

CODE ENFORCEMENT BOARD

City Commission Meeting Room

100 North Andrews Avenue

May 23, 2006

10:00 A.M – 1:20 P.M.

From January 2006

| <u>Board Members</u> | <u>Attendance</u> | <u>P</u> | <u>A</u> |
|---------------------------------|-------------------|----------|----------|
| Howard Elfman (alternate) | A | | |
| Pat Hale, Chair | P | 5 | 0 |
| Sarah Horn | P | 4 | 1 |
| Sam Mitchell | P | 5 | 0 |
| John Phillips | P | 5 | 0 |
| Rixon Rafter, Vice Chair | P | 5 | 0 |
| Myrnabelle Roche | P | 4 | 1 |
| Jan Sheppard (alternate) | A | | |
| Doug White (alternate) | A | | |
| Bobby Young | P | 5 | 0 |
| Bruce Jolly, Board Attorney | P | | |

Staff Present

Assistant City Attorney
Eve Bazer, Administrative Assistant II
Debra Maxey, Clerk III
Lynda Crase, Secretary, Code Enforcement Board
Farida Mohammed, Clerk, Code Enforcement Board
Robert Kisarewich, Fire Inspector
Mohammed Malik, Building Inspector
Bob Pignataro, Building Inspector
Ken Reardon, Building Inspector
Thomas Clements, Fire Inspector
Wayne Strawn, Building Inspector
Dallas Shumaker, Fire Inspector
Ivette Spence-Brown, Fire Inspector
Lindwell Bradley, Community Inspections Supervisor
Jamie Oppерlee, Recording Secretary

Also Present:

CE03111720: Harold Lindemann, partner
CE05030791: Marc Marcelino, owner; John Kuehne, owner
CE06041325: Anna Winston, owner; Donna Johnson, owner's daughter
CE04121353: Steven Garrepy, owner
CE05081901: Cosimo Colaianne, owner
CE05092098; 05092100; 05092117; CE05092120; CE05100540; CE05100518; CE05100521;
CE05100526; CE05100528; CE05100531; 05100535; CE04111818: Simeon Jacobs, contractor

CE05092120; CE05100540; CE05100518; CE05100521; CE05100526: CE05100528;
CE05100531; CE05100535: Larry Shendell, attorney
CE98060857; CE03040989: Bruce Barr, attorney
CE05050693: Christopher Williams, owner
CE03101792: Robert Wickman, owner, Allan Kozich, engineer
CE05061509: Kenneth Trent, owner, Simon Kearney, owner
CE06040915: Douglas Dettman, owner
CE04091130: Eric Carbonel, permit runner
CE04051739; CE04051740: Christopher Zannini, owner
CE04032185: Kenneth Trent, attorney
CE06040752; CE06040958: Ricardo Reyes, attorney
CECE03121170: Wiley Andrews, property manager's son
CE05010178: Allan Kozich, engineer
CE06040912: Linda Schwartz, property manager's representative
CE05040231: Gary Poliakoff, attorney
CE05092100: Charles Burchette, owner

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.

Reference CE04121353

The Titans of South Florida
524 Northwest 18th Avenue

Massey Hearing/Request for Extension

Ms. Mohammed announced that the case was first heard on 7/26/05 with compliance ordered by 11/22/05. On 2/28/06 the date was extended to 5/23/06 and fines accrued between 11/22/05 and 2/28/06 had been suspended. The property was not complied and there were no current fines.

Mr. Steve Garrepy, owner, requested additional time to comply; Inspector Strawn had informed him that their driveway permit had not been issued yet.

Mr. Wayne Strawn, Building Inspector, confirmed that the driveway project was completed, but the permit was still in plan review. He explained that the southern wall windows had been replaced to comply the lack of screening violation, but this was done without a permit. Inspector Strawn also stated that the house numbers should be 4", and Mr. Garrepy agreed to see to this.

Mr. Garrepy said his contractor had told him that if he was repairing a window, he did not need a permit; the Board confirmed that this was wrong.

Motion made by Mr. Phillips, seconded by Ms. Roche, to grant a 120-day extension to September 26, 2006. Board approved 6 – 1 with Mr. Mitchell opposed.

Reference CE05061509

Kilnock Inc.
837 North Fort Lauderdale Beach Boulevard

Massey Hearing/Request for Extension

Ms. Mohammed announced that this case was originally heard on 7/26/05, with compliance ordered by 8/23/05. On 9/27/05 the date was extended to 1/24/06 and on 2/28/06 the date was extended to 5/23/06. The property was not yet complied and fines had accrued in the amount of \$40,800.

Mr. Kenneth Trent, attorney for the owner, said he had already spoken with Inspector Pignataro, who agreed to allow an additional 90 days to comply. Mr. Trent explained that the delay was caused by an ADA lawsuit.

Mr. Bob Pignataro, Building Inspector, stated he had no objection to an additional 90 days.

Motion made by Mr. Phillips, seconded by Ms. Roche, to grant a 90-day extension to the August 22, 2006 hearing. Board unanimously approved.

Reference CE05040231

Gary Poliakoff Trust
6520 North Andrews Avenue

Motion to reconsider and stay
administrative fees imposed at the
2/28/06 CEB Hearing

Mr. Mitchell recused himself due to a possible conflict.

Ms. Mohammed announced that this case was first heard 9/27/05 with compliance ordered by 1/24/06. This was a motion to reconsider and stay administrative fees that were imposed at the 2/28/06 hearing.

The Assistant City Attorney explained that after the Massey hearing in February, the owner had filed a motion to reconsider, so the Board would rehear the Massey case. The Assistant City Attorney continued that the case began in April 2005, and the case was first heard in September 2005. The order was entered against the lessee pursuant to a stipulated agreement. The property owner had tried to get on the January agenda, but was unable to. The City was requesting imposition of the \$17,700 fine and its continuance.

Mr. Phillips confirmed that the owner was notified of the hearing in September. Chair Hale referred to a letter indicating that the owner, not the lessee, had entered into the stipulated agreement to comply.

Mr. Gary Poliakoff, managing partner of the Trust, gave a brief history of the building, noting that it had been built for his law firm, and had thereafter received a Certificate of Occupancy, and there had never been any structural changes to the building. It had been meant for and always utilized as a single-tenant building. Mr. Poliakoff presented photos of the building, and explained that the tenant, Childnet, was an offshoot of the Florida Department of Children and Family Services. Mr. Poliakoff had rented the building to them at a below market rate; in return, they had agreed to keep up the interior of the building.

Mr. Poliakoff continued that when Childnet applied for a Certificate of Occupancy, the Fire Marshall had inspected the property and issued the citations. Mr. Poliakoff had advised Childnet to contest the Code Enforcement case and try to work it out with the Fire Marshall, which they did. They had agreed, and asked Mr. Poliakoff to stipulate to, the installation of a hard-wired fire alarm system and other modifications. They had hired an engineer, an architect and a contractor and applied for a permit. The contractor had gone bankrupt and then the hurricane had postponed the work, so the

job was not completed by the January 24 compliance date. Mr. Poliakoff had advised them to return to the Board, explain the problems, and request an extension. Mr. Poliakoff had missed the January agenda, and Ms. Crase had told him they would be put on the February agenda and no fines would be assessed. Mr. Poliakoff was out of the country for the February hearing, and the facility coordinator Steve Williams had appeared. The Board had ultimately denied the extension and assessed the fines.

Mr. Poliakoff reminded the Board that Childnet's income was from private donations and public funds, and fines would have to be paid out of monies donated for the children in their care. Mr. Poliakoff confirmed that the permit was issued and the contractor was already performing the work. Mr. Williams had assured Mr. Poliakoff that the work would be complete within 30-40 days.

Mr. Poliakoff requested abatement of the fines already accrued, and an extension of 40 days to complete the work.

Mr. Poliakoff confirmed for Mr. Phillips that the tenants had complied the law library violation with the alarm system, and they were in the process of enclosing the foyer from the banister top to the ceiling.

Ms. Ivette Spence-Brown, Fire Inspector, explained there were two vertical openings in the building; fire safety code required a separation between the first and second floors. She confirmed that she had discussed this with the tenant and advised them to get a design professional. She stated she had no objection to a 45-day extension to correct the violation.

Mr. Jolly advised the Board they must first vacate the Massey order dated February 28, 2006.

Motion made by Mr. Rafter, seconded by Mr. Young, to vacate the February 28, 2006 Massey order. Board approved 6 - 0.

The Assistant City Attorney advised the Board that any extension would need to be issued retroactive to the January 24, 2006 compliance date to negate the accrued fine.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to grant a 180-day extension from January 24, 2006 to July 25, 2006. Board approved 5 – 1 with Ms. Roche opposed.

Reference CE05030791

Marc Marcelino & John Kuehne
323 Northeast 7th Avenue

Massey Hearing/Request for Abatement

Ms. Mohammed announced that this case was originally heard on 5/24/05 with compliance ordered by 11/22/05; on 1/24/06 the date was extended to 3/28/06; on 3/28/06 the date was extended to 5/23/06. The property was complied and fines had accrued to \$6,200. Ms. Mohammed confirmed that the fines had accrued between 11/22/05 and 1/24/06.

Mr. John Kuehne and Mr. Marc Marcelino, owners, requested abatement of the fines, noting that the property was now complied.

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

Reference CE04091130

Dom & John Development LLC
1344 Northeast 4th Avenue

Massey Hearing/Request for Extension

Ms. Mohammed announced that this case was originally heard on 1/25/05 with compliance ordered by 7/24/05. On 3/28/06 the date was extended to 5/23/06. The property was not complied and fines had accrued in the amount of \$36,900.

Mr. Eric Carbonell, representative of the owner, informed the Board that the permit applications were submitted May 1, 2006 and requested an additional 60 days. He noted that the tenant and signs were gone.

Mr. Mohammed Malik, Building Inspector, confirmed that the owner had submitted the application for the after-the-fact permit and said he had no objection to the additional time.

Motion made by Mr. Phillips, seconded by Ms. Roche, to grant a 90-day extension to August 22, 2006. Board unanimously approved.

The next two cases were heard together:

Reference CE04051739

Zannini Enterprises Inc.
1424 Holly Heights Drive

Request for Extension

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 10/25/05. On 1/24/06 the date was extended to 2/28/06; on 2/28/06 the date was extended to 5/23/06. The property was not complied and there were no current fines.

Mr. Christopher Zannini, owner, stated all permit applications were submitted to the City and were in the process of revision. He had met with Curtis Craig, who advised him it would take another 10-14 days to get the permits. Mr. Zannini requested an additional 60-90 days to comply.

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

Motion made by Mr. Rafter, seconded by Ms. Roche, to grant a 90-day extension to August 22, 2006. Board unanimously approved.

Reference CE04051740

Zannini Enterprises, Inc.
1430 Holly Heights Drive

Request for Extension

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 10/25/05. On 1/24/06 the date was extended to 2/28/06; on 2/28/06 the date was extended to 5/23/06. The property was not complied and there were no current fines.

Motion made by Mr. Rafter, seconded by Ms. Roche, to grant a 90-day extension to August 22, 2006. Board unanimously approved.

All 4 cases addressed 758 Northeast 13th Court were heard together:

Reference CE05092098

Volkmar Neeb & Herbert Hohmann
758 Northeast 13th Court, # 1

Request for Extension

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 3/28/06; on 3/28/06 the date was extended to 5/23/06. The property was not complied and no fines had accrued to date.

Mr. Simeon Jacobs, contractor, requested an additional 150 days to comply. He noted that only the pavers remained to be completed, and the permit applications were in with the City.

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

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 150-day extension to October 24, 2006. Board unanimously approved.

Reference CE05092100

Charles Burchett
758 Northeast 13th Court, # 2

Request for Extension

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 3/28/06; on 3/28/06 the date was extended to 5/23/06. The property was not complied and no fines had accrued to date.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 150-day extension to October 24, 2006. Board unanimously approved.

Reference CE05092117

Kevin Irish
758 Northeast 13th Court, # 5

Request for Extension

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 3/28/06; on 3/28/06 the date was extended to 5/23/06. The property was not complied and no fines had accrued to date.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 150-day extension to October 24, 2006. Board unanimously approved.

Reference CE05092120

Kimberly Cantor
758 Northeast 13th Court, # 7

Request for Extension

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 3/28/06; on 3/28/06 the date was extended to 5/23/06. The property was not complied and no fines had accrued to date.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 150-day extension to October 24, 2006. Board unanimously approved.

All 7 cases addressed 768 Northeast 13th Court were heard together:

Reference: CE05100518

Joseph Lachimia & Richard Arsenault Request for Extension
768 Northeast 13 Court # 1

Ms. Mohammed announced that this case was first heard on 3/28/06 with compliance ordered by 5/23/06. The property was not complied and no fines had accrued to date.

Mr. Simeon Jacobs, contractor, requested a 150-day extension for these cases as well.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 150-day extension to October 24, 2006. Board unanimously approved.

Reference CE05100521

Lorraine Schaffer Request for Extension
768 Northeast 13 Court # 2

Ms. Mohammed announced that this case was first heard on 3/28/06 with compliance ordered by 5/23/06. The property was not complied and no fines had accrued to date.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 150-day extension to October 24, 2006. Board unanimously approved.

Reference CE05100526

Infiniti Enterprises LLC Request for Extension
768 Northeast 13th Court #3

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 3/28/06; on 3/28/06 the date was extended to 5/23/06. The property was not complied and no fines had accrued to date.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 150-day extension to October 24, 2006. Board unanimously approved.

Reference CE05100528

Jeffrey Longwell Request for Extension
768 Northeast 13th Court #4

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 3/28/06; on 3/28/06 the date was extended to 5/23/06. The property was not complied and no fines had accrued to date.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 150-day extension to October 24, 2006. Board unanimously approved.

Reference CE05100531

Ray Schindler & William Lackey
768 Northeast 13th Court #5

Request for Extension

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 3/28/06; on 3/28/06 the date was extended to 5/23/06. The property was not complied and no fines had accrued to date.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 150-day extension to October 24, 2006. Board unanimously approved.

Reference CE05100535

Kirk Stroebe
768 Northeast 13th Court #6

Request for Extension

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 3/28/06; on 3/28/06 the date was extended to 5/23/06. The property was not complied and no fines had accrued to date.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 150-day extension to October 24, 2006. Board unanimously approved.

Reference CE05100540

Asoka Bali East Condo Association
768 Northeast 13th Court

Request for Extension

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 3/28/06; on 3/28/06 the date was extended to 5/23/06. The property was not complied and no fines had accrued to date.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 150-day extension to October 24, 2006. Board unanimously approved.

Reference CE04111818

1470 Dixie LLC
1470 North Dixie Highway

Request for Extension

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 10/25/05; on 1/24/06 the date was extended to 4/25/06; on 4/25/06 the date was extended to 5/23/06. The case was not complied and there were no current fines on the property.

Mr. Simeon Jacobs, contractor, informed the Board that the final inspection was scheduled for May 30. Mr. Bob Pignataro, Building Inspector, stated he had no objection to an extension. Mr. Jacobs felt 60 days might be needed.

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

Reference CE03101792

New River Dry Dock Inc.
2200 Marina Bay Drive East

Request for Extension

Mr. Phillips recused himself from this case.

Ms. Mohammed announced that this case was first heard on 11/25/03 with compliance ordered by 12/10/03; on 1/27/04 the date was extended to 5/26/04; on 5/25/04 the date was extended to 8/25/04; on 8/24/04 the date was extended to 2/22/05; on 2/22/05 the date was extended to 8/23/05; on 8/23/05 the date was extended to 2/28/06; on 2/28/06 the date was extended to 3/28/06; on 3/28/06 the date was extended to 4/25/06; on 4/25/06 the date was extended to 5/23/06. The property was not complied and there were no current fines on the property. Ms. Mohammed informed the Board that 16 of the 31 original violations were still not complied.

Mr. Alan Kozich, architectural engineer, explained that the last boat had been removed. They still must demolish the building, and had already applied for this permit. Regarding the docks, Mr. Kozich explained that they were not used any longer. He had met with Curtis Craig, who referred him to the Fire Marshall, Steve Kastner, who informed him he would not sign off on the docks until the docks had fire protection. Mr. Kozich requested additional time to acquire the permit to demolish the building. Mr. Kozich said Inspector Kisarewich had given him a paper stating that all the fire code violations were corrected.

Chair Hale wondered if it was possible to block the docks so they could not be used, rather than tearing them down. Mr. Rafter remarked that they were about to take care of the building demolition, but the dock issue was "just kind of floating."

Mr. Wayne Strawn, Building Inspector, confirmed that the docks were originally built without a permit. Inspector Strawn stated that all of the NFPA violations were dropped by Inspector Kisarewich. He felt the Fire Marshall was concerned that as long as the docks were present, they could be utilized. Inspector Strawn stated the floating docks could be considered "stored" and therefore complied, but not the attached docks. He clarified for Ms. Roche that an after-the-fact permit had been issued for the docks, but it was never signed off because of the lack of a fire protection system. Mr. Kozich felt that access to the docks could be blocked by running a cable across the lagoon.

Mr. Bob Wickman, owner, said he could install a "vicinity boom" and/or a cable this afternoon that would block water access to the docks. He pointed out that there was 24-hour security to access Marina Bay. He noted that they did not have water and sewer service [which was needed for the fire system] because Marina Bay had not brought those in. There were still legal arguments over who owned the culvert and the bridge, which prevented him from bringing water onto the property himself.

Mr. Wickman said he had already lost \$7-8 million on the property, and he did not want to tear down \$350,000 worth of mega-yacht docks. He noted that the cable would prevent access to the marina. Mr. Wickman said he intended to sell the property or redevelop.

Mr. Mitchell asked Mr. Wickman if 90 days would be sufficient and Mr. Wickman agreed.

Inspector Strawn stated he and Mr. Kozich had booth spoken with Curtis Craig regarding the docks, who suggested Mr. Kozich speak to the Fire Marshall, Steve Kastner. The Fire Marshall had determined that the docks must be removed. Inspector Strawn added that the Fire inspectors would stop any permit application in the review process because of the lack of water.

Mr. Young asked what they were pursuing to comply the docks. Mr. Kozich said they had not applied for another permit. Mr. Wickman explained to Mr. Young that he built the docks approximately 7 years ago. These "state of the art" docks had replaced docks the City and County deemed unsafe.

Mr. Wickman explained to Mr. Rafter that the "real issue" was that the County and City had allowed the Village at Marina Bay to build a 400-unit facility, with the understanding that they would build a new bridge and provide the marina with water and sewer, but they never had. Mr. Wickman felt Marina Bay was "sitting back, waiting for me to fall into the drink, and they'd like to buy the property, and so are some other very wealthy people in this town." He noted he had done everything he had been asked to do, but he could not "create" water and sewer, and couldn't build a culvert and a bridge over Osceola Creek, which they did not own.

Mr. Wickman felt that the City would "have a major change in the next 12 to 24 months; many of the marinas have already been sold. For the first time in twenty-five years, I'm talking to developers for other than marinas. I give up." He felt the City must find some way to help marinas.

Mr. Wickman said he was trying to raise the money to open the property again. He requested 120 days to do this.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 120-day extension to September 26, 2006.

Mr. Mitchell wanted to allow enough time for this to go before the Broward County Commission, if need be. He suggested they allow 150 days. Mr. Rafter agreed to amend his motion. Chair Hale felt 150 days would not be enough time, as the water and sewer problem had continued for so long. Mr. Mitchell hoped 150 days would also allow Mr. Wickman to work things out with the Fire Marshall.

Mr. Jolly advised Mr. Wickman to take the issue up with the Board of Adjustment or Board of Rules and Appeals. One of these might be able to help if it was a matter of the Fire Marshall's interpretation of requirements.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 150-day extension to October 24, 2006. Board approved 6 – 0 with Mr. Phillips abstaining.

Reference CE05010178

M & H Automotive Inc.
3560 West Broward Boulevard

Request for Extension

Ms. Mohammed announced that this case was first heard on 2/22/05, with compliance ordered by 6/28/05; on 6/28/05 the date was extended to 9/27/05; on 9/27/05 the date was extended to 1/24/06; on 1/24/06 the date was extended to 5/23/06. The case was not complied and no fines had accrued to date.

Mr. Allan Kozich, engineer, explained that the mezzanine had been removed. He explained that the building had been partly demolished by the hurricane and they were in the process of permitting and rebuilding. He requested an additional 180 days to comply.

Mr. Thomas Clements, Fire Inspector, stated he had no objection to the extension.

Motion made by Mr. Rafter, seconded by Ms. Roche, to grant a 180-day extension to November 28, 2006. Board unanimously approved.

Reference CE05081901

Colaianne Investments of FL Inc
700 Southwest 21st Terrace

Request for Extension

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 3/28/06. The property was not complied and fines had accrued in the amount of \$11,000.

Mr. Cosimo Colaianne, owner, explained the issues Inspector Clements had discovered. He then described problems encountered with the electrical work and inspections. Mr. Phillips asked if the self-illuminated exit signs were provided and the exit was clear. Mr. Bruce O'Rear, Atlantic Electric, replied that both of these were cleared up last year.

Mr. Thomas Clements, Fire Inspector, stated that as of yesterday, all of the violations were complied, and requested abatement of the fines.

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

Reference CE06040958

Armchem Acquisitions LLC
3590 Northwest 54th Street

FBC 104.1.1: Wall blocking exit;
NFPA 1 4.4.3.1.2: Exit door has keyed lock

Ms. Mohammed announced that certified mail addressed to the owner was accepted on May 3, 2006, and certified mail addressed to the registered agent was accepted [no date]. Ms. Mohammed added that there was a stipulated agreement.

Mr. Ricardo Reyes, attorney for the owner, said he had a stipulated agreement with Inspector Spence-Brown to comply the property within 60 days.

Ms. Ivette Spence-Brown, Fire Inspector, confirmed the stipulated agreement.

Motion made by Mr. Phillips, seconded by Mr. Young, to approve the stipulated agreement requiring the owner to comply within 60 days, by July 25, or a fine of \$100 per day, per violation would be imposed. Board unanimously approved.

Reference CE06040912

Liberty Property LP
5430 Northwest 33rd Avenue #102

NFPA 30A 4.2.1: Improper flammable liquid
storage
NFPA 704 1.2.1: Business not hazard placarded

Ms. Mohammed announced that mail certified mail addressed to the owner was accepted on May 5, 2006. She added that there was a stipulated agreement to comply the property.

Ms. Linda Schwartz, the property manager's representative, stated that the owner was never served properly; the notice was accepted by the business next door. Ms. Schwartz said she had signed a stipulated agreement to comply the property within 60 days.

Ms. Ivette Spence-Brown, Fire Inspector, explained that the business needed time to purchase a cabinet in which to store diesel fuel for their generator. She informed Mr. Phillips that the business was permitted to store up to thirty gallons of the fuel in this special cabinet.

Motion made by Mr. Rafter, seconded by Ms. Roche, to approve the stipulated agreement requiring the owner to comply within 60 days, by July 25, or a fine of \$100 per day, per violation would be imposed. Board unanimously approved.

Reference CE06041325

Anna Winston & Frank Joseph Trust
751 Northwest 57th Street

NFPA 101 40.3.4.1: No fire alarm

Ms. Mohammed announced that certified mail addressed to the owner was accepted on May 11, 2006.

Ms. Ivette Spence-Brown, Fire Inspector, explained that the violation dated to 2002. As of her May 1, 2005 annual inspection, the violation did exist; the Business did require a fire alarm system based on the square footage and type of business. Inspector Spence-Brown recommended ordering compliance within 60 days or a fine of \$250 per day.

Ms. Anna Winston, business owner, stated they wanted to be classified as a low-density employee business. She said they already had a fire alarm system and only eight employees. Mr. Jolly felt this was a zoning issue, not a Code Enforcement issue. Chair Hale stated that Inspector Spence-Brown had determined the category and fire system requirements.

Ms. Donna Johnson, daughter of the owner, referred to some paperwork provided with the Notice of Violation, where she had discovered the "Special Purpose Industrial Occupancy" status for which she felt they qualified. She said they had sent a letter to the Fire Marshall explaining why they should not be required to install the fire system, but he had not responded.

The Assistant City Attorney explained that the requirements were determined by the square footage of the building, not the number of people actually on the premises. Mr. Rafter reminded Ms. Winston and Ms. Johnson that Inspector Spence-Brown had determined that their business was in violation. The Assistant City Attorney felt that Ms. Winston should appeal to the Board of Rules and Appeals; the Code Enforcement Board must rely on Inspector Spence-Brown's judgment. Chair Hale advised Ms. Winston to speak with Code Supervisor Bradley, who was present.

Motion made by Mr. Rafter, seconded by Mr. Young, to order compliance within 120 days, by September 26, 2006, or a fine of \$100 per day would be imposed. Board unanimously approved.

The following two cases against the same property owner were heard together:

Reference CE98060857

Edward and Karen Stricklin
820 West Las Olas Boulevard

Continued from April 25, 2006

Ms. Mohammed announced that this case was first heard 11/24/98 with compliance ordered by 1/23/99. The property was complied and fines had accrued to \$76,800.

The Assistant City Attorney stated that that City had determined that service was defective and asked the Board to vacate the order and dismiss both cases.

Motion made by Mr. Rafter, seconded by Mr. Young, to vacate the order and dismiss the case. Board unanimously approved.

Reference CE03040989

Edward and Karen Stricklin
820 West Las Olas Boulevard

Continued from April 25, 2006

Motion made by Mr. Rafter, seconded by Mr. Young, to vacate the order and dismiss the case. Board unanimously approved.

Reference CE06040915

Dettman Properties Inc.
1001 Northwest 62nd Street

FBC 104.1.1: Work done without permits;
NFPA 101 7.5.2.1: Exit sign directing egress
through office wall;
NFPA 1 11.1.2: Voids in circuit breaker panel

Ms. Mohammed announced that certified mail addressed to Dettman Properties was accepted on May 17, 2006.

Ms. Ivette Spence-Brown, Fire Inspector, said she had reinspected the property on Friday and NFPA 1 11.1.12 was complied. Inspector Spence-Brown stated Mr. Dettman had a permit, but it was not an after-the-fact permit, and it did not cover the violations that she cited. She recommended ordering compliance with FBC 104.1.1 and NFPA 101.7.5.2.1 within 30 days or a fine of \$100 per day, per violation.

Mr. Douglas Dettman, owner, explained that Inspector Spence-Brown had instructed him to obtain an after-the-fact permit, and he had hired an architect, submitted plans, received permits and passed final inspection. Mr. Dettman said that he felt he was finished. Inspector Spence-Brown stated that Mr. Dettman had not obtained an after-the-fact permit. The after-the-fact permit she requested must be approved through Structural, Fire, Mechanical, and Code Inspections. Because Mr. Dettman did not get an after-the-fact permit, those things were not indicated on his plan. The permit Mr. Dettman pulled was not the one Inspector Spence-Brown had requested. Inspector Spence-Brown said Mr. Dettman knew this, because they had discussed it.

Mr. Dettman disputed this; he said the plans were drawn to precisely answer Inspector Spence-Brown's complaints. Mr. Dettman said, "If the City didn't do something it was supposed to do, I

have no control over that.” Mr. Mitchell said it appeared that Mr. Dettman had not complied with the City’s request. Mr. Mitchell advised Mr. Dettman to follow Inspector Spence-Brown’s directives and get his permit. Mr. Dettman felt he was being asked to do something that had already been done.

Inspector Spence-Brown clarified that the permit referred only to window and door replacement not the interior office alteration. This was why the permit was signed off in error. Mr. Dettman said he had provided the architect with a copy of the violations. Mr. Young stated that the architect had not addressed all the violations and had not understood exactly what his mission was. Ms. Roche advised Mr. Dettman to return to his architect. Mr. Dettman asked what was missing, and Inspector Spence-Brown replied that exit signs that directed egress through a closet into another office and the fire separation must still be addressed. Inspector Spence-Brown pointed out that Mr. Dettman’s permit was dated 5/11/04 and her violations were dated 1/2/04, confirming Mr. Dettman must obtain an after-the-fact permit.

Motion made by Mr. Young, seconded by Mr. Mitchell, to order compliance with FBC 104.1.1 and NFPA 101.7.5.2.1 within 120 days, by September 26, 2006, or a fine of \$100 per day, per violation. Board unanimously approved.

Reference CE04032185

Ward Harris Properties Inc.
2901 East Las Olas Boulevard

Massey Hearing/Request for Extension

Ms. Mohammed announced that this case was originally heard on 1/25/05 with compliance ordered by 4/25/05; on 5/24/05 the date was extended to 7/26/05; on 7/26/05 the date was extended to 9/27/05; on 1/24/06 the date was extended to 4/25/06; the date was also extended from 9/28/05 to 1/24/06. The property was not complied and fines had accrued in the amount of \$33,000.

Mr. Kenneth Trent, the owner’s attorney, stated that the City had tentatively agreed that the cooler had been present since 1985, and the permit had been pulled by the prior owner. Inspector Pignataro had been most concerned about the signs. The owner had an architect and an electrical contractor, and Mr. Trent said he understood that all existing signs must be removed and new plans drawn and submitted for new signs. Mr. Trent asked for additional time to comply, and explained that the owner might not understand that all of the signs must come down. Mr. Trent promised to inform the owner of what must be done personally. Mr. Trent requested an additional 60 days.

Mr. Bob Pignataro, Building Inspector, said he had no objection to an additional 60 days.

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

Reference CE03111720

ESP Partners LLC
228 Southwest 21st Terrace

Request for Extension

Ms. Mohammed announced that this case was originally heard on 3/23/04 with compliance ordered by 9/19/04. On 8/24/04 the date was extended to 2/22/05; on 3/22/05 the date was extended to 7/26/05; on 8/23/05 the date was extended to 11/22/05; on 2/28/06 the date was extended to 5/23/06. The date was also extended from 11/23/05 to 1/24/06. The property was not complied and fines had accrued in the amount of \$5,400.

Mr. Harold Lindemann, partner, stated that his architect was very busy and the plans had been resubmitted several times. There was just one issue left to resolve and Mr. Lindemann requested another 90 days to comply.

Mr. Ken Reardon, Building Inspector, said he had no objection to a 90-day extension.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 90-day extension to August 22, 2006. Board unanimously approved.

Reference CE05050693

NTN Associates LLC
1140 Northwest 55th Street

Request for Extension/Massey Hearing

Ms. Mohammed announced that this case was originally heard on 6/28/05 with compliance ordered by 7/26/05. On 3/28/06 the date was extended to 4/25/06. The property was not complied and fines had accrued in the amount of \$27,100.

Mr. Chris Williams, owner, said the property was complied in April and requested abatement of the fines.

Ms. Ivette Spence-Brown, Fire Inspector, confirmed the compliance.

Motion made by Mr. Phillips, seconded by Mr. Rafter, to reduce the fine to \$250 for administrative costs. Board unanimously approved.

Reference CE03121170

Stephen Arciero
3890 Davie Boulevard

Request for Extension

Ms. Mohammed announced that this case was originally heard on 7/26/05 with compliance ordered by 11/22/05. On 2/28/06 the date was extended to 5/23/06. The property was not complied and fines had accrued in the amount of \$24,250. Ms. Mohammed confirmed for Chair Hale that the fines had accrued from 11/22/05 to 2/28/06.

Mr. Wiley Andrews, representative of the property manager and owner, explained that the tenants, Allstate Insurance/Young Insurance had done the work without permits. The tenants had promised to comply the property before vacating the offices, but had surreptitiously left two days ago. All of the violations still existed, and Mr. Andrews requested another 120 days to comply.

Mr. Wayne Strawn, Building Inspector, said he had no objection to an additional 120 days. He noted that all of the air conditioning was bootleg.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to grant a 120-day extension to September 26, 2006. Board unanimously approved.

Ms. Roche left the hearing at 12:30.

Reference CE06040706

Martin & Mallary Gordon
2966 Northwest 60th Street

NFPA 1 14.13.1.1: No emergency lighting

Ms. Mohammed announced that certified mail addressed to the owner was accepted on April 24, 2006.

Ms. Ivette Spence-Brown, Fire Inspector, stated the violation existed as cited. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Mr. Phillips wondered if they should allow more than 30 days to save administrative [paperwork and mailing] costs. Chair Hale felt that since the owners were given notice and had not appeared, the Board should not feel compelled to grant them even 30 days. Inspector Spence-Brown felt they should have only 10 days. Mr. Mitchell felt they should stop abating fines and "start collecting some of the revenue that we're spending."

Motion made by Mr. Phillips, seconded by Mr. Rafter, to order compliance within 30 days, by June 27, 2006, or a fine of \$100 per day. Board approved 5 – 1 with Chair Hale opposed.

Reference CE06040769

Emil & Ellen Gasperoni
4720 Northwest 15th Avenue

NFPA 101 7.5.2.1: Exit sign directing egress from
office through warehouse

Ms. Mohammed announced that certified mail addressed to the owner was accepted on April 24, 2006.

Ms. Ivette Spence-Brown, Fire Inspector, stated that the case started 7/16/03 with subsequent inspections dated 8/6/03 and 9/5/03. On 9/8/05 she had performed the annual inspection and reinspected on 5/19/06 and the violation was still present. She recommended ordering compliance within 10 days or a fine of \$250 per day. Inspector Spence-Brown said she had spoken to Mr. Gasperoni several times and he was aware of the violation. When she visited the property on May 19, Mr. Gasperoni had placed a piece of paper over the exit sign instead of removing it. Inspector Spence-Brown explained that Mr. Gasperoni need only turn the sign around to comply. Chair Hale remarked that the owner would not receive the notice within 10 days.

Motion made by Mr. Mitchell, seconded by Mr. Young, to order compliance within 30 days, by the June 27, 2006 hearing date, or a fine of \$250 per day would be imposed. Board approved 5 – 1 with Chair Hale opposed.

Motion made by Mr. Mitchell, seconded by Mr. Rafter, to reconsider. Board approved 5 – 1 with Mr. Phillips opposed.

Motion made by Mr. Rafter to order compliance within 0 days or a fine of \$250 per day would be imposed. Motion died for lack of a second.

Mr. Mitchell wondered if the Board could provide zero time to comply. Mr. Phillips felt that the Board should err on the side of due process and allow some time to comply. Mr. Lindwell Bradley, Community Inspections Supervisor, said the Code Enforcement/Special Magistrate process was to allow a specified time to comply.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to order compliance within 30 days, by June 27, 2006, or a fine of \$250 per day. Board approved 5 – 1 with Chair Hale opposed.

Reference CE06041337

Attila Vaas
4700 West Prospect Road #114

NFPA 1 13.6.6.1.1: Insufficient extinguishers;
NFPA 10 6.3.1: Fire extinguisher maintenance;
NFPA 101 7.9.2.2: Emergency lights do not illuminate

Ms. Mohammed announced that certified mail addressed to the owner was accepted on May 11, 2006.

Ms. Ivette Spence-Brown, Fire Inspector, stated the violations existed as cited; she had tried unsuccessfully to get into this business since 8/19/05. She recommended ordering compliance within 30 days or a fine of \$100 per day, per violation.

Motion made by Ms. Horn, seconded by Mr. Mitchell, to order compliance within 30 days, by June 27, 2006, or a fine of \$100 per day, per violation. Board approved 5 – 1 with Chair Hale opposed.

Reference CE06040874

Prospect Park Realty Corp.
3339 Northwest 55th Street

NFPA 101 7.9.2.2: Emergency lights do not illuminate

Ms. Mohammed announced that certified mail addressed to the owner and registered agent were both accepted on May 5, 2006.

Ms. Ivette Spence-Brown, Fire Inspector, stated the violations existed as cited. She recommended ordering compliance within 30 days or a fine of \$100 per day.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to order compliance within 30 days, by June 27, 2006, or a fine of \$100 per day. Board approved 5 – 1 with Chair Hale opposed.

Reference CE06040682

Apostolic Alliance Church
2880 Southwest 16th Street

NFPA 1 1.7.5.1: Unable to inspect property

Ms. Mohammed announced that certified mail addressed to the registered agent was accepted on April 24, 2006.

Mr. Thomas Clements, Fire Inspector, stated he had spoken with the owner today and agreed to meet with him at the property this afternoon. He recommended ordering compliance within 7 days or a fine of \$50 per day.

Motion made by Mr. Rafter, seconded by Mr. Phillips, to order compliance within 30 days, by June 27, 2006, or a fine of \$50 per day. Board approved unanimously.

Reference CE03080416

Floval Oil Corp.
1075 West Sunrise Boulevard

Massey Hearing/Request for Extension

Ms. Mohammed announced the City was withdrawing this case for lack of service.

Mr. Mitchell pointed out that the property was for sale and Chair Hale asked if the Board could record the order. Ms. Crase informed them that they could record it now.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to record the first order. Board approved unanimously.

Approval of Meeting Minutes

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

Cases Complied

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

| | | | |
|------------|------------|------------|------------|
| CE06040595 | CE06040365 | CE06040398 | CE06040807 |
| CE06040809 | CE06040819 | CE06040897 | CE06040909 |
| CE06040951 | CE06040752 | CE06040758 | CE06040771 |
| CE06040779 | CE06040964 | CE06040969 | CE06040983 |
| CE06041329 | CE06041333 | | |

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:

| | | |
|------------|------------|------------|
| CE05100288 | CE03080416 | CE06040777 |
|------------|------------|------------|

There being no further business to come before the Board, the meeting adjourned at 1:20 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.