

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
July 26, 2005
10:00 A.M – 1:00P.M.

From January 2005

<u>Board Members</u>	<u>Attendance</u>	<u>P</u>	<u>A</u>
Pat Hale, Chair	P	5	2
Sarah Horn	P	7	0
Sam Mitchell	P	6	0
John Phillips	P	6	1
Rixon Rafter, Vice Chair	P	7	0
Myrnabelle Roche	P	6	1
Bobby Young	P	7	0
 Bruce Jolly, Board Attorney	 P		

Staff Present

Eve Bazer, Administrative Assistant II
Farida Mohammed, Administrative Aide
Lynda Crase, Service Clerk
Thomas Clements, Fire Inspector
Robert Kisarewich, Fire Inspector
Mohammed Malik, Building Inspector
Bob Pignataro, Building Inspector
Ken Reardon, Building Inspector
Dallas Shumaker, Fire Inspector
Wayne Strawn, Building Inspector
Lisa Edmondson, Recording Secretary

Also Present:

*CE04032185, John Edmonds, architect
*CE04091380, Nicole Nicely, owner
*CE04061744, Chris Smith, owner's attorney
CE03121170, Tommy & Brittany Andrews, owners
CE05060301, Monica Churchill, tenant
*CE04081827, Trevor Sterne, tenant, Martin Davis, agent
*CE96031433, Yuly Gonzales, owner, Yillian Fernandez, interpreter
CE04070632, Alan Kozich, engineer, Doug Bates, bankruptcy attorney, Hope Calhoun, attorney
*CE04101430, Patrick Sullivan, owner, John Vaughn, architect

CE05030750, Janice Fitch Leon, owner
*CE04052003, Herbert Sears, Anthony Delaveau, owner's representatives
*CE04061971, CE04061967, Dennis Woodson, owner's representative
*CE04071925, Joseph Vivenzo, contractor
*CE03090391, Louis Shaw, David High, owner
*CE05011073, John Bryant, owner
CE04121353, Stephen Gaupy, owner
*CE04061744, Kristin Mory, buyer, Andrea Bonner, owner's wife, Stuart Fleishman, realtor
CE05021269, Bradley Tate, manager
*CE01120943, Michel Jeannot, owner
CE04122271, Elvyn Rodriguez, owner
CE04062158, Flavie St. Pris, owner, Nadia St. Pris, owner's daughter

*Massey Hearing

Chair Hale called the meeting to order at 10:10 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 CE04070632

Marina Holding Inc.
2700 Southwest 25th Terrace

Request for Extension

Ms. Mohammed announced that this case was originally heard on August 24, 2004 with compliance ordered by September 28, 2004. On September 28, 2004, the date was extended to October 26, 2004; on October 26, 2004, the date was extended to January 25, 2005; on January 25, 2005, the date was extended to May 24, 2005; on May 24, 2005, the date was extended to June 28, 2005; on June 28, 2005, the date was extended to July 26, 2005. The property was still not complied and no fines had accrued to date.

Ms. Hope Calhoun, the owner's attorney, informed the Board that the judge had signed the order and they were creating a plan for the repairs. Ms. Calhoun requested another 60 days to comply. Mr. Mitchell was concerned about the life safety issues on the property. Mr. Doug Bates, the bankruptcy attorney, stated that Marina Holding Inc. would address the life safety issues first. He noted that the only work currently being done was the removal of the company from the premises.

Mr. Wayne Strawn, Building Inspector, stated he did not object to the extension. He intended to meet with Fire Inspector Kisarewich and the "new people" who would be responsible for the repairs. Inspector Kisarewich said they looked forward to meeting with the owners to finally comply the property.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to grant an extension to September 27, 2005. Board unanimously approved with Ms. Roche and Mr. Phillips abstaining.

2. Reference CE05030750

Keys Residential Properties LLC
1624 Northwest 9th Avenue

Request for Extension

Ms. Mohammed announced that this case was originally heard on April 26, 2005 with compliance ordered by July 26, 2005. The property was still not complied and no fines had accrued to date.

Ms. Janice Leon, owner, stated the house had been broken into and vandalized and sustained \$28,000 in damages. They had hired a contractor, who claimed to have submitted plans yesterday, to convert the house back from a duplex to a single family. She requested 90 days to comply.

Mr. Bob Pignataro, Building Inspector, said he had checked the permit history yesterday and had only found old plans that had been denied. He noted that this was the second time the property had been cited.

Motion made by Mr. Young, seconded by Mr. Mitchell, to grant an extension to October 25, 2005, and to record the order. Board unanimously approved.

3. Reference CE04061744

Henry Bonner
1129 Northeast 3rd Avenue

Massey Hearing

Ms. Mohammed announced that this case was originally heard on March 22, 2005 with compliance ordered by March 24, 2005. The property was still not complied and fines had accrued in the amount of \$6,200.

Ms. Kristin Mory, the potential buyer, said that a title search had revealed a lien on the property and the sale could not be closed until the owner settled the lien. Ms. Mory informed the Board that she intended to demolish the building to build town homes on the property. She requested abatement of the fines, or escrow for the fines and an extension of 90 days. Mr. Phillips noted that the property must be complied to abate the fines.

Mr. Chris Smith, the current owner's attorney, stated that Mr. Bonner owned a home on 14th Street that was homesteaded and he wanted to use the proceeds from the sale of the 3rd Avenue house to pay for code violation repairs at the 14th Street property. He asked the Board to stop the fines so they could proceed with the closing on the 3rd Avenue property.

Ms. Bazer said the city would support a 90-day extension to comply, at which point the new owner could reappear to discuss the fines.

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

4. Reference CE04071925

Geraldine Sullivan and
Edward & Anne Klem
2491 Northwest 16th Court

Massey Hearing

Ms. Mohammed announced that this case was originally heard on October 26, 2004 with compliance ordered by January 25, 2005. On February 2, 2005, the date had been extended to April 27, 2005. The property was still not complied and fines had accrued in the amount of \$11,700.

Mr. Joseph Vivenzo, contractor, stated that only the electrical issues remained and requested an additional 60 days to comply as they were in the process of pulling a permit.

Mr. Wayne Strawn, Building Inspector, stated he did not object to an extension. He said there had been some misunderstanding in Plan Review regarding the electrical permits.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant an extension to September 27, 2005. Board unanimously approved.

5. Reference CE04052003

Effram Flowers
1831 Northwest 27th Terrace

Massey Hearing

Ms. Mohammed announced that this case was originally heard on January 25, 2005 with compliance ordered by April 25, 2005. The property was still not complied and fines had accrued in the amount of \$6,825.

Mr. Herbert Sears, the owner's representative, said he had hired the architect to draw the plans and then a contractor to apply for the permits. Inspector Strawn had told him to "keep in touch" while he was getting the permits and was unaware that fines were running until the inspector informed him of this hearing.

Mr. Wayne Strawn, Building Inspector, stated Mr. Sears had tried to resolve the problems but the structure had not been built according to the plans and the final inspection had been rescinded. Inspector Strawn felt that Mr. Sears's architect and contractor had both "let him down." He had no objection to a 90-day extension.

Anthony Delaveau, the owner's cousin, asked if the porch must be built according to the existing architect's plans. Mr. Young informed him that other plans could be used, but the way the porch was currently built was not safe.

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

6. Reference CE04081827

American Federated Title Corp.
1925 Northwest 9th Avenue

Massey Hearing

Ms. Mohammed announced that this case was originally heard on November 23, 2004 with compliance ordered by February 22, 2005. On March 22, 2005, the date was extended to May 25, 2005 and on May 25, 2005, the date was extended to July 27, 2005. The property was still not complied and fines had accrued in the amount of \$8,100.

Mr. Trevor Sterne, tenant, stated that revisions for the mechanical permit had been submitted. He requested an additional 60 to comply.

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

Mr. Martin Davis, property manager, clarified the tenancy on the property for Mr. Mitchell.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant an extension to September 27, 2005. Board unanimously approved.

7. Reference CE03090391

Bernadine High
2617 Northeast 13th Court

Request for Extension

Ms. Mohammed announced that this case was originally heard on June 22, 2004 with compliance ordered by October 20, 2004. On November 23, 2004 the date was extended to January 25, 2005; on January 25, 2005 the date was extended to March 22, 2005; on March 22, 2005 the date was extended to June 28, 2005; on June 28, 2005 the date was extended to July 26, 2005. The property was still not complied and fines had accrued in the amount of \$9,900.

Mr. Louis Shaw, property manager, stated the property was now in compliance and they were awaiting final inspection and a Certificate of Occupancy. He requested an additional 60 days, as he could not be present in 30 days.

Mr. Mohammed Malik, Building Inspector, stated he had no objection to granting a 60-day extension.

Motion made by Mr. Mitchell, seconded by Mr. Rafter, to grant an extension to September 27, 2005. Board unanimously approved.

8. Reference CE04032185

Ward Harris Properties Inc.
2901 East Las Olas Boulevard

Massey Hearing

Ms. Mohammed announced that this case was originally heard on January 25, 2005 with compliance ordered by April 25, 2005; on May 24, 2005 the date was extended to July 26, 2005. The property was not complied and fines had accrued in the amount of \$16,800.

Mr. John Edmonds, architect, stated that plans had been submitted to the Building Department and requested an additional 60 days to comply.

Mr. Bob Pignataro, Building Inspector, said he had a verbal agreement with the owner to comply within 60 days.

Motion made by Mr. Rafter, seconded by Ms. Horn, to grant an extension to September 27, 2005. Board unanimously approved.

9. Reference CE96031433

Yuly Gonzalez
2181 Southwest 36th Terrace

Request for Extension

Ms. Mohammed announced that this case was originally heard on July 28, 1998 with compliance ordered by November 25, 1998; on January 26, 1999 the date was extended to May 26, 1999; on November 29, 2004 the date was extended to January 25, 2005; on January 25, 2005 the date was extended to April 26, 2005; on May 25, 2005 the date was extended to July 26, 2005. The property was complied and fines had accrued in the amounts of \$100,400.

Ms. Yuly Gonzales, owner, spoke through interpreter Yillian Fernandez. Ms. Gonzales stated that all of the permits were obtained and an electrician was visiting the property today. Ms. Gonzales explained that she had been renting the property and did not understand the notices about the violations. When she tried to sell the house, she had discovered the violations and fines and had begun working toward compliance.

Mr. Ken Reardon, Building Inspector, said this case began in 1996 under another inspector. At that time, Ms. Gonzales had submitted plans to correct some of the violations. These plans had never been approved. Ms. Gonzales had started working toward compliance again in March of 2004. He had no objection to reducing or abating the fine.

Motion made by Mr. Young, seconded by Ms. Roche, to reduce the fine to \$1,000. Board unanimously approved.

10. Reference CE05021269

Pier 17 Yacht Club LLLP
1500 Southwest 17th Street
Tenants: Pier 17 Marina Yacht club

Sec. 104.1: Work without permits

Ms. Mohammed announced that certified mail addressed to the owner and registered agent had both been accepted on July 18, 2005.

Mr. Ken Reardon, Building Inspector, testified that he had an agreement with the owner to comply within 120 days or a fine of \$100 per day. He presented photos of the property and a copy of the inspection report into evidence.

Mr. Alan Kozich, contractor, said the owner needed some time to perform tests on the viability of maintaining the Quonset hut currently on the property,

Motion made by Mr. Young, seconded by Mr. Rafter, to order compliance by November 22, 2005 or a fine of \$100 per day would be imposed. Board unanimously approved.

11. Reference CE04121353

The Titans of South Florida LLC
524 Northwest 18th Avenue

Sec. 47-21.9 G.1: Code-required landscaping;
Sec. 9-278(g): Missing/torn screens;
Sec. 9-280(b): Structure or Fixtures in disrepair;
Sec. 9-281(b): Overgrowth on property;
Sec. 9-304(b): Maintenance of parking area;
Sec. 9-307(c): Covered doors;
Sec. 9-313(a): Required display of address;
Sec. 9-313(b): Improper display of address;
Sec. 104.1: Work without permits;
Sec. 104.2.11: Mechanical work without permits

Ms. Mohammed announced that certified mail addressed to the property manager had been accepted [date unknown].

Mr. Ken Reardon, Building Inspector, reported that the grass had been cut. The new owners agreed to comply the property within 120 days.

Motion made by Mr. Young, seconded by Mr. Rafter, to order compliance by November 22, 2005 or a fine of \$50 per day, per violation would be imposed. Board unanimously approved.

12. Reference CE03121170

Stephen Arciero
3890 Davie Boulevard

Sec. 104.1: Work without permits;
Sec. 106.1: Required certificate of occupancy;
Sec. 104.2.5: Electrical work without permits;
Sec. 104.2.4: Plumbing work without permits;
Sec. 104.2.11: Mechanical work without permits;

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on July 13, 2005.

Mr. Wayne Strawn, Building Inspector, testified that the owner's representative did not contest the violations and they had a verbal agreement to comply the property within 120 days. He presented photos of the property and a copy of the inspection report and recommended a fine of \$50 per day, per violation for non-compliance.

Ms. Brittany Andrews, the new owner, agreed to comply the property within 120 days.

Motion made by Mr. Rafter, seconded by Mr. Young, to order compliance by November 22, 2005 or a fine of \$50 per day, per violation would be imposed. Board unanimously approved.

13. Reference CE05060301

John Mink Revocable Trust
5780 Northwest 9th Avenue

Sec. 18-27(a): Trash on property;
Sec. 9-304(b): Maintenance of parking area;
Sec. 9-305(b): Maintenance of swale;
Sec. 104.1: Work without permits;
Sec. 11-4.6.2: Required pedestrian way;
Sec. 1203.4.2: No required ventilation;
Sec. 3401.6: Structure/fixtures in disrepair;
Sec. 11-4.1.2(5)(a): No handicapped parking;

Ms. Mohammed announced that service was via posting at the property and at City Hall on July 12, 2005.

Mr. Ken Reardon, Building Inspector, stated that the violations existed as cited. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 90 days or a fine of \$250 per day, per violation.

Ms. Monica Churchill, tenant, said she was trying to purchase the property and requested 90 days to make repairs.

Motion made by Mr. Young, seconded by Mr. Rafter, to order compliance by October 25, 2005 or a fine of \$250 per day, per violation would be imposed. Board unanimously approved.

14. Reference CE01120943

Michel & Yolaine Jeannot
1553 West Sunrise Boulevard

Massey Hearing

Ms. Mohammed announced that this case was first heard on January 22, 2002 with compliance ordered by February 22, 2002. On March 26, 2002 the date was extended to April 25, 2002; on November 23, 2004 the date was extended to January 25, 2005 and on January 25, 2005 the date was extended to May 24, 2005. The property was complied and fines had accrued in the amount of \$146,075. Ms. Mohammed requested vacation of the order entered at the previous Code Enforcement Board meeting due to bad service.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to vacate the June 28, 2005 order. Board unanimously approved.

Mr. Michel Jeannot, owner, stated he had already repaired the fence and installed a gate to prevent illegal entry onto Sunrise Boulevard. Mr. Jeannot explained that he had hired an architect to draw up plans and the architect had disappeared after being paid and never provided any plans. Mr. Jeannot had also been in and out of the hospital several times since 2001. As of now, Mr. Jeannot's new architect had submitted new plans to the City.

Mr. Bob Pignataro, Building Inspector, had reviewed the permit history and explained that there were no new permits as yet. He explained that 2 permits were pending. Inspector Pignataro stated he did not object to reducing the fine.

Motion made by Mr. Phillips, seconded by Mr. Young, to impose a fine of \$1,000. Board unanimously approved.

The next 2 cases were heard together:

15. Reference CE04061967

Noel Woodson Trust
1954 East Sunrise Boulevard

Massey Hearings

Reference CE04061971

Noel Woodson Trust
1952 East Sunrise Boulevard

Ms. Mohammed announced that these cases were first heard on July 27, 2004 with compliance ordered by September 25, 2004. The properties were complied on December 30, 2004 and fines for each property had accrued to \$9,500 for a total of \$19,000.

Mr. Dennis Woodson, trust representative, requested abatement of the fines. He was unaware he could have requested extensions for the repairs. The locks had been installed by tenants because of break-ins at the building and permits had been held up in the building department.

Mr. Robert Kisarewich, Fire Inspector, reported that the safety problems with the tenants and the permits issues were resolved. He had no objection to abatement of the fines.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to abate the fines for both properties. Board unanimously approved

16. Reference CE04091380

Nicole Carter
528 Southwest 24th Avenue

Request for Extension

Ms. Mohammed announced that this case was first heard on February 22, 2005 with compliance ordered by May 23, 2005. On June 28, 2005 the date was extended to July 27, 2005. The property was not complied and fines had accrued to \$350.

Ms. Nicole Nicely Carter, owner, requested a 120-day extension. She wanted to put an addition on the family room and was having plans drawn.

Mr. Ken Reardon, Building Inspector, had no objection to the extension.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant an extension to November 22, 2005. Board unanimously approved.

17. Reference CE04101430

Performance Trading Inc.
2800 Northwest 62nd Street

Request for Extension

Ms. Mohammed announced that this case was first heard on November 23, 2004 with compliance ordered by January 25, 2005. On January 25, 2005 the date was extended to February 22, 2005 and on February 22, 2005 the date was extended to June 28, 2005. The property was not complied and fines had accrued to \$81,000.

Chair Hale announced that Clara Bennett, Fort Lauderdale Executive Airport Manager, had phoned this morning and informed her that the airport had an interest in the property because they held the ground lease, but had been unable to attend today's hearing.

Mr. Patrick Sullivan, owner of Performance Trading, said he had shown up for the prior meeting, not realizing that he was not on the agenda. He stated that plans were currently with the building department awaiting approval.

Mr. John Vaughn, architect, said he needed to meet with the inspector to sort out all of the various pending permits, many of which were old and must be closed out. He requested 60 days to comply.

Mr. Bob Pignataro, Building Inspector, did not believe that all needed plans were submitted to the City as yet.

Motion made by Mr. Young, seconded by Mr. Rafter, to grant an extension to September 27, 2005. Board unanimously approved.

18. Reference CE05011073

John & Lorna Bryant
34 Nurmi Drive

Massey Hearing

Ms. Mohammed announced that this case was originally heard on March 22, 2005 with compliance ordered by June 28, 2005. The property was not complied and fines had accrued in the amount of \$10,800.

Mr. John Bryant, owner, stated that they originally intended to demolish the house but had changed their minds and decided to make repairs. They had submitted plans on June 21, 2005. They had already received permits for interior demolition, plumbing, and mechanical and needed to make some changes to the electrical permit application. He requested 120 days to comply.

Mr. Bob Pignataro, Building Inspector, stated he had no objection to the extension.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant an extension to November 22, 2005. Board unanimously approved.

19. Reference CE04122271

Elvyn Rodriguez & Virginia Bostic
428 Southwest 24th Avenue

Sec. 104.1: Work without permits;
Sec. 47-19.5.D.4: Improper fence placement

Ms. Mohammed announced that personal service was made by Inspector Reardon on July 12, 2005.

Mr. Ken Reardon, Building Inspector, stated he had a verbal agreement with the owner to comply within 90 days. He presented photos of the property and a copy of the inspection report into evidence.

Mr. Elvyn Rodriguez, owner, stated he agreed to comply within 90 days.

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

20. Reference CE04062158

Flavie St. Pris & Lou Francis
1316 Northwest 2nd Avenue

Sec. 104.1: Work without permits;
Sec. 104.2.4: Plumbing work without permits;
Sec. 1804.4.2: Inadequate construction

Ms. Mohammed announced that service was via appearance of the owner at this hearing.

Mr. Wayne Strawn, Building Inspector, testified that the owner had admitted to the installation of the structure in the rear of the house but claimed that they had not done the interior renovations. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 90 to 120 days or minimum fines imposed.

Ms. Nadia St. Pris, the owner's daughter, stated that her mother understood they must comply within 120 days or there would be a fine. She explained to her mother exactly what must be done.

Motion made by Mr. Rafter, seconded by Mr. Young, to order compliance by November 22, 2005 or a fine of \$10 per day, per violation. Board unanimously approved.

21. Reference: CE05061509

Kilnock Inc.
837 North Ft. Lauderdale
Beach Boulevard
Tenant: McSorely's

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;
Sec. 104.2.7: Sign without permits;
Sec. 11-4.6.1: Required handicapped parking;
Sec. 11-4.6.4: Required handicapped signage;
Sec. 111.1.1: Construction hazard;
Sec. 1203.4.2: No required ventilation;
Sec. 3401.6: Structure/fixtures in disrepair

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on June 16, 2005 and personal service was made by Inspector Pignataro on June 19, 2005.

Mr. Bob Pignataro, Building Inspector, testified that the violations existed as cited. Extensive renovation work had been done without permits and this work had decreased several life safety factors. Inspector Pignataro had posted the property, ordering that the second and third floors not be used. After meeting with the fire marshal and admitting he could not afford to perform repairs, the owner agreed to close off the upper floors. During the air show, they had opened the upper floors to customers. He presented photos of the property and a copy of the inspection report and recommended ordering compliance within 30 days or a fine of \$100 per day, per violation. He also asked that the order be recorded.

Motion made by Ms. Roche, seconded by Mr. Rafter to order compliance by August 23, 2005 or a fine of \$100 per day, per violation would be imposed and to record the order. Board approved unanimously.

Cases Complied

Ms. Mohammed 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:

CE05061691

Cases Pending Service

Ms. Mohammed 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:

CE05041546

CE04060862

Cases Rescheduled

Ms. Mohammed 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:

CE00061475

Approval of Meeting Minutes

Motion made by Mr. Rafter, seconded by Ms. Roche, to accept the minutes of the June 2005 meeting. Board unanimously approved.

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

Chair Hale announced that the Board had received a "lovely letter" from Mrs. Lillian Fell complimenting Inspector Reardon.

There being no further business to come before the Board, the meeting adjourned at 1:00 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.