

CODE ENFORCEMENT BOARD

City Commission Meeting Room

100 North Andrews Avenue

September 27, 2005

10:00 A.M – 3:06P.M.

From January 2005

<u>Board Members</u>	<u>Attendance</u>	<u>P</u>	<u>A</u>
Howard Elfman (alternate)	A		
Pat Hale, Chair	P	7	2
Sarah Horn	P	8	1
Sam Mitchell	P	8	0
John Phillips	P	8	1
Rixon Rafter, Vice Chair	P	9	0
Myrnabelle Roche	P	7	2
Jan Sheppard	A	1	1
Doug White (alternate)	A		
Bobby Young	P	9	0
 Bruce Jolly, Board Attorney	 P		

Staff Present

Assistant City Attorney
Eve Bazer, Acting Assistant Director
Lindwell Bradley, Acting Assistant Director
Farida Mohammed, Administrative Aide
Lynda Crase, Service Clerk
Estelle Abrams, Detective
Ivette Spence-Brown, Fire Inspector
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
Brenda Cooper, Recording Secretary

Also Present:

*CE03120005: John Bria, owner
*CE05010593: Gino Galli, owner, Dawn McMullen, owner
*CE05061509: Michael Heriaw, contractor, Simon Kearney
CE05011881: Miguel Morenjon, owner's nephew, Felix Garcia, owner
*CE04021068: Margarita Trotogott, owner

*CE04122071: Jenice Davenport, owner
*CE05050308: Anthony Rembert, contractor
*CE01100240: Jack Seiler, owner's attorney
CE05080204, CE05021843: Lawrence Wolk, owner's attorney, Christopher Cartwright, owner
*CE04081702: Alexander Charfen, owner
CE05032069: Michael Hirsch, owner's attorney
CE05080073, CE05080021, CE05081210, CE05080022, CE04111818: Larry Shendell, owner's attorney
CE04051739, CE04051740: Robert McDonald, architect
CE05081095: Joan Kuntz, general manager
CE05080922: Samantha Spencer, property manager
*CE04081827: Trevor Sterne, tenant
*CE04061206: Martin Davis, owner
CE05080787: Jerome Faber, president, Alan Kozich, engineer
*CE03090391: Kiril Goenov, property manager
CE04070632: Hope Calhoun, owner's attorney
CE04101430: Johnny Vaughn, architect, Patrick Sullivan, owner
*CE02091580: Jennifer Ames, manager, John Wilkes, owner's attorney, Vincent Fazio, owner, Jason Rice, engineer
*CE05010010: Jonelle Binder, secretary/treasurer
*CE03011548: Bruce Green, owner's attorney
CE05010178: Alan Kozich, engineer
*9208029: Ernest Scott, owner, Vielly Elkins, owner's attorney
CE05080605: John Biggie, owner
CE05040231: Gary Poliakoff, owner
*CE03072355: Robert Symington, owner
*CE05021420: Peter Calvo, owner
*Imposition of Fine Hearing

Chair Hale called the meeting to order at 10:11 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 CE05021843

Christopher Cartwright
1351 Holly Heights Drive

Sec. 104.1: Work without permits
Sec. 104.2.4: Plumbing work without permits;
Sec. 104.2.5: Electrical work without permits;
Sec. 105.4: Structural work without permits;
Sec. 104.2.11: Mechanical work without permits;
Sec. 47-21.9.A.1: Required landscaping;
Sec. 2121.2.2.2: Improper installation of windows;
Sec. 704.3: Required firewall;
Sec. 47-20.13 E: Improperly constructed drainage;
Sec. 104.9.3.1: Expired permits

Ms. Mohammed announced that certified mail addressed to the owner was accepted on September 6, 2005.

Mr. Bob Pignataro, Building Inspector, explained the violations and noted that there were several properties in the Holly Heights area that were cited. He said there had been some changes to the permits' status since he had cited the property. The owner had obtained a permit for Section 104.2.11 on March 30, 2005, but it had since expired. Section 47-20.13.E was complied, as they did have a French drain. Inspector Pignataro presented photos of the property, and copies of the Stop Work Order and Notice of Violation to the Board.

Inspector Pignataro stated that on February 25, 2005, there had been a complaint that work was taking place on the property without a permit. Inspector Margerum had visited the property and Inspector Pignataro had subsequently posted a Stop Work Order the following Monday. Inspector Pignataro and other Code Enforcement employees had met with Mr. Cartwright, his partner, and his contractor in March and Inspector Pignataro thought they had understood the problems and how to stop them.

In August, Detective Abrams from the Code Team visited the site to again stop a crew from working. The workers said they worked for Mr. Cartwright, who was not a licensed contractor. The contractor of record stated at the time that these people did not work for him.

Inspector Pignataro visited the property on August 11 and found new doors and windows, stucco, electrical, plumbing and framing work had been done on the buildings despite the Stop Work Order. Inspector Pignataro said the owner must hire an engineer or architect to go through each apartment to inspect windows and doors to make sure they were installed according to code.

Inspector Pignataro informed Chair Hale that 1351 Holly Heights was currently unoccupied and the Stop Work Order was still in effect.

Detective Abrams, Code Team, said she had visited the site with several police officers to stop a crew from working and issue citations to several individuals for acting as contractors without licenses and performing work without a permit. She confirmed that these individuals informed her they worked for Mr. Cartwright, not the contractor of record. These individuals had not come to trial yet.

Inspector Pignataro recommended ordering a sealed set of as-builts to the City for approval within 30 days or a fine of \$250 per day, per violation; he also asked that the order be recorded.

Mr. Lawrence Wolk, the owner's attorney, said his client wanted to cooperate with the City to get the property complied. He had hired an architect and others to ensure that the work would be done to code. He also intended to obtain as-built permits. He asked for 30 days to get the plans to submit.

There was some confusion regarding work that had taken place after the Stop Work Order was posted because permits had been issued after the Stop work Order was posted. Inspector Pignataro then explained the permits that were issued and the work that was done and subsequent inspections and permit expirations.

The Assistant City Attorney asked the Board to order compliance within 30 days or a fine of \$250 per day, per violation, and to require the owner to return in 30 days to give a status report to the Board.

Motion made by Mr. Rafter, seconded by Mr. Young, to order compliance by October 25, 2005 or a fine of \$250 per day, per each of the remaining 9 violations would be imposed and to record the order. Board unanimously approved.

2. Reference CE05080204

Christopher Cartwright
1341 Holly Heights Drive

Sec. 104.1: Work without permits
Sec. 104.2.4: Plumbing work without permits;
Sec. 104.9.3.1: Expired permits;
Sec. 105.4: Structural work without permits;
Sec. 2121.2.2.2: Improper installation of windows;
Sec: 704.3: Required firewall;
Sec. 47-20.13 E: Improperly constructed parking area; Sec. 47-21.9.A.1: Required landscaping

Ms. Mohammed announced that certified mail addressed to the owner was accepted on September 16, 2005.

Mr. Bob Pignataro, Building Inspector, explained that this was the same owner as the previous case, with the same issues.

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

3. Reference CE04111818

1470 Dixie LLC
1470 North Dixie Highway

Sec. 104.1: Work without permits;
Sec. 105.4: Structural work without permits;
Sec. 47-21.9.A.1: Required landscaping;
Sec. 2121.2.2.2: Improper installation of windows;
Sec: 704.3: Required firewall;
Sec. 47-20.13 E: Improperly constructed parking area; Sec. 104.9.3.1: Expired permits

Ms. Mohammed announced that certified mail addressed to the registered agent and owner were both accepted on September 6, 2005.

Mr. Bob Pignataro, Building Inspector, testified the violations existed as cited. He recommended ordering compliance within 30 days or a fine of \$250 per day, per violation and asked the Board to record the order.

Mr. Larry Shendell, the owner's attorney, stipulated to the violations and requested 30 days to comply.

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

4. Reference CE05081210

Asoka Condo Association Inc.
1330 Holly Heights Drive

Sec. 104.1: Work without permits;
Sec. 104.9.3.1: Expired permits;
Sec. 105.4: Structural work without permits;
Sec. 47-21.9.A.1: Required landscaping;
Sec. 2121.2.2.2: Improper installation of windows;
Sec: 704.3: Required firewall;
Sec. 47-20.13 E: Improperly constructed parking area

Ms. Mohammed announced that certified mail addressed to the registered agent and owner were both accepted on September 7, 2005.

Mr. Bob Pignataro, Building Inspector, testified the violations existed as cited and recommended ordering compliance within 30 days or a fine of \$250 per day, per violation and to record the order.

Mr. Larry Shendell, the owner's attorney, stipulated to the violations. There was discussion between the Board and the Board attorney regarding who was liable for the violations and to whom service should have been made, since two of the units had been sold as condominiums. The Board attorney, the Assistant City Attorney and the owner's attorney agreed that the violations concerned common elements and therefore the association was the responsible party and service was proper.

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

5. Reference CE05080073

Asoka Condo Association Inc.
1336 Holly Heights Drive

Sec. 104.1: Work without permits;
Sec. 105.4: Structural work without permits;
Sec. 47-21.9.A.1: Required landscaping;
Sec. 2121.2.2.2: Improper installation of windows;
Sec: 704.3: Required firewall; Sec. 47-20.13 E: Improperly constructed parking area;

Sec. 104.9.3.1: Expired permits

Ms. Mohammed announced that certified mail addressed to the owner and an officer of the association had both been accepted on September 7, 2005.

Mr. Bob Pignataro, Building Inspector, testified the violations existed as cited and recommended ordering compliance within 30 days or a fine of \$250 per day, per violation and to record the order.

Mr. Larry Shendell, the owner's attorney, stipulated to the violations.

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

6. Reference CE05080021

Asoka Condo Association
1342 Holly Heights Drive

Sec. 104.1: Work without permits;
Sec. 105.4: Structural work without permits;
Sec. 47-21.9.A.1: Required landscaping;
Sec. 2121.2.2.2: Improper installation of windows;
Sec: 704.3: Required firewall; Sec. 47-20.13 E:
Improperly constructed parking area;
Sec. 104.9.3.1: Expired permits

Ms. Mohammed announced that certified mail addressed to the owner and registered agent had both been accepted on September 13, 2005

Mr. Bob Pignataro, Building Inspector, testified the violations existed as cited and recommended ordering compliance within 30 days or a fine of \$250 per day, per violation and to record the order.

Mr. Larry Shendell, the owner's attorney, stipulated to the violations.

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

7. Reference CE05080022

Asoka Condo Association
1348 Holly Heights Drive

Sec. 104.1: Work without permits;
Sec. 104.9.3.1: Expired permits;
Sec. 105.4: Structural work without permits;
Sec. 2121.2.2.2: Improper installation of windows;
Sec: 704.3: Required firewall;
Sec. 47-20.13 E: Improperly constructed parking
area; Sec. 47-21.9.A.1: Required landscaping

Ms. Mohammed announced that certified mail addressed to the owner and an officer of the association had both been accepted on September 13, 2005.

Mr. Bob Pignataro, Building Inspector, testified the violations existed as cited and recommended ordering compliance within 30 days or a fine of \$250 per day, per violation and to record the order.

Mr. Larry Shendell, the owner's attorney, stipulated to the violations.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to order compliance by October 25, 2005 or a fine of \$250 per day, per violation would be imposed and to record the order. Motion passed 6 – 1 with Ms. Roche dissenting since she believed the Board did not have jurisdiction in this case over the privately owned condo units.

The next two cases were heard together:

8. Reference CE04051739

Zannini Enterprises Inc.
1424 Holly Heights Drive

Sec. 104.2.4: Plumbing work without permits;
Sec. 104.2.5: Electrical work without permits;
Sec. 104.9.3.1: Expired permits;
Sec. 105.4: Structural work without permits;
Sec. 2121.2.2.2: Improper installation of windows;
Sec. 704.3: Required firewall; Sec. 47-20.13 E:
Improperly constructed parking area;
Sec. 47-21.9.A.1: Required landscaping;
Sec. 104.1: Work without permits

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on September 3, 2005 and certified mail addressed to the registered agent had been accepted on September 6, 2005.

Mr. Bob Pignataro, Building Inspector, testified the violations existed as cited and recommended ordering compliance within 30 days or a fine of \$250 per day, per violation and to record the order. Inspector Pignataro noted that two permits had been issued since he cited the property.

Mr. Chris Zannini, owner, said that he had hired a contractor to do the interior remodeling. The contractor had pulled several permits, but never pulled a master permit. Mr. Zannini had then hired a new contractor and architect. Mr. Zannini said he wanted to get the property into compliance and requested 30 days. Inspector Pignataro explained the permits that had been issued and work that had been completed.

Mr. Robert McDonald, architect, said they would have the architectural plans within 30 days.

9. Reference CE04051740

Zannini Enterprises Inc.
1430 Holly Heights Drive

Sec. 104.1: Work without permits;
Sec. 104.9.3.1: Expired permits;
Sec. 105.4: Structural work without permits;
Sec. 2121.2.2.2: Improper installation of windows;
Sec. 704.3: Required firewall; Sec. 47-20.13 E:
Improperly constructed parking area;
Sec. 47-21.9.A.1: Required landscaping

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on September 2, 2005 and certified mail addressed to the registered agent had been accepted [no date on card].

Motion made by Mr. Rafter, seconded by Mr. Phillips, to order compliance by October 25, 2005 or a fine of \$250 per day, per violation would be imposed and to record the order [for both cases]. Board unanimously approved.

10. Reference CE03011548

World Jet Inc.
3000 Northwest 59th Street
Tenant: Bimini Island Air

Massey Hearing / Request for Abatement

Ms. Mohammed announced that this case was first heard on May 27, 2003 with compliance ordered by August 25, 2003. The case was complied and fines had accrued in the amount of \$229,400.

Mr. Bruce Green, the owner's attorney, said that the open violations concerned alteration to the building lobby, staircase, and windows on the second floor. The other two items cited, the roof drain and the column, actually existed in their present state when the building's Certificate of Occupancy was issued. Mr. Green distributed copies of the temporary CO, the final CO and portions of the building code to the Board. Mr. Green stated that with respect to the roof drain and column, the building was never out of compliance; the Building Department had lost the file on the property.

Mr. Green said he had visited the site with the inspector with a set of signed, sealed plans with the City's sign-offs on them and they agreed that the staircase and column were located in the same place they had always been. He also presented a report from a structural engineer certifying that the building's slab was thickened at the time of the building's construction to support the column.

Mr. Bob Pignataro, Building Inspector, said the plans had not been accepted by plan review as yet. He insisted the column had been in a different area in the original plan. Mr. Green's plans with the column in the new place were revised from the original. Inspector Pignataro said something that should have taken one day to complete [the redrawing of the plans] had taken literally years.

Mr. Mark Cervasio, Assistant Airport Manager, said the airport was aware of the code violations in January 2003 and had sent numerous letters to World Jet and attended meetings with them. They informed World Jet that the violations could lead to default of their lease.

Motion made by Mr. Phillips, seconded by Ms. Horn, to abate the fine. Motion passed 4 – 3 with Mr. Mitchell, Chair Hale, and Mr. Young dissenting.

11. Reference CE04101430

Performance Trading Inc.
2800 Northwest 62nd Street

Request for Extension

Ms. Mohammed announced that this case was originally heard on November 23, 2004 with compliance ordered by January 25, 2005; on January 25, 2005, the date was extended to February 22, 2005; on February 22, 2005, the date was extended to June 28, 2005; on July 26, 2005 the date was extended to September 27, 2005. The property was not complied and fines had accrued in the amount of \$81,000.

Mr. Patrick Sullivan, owner, said their plans had been lost at the Building Department but they had been recently been found. He hoped to get the permits this week but felt he needed more than 30 days to comply.

Mr. Bob Pignataro, Building Inspector, stated the permits would comply all the building code violations, but not the last two violations concerning the boat repair and storage. Inspector Pignataro noted that plans for permit applications had repeatedly failed plan review and never been revised. He felt there had been “a lot of foot dragging” and boats were still stored outside at the property.

Mr. Sullivan said the Landscape Department had told him they prefer a hedge to a concrete wall to screen the view of the boats.

Inspector Pignataro noted that Mr. Sullivan must also submit a survey. Mr. Sullivan said he had repeatedly submitted surveys.

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

12. Reference CE02091580

Hammocks at Edgewood Development Status Report at Board's Request
2807 Southwest 15th Avenue

Ms. Mohammed announced that this case was originally heard on May 25, 2004 with compliance ordered by September 25, 2004 and May 24, 2005. At the June 28, 2005 meeting, the Board had ordered a status report from the owner at this hearing. The property was not complied and fines had accrued in the amount of \$15,000.

Mr. John Wilkes, the owner's attorney, explained that they had obtained a letter from their engineers confirming the work done to comply the electrical violations. They were continuing to remove mobile home units. They had also received P&Z recommendations for approval for the park in August and met with City staff. They planned to meet again with them in October. He hoped to be able to begin development by January.

Mr. Wayne Strawn, Building Inspector, said he had received reports from the engineer but had not been able to examine them yet. He asked that in the future, reports be sent to him earlier than they had been this time. Chair Hale asked if the units would all be vacated by November; Mr. Wilkes doubted this.

Mr. Robert Kisarewich, Fire Inspector, said he had visited the property after the recent hurricanes and noted that the owner's engineers had corrected any damage resulting from the storms.

Motion made by Mr. Rafter, seconded by Ms. Roche, to come before the board at the November 22, 2005 hearing to give a status report. Board unanimously approved.

13. Reference CE05061509

Kilnock Inc. Request for Extension
837 North Fort Lauderdale Beach Boulevard

Ms. Mohammed announced that this case was originally heard on July 26, 2005 with compliance ordered by August 23, 2005. The property was not complied and fines had accrued in the amount of \$40,800.

Mr. Simon Kearney, owner, explained he had hired a contractor. Chair Hale advised him to complete the repairs and have the property reinspected and then they could discuss reduction of the fines. Mr. Kearney said that the plans must first go through plan review and Planning and Zoning and asked for 90 days.

Mr. Bob Pignataro, Building Inspector, felt that 90 days would be sufficient to comply.

Mr. Robert Kisarewich, Fire Inspector, explained that the egress must still comply after the top floor was confined to use for storage. He felt 90 days would be sufficient to obtain permits.

Mr. Phillips recalled that Mr. Kearney had attended the August meeting with his attorney but could not be added to the agenda.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to grant an extension to January 24 2006. Board unanimously approved.

14. Reference CE05010178

M & H Automotive Inc. Request for Extension
3560 West Broward Boulevard

Ms. Mohammed announced that this case was first heard on February 22, 2005, with compliance ordered by June 28, 2005; on June 28, 2005 the date was extended to September 27, 2005. The case was not complied and no fines had accrued to date.

Mr. Alan Kozich, engineer, stated that hurricane Katrina damage had caused a delay in the project and required some new work to be done. He requested an additional 120 days to comply.

Mr. Thomas Clements, Fire Inspector, had no objection to a 120-day extension.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to grant an extension to January 24, 2006. Board unanimously approved.

15. Reference CE05080787

Jungle Queen Inc.
2470 Southwest 21st Street

Sec. 1606.1: Construction without permits;
Sec. 2301.2.1: Floor joists constructed contrary to good engineering practices; Sec. 3401.6: Structure/fixtures in disrepair;
Sec. 104.1: Work without permits;
Sec. 104.2.4: Plumbing work without permits;
Sec. 104.2.5: Electrical work without permits;
Sec. 106.1: Required certificate of occupancy;
Sec. 220.10: No plans or permits for electrical system; Sec. 225.26: Improper electrical service;
Sec. 230.24(a): Improper electrical clearance;
Sec. 300-5(a): Conduit not buried to proper depth;
Sec. 1 10.15.3.2: Fire hazard; Sec. 1 10.15.5: Lighting fire hazard; Sec. 1 11.1.3: wiring not to code; Sec. 1 20.1.2.1: Combustible roof;
Sec. 101 13.2.9.1: Missing emergency lighting;
Sec. 101 13.3.3.3: Non-compliant interior finish;
Sec. 101 13.3.4.1: No fire alarm system;
Sec. 101 13.3.4.3.3: Missing fire alarm system components; Sec. 101 7.2.5.2: Non-compliant ramps; Sec. 101 7.2.5.3.1: Non-compliant ramps;
Sec. 101 7.7.1: Insufficient exit discharge;
Sec. 101 7.9.2.3: Improperly installed emergency generator; Sec. 174.2.1: Old fire system components; Sec. 17A.2.4.2.2: Improper hood system emergency operation; Sec. 17A.3.2.1.5: Improper hood system emergency operation;
Sec. 17A. 5.3.1(f): Missing corner pulley covers

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on September 2, 2005 and certified mail addressed to the company director had been accepted on September 7, 2005.

Mr. Wayne Strawn, Building Inspector, testified that the violations existed as cited except Section 104.1.2; the roof structure attached to the office had been removed. Section 104.1.1 was still in violation but was mitigated by the fact that the walkways were not presently used; there was only one remaining structure violating Section 104.1.3. Also, the electric service that was tied to a palm tree had been removed and was supported by ground anchors. Inspector Strawn presented 26 photos of the property, and a copy of the inspection report to the Board.

Inspector Strawn read a letter from an engineering firm describing repairs that must be completed, concurring with Inspector Strawn's findings.

Mr. Alan Kozich, engineer, said he and Inspector Strawn had walked the property and since the project was built in 1937 or '38, it had constant violations. He said the owner was investing a lot of money to get the property complied. He described several reports that had been created listing various repairs that must be made and the owner's decision to just rebuild the facility instead of repair it.

Mr. Kozich said they wanted to correct the electrical and structural violations that could be corrected within 60 days; he suggested they return in 60 days and report to the Board on their progress. Inspector Strawn said he had no problem with this and asked the Board to find there were violations and impose fines of \$50 per day, per violation for non-compliance.

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

16. 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; on July 26, 2005 the date was extended to September 27, 2005. The property was not complied and no fines had accrued to date.

Ms. Hope Calhoun, the owner's attorney, explained that the marina was shut down and locked. She and Inspector Strawn had both inspected the property recently. Her client's son had recently died and she requested another extension because the owner now needed to figure out what to do with the property.

Mr. Wayne Strawn, Building Inspector, testified that many items had been corrected by the tenant's eviction, but the property was still not complied due to electrical and waste

disposal issues. Inspector Strawn said he had no objection to a 6-month extension. He confirmed that the property was now locked, vacant and inaccessible.

Motion made by Mr. Rafter, seconded by Ms. Horn, to grant an extension to March 22, 2006. Board unanimously approved.

17. Reference CE05010010

Saga Investments LLC
2901 Northeast 51st Street

Massey Hearing / Request for Abatement

Ms. Mohammed announced that this case was first heard on March 22, 2005, with compliance ordered by June 28, 2005. The property was complied and fines had accrued to \$2,000.

Ms. Jonelle Binder, secretary/treasurer of Saga Investments, explained when they had contracted for a railing and water heater replacement, noted that both had been completed prior to the ordered date and asked for abatement of the fine.

Mr. Mohammed Malik, Building Inspector, noted the City had incurred some costs in the case but agreed to leave it to the Board to decide whether to abate the fine.

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

18. Reference CE03120005

John & Georiann Bria
219 Southwest 21st Terrace

Request for Extension

Ms. Mohammed announced that this case was first heard on March 23, 2004, with compliance ordered by July 21, 2004; on July 27, 2004 the date was extended to November 24, 2004; on January 25, 2005 the date was extended to March 26, 2005; on March 22, 2005 the date was extended to May 24, 2005; on May 24, 2005 the date was extended to August 23, 2005. The property was not complied and fines had accrued to \$20,000.

Mr. John Bria, owner, said he had spoken with the architect and he had received all approvals except the Fire Department's, which the consultants were handling. Mr. Bria hoped to be finished within 60 days and requested an extension.

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

Motion made by Mr. Phillips, seconded by Ms. Horn, to grant an extension to November 22, 2006.

19. Reference CE05010593

Dawn McMullen & Gino Galli
607 Southwest 20th Avenue

Request for Extension

Ms. Mohammed announced that this case was first heard on June 28, 2005, with compliance ordered by August 23, 2005. The property was not complied and fines had accrued to \$1,700.

Ms. Dawn McMullen, owner, said she had been out of town for her wedding when the property was first cited. She noted that the correct address was not 20th Avenue but Riverside Drive; this had resulted in the violations' not showing up on their original title search for the home. Ms. McMullen presented copies of correspondence from the City showing that no code violations came up on a search.

Mr. Gino Galli, owner, felt that the City had been decidedly unhelpful when he tried to determine how to deal with these issues and correct the problems. This was why he had not been able to comply in time.

Mr. Ken Reardon, Building Inspector, stated that the fence was not yet complied. He felt the order contained clear directions for how to apply for a permit and comply the property and noted that the permit had been issued but they had not picked it up and were trying to negotiate the permit's fee. He asked the Board to issue an order of non-compliance.

Mr. Galli said they were in compliance and the permit was signed off; they were having problems finding the money to pay for the project and the permit. Mr. Reardon commented that they were not in compliance until the permit was issued.

Chair Hale sympathized with the economic burden of paying for the permit and work. She suggested allowing them an additional 30 days to pay for the permit.

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

20. Reference CE04081702

Alex Charfen
1135 Northeast 12th Avenue

Request for Extension

Ms. Mohammed announced that this case was first heard on May 24, 2005, with compliance ordered by August 23, 2005. The property was not complied and fines had accrued to \$6,800.

Mr. Alex Charfen, owner, explained that the previous owner was deported and he had bought the building hoping to convert it back to duplex and rent it, unaware of the violations. He had decided that the repairs were too numerous and tried to sell the property in August and discovered the violations. He had met with Inspector Malik and Supervisor Murray, who advised him to appear before the Board.

Mr. Mohammed Malik, Building Inspector, said he had met with Mr. Charfen at the property and explained the violations. He confirmed that the property was not in compliance and no permits were obtained. He suggested a 120-day extension.

Mr. Charfen said he was unsure if the purchaser from August would still buy the property since the contract had expired; he might need to make the repairs himself to comply. Ms. Roche advised him to either get a new closing date or start the work himself. He could then return to the Board to report on the status of the property.

Motion made by Ms. Roche, seconded by Mr. Rafter, to grant an extension to January 24, 2006 and to record the order. Board unanimously approved.

21. 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; on July 26, 2005 the date was extended to September 27, 2005. The property was not complied and fines had accrued in the amount of \$9,900.

Mr. Kiril Goenov, property manager, said everything was complied except electrical issues in unit #9. He requested an additional 60 days on behalf of the owners.

Mr. Mohammed Malik, Building Inspector, said something had come up in the Building Department when they applied for the CO and now they needed new plans. The plumbing had passed inspection, but the electrical had not yet passed. He suggested allowing until January.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant an extension to January 24, 2006. Board unanimously approved.

22. Reference CE03072355

George & Mary Sivore
6795 Northwest 17th Avenue

Request for Extension

Ms. Mohammed announced that this case was originally heard on April 27, 2004 with compliance ordered by June 26, 2004. On September 28, 2004 the date was extended to January 25, 2005; on February 22, 2005 the date was extended to May 24, 2005; on June 28, 2005 the date was extended to August 23, 2005. The property was not complied and fines had accrued in the amount of \$34,200.

Mr. Robert Symington, contracted owner, said they hoped to be finished with plan review in 30 days. The closing would take place when the property was complied.

Mr. Wayne Strawn, Building Inspector, confirmed that all of the violations were being combined onto one permit. He described work already done toward compliance and said he had no objection to an extension.

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

23. Reference CE05032088

George & Mary Sivore
6795 Northwest 17th Avenue

Sec. 1 1.7.6: Unsafe junction boxes in ceiling;
Sec. 1 14.13.1.1: Insufficient emergency lighting;
Sec. 104.1.1: Interior work without permits

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

Ms. Ivette Spence-Brown, Fire Inspector, testified that there was insufficient emergency lighting and spray booths were installed without a permit; section 1 1.7.6 was complied. Inspector Spence-Brown recommended ordering compliance within 60 days or a fine of \$50 per day, for each of the two remaining violations.

Motion made by Ms. Horn, seconded by Mr. Young, to order compliance by November 22, 2005 or a fine of \$50 per day, for each of the 2 remaining violations would be imposed. Board unanimously approved.

24. Reference CE05021420

Peter Calvo
6801 Northwest 28th Avenue

Request for Abatement

Ms. Mohammed announced that this case was first heard on May 24, 2005 with compliance ordered by July 26, 2005. The property was complied and fines had accrued to \$2,150.

Mr. Peter Calvo, owner, asked for a 30-day extension instead of abatement because of a permit oversight that Inspector Strawn had just informed him about yesterday. Ms. Roche felt this was not part of their case; it was a new violation. Inspector Strawn suggested continuing the case to next month.

Motion made by Mr. Young, seconded by Mr. Rafter, to grant a continuance to October 25, 2006. Motion passed with Ms. Roche dissenting.

25. Reference CE04081827

American Federated Title
1925 Northwest 9th Avenue

Request for Extension

Ms. Mohammed announced that this case was first heard on November 23, 2004 with compliance ordered by February 22, 2005; on March 22, 2005 the case was continued to

May 24, 2005; on May 24, 2005 the case was continued to July 26, 2005; on July 26, 2005 the case was continued to September 27, 2005. The property was not complied and fines had accrued to \$8,100.

Mr. Trevor Sterne, tenant, said he had been trying very hard to comply. He had received planning approval on September 1 for the mechanical permits and when he went to pick them up, the City had informed him that they had lost all of plans so he had obtained another sealed set. He asked for another 60 days.

Mr. Ken Reardon, Building Inspector, concurred with Mr. Sterne's explanation and said he had no objection to an extension.

Motion made by Mr. Phillips, seconded by Mr. Young, to grant an extension to November 22, 2005. Motion approved with Mr. Mitchell dissenting.

26. Reference CE04061206

American Federated Title
1953 Northwest 9th Avenue

Continued from August 23, 2005 Hearing

Ms. Mohammed announced that this case was first heard on April 26, 2005 with compliance ordered by July 26, 2005. The property was not complied and fines had accrued to \$4,650.

Mr. Martin Davis, owner, said he held the master lease on the entire shopping center. He had tried to get the tenants to comply, but they had not and he had begun eviction proceedings. He hoped that the eviction would force the tenant to cooperate but was unsure how long the process would take. All correspondence was copied to Inspector Strawn so he was aware of their efforts.

Mr. Wayne Strawn, Building Inspector, said the tenant need not be evicted for the process of compliance to begin.

Mr. Mitchell was concerned that the lifts were still being used. Mr. Jolly said the Board could not order the tenant to stop using them but they could order a short compliance date.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to grant a 30-day extension. Motion failed.

Ms. Mohammed confirmed that the original compliance date was July 26, 2005 and fines had accrued to \$4,650.

Motion made by Mr. Rafter, seconded by Mr. Young, to impose the existing fine and continue accrual of the fines. Board approved unanimously.

27. Reference CE04021068

Margarita Trotogett

Request for Abatement

230 Southwest 13th Avenue

Ms. Bazer announced that this case was originally heard on July 27, 2004 with compliance ordered by January 19, 2005; on February 22, 2005 the date was extended to May 24, 2005; on June 28, 2005 the date was extended to August 23, 2005. The property was complied and fines had accrued in the amount of \$6,700.

Ms. Margarita Trotogott, owner, explained that she had made a lot of mistakes getting her property in order and appreciated Inspector Reardon's help.

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

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

28. Reference CE05050308

Dexter Banton
614 Northwest 9th Avenue

Massey Hearing

Ms. Mohammed announced that this case was first heard on June 28, 2005 with compliance ordered by July 26, 2005. The property was not complied and fines had accrued to \$155,250.

Mr. Wayne Strawn, Building Inspector, said one issue was complied – the water supply to the dumpster enclosure. The other 10 violations still existed as cited.

Mr. Jolly was concerned that Mr. Banton's contractor had been present but left. He wondered if Mr. Banton had trusted his contractor to represent him. Inspector Strawn noted that there were several issues that could have been addressed without a contractor that remained open.

Motion made by Mr. Mitchell, seconded by Mr. Rafter, to impose the fines. Motion approved with Mr. Phillips dissenting.

29. Reference CE04020473

Robert & Elizabeth Flowers
2021 Southwest 38th Avenue

Request for Extension

Ms. Mohammed announced that this case was originally heard on August 24, 2004 with compliance ordered by February 28, 2005; on March 22, 2005 the date was extended to June 28, 2005; on June 28, 2005 the date was extended to September 27, 2005. The property was complied and fines had accrued in the amount of \$1,050.

Mr. Ken Reardon, Building Inspector, said Mr. Flowers had written to him to explain that he could not attend this hearing because he was undergoing medical tests. Inspector Reardon said the plans were going through plan review and suggested a 60-day extension.

Motion made by Mr. Phillips, seconded by Ms. Horn, to grant an extension to November 22, 2005.

30. Reference CE05011881

Felix Garcia & Aida Morenjon
1017 Southwest 25th Avenue

Sec. 104.1: Work without permits

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

Mr. Ken Reardon, Building Inspector, testified that the violations existed as cited. He presented photos of the property, a copy of the inspection report and a letter from the project architect and recommended ordering compliance within 120 days or a fine of \$25 per day.

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

31. Reference CE05080605

Executive Plaza Properties
5353 Northwest 35th Avenue

Sec. 1 11.1.2: Circuit breaker panel not to code;
Sec. 1 13.3.1.1: No fire sprinkler;
Sec. 1 14.13.1.1: Insufficient emergency lighting;
Sec. 101 40.3.4.1: No fire alarm;
Sec. 101 7.9.2.2: Emergency light does not illuminate area; Sec. 1 4.4.3.1.2: Exit door has keyed lock; Sec. 104.1.1: Interior work without permits; Sec. 1 4.5.8.1: Inoperable emergency lights; Sec. 101 7.1.3.2.2: No emergency egress

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on September 12, 2005.

Ms. Ivette Spence-Brown, Fire Inspector, testified that violations existed as cited. She noted that the original inspection was June 19, 2003 with a reinspection request on August 7, 2003, but the owner would not permit Inspector Spence-Brown to reinspect. The same violation existed at her annual inspection on July 8, 2005. She was denied access yesterday when she tried to enter with her supervisor. Inspector Spence-Brown noted that these were life safety violations and there were workers in the warehouse. She recommended as little time to comply as possible, with a fine of \$250 per day, per violation and to record the order.

Mr. John Biggie, owner of the property, said Inspector Brown's actions had bordered on harassment. He stated that the company, Sentec Medical, "is not going to put up with this kind of harassment anymore." He said they were moving to Coral Springs in 10 days and requested 10 days to vacate. Mr. Biggie said the company owners had experienced serious problems with the Building Department losing their plans and therefore assuming

that things were not built properly. He stated that Inspector Spence-Brown made appointments to inspect and would not show up for them at the appointed time but would show up days later.

Inspector Spence-Brown explained that this was a strip space that the owners would remove walls from to accommodate tenants' growth. She had also informed the owner that they could notify the Fire Marshall that they were vacating and he would have allowed them time to vacate but the owner had not done this.

Motion made by Mr. Rafter, seconded by Ms. Horn, to order compliance by October 25, 2005 or a fine of \$100 per day, per violation would be imposed. Motion failed.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to order compliance by October 25, 2005 or a fine of \$250 per day, per violation would be imposed. Motion approved with Ms. Horn, Mr. Young, and Mr. Rafter dissenting.

32. Reference CE05032069

Isco Properties LLC
1291 Northwest 65th Place

Sec. 1 13.6.6.1.1: Missing extinguisher;
Sec. 1 4.4.3.1.1: Bolted exit door;
Sec. 1 4.4.3.1.2: Exit door has keyed lock;
Sec. 10 6.3.1: Fire extinguisher maintenance;
Sec. 101 7.10.5.1: Non-working signs;
Sec. 101 7.9.2.1: Insufficient emergency lighting;
Sec. 101 7.10.1.2: Insufficient illuminated exit signs to direct egress; Sec. 104.1: Work without permits; Sec. 1 10.13.1.1: Missing unit numbers

Ms. Mohammed announced that certified mail addressed to the owner and registered agent had both been accepted on September 7, 2005.

Ms. Ivette Spence-Brown, Fire Inspector, testified that the violations existed as cited. She recommended ordering compliance within 120 days or a fine of \$25 per day, per violation.

Mr. Michael Hirsch, the owner's attorney, requested 120 days to comply.

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

33. Reference CE05081095

Sheltair Executive South/Banyan Air
1707 South Perimeter Road #33B

Sec. 1 14.9.1.1: No illuminated egress;
Sec. 1 14.13.1.1: Insufficient emergency lighting

Ms. Mohammed announced that certified mail addressed to the company had been accepted [no date on card].

Ms. Ivette Spence-Brown, Fire Inspector, testified that she had a stipulated agreement with the owner to comply in 30 days or a fine of \$50 per day, per violation.

Motion made by Mr. Young, seconded by Mr. Phillips, to order compliance by October 25, 2005 or a fine of \$50 per day, per violation would be imposed. Board unanimously approved.

34. Reference CE05040231

Gary A. Poliakoﬀ Trust
6520 North Andrews Avenue

Sec. 101 13.3.1 No legal exit

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on September 6 2005.

Ms. Ivette Spence-Brown, Fire Inspector, testified that the violation existed as cited. She had an agreement with the owner to comply by January 24, 2006 or a fine of \$150 per day.

Motion made by Ms. Horn, seconded by Mr. Phillips, to order compliance by January 24, 2006 or a fine of \$150 per day would be imposed. Board unanimously approved.

35. Reference CE05080922

Hidden Harbor Condo Association
1750 Northwest 3rd Terrace

Sec. 101 7.9.2.2: Emergency light does not operate; Sec. 1 13.7.3.2.7: Fire alarm past due for service; Sec. 1 11.1.2: Circuit breaker panel not to code

Ms. Mohammed announced that certified mail addressed to the registered agent was accepted on September 2, 2005 and certified mail addressed to the owner had been accepted on September 3, 2005.

Mr. Dallas Shumaker, Fire Inspector, testified that one violation, Section 101 7.9.2.2 still existed; the others were complied. He recommended ordering compliance with the last section by November 22, 2005 or a fine of \$150 per day.

Motion made by Mr. Rafter, seconded by Ms. Horn, to order compliance with Section 101 7.9.2.2 by November 22, 2005 or a fine of \$150 per day would be imposed. Board unanimously approved.

36. Reference CE05081212

Andre Tonico
1020 Northwest 9th Avenue

Sec. 1 14.11.1: Improper exit

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on September 2, 2005.

Mr. Dallas Shumaker, Fire Inspector, testified that the violation still existed as cited. He recommended ordering compliance by November 22, 2005 or a fine of \$150 per day.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to order compliance by November 22, 2005 or a fine of \$150 per day would be imposed. Board unanimously approved.

37. Reference CE05081213

Brian Friedman
2320 Northwest Court

Sec. 1 13.6.6.1.1: Missing extinguisher;
Sec. 1 13.6.3.10: Improper fire extinguisher mount;
Sec. 1 1.7.6: Storage in meter room;
Sec. 1 4.5.8.1: Inoperable emergency lights

Ms. Mohammed announced that certified mail addressed to the owner had been accepted on September 2, 2005.

Mr. Dallas Shumaker, Fire Inspector, testified that the violations still existed as cited. He recommended ordering compliance by November 22, 2005 or a fine of \$150 per day, per violation.

Motion made by Ms. Horn, seconded by Mr. Rafter, to order compliance by October 25, 2005 or a fine of \$150 per day, per violation would be imposed. Board unanimously approved.

38. Reference CE05081209

R W L 3 Ltd
910 Northeast 19th Avenue

Sec. 101 7.8.1.1: Insufficient stairwell lighting;
Sec. 1 4.4.3.1.1: Stairwell storage

Ms. Mohammed announced that certified mail addressed to the owner and registered agent had both been accepted on September 6, 2005.

Mr. Robert Kisarewich, Fire Inspector, testified that the violations existed as cited and recommended ordering compliance within 30 days or a fine of \$25 per day, per violation.

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

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:

CE05030243	CE05030684	CE05070801	CE05080921
CE05040811	CE05032151	CE05081089	CE05081090
CE05081111	CE05081113	CE05081122	CE05081127

CE05081140	CE05081221	CE05081222	CE05081227
CE05081228	CE05081230	CE05081249	CE05081256
CE04122071			

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:

CE05011420

Cases Withdrawn

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

CE05081860	9105799	9306099	9208029
CE01100240			

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:

CE01100240

Approved for Imposition of Fine

Motion made by Mr. Young, seconded by Ms. Horn, 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.

CE04090641 - \$ 640

Approval of Meeting Minutes

Motion made by Mr. Rafter, seconded by Mr. Phillips, to accept the minutes of the August 23, 2005 meeting. Board unanimously approved.

There being no further business to come before the Board, the meeting adjourned at 3:06 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.