. Nick Ekonomou, president of Biscayne Villas, explained that the violations were from the previous owner. The owner had put \$5,000 in escrow to clear the sprinkler fine but had never mentioned problems with the air conditioner compressor unit. Mr. Ekonomou had been advised by a contractor to just demolish the house to comply the violations and later learned from Inspector Reardon that he only needed to remove the condenser and pump units to comply. He had then complied the property in 4 days.

Mr. Kenneth Reardon, Building Inspector, said the house was now unoccupiable. He agreed with Ms. Horn that the grass needed to be cut more often.

Motion made by Mr. Young, seconded by Mr. Phillips, to reduce the fine to \$1,500. Motion passed unanimously.

23. Reference CE04020473

Robert & Elizabeth Flowers
2021 Southwest 38th Avenue

Request for Extension

Ms. Bazer announced that this case was originally heard on August 24, 2004 with compliance ordered by February 28, 2005. The property was not complied and fines had accrued in the amount of \$1,100.

Mr. Robert Flowers, owner, told the Board he had submitted plans for the project and the Zoning and Electrical Departments had already approved them. He requested 120 more days to complete the permit process.

Mr. Kenneth Reardon, Building Inspector, suggested 90 more days to comply.

Motion made by Mr. Young, seconded by Mr. Phillips, to grant an extension to September 29, 2005. Board unanimously approved.

24. Reference CE04021068

Margarita Trotogott
230 Southwest 13th Avenue

Request for Extension

Ms. Bazer announced that this case was originally heard on July 27, 2004 with compliance ordered by January 19, 2005. The property was not complied and fines had accrued in the amount of \$6,700.

Mr. Guillermo Echezabel, architect, requested an extension. They had begun removal of the additions but Ms. Trotogott had been called away because her mother was ill. She hoped to finish clearing away the addition within 60 days.

Mr. Kenneth Reardon, Building Inspector, said he had no objection to a 60-day extension.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant an extension to August 23, 2005. Board unanimously approved.

25. Reference CE04010824

Peter Balzer
2214 Southwest 4th Avenue

Request for Abatement

Ms. Bazer announced that this case was originally heard on June 22, 2004 with compliance ordered by October 20, 2004. The property was complied on April 25, 2005 and fines had accrued in the amount of \$18,300.

Mr. Peter Balzer, owner, explained that he bought the property 2 years ago unaware of the violations. It had taken many months to go through the permit process. He asked for abatement of the fines.

Mr. Kenneth Reardon, Building Inspector, 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.

26. Reference CE03060782

Mayhoub & Sons
909 Northwest 6th Street

Request for Abatement

Ms. Bazer announced that this case was originally heard on February 24, 2004 with compliance ordered by May 24, 2004. The property was complied and fines had accrued in the amount of \$8,300.

Mr. Kamil Elhassani, tenant, presented a copy of a letter from Inspector Strawn, a copy of the property bill of sale, and a history of the violations on the property, proving they took place before he bought the business. Repairs had taken so long because it had taken a long time to obtain the permits. He asked for abatement of the fines.

Mr. Kenneth Reardon, Building Inspector, read from Inspector Strawn's letter indicating that the violations existed before Mr. Elhassani had taken over the property and that Mr. Elhassani had "displayed a spirit of cooperation from the time he took responsibility for the issues involved... All issues have been resolved and I support a full abatement of fines that may have accrued..." Inspector Reardon presented a copy of this letter to the Board.

Motion made by Mr. Young, seconded by Mr. Mitchell, to abate the fines. Board unanimously approved.

27. Reference CE04122070

Cynthia Frazier
2661 Southwest 7th Street

Sec. 104.1: Work without permits

Ms. Bazer announced that certified mail addressed to the owner had been accepted on June 14, 2005.

Mr. Kenneth Reardon, Building Inspector, testified that the violation existed as cited. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 60 days or a fine of \$25 per day.

Motion made by Mr. Rafter, seconded by Ms. Roche, to order compliance by August 23, 2005, or a fine of \$25 per day would be imposed. Board unanimously approved.

28. Reference CE05010593

Dawn McMullen & Gino Galli

Sec. 104.1: Work without permits

607 Southwest 20th Avenue

Ms. Bazer announced that certified mail addressed to the owner had been accepted on June 17, 2005.

Mr. Kenneth Reardon, Building Inspector, testified that the violation existed as cited. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 60 days or a fine of \$50 per day.

Motion made by Mr. Phillips, seconded by Ms. Roche, to order compliance by August 23, 2005, or a fine of \$50 per day would be imposed. Board unanimously approved.

Approved for Imposition of Fine

Motion made by Ms. Roche, seconded by Mr. Young, to find the following cases were not complied by the date ordered and therefore the fines would be imposed and continue to accrue for properties not in compliance. Motion passed with Mr. Phillips opposed.

CE05031269
Fine - \$ 13,600

CE01120943
Fine - \$ 146,075

Request for Release of Orders

Motion made by Mr. Rafter, seconded by Mr. Phillips, to release the order for the following case. Board unanimously approved.

CE04031382

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:

CE05050675

CE05051267

CE05051275

CE05051263

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:

CE04122271

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:

CE05031243

Approval of Meeting Minutes

Mr. Rafter noted that in the May minutes, for case CE05041545, Mount Bethel was stated as the tenant when it was actually the owner.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to accept the minutes of the May 2005 meeting as amended. Board unanimously approved.

There being no further business to come before the Board, the meeting adjourned at 12:50 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.