

CODE ENFORCEMENT BOARD
 City Commission Meeting Room
 100 North Andrews Avenue
 February 28, 2006
 10:00 A.M – 2:19P.M.

From January 2006

<u>Board Members</u>	<u>Attendance</u>	<u>P</u>	<u>A</u>
Howard Elfman (alternate)	A	0	0
Pat Hale, Chair	P	2	0
Sarah Horn	P	2	0
Sam Mitchell	P	2	0
John Phillips [1:30]	P	2	0
Rixon Rafter, Vice Chair	P	2	0
Myrnabelle Roche [10:30]	P	1	1
Jan Sheppard (alternate)	A	0	0
Doug White (alternate)	A	1	1
Bobby Young	P	2	0
Bruce Jolly, Board Attorney	P		

Staff Present

Assistant City Attorney
 Eve Bazer, Administrative Assistant II
 Lynda Crase, Secretary, Code Enforcement Board
 Dick Eaton, Clerk III
 Lindwell Bradley, Code Supervisor
 Ivette Spence-Brown, Fire Inspector
 Robert Kisarewich, Fire Inspector
 Mohammed Malik, Building Inspector
 Jorge Mederos, Fire Inspector
 Bob Pignataro, Building Inspector
 Ken Reardon, Building Inspector
 Dallas Shumaker, Fire Inspector
 Ivette Spence-Brown, Fire Inspector
 Wayne Strawn, Building Inspector
 Jamie Opperlee, Recording Secretary

Also Present:

CE05090938: Gloria Royster, owner's mother
 *CE02091580: John Wilkes, the owner's attorney; Vincent Fazio, owner; Jennifer Ames.
 property manager
 *CE05061509: Simon Kearney, owner
 CE03121170: Marlon Andrews, property manager's son

CE05090062: Livlu Lutchi, engineer
*CE04110655: Jihad Audy, owner
*CE04122271: Elvyn Rodriguez, owner
*CE01071635: Karen Beard, Director of Bonnet House Museum and Gardens; Scott Strawbridge, President of Bonnet House Museum and Gardens board of directors
*CE04061917: Thomas Landmeier, owner; Peter Vouetic, J&R Construction
*CE05081095: Joan Kuntz, director; Alex Erskine, Fort Lauderdale Executive Airport
CE05121985: Victor Herharia, owner
*CE03030532: Anthony LaPore, owner's attorney; Stephen Brownstein, owner's representative; Patrick Caruthers, Brett Harris, owner's representatives
*CE04041377: William Dwyer, owner
*CE03090391: David High, owner's son; Louis Shaw, property manager
CE05090061: Mark Benjamin, property manager
CE05100951: Mark Guariglia, owner's attorney
*CE03120005: John Bria, owner
*CE03111720: Harold Lindemann, partner
*CE04121353: Stephen Garrepy, owner
CE05030768: Alan Vordemeier, property manager; Lawrence Loschiavo, owner; Suzanne Waterhouse, property manager
CE05092106, CE05092112, CE05092118, CE05100518, CE05100521: Neil Levinson, association attorney
*CE03040989, *CE98065807: Bruce Barr, owner's attorney
CE05011881: Ronald Kall, architect
CE05090056: Robert O'Rork, director of property operations
*CE04081702: Alex Charfen, owner
CE05090937: John Andrews, owner's attorney
CE05101306: Richard Peterson, property manager
CE04051739, CE040501740: Christopher Zannini, owner
CE04060862: Richard Seabrook, contractor
*CE04052003: Herbert Sears, owner's representative
*CE04081827: Martin Davis, owner; Trevor Stern, tenant
CE03101792: Alan Kozich, engineer
CE05090058: Daniel Whelan, association director
CE97020871: Burbette Murray, owner
CE05040231: Steve Williams, lessee

*Massey Hearing

Chair Hale called the meeting to order at 10:07 a.m., introduced the Board and explained the procedure for the hearing.

All individuals wishing to speak on any of the cases on today's agenda were sworn in.

1. Reference CE02091580

Hammocks at Edgewood Development
2807 Southwest 15th Avenue

Status Report/Request for Extension

Mr. Eaton announced that this case was originally heard on May 25, 2004 with compliance ordered by September 25, 2004 and May 24, 2005. The property was not complied and fines had accrued in the amount of \$15,000.

Mr. John Wilkes, the owner's attorney, informed the Board that they had sent notices to tenants that they must vacate the premises by today's date. There were 29 lots still occupied, and Mr. Wilkes felt there would be perhaps 20 left by the week's end. They would begin eviction proceedings against any recalcitrant tenants starting next week. Mr. Wilkes noted that there was only one permit left for the City to sign off.

Mr. Wayne Strawn, Building Inspector, stated the City neither supported nor opposed another extension. He wanted the property to comply, whether it was income-producing or not, but acknowledged that the owner had made progress. Mr. Wilkes said he would return in 30 days and hopefully report that all tenants had left. Mr. Mitchell was concerned about how long it would take to evict any remaining tenants. Mr. Wilkes explained that the rents were all month-to-month and even if a tenant contested, the property should be vacant within 30 – 45 days.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 30-day extension to March 28, 2006. Board unanimously approved.

2. Reference CE03101792

New River Dry Dock Inc.
2200 Marina Bay Drive East

Request for Extension

Mr. Eaton announced that this case was first heard on November 25, 2003 with compliance ordered by December 10, 2003. The property was not complied and no fines had accrued to date.

Mr. Alan Kozich, architectural engineer, explained that the marina was closed and his client was trying to sell the property. There were two sunken boats on the property that were being removed. The property had sustained damage during hurricane Wilma and the processing of the insurance claim was delaying demolition of the building. Mr. Kozich requested another 30 days to comply.

Mr. Wayne Strawn, Building Inspector, informed the Board that the standing building was cited for work completed without permits, so it would not be complied until it was demolished.

Mr. Robert Kisarewich, Fire Inspector, confirmed that there were two boats present; one was a sunken houseboat that was being handled by the Department of Environmental Protection because it presented an environmental danger. The other was a severely listing steel boat. The prospect of a fire on either of the boats concerned Inspector Kisarewich. Inspector Kisarewich noted that this was no longer an active marina, but the presence of the boats meant it was technically a marina. He noted that boats had continued to appear on the property since it was cited. He wanted the Board to require that no boats would occupy the property until a plan of action for the marina had been approved by the City.

Mr. Kozich explained to Mr. Mitchell that there was a permit allowing work on one boat in the dry-dock area and Inspector Kisarewich informed the Board that boats were being fixed on the property, not in the dry dock area after Hurricane Wilma. Inspector Kisarewich pointed out that since the fire pump's removal, the property was not safe.

Motion made by Mr. Young, seconded by Mr. Rafter, to grant a 30-day extension to March 28, 2006, with the stipulation that the number of boats on the property continue to be reduced and that no new boats occupy the property. Board unanimously approved.

Ms. Roche arrived at 10:30.

3. Reference CE03030532

Parkway Commerce Center Ltd. Massey Hearing
1919 Northwest 19th Street, # 104

Mr. Eaton announced that this case was first heard on May 27, 2003 with compliance ordered by August 25, 2003. The property was complied on October 5, 2005 and fines had accrued to \$441,750.

The Assistant City Attorney stated the City was requesting imposition of the fines.

Mr. Anthony LaPore, the owner's attorney, stated that after several extensions were granted in 2003, the property "fell off the map" until his client purchased it in October 2005 and discovered the issues during the purchase process. The Assistant City Attorney stated that she had spoken with Mr. LaPore and others involved with the property and discovered that the property had not been sold, the LLC had been sold in October 2005. She noted that the correct parties were properly notified of all hearings and reiterated the City's request for imposition of fines.

Mr. LaPore explained to Chair Hale that when the LLC was sold, the City represented that the property was complied as of October 5, 2005. They had been able to close only after the City confirmed the property was complied.

Motion made by Ms. Roche, seconded by Mr. Rafter, to impose the fines. In a roll call vote, the Board approved 6 - 0.

Mr. LaPore said he had asked before the hearing to be permitted to discuss some procedural issues. Ms. Roche stated, "I think it's out of our jurisdiction now." Mr. Jolly stated, "The Board has acted; this matter, at least today, is concluded, as to this property."

Mr. Stephen Brownstein, the owner's representative, asked to discuss procedural objections, but Mr. Jolly advised him that these should be addressed on appeal, since the Board had already acted. Mr. Brownstein stated, "I just want to reflect that the record, that we had asked to put on the procedural grounds, we had asked for explanation grounds and this Board has denied both so, if that is the position of the Board."

4. Reference CE04081827

American Federated Title Corp.
1925 Northwest 9th Avenue

Massey Hearing

Mr. Eaton announced that this case was first heard on November 23, 2004 with compliance ordered by February 22, 2005. The property was complied and fines had accrued to \$23,400.

Mr. Trevor Stern, tenant, said he had called, but had been unable to get on the January agenda, and Ms. Crase confirmed this. He stated that the property was complied and asked for abatement of the fines that had accrued since the hurricane. The Board determined that the fines prior to Wilma were \$7,500. Mr. Stern then asked to Board to abate the entire fine, as he had kept in contact with the Board and the inspector and had worked to comply the property in a timely manner.

Mr. Ken Reardon, Building Inspector, stated he had no objection to abating the fines. He noted that Mr. Stern had worked to correct violations caused by a previous tenant.

Motion made by Mr. Rafter, seconded by Ms. Horn, to abate the fine. In a voice vote, the Board approved 4 – 2 with Mr. Mitchell and Mr. Young opposed.

5. Reference CE05061509

Kilnock Inc.
837 North Fort Lauderdale Beach Boulevard

Massey Hearing/Request for Extension

Mr. Eaton announced that this case was originally heard on July 26, 2005, with compliance ordered by August 23, 2005. The property was not yet complied and fines had accrued in the amount of \$81,600.

Mr. Simon Kearney, owner, stated he had called to get on the January agenda but had not been able to. Mr. Kearney informed the Board that all of plans had been submitted, and asked for an additional 90 days for the plans to be approved and the work to be done.

Mr. Bob Pignataro, Building Inspector, stated he had an agreement comply within 90 days.

Mr. Robert Kisarewich, Fire Inspector, noted that the second and third floors had been shut by the fire marshal, taking care of the life safety issues.

Motion made by Mr. Rafter, seconded by Ms. Horn, to grant a 90-day extension to May 23, 2006, and to abate fines that had accrued since the January 2006 meeting, reducing the fine to \$40,800. Board unanimously approved.

6. Reference CE01071635

Florida Trust for
Historic Preservation Inc.
900 North Birch Road

Massey Hearing/Request for Extension

Mr. Eaton announced that that this case was originally heard on February 25, 2003 with compliance ordered by August 25, 2003. The property was not complied and fines had accrued to \$4,700.

Ms. Karen Beard, executive Director of Bonnet House Museum and Gardens, explained to the Board how the problem began when a section of the adjacent Fort Lauderdale Beach Resort wall had collapsed during repairs and damaged a portion the Bonnet House's wall.

Mr. Scott Strawbridge, president of the Bonnet House board of directors, stated that as an emergency measure to protect public safety, a section of the Bonnet House wall was removed.

Ms. Beard informed the Board that the Bonnet House had sustained over a million dollars in damage in the two summer hurricanes. She had asked Inspector Malik if the wall's demolition would comply the property; he replied that they must obtain a demolition permit and have the property reinspected. She requested an additional 90 days to comply.

Mr. Strawbridge said he had spoken to James Cromar, the Historic Preservation Board Planner, regarding the historical status of the property, and Mr. Cromar advised him that it might be necessary to appear before the Historic Preservation Board and receive their approval for the wall demolition permit. Mr. Strawbridge felt this would take additional time to sort out, and requested 120 days.

Mr. Mohammed Malik, Building Inspector, said he had no objection to an additional 120 days; the damaged wall area was cordoned off to protect public safety.

Motion made by Mr. Rafter, seconded by Ms. Roche, to grant a 120-day extension to June 27, 2006. Board unanimously approved.

7. Reference CE03090391

Bernadine High
2617 Northeast 13th Court

Massey Hearing/Request for Abatement

Mr. Eaton announced that this case was originally heard on June 22, 2004 with compliance ordered by October 20, 2004. The property was complied and fines had accrued to \$9,900.

Mr. David High, the owner's son, explained that his mother had purchased the property two years ago as an investment and soon after the purchase, the City had cited the property for several code violations. His mother had then needed to hire an architect, contractor and property manager to correct the violations.

Mr. Louis Shaw, property manager, explained that the first contractor had not completed the work, resulting in the imposition of the fines. Mr. Shaw had then hired another contractor, who had eventually brought the property into compliance. He noted that the summer hurricanes had slowed the permit process. He requested abatement of the fines.

Mr. Mohammed Malik, Building Inspector, confirmed that the property was now complied; he said he would leave it to the Board to decide about abatement of the fine.

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

8. Reference CE04061917

Thomas Landmeier
1128 Northeast 16th Street

Massey Hearing/Request for Extension

Mr. Eaton announced that this case was first heard on October 26, 2004, with compliance ordered by April 24, 2005. The property was not complied and fines had accrued in the amount of \$43,400.

Mr. Peter Vouetic, J&R Construction, explained that permit applications were submitted last May or June and had gone back and forth for revisions. He requested an additional 90 days to comply.

Mr. Mohammed Malik, Building Inspector, said the permit process had begun in May 2005 and was still going through revisions. He had no objection to an additional 90 days.

Motion made by Mr. Rafter, seconded by Ms. Horn, to grant a 90-day extension to May 23, 2006. Board unanimously approved.

9. Reference CE05090056

Felcor / CSS Holding LP
1100 Southeast 17th Street

Sec. F-21.1.3: Smoke control system due for annual inspection and report

Mr. Eaton announced that certified mail addressed to the registered agent was accepted on February 8, 2006 and certified mail addressed to the owner had been accepted on February 10, 2006.

Mr. Jorge Mederos, Fire Inspections Officer, informed the Board that this case originated on July 6, 2004 and had been delayed due to staff changes and the summer hurricanes. He explained that this was a 359-unit hotel. He recommended 90 days for the hotel to complete their system and have it tested, or a fine of \$250 per day.

Mr. Paul O'Rork, property operations for Embassy Suites, explained that work had been slow since hurricane Wilma; parts were back ordered and testing had yet to be completed. He requested an additional 90 days to comply.

Motion made by Mr. Rafter, seconded by Ms. Roche, to order compliance within 90 days, by May 23, 2006, or a fine of \$250 per day would be imposed. Board unanimously approved.

10. Reference CE05101306

Synergy Financial LLC
1304 Northwest 1st Avenue

Sec. 105.1: Alterations without permits;
Sec. 105.1: Electrical work without permits;
Sec. 105.2.4: Water heater installed without

permits; Sec. 1616.1.2: Inadequate construction design; Sec. 1626.1: Inadequate windows installed

Mr. Eaton announced that certified mail addressed to the owner and registered agent had both been accepted on February 10, 2006.

Mr. Wayne Strawn, Building Inspector, testified that the violations still existed as cited; structural elements, windows, door and window openings were removed and/or replaced without required permits and the building did not conform to the plans on file with the City; electrical work was completed without permit; a water heater was installed without a permit; the roof projection support was inadequate and new windows did not meet impact test criteria. Inspector Strawn informed the Board that he had met with the contractor and they had a verbal agreement to comply within 90 days or a fine of \$50 per day, per violation.

Mr. Rick Paterson, Synergy Financial, agreed to comply in 90 days.

Motion made by Ms. Horn, seconded by Ms. Roche, to order compliance within 90 days, by May 23, 2006 or a fine of \$50 per day, per violation would be imposed. Board unanimously approved.

11. Reference CE05121985

Lucy's Meat Market Corp.
1708 Northwest 6th Street

Sec. 47-21.8 E: Missing trees;
Sec. 47-21.11.A.9: Required tree cover;
Sec. 47-20.20 H: Parking area in disrepair;
Sec. 47-20.4.D.3: Required handicap parking sign;
Sec. 47-21.8 A: Missing ground cover;
Sec. 9-280(g): Electrical components in disrepair;
Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-304(b): Maintenance of parking area;
Sec. 9-308 (c): Roof in disrepair;
Sec. 9-309: Outer wall in disrepair;
Sec. 105.1: Electrical work without permits;
Sec. 105.2.11: Installations/alterations without permits;
Sec. 105.2.4: Water heater installed without permits;
Sec. 105.2.5: Electrical alterations without permits;
Sec. 11-4.6.2: Inadequate handicap parking;
Sec. 11-4.6.6: Inadequate handicapped space;
Sec. 47-25.3 A.3.d.iv: Required buffer wall

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 6, 2006 and certified mail addressed to the registered agent was accepted on February 16, 2006.

Mr. Wayne Strawn, Fire Inspector, testified the violations existed as cited and informed the Board that he had a verbal agreement with the owner to comply within 120 days or a fine of \$50 per day, per violation.

Mr. Victor Herharia, owner, said he was aware of the violations, and requested 120 days to get plans drawn and make repairs.

Mr. Young felt it would take longer to complete repairs and suggested allowing 150 days.

Motion made by Mr. Rafter, seconded by Ms. Horn, to order compliance within 150 days, by July 25, 2006 or a fine of \$50 per day, per violation would be imposed. Board unanimously approved.

12. Reference CE05090061

Harbourage Place Condo Association
3055 Harbor Drive

Sec. F-21.1.3: Smoke control system due for annual inspection and report

Mr. Eaton announced that certified mail addressed to the owner and registered agent were both accepted on February 10, 2006.

Mr. Jorge Mederos, Fire Inspections Officer, informed the Board that as with his previous case, he recommended 90 days to complete the system and have it tested, or a fine of \$250 per day.

Mr. Mark Benjamin, property manager, confirmed that this was a 44-unit building.

Motion made by Mr. Rafter, seconded by Ms. Roche, to order compliance within 90 days, by May 23, 2006, or a fine of \$250 per day would be imposed. Board unanimously approved

13. Reference CE05090058

Northwestern Mutual Life
Insurance Company
3030 Holiday Drive

Sec. F-21.1.3: Smoke control system due for annual inspection and report

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 10, 2006.

Mr. Jorge Mederos, Fire Inspections Officer, informed the Board that as with his previous cases, he recommended 90 days to complete the system and have it tested, or a fine of \$250 per day.

Mr. Daniel Whelan, association director of Marriott Corporation, assured the Board that he took this violation very seriously and assured them it would be taken care of. He felt they could comply in 90 days.

Motion made by Mr. Rafter, seconded by Ms. Roche, to order compliance within 90 days, by May 23, 2006, or a fine of \$250 per day would be imposed. Board unanimously approved

14. Reference CE05090062

Jackson Tower Las Olas
100 South Birch Road

Sec. F-21.1.3: Smoke control system due for annual inspection and report

Mr. Eaton announced that certified mail addressed to the owner and registered agent were both accepted undated.

Mr. Jorge Mederos, Fire Inspections Officer, informed the Board that this was a 30-story, 123-unit building that must provide the test and balance report. He recommended ordering compliance within 90 days or a fine of \$250 per day.

Mr. Livlu Lutchi, engineer, requested 90 days to complete the work.

Motion made by Mr. Rafter, seconded by Ms. Roche, to order compliance within 90 days, by May 23, 2006, or a fine of \$250 per day would be imposed. Board unanimously approved

15. Reference CE05090937

Alpine Mercantile, Inc.
1140 Northeast 7th Avenue #06

Sec. 101 7.1.10.2.1: Blocked emergency egress;
Sec. 104.1: Work without permits

Mr. Eaton announced that certified mail addressed to the owner and registered were both accepted on February 6, 2006.

Mr. Dallas Shumaker, Fire Inspector, testified that the violations still existed as cited and noted that the tenant was preventing the owner access to the building to make the corrections. He recommended allowing 180 days for the tenant's eviction and compliance or a fine of \$150 per day, per violation.

Mr. John Andrews, the owner's attorney, thought 180 days would be enough time; the tenant was currently being evicted. He had recently discovered that the tenant had applied for a building permit at the property.

Motion made by Mr. Rafter, seconded by Ms. Roche, to order compliance within 180 days, by August 22, 2006 or a fine of \$150 per day, per violation. Board unanimously approved.

The next three cases were heard together:

16. Reference CE05092106

Paul Salmon
758 Northeast 13th Court #3

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

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 10, 2006.

Mr. Bob Pignataro, Building Inspector, testified that the violations existed as cited; he had been unable to present these cases at the January meeting due to lack of service. He recommended ordering compliance within 90 days or a fine of \$250 per day, per violation, and to record the order.

Mr. Neil Levinson, attorney, testified that he was the Asoka Bali East and Asoka Bali West condo associations attorney. Mr. Levinson stated that the violations should have been addressed by the developer who converted the condo units. After the turnover, the condo association hired him and asked him to appear at this hearing. Mr. Levinson favored grouping all of the cases at this address together, but acknowledged the problem of not being able to serve "snowbird" unit owners.

The Board discussed synchronizing the compliance date of all of the units at this address since work was already being done to comply all of the units. Chair Hale said it would be noted that these owners received 30 fewer days to comply than the cases the Board heard in January. Mr. Jolly was concerned that all of the unit owners were not present, since Mr. Levinson was hired by the association, not the unit owners. He recommended re-serving hearing notices to all of the unit owners and encouraging them to appear with their own attorneys.

Mr. Levinson reminded the Board that he and the developer's attorney had both been present at the January hearing and had promised to work together to correct the situation. Mr. Levinson said that the developer's attorney had been unable to attend this hearing and Mr. Levinson requested a postponement rather than the Board finding that the violations existed, since the developer's attorney was not here to take responsibility on behalf of the developer, as he had done at the January meeting.

Ms. Roche recommended the Board not group cases together again.

Motion made by Mr. Rafter, seconded by Mr. Young, to order compliance within 60 days, by April 25, 2006, or a fine of \$250 per day, per violation, and to record the order. Board unanimously approved.

Reference CE05092112

Noah Kitty
758 Northeast 13th Court #4

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

Mr. Eaton announced that personal service was made to the owner by Inspector Pignataro on February 24, 2006.

Motion made by Mr. Rafter, seconded by Mr. Young, to order compliance within 60 days, by April 25, 2006, or a fine of \$250 per day, per violation, and to record the order. Board unanimously approved.

Reference CE05092118

Jose Garces
758 Northeast 13th Court #6

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

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 4, 2006.

Motion made by Mr. Rafter, seconded by Mr. Young, to order compliance within 60 days, by April 25, 2006, or a fine of \$250 per day, per violation, and to record the order. Board unanimously approved.

17. Reference CE05011881

Felix Garcia & Aida Morejon
1017 Southwest 25th Avenue

Request for Extension

Mr. Eaton announced that this case was first heard on November 27, 2005 with compliance ordered by January 24, 2006. The property was not complied and fines had accrued to \$850.

Mr. Miguel Morejon requested another 90 days to comply; he explained that they had hired an architect and already obtained one permit.

Mr. Ken Reardon, Building Inspector, stated he had no objection to an additional 90 days.

Motion made by Mr. Mitchell, seconded by Ms. Roche, grant a 90-day extension, to May 23, 2006. Board approved unanimously.

18. Reference CE04060862

Jose Cardinot
1516 Northwest 4th Avenue

Request for Abatement

Mr. Eaton announced that this case was first heard on August 23, 2005, to comply by November 22, 2005. The property was complied on December 23, 2005 and fines had accrued in the amount of \$1,500.

Mr. Wayne Strawn, Building Inspector, confirmed that the property was complied.

Mr. Richard Seabrook, contractor, explained that they had tried to get on the January agenda but could not. He requested abatement of the fines.

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

19. Reference CE05040231

Gary Poliakoff Trust
6520 North Andrews Avenue

Massey Hearing

Mr. Mitchell recused himself due to a possible conflict.

Mr. Eaton announced that this case was originally heard on September 27, 2005 with compliance ordered by January 24, 2006. The property was not complied and fines had accrued in the amount of \$5,100.

Mr. Steve Williams, facilities manager for ChildNet, the lessee, requested another 120 days to comply, as architectural drawings were needed to apply for the permits.

Ms. Ivette Spence-Brown, Fire Inspector, testified there was a conflict about who would be responsible for compliance. At the last hearing, the owner, who had applied for the original permit in October 2004, had agreed to be responsible; now the lessee was applying for a permit. She noted that there were children present on her last visit to the building. Mr. Williams said he was unaware of what the owner had done regarding permits. Mr. Williams had re-applied for the permit in 2005 and it was returned for revisions.

Inspector Spence-Brown said she opposed any extension because of the life safety issues and because they had allowed children in the building while work was being done, which she witnessed on January 31, 2006. Chair Hale felt it might be difficult to collect the fines; Inspector Spence-Brown noted that the landlord owned the building and collecting fines should not be difficult.

Mr. Williams said he had first become aware of the problems when he tried to obtain a Certificate of Occupancy. The owner had leased the building "as is" and then expected Mr. Williams's non-profit to pay for the repairs, at a total cost of approximately \$50,000. Ms. Roche felt they should impose the fines in order to get the owner to make the repairs. Inspector Spence-Brown noted that the building would be unoccupiable by any entity.

Motion made by Ms. Roche, seconded by Mr. Young, to impose the existing fine of \$5,100. In a voice vote, Board approved 5 -0.

20. Reference CE05090938

Chadman Turner
623 Northwest 15th Way

Request for Extension

Mr. Eaton announced that this case was originally heard on January 24, 2006 with compliance ordered by February 28, 2006. The property was not complied and no fines had accrued to date.

Ms. Gloria Royster, the owner's mother, informed the Board that the permit application had been submitted and they were awaiting approval. She requested an additional 90 days to comply.

Mr. Dallas Shumaker, Fire Inspector, had no objection to a 90-day extension.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to grant a 90-day extension to May 23, 2006. Board unanimously approved.

21. Reference CE05030768

Burton Point Condo Association Request for Extension
535 Hendricks Isle

Mr. Eaton 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 in the amount of \$21,600.

The Assistant City Attorney requested imposition and continuation of the fine.

Mr. Alan Vordemeier, property manager, noted that the folio number on the notice was incorrect; the Assistant City Attorney agreed it could be amended.

Mr. Vordemeier stated this was the "third go-around" on this issue. He had provided the Board with documentation prior to the meeting, including copies of the deeds for the individual docks, all but one of which belonged to unit owners; only one dock was owned by the condo association. Because of this individual ownership, Mr. Vordemeier stated that the docks fell below the parameters for what the Fire Department wanted done. Mr. Vordemeier asked that the case be dismissed and the fines be abated.

Ms. Suzanne Waterhouse, property manager, stated that service was not properly made and she had tried three times to correct the mailing address before this was accomplished at the City. She had sent a letter prior to the April 2005 meeting explaining why she could not attend the meeting and her contention that the fireline regulations did not apply to the privately-owned docks. In their absence at the April hearing, they were given 90 days to comply. Ms. Waterhouse said they were never notified that fines were running.

Mr. Lawrence Loschiavo, unit owner, referred to other paperwork provided to the Board prior to the meeting, including a determination by the City from 1998 that the docks were individually owned. Chair Hale admonished Mr. Loschiavo for waiting until immediately before the meeting to provide all this information to the Board, as they did not have sufficient time to study it prior to the case consideration. Mr. Mitchell stated, "I'm not going to review this stuff here; I'm not going to give any attention to that at all. I don't have time to listen to that and listen to you and review this. This package absolutely must get to me prior to this meeting so I can have time for review."

The Assistant City Attorney reminded the Board that only the fireline violation remained, and the Code Enforcement Board had already found that this violation existed on April 26, 2005. She noted that the condo association had been cited, not unit owners, and the association could not circumvent the fireline rules by deeding sections of the property to individual unit owners. Regarding the letter Mr. Loschiavo had provided from a previous Assistant City Attorney, the Assistant City Attorney remarked that the City had a different City Attorney now, who reviewed the case and had reached a different conclusion.

Mr. Jolly stated that since this was a Massey hearing, the Board should consider only if compliance was made and make their decision accordingly. He confirmed with Mr. Loschiavo that he was representing the condo association here; Mr. Loschiavo produced a letter confirming this.

Mr. Robert Kisarewich, Fire Inspector, testified that the old case Ms. Waterhouse referred to addressed pump-outs, not fire issues. He had visited the property and deemed the code he cited did apply to the property.

The Assistant City Attorney reiterated that the Board had already determined a violation existed at the property; today they must decide only whether the violation had been corrected, or if the association had taken any steps too correct it.

Ms. Roche asked if the association had any intention of fixing the violation and Mr. Loschiavo replied that it did not, since they felt the rule did not apply to them.

Motion made by Mr. Mitchell, seconded by Ms. Horn, to find the order was not complied with by the ordered date, to impose the existing \$21,600 fine and continue accruing the fine at the rate of \$100 per day. Board unanimously approved.

The Board then took a twenty-minute break.

22. Reference CE97020871

Berbeth Jones Murray
3631 Southwest 14th Street

Request for Extension

Mr. Eaton announced that this case was first heard on June 28, 2005 with compliance ordered by January 24, 2006. The property was not complied and fines had accrued in the amount of \$950.

Mr. Kenneth Reardon, Building Inspector, testified that two of the three original violations were complied. The permit application for the last violation had been submitted and was awaiting plan review.

Ms. Berbeth Murray, owner, stated she had requested to be put on the January agenda to ask for additional time but could not get on the agenda. She requested an additional 120 days to comply. Inspector Reardon stated he had no objection to abatement of the existing fine or to an extension.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 120-day extension to June 27, 2006 and to abate the existing fine. Board unanimously approved.

23. Reference CE05081095

Sheltair Executive South
1707 South Perimeter Road #33B

Massey Hearing/Request for Abatement

Mr. Eaton announced that this case was originally heard on September 27, 2005 with compliance ordered by October 25, 2005. The property was complied and fines had accrued in the amount of \$5,700.

Ms. Joan Kuntz, regional director of properties for Sheltair, requested abatement of the fines; Hurricane Wilma had delayed the contractor's installation of the emergency lights..

Ms. Ivette Spence-Brown, Fire Inspector, stated she had no objection to abatement of the fine.

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

24. Reference CE03121170

Stephen Arciero
3890 Davie Boulevard

Request for Extension

Mr. Eaton announced that this case was originally heard on July 26, 2005 with compliance ordered by November 22, 2005. The property was not complied and fines had accrued in the amount of \$24,250.

Mr. Marlon Andrews, the property manager's son, explained that his father had recently had hip surgery and could therefore not attend this hearing. He stated that former tenants had done work without his father's knowledge or approval and his father had experienced difficulty obtaining a contractor after the hurricanes. He asked for an additional 90 days to comply.

Mr. Bob Aransky, contractor, stated they were working to resolve the problems. He explained that the original architect did not make revisions to the plans and Mr. Aransky now intended to use his own architect. Mr. Aransky confirmed that the former tenant, Allstate, had done work in the building without permits. He requested 90 days to get the permits and do the work.

Mr. Wayne Strawn, Building Inspector, testified he would not support or oppose an extension; the business had operated too long without a Certificate of Occupancy, but he felt Mr. Andrews and Mr. Aransky would finally correct the problems.

Motion made by Mr. Rafter, seconded by Ms. Horn, to grant a 90-day extension to May 23, 2006. Board unanimously approved.

25. Reference CE04051739

Zannini Enterprises Inc.
1424 Holly Heights Drive

Request for Extension

Mr. Eaton announced that this case was first heard on September 27, 2005 with compliance ordered by October 25, 2005. The property was not complied and no fines had accrued to date.

Mr. Christopher Zannini, owner, stated he had spoken with Inspector Pignataro and explained that the plans were submitted and awaiting approval. He requested a 90 – 120-day extension.

Mr. Bob Pignataro, Building Inspector, stated he had no objection to an extension as the plans were in process. He noted that most of the violations would be complied when the permits were issued. Inspector Pignataro felt 90 days would be sufficient.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 90-day extension to May 23, 2006. Board unanimously approved.

26. Reference CE04051740

Zannini Enterprises, Inc.
1430 Holly Heights Drive

Request for Extension

Mr. Eaton announced that this case was first heard on September 27, 2005 with compliance ordered by October 25, 2005. The property was not complied and no fines had accrued to date.

Mr. Christopher Zannini, owner, stated he owned this property as well, and the same circumstances applied here as to the last case. Inspector Pignataro confirmed this and recommended this case be granted an extension as well.

Motion made by Ms. Horn, seconded by Mr. Rafter, to grant a 90-day extension to May 23, 2006. Board unanimously approved.

27. Reference CE04081702

Alex Charfen
1135 Northeast 12th Avenue

Massey Hearing

Mr. Eaton 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 in the amount of \$13,600.

Mr. Alex Charfen, owner, reminded the Board that he had tried to sell the property after discovering the violations soon after the purchase. That sale had fallen through but he now had another contract to sell. Mr. Charfen was also waiting for a tax lien against him to be discharged; he could not schedule closing until then. Mr. Charfen explained that he had

tried to get on the January agenda but could not. He noted that he had personally lost over \$60,000 on the property and had fought to avoid bankruptcy and foreclosure.

Mr. Charfen supplied current photos of the property and Inspector Malik asked him to remove the spotty overgrowth somehow. Mr. Charfen assured Mr. Rafter that the prospective buyer knew of the violations; it was included in the contract.

Ms. Bazer calculated that the fine would be \$6,800.

Motion made by Ms. Roche, seconded by Mr. Young, to abate the fine that had accrued since January 25, 2006, for a fine amount of \$6,800 and to record the order. Board unanimously approved.

Motion made by Ms. Roche, seconded by Mr. Rafter, to grant a 60-day extension to April 25, 2006. Board unanimously approved.

28. Reference CE03040989

Edward & Karen Stricklin
820 West Las Olas

Request to Vacate Previous Order/
Massey Hearing

Mr. Eaton announced that this case was originally heard on February 24, 2004 with compliance ordered by March 25, 2004. The property was complied and fines had accrued in the amount of \$55,100. He informed the Board that the City was requesting vacation of the April 27, 2004 order imposing the fine due to faulty service.

Ms. Bazer explained that after the order to impose the fine was entered, they had found service was not valid, so the Board must now vacate the previous order and re-impose the fine with a new order.

Motion made by Mr. Rafter, seconded by Mr. Young, to vacate the previous order of April 27, 2004. Board unanimously approved.

Mr. Eaton asked the Board to re-impose the \$55,100 fine.

Mr. Bruce Barr, the owner's attorney, explained that the owner had been in and out of the intensive care unit since February 9, 2006 and could therefore not attend the hearing. He requested a continuance so Mr. Stricklin could be present. In response to Chair Hale's question, he stated he thought his client would be available next month. Mr. Barr explained to Ms. Roche that his client would inform them that he had hired a contractor who did not obtain a permit for work he did. Ms. Roche noted that this case dated to 2004 and Mr. Stricklin was only recently incapacitated; he had already had sufficient time to explain. Mr. Barr said his client would explain the time lapse as well.

Inspector Reardon informed the Board that the case actually dated back to 1998. Mr. Barr was unsure exactly what Mr. Stricklin's medical problems were. Mr. Mitchell felt they should continue the case for 60 days to make sure Mr. Stricklin would appear.

Motion made by Mr. Rafter, seconded by Mr. Young, to continue the case for 60 days, to April 25, 2006. Board approved 5 – 1 with Ms. Roche opposed.

29. Reference CE98060857

Edward & Karen Stricklin
820 West Las Olas

Request to Vacate Previous Order/
Massey Hearing

Mr. Eaton informed the Board that the City was requesting vacation of the November 23, 2004 order imposing the fine due to faulty service.

Motion made by Mr. Rafter, seconded by Mr. Young, to vacate the November 23, 2004 order imposing the fine. Board unanimously approved.

Mr. Eaton asked the board to re-impose the \$76,800 fine.

Mr. Ken Reardon, Building Inspector, recommended a 60-day continuance for the owner to be present for this case as well.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to continue the case for 60 days, to April 25, 2006. Board approved 5 – 1 with Ms. Roche opposed.

30. Reference CE03111720

ESP Partners LLC
228 Southwest 21st Terrace

Request for Extension

Mr. Eaton announced that this case was originally heard on March 23, 2004 with compliance ordered by September 19, 2004. The property was not complied and fines had accrued in the amount of \$15,100.

Mr. Harold Lindemann, partner, stated he was supposed to appear at the November hearing and had not made the January agenda. He informed the Board that he now had all the permits and only the fire portion required inspection sign-off. He requested abatement of the fines from the November hearing date to today and a 90-day extension to comply.

Mr. Ken Reardon, Building Inspector, stated he had no objection to a 90-day extension, since Mr. Lindemann had tried to get on the January agenda.

Motion made by Mr. Rafter, seconded by Ms. Horn, to reduce the fine to \$5,400 and to grant a 90-day extension to May 23, 2006. Board approved 5 – 1 with Mr. Mitchell opposed.

31. Reference CE04052003

Efram Flowers
1831 Northwest 27th Terrace

Massey Hearing/Request for Extension

Mr. Eaton 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 \$4,550.

Mr. Effram Flowers, owner, said he thought he had complied the property but Inspector Strawn had informed him that he had not. The hurricane had then delayed his repairs. He requested abatement of the fines.

Ms. Crase confirmed that fines had accrued between April and July 2005, prior to the hurricanes and prior to the extension deadline.

Mr. Wayne Strawn, Building Inspector, confirmed that the property was complied. The design professional Mr. Flowers hired had created plans that were unbuildable, but the contractor had managed to obtain a permit for the plans and the field inspector had also approved the plans.

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

32. Reference CE03120005

John & Georgiann Bria
219 Southwest 21st Terrace

Massey Hearing/Request for Extension

Mr. Eaton announced that this case was first heard on March 23, 2004, with compliance ordered by July 21, 2004. The property was not complied and fines had accrued in the amount of \$39,400.

Mr. John Bria, owner, informed the Board that the contractor had told him the final permit should be issued this week. Inspector Reardon had advised him to request 60 more days to comply.

Ms. Crase confirmed that the fine as of November 22, 2005 was \$20,000.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to reduce the fine to \$20,000 and grant a 60-day extension to April 25, 2006. Board unanimously approved.

33. Reference CE04121353

Titans of South Florida LLC
524 Northwest 18th Avenue

Massey Hearing/Request for Extension

Mr. Eaton announced that this case was first heard on July 26, 2005 with compliance ordered by November 22, 2005. The property was not complied and fines had accrued in the amount of \$38,700.

Mr. Stephen Garrepy, owner, stated they had purchased the 4-plex with the violations. He confirmed that the building was not occupied and he felt the repairs were almost finished. He requested another 90 days to comply.

Mr. Wayne Strawn, Building Inspector, testified that the parking area still needed resurfacing, the landscape permit must be signed off, and the large house numbers must be affixed; all the other violations were complied. He felt 90 days was sufficient time to comply.

Motion made by Mr. Rafter, seconded by Ms. Roche, to abate the fines that had accrued from November 22, 2005 to February 28, 2006, to grant a 90-day extension to May 23, 2006 and to record the order. Board approved unanimously.

Mr. Phillips arrived at 1:30 p.m.

34. Reference CE04122271

Elvyn Rodriguez & Virginia Bostic
428 Southwest 24th Avenue

Massey Hearing/Request for Extension

Mr. Eaton announced that this case was originally heard on July 26, 2005 with compliance ordered by October 25, 2005. The property was not complied and fines had accrued in the amount of \$6,250.

Mr. Elvyn Rodriguez, owner, said he needed additional time to obtain a permit and finish the fence repair properly.

Mr. Ken Reardon, Building Inspector, said the fence was standing, but was damaged and the original fence installation [before the damage] required a permit. He recommended a 90-day extension.

Motion made by Mr. Young, seconded by Mr. Rafter, to grant a 90-day extension to May 23, 2006. Board unanimously approved.

35. Reference CE04041377

William Dwyer
2160 Southwest 36th Avenue

Massey Hearing/Request for Abatement

Mr. Eaton announced that this case was originally heard on June 22, 2004 with compliance ordered by October 20, 2004. The property was complied and fines had accrued in the amount of \$6,200.

Mr. Bill Dwyer, owner, informed the Board that the property was complied and requested abatement of the fines.

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

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

36. Reference CE04110655

Audy Unison LLC
300 Sunset Drive

Massey Hearing/Request for Extension

Mr. Eaton announced that this case was originally heard on March 22, 2005 with compliance ordered by April 26, 2005. The property was not complied and fines had accrued in the amount of \$152,000.

Mr. Jihad Audy, owner, explained he had purchased the property three years ago with the violations and had tried to bring it into compliance. The inspector had issued a stop work order and informed him he needed additional permits. Mr. Audy stated he had hired professionals to make repairs properly. He requested additional time to comply.

Mr. Bob Pignataro, Building Inspector, informed the Board that the property had failed the rough inspection of the electrical on February 23, 2006; Mr. Audy had expired plumbing and structural permits as well. Inspector Pignataro felt Mr. Audy's team was not managing the project well. Inspector Pignataro said he was opposed to any abatement of fines or any extension. Inspector Pignataro noted that there were tenants in the building.

Mr. Audy explained work already done and insisted the building was safe. He presented photos of work already completed. Mr. Phillips explained the process to Mr. Audy and reminded him that the City must approve all plans and work. Inspector Pignataro confirmed for Mr. Young that there were life safety issues at the property. Mr. Audy informed Chair Hale that he purchased the property in 2003.

Ms. Roche suggested they allow Mr. Audy 30 days to reappear with an engineer or contractor to explain to the Board what work was getting done; hopefully by then some inspections would be performed as well.

Motion made by Ms. Roche, seconded by Mr. Phillips, to grant a 30-day extension to March 28, 2006. Board unanimously approved.

Ms. Roche left at 2:10 p.m.

37. Reference CE05060221

Vaudine Mercurius
1549 Southwest 27th Terrace

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

Mr. Eaton announced that service was via posting at the property on February 1, 2006 and at City Hall on February 6, 2006.

Mr. Ken Reardon, Building Inspector, testified that only the exterior door's addition to the bedroom was still in violation; all the other violations were complied and plans were in process to obtain the permit for this alteration. He recommended ordering compliance within 90 days or a fine of \$50 per day, per violation.

Motion made by Mr. Rafter, seconded by Mr. Young, to order compliance within 90 days, by May 23, 2006 or a fine of \$50 per day, per violation would be imposed. Board unanimously approved.

38. Reference CE05080409

Carlos Flores
3733 Southwest 12th Court

Sec. 104.1: Windows replaced without permits

Mr. Eaton announced that service was via posting at the property on February 8, 2006 and at City Hall on February 14, 2006.

Mr. Ken 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 \$100 per day.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to order compliance within 60 days, by April 25, 2006 or a fine of \$100 per day would be imposed. Board unanimously approved.

39. Reference CE05070568

Lee & Deborah Sigler
2201 Middle River Drive

Sec. 104.9.3.1: Expired permits

Mr. Eaton announced that certified mail addressed to the owner had been accepted [no date].

Mr. Eaton requested a continuance to March 28, 2006 due to Inspector Malik's absence.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to continue the case to March 28, 2006. Board unanimously approved.

Ms. Bazer asked the Board to impose the fines for the following cases for which the City had good service and the property owner had not appeared:

CE04050175 - \$ 6,250

CE04111533 - \$ 11,900

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

40. Reference 9208029

E. Scott Inc.
5181 Northwest 9th Avenue

Sec. 47-19.2(a): Unpermitted uses

Ms. Bazer asked the Board to vacate the orders of August 28, 1992 and August 24, 2004 because the wrong property had been cited.

Motion made by Ms. Horn, seconded by Mr. Mitchell, to vacate the orders dated August 28, 1992 and August 24, 2004. Board unanimously approved.

Approval of Meeting Minutes

Motion made by Mr. Mitchell, seconded by Mr. Rafter, to approve the minutes of the January 24, 2006 meeting. Board unanimously approved.

Cases Complied

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

CE05100951	CE05090701	CE05100281	CE05100289
CE05081900	CE05090707	CE05100469	CE05090031
CE05090049	CE05090105		

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:

CE05031052	CE05100288	CE05100293	CE05100518
CE05100521	CE05011073		

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:

CE05090054	CE05090055
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There being no further business to come before the Board, the meeting adjourned at 2:19 P.M.


CHAIRPERSON, CODE ENFORCEMENT BOARD

ATTEST:


CLERK, CODE ENFORCEMENT BOARD

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