

CODE ENFORCEMENT BOARD

City Commission Meeting Room

100 North Andrews Avenue

January 23, 2007

10:00 A.M. – 2:00 P.M.

<u>Board Members</u>	<u>Attendance</u>	<u>1/2007 to 12/2007</u>	
		<u>Present</u>	<u>Absent</u>
Pat Hale, Chair	P	1	0
Rixon Rafter, Vice Chair	P	1	0
Sarah Horn	P	1	0
Sam Mitchell	P	1	0
John Phillips [10:20]	P	1	0
Myrnabelle Roche	P	1	0
Bobby Young	P	1	0

Staff Present

Assistant City Attorney

Bruce Jolly, Board Attorney

Farida Mohammed, Clerk, Code Enforcement Board

Debra Maxey, Secretary, Code Enforcement Board

Lindwell Bradley, Code Supervisor

Mohammed Malik, Building Inspector

Wayne Strawn, Building Inspector

Kenneth Reardon, Building Inspector

Robert Kisarewich, Fire Inspector

Tammy Meadows, Fire Inspector

Thomas Clements, Fire Inspector

Ivett Spence-Brown, Fire Inspector

Jamie Opperlee, Recording Secretary

Also Present:

CE04051739; CE04051740: Alex Lee, owner

CE06030776: Paul Melson and Sheryl Melson, owner

CE06060258: Leonora Fernandez, owner; Subryan Perumal, owner

CE06111431: Cindy Shaw, owner

CE04061917: Thomas Landmeier, owner

CE04081702: Alex Charfen, owner; Harry Arthur, contractor

CE04062158: Rolin Alexis, translator; Flavie St. Pris, owner

CE06111419: Bibiane Blanc, owner

CE05081210; CE05080073; CE05080021; CE05080022; CE04051739, CE04051740:

Larry Shendell, attorney for the owner; Simeon Jacobs, contractor

CE04091130: Eric Carbonell, permit procurer; Jennifer Ames, employee

CE0410430: Mark Cervasio, assistant airport manager; Patrick Sullivan, lessee

CE03041279: Rudy Herman, owner; Anker Pearce, owner

CE06050511: Lawrence May, tenant; Charles Curran, employee
CE05061509: Jean-Pierre DaSilva, contractor; Kenneth Trent, attorney
CE04032185: Kenneth Trent, attorney
CE05121985: Gus Carbonell, architect; Victor Hechavarria, owner
CE06081622: Robert Toplas, tenant
CE03120005: John Bria, owner
CE05090938: Gloria Royster, owner's mother
CE06111002: Dennis Jaffe, manager; Louis Gerces, tenant
CE06050647: Gina Villavicencio, owner
CE03091916: Hope Calhoun, attorney for the owner
CE06111428: Esther Merino, owner
CE04120753: Rick Williams, owner
CE06111008; CE06111011; CE06111013: David Butters, owner
CE05090061: Mark Benjamin, manager
CE03121170: Tommy Andrews, manager
CE06110989: Robert Symington, owner
CE03101792: Douglas Bates, attorney; Robert Wickman, owner

Chair Hale called the meeting to order at 10:05 a.m., introduced the Board and explained the procedures for the hearing.

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

Case: CE04081702

Alex Charfen
1135 Northeast 12th Avenue

Ms. Mohammed announced that the case was first heard on 5/24/05 to comply by 8/23/05: 4 sections at \$50 per day, per violation. Extensions had been granted from 9/27/05 to 1/24/06, from 1/25/06 to 2/28/06, from 2/28/06 to 4/25/06, from 4/25/06 to 10/24/06 and from 10/24/06 to 1/23/07. The property was not complied, and the owner was requesting an extension.

Mr. Alex Charfen, owner, reported his contractor was making progress. His architect had determined that the building interior must be demolished to determine what had been, and what could be done with the property. He was waiting for a letter from FPL regarding the disconnection of the power, to apply for the interior demo permit.

Mr. Mohammed Malik, Building Inspector, said it was up to the Board to grant an extension. He agreed that some progress had been made.

Mr. Harry Arthur, contractor, described the progress they had made in the 90 days he had been involved. He said they had drawings for the interior demo and they wanted to strip the drywall so the architect could see what could be done. Mr. Arthur thought they should have their permits within 90 days. Mr. Young thought the owner might "get better action" if he visited his local FPL substation regarding the disconnect letter.

Motion made by Mr. Mitchell, seconded by Mr. Young, to grant a 30-day extension to 2/27/07 for Mr. Charfen to report back to the Board. Motion passed 5-1 with Ms. Roche opposed.

Case: CE05121985

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

Ms. Mohammed announced that this case was first heard on 2/28/06 with compliance ordered by 7/25/06: 17 sections at \$50 per day, per violation. The date had been extended from 7/25/06 to 8/22/06, and from 9/26/06 to 1/23/07. The property was not complied and the owner was requesting an extension.

Mr. Gus Carbonell, architect, reported that the permits were ready for the paving, fences, wall and irrigation system. They also had a contract for the paving work and that would be done in two weeks. Mr. Carbonell stated the dumpster area was already repaired as well. The owner had applied for a loan to pay for the work. Mr. Carbonell requested a 6-month extension to report back to the Board on the project progress. Mr. Carbonell explained they were having a very difficult time making contact with FPL regarding the easement.

Mr. Wayne Strawn, Building Inspector, confirmed they were making progress, and he did not object to an extension.

[Mr. Phillips arrived at 10:20]

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to grant a 6-month extension to 7/24/07. Board unanimously approved.

Case: CE04101430

Performance Trading, Inc.
2800 Northwest 62nd Street

Ms. Mohammed announced that this case was originally heard on 11/23/04 with compliance ordered by 1/25/05: 12 sections at \$250 per day, per violation. Extensions had been granted from 1/25/05 to 2/22/05, from 2/22/05 to 6/28/05, from 7/26/05 to 9/27/05, from 9/27/05 to 10/25/05, from 1/24/06 to 4/25/06, from 4/25/06 to 10/24/06 and from 10/24/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. Patrick Sullivan, lessee, reported that all of the permits had been pulled and the work was half done. He said Inspector Strawn had agreed to allow another 90 days.

Chair Hale said she had spoken with the Fort Lauderdale Executive Airport Manager, Clara Bennett, who informed her that progress was being made.

Mr. Mark Cervasio, Fort Lauderdale Executive Airport Assistant Manager, stated this had taken an inordinate amount of time and the work should have been completed long ago. Mr. Cervasio said he would contact the City Attorney's office regarding lease default proceedings.

Mr. Wayne Strawn, Building Inspector, confirmed they were making progress, and he did not object to an extension for the work to be completed.

Mr. Jolly stated it was inappropriate for Board members and City staff to have discussions outside of the Board's meeting regarding matters that might come before the Board if the discussion might influence how a Board member voted. He advised Chair Hale to recuse herself from the vote and other Board members to ignore her comments regarding her communication with the airport manager.

Motion made by Mr. Rafter, seconded by Ms. Roche, to grant a 90-day extension to 4/24/07. Motion passed 5 – 0 [Chair Hale recused herself, Mr. Rafter left the hearing prior to the vote due to illness, and Mr. Mitchell assumed Chair position for the vote].

Case: CE04051739

Oasis Falls Condo Association Inc.
1424 Holly Heights Drive

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 10/25/05: 9 sections at \$250 per day, per violation. The date was extended from 10/25/05 to 1/24/06 due to Hurricane Wilma, from 1/24/06 to 2/28/06, from 2/28/06 to 5/23/06, from 5/23/06 to 8/22/06, and from 8/22/06 to 11/28/06 and from 11/28/06 to 1/23/07. The property was not complied and the owners were requesting additional time to comply.

Mr. Alex Lee, owner, reported that the permit applications were in and the plans were awaiting structural approval. He had met with Inspector Malik, who agreed to recommend a 60-day extension to comply.

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

Motion made by Mr. Phillips, seconded by Ms. Horn, to grant a 60-day extension to 3/27/07. Board unanimously approved.

Case: CE04051740

Oasis Falls Condo Association Inc.
1430 Holly Heights Drive

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 10/25/05: 7 sections at \$250 per day, per violation. Extensions had been granted from 10/25/05 to 1/24/06 due to Hurricane Wilma; from 1/24/06 to 2/28/06; from

2/28/06 to 5/23/06; from 5/23/06 to 8/22/06 and from 8/22/06 to 11/28/06 and from 11/28/06 to 1/23/07. The property was not complied and the owners were requesting additional time for compliance.

Mr. Lee explained that circumstances on this property were the same as the previous case.

Motion made by Mr. Phillips, seconded by Ms. Horn, to grant a 60-day extension to 3/27/07. Board approved unanimously.

Case: CE06030776

Capital Innovations Inc
812 Northwest 15th Terrace

Ms. Mohammed announced that this case was first heard 4/25/06 to comply by 10/24/06: 9 sections at \$50 per day, per violation; on 10/24 the date was extended to 1/23/07. The property was not complied and the owner was requesting an extension.

Mr. Paul Melson, owner, reported that they still did not have clear title to the property but they had filed for the window and parking lot permits. They had purchased the property two to three years ago and were still in litigation.

The Assistant City Attorney explained that the Melsons purchased the property in foreclosure and there had been a superior mortgage that then foreclosed on Capital Innovations. That suit had been dismissed before Christmas, and Capital Innovations did own the property now. Mr. Melson said this was not settled yet. The Assistant City Attorney said Capital Innovations was the owner of record.

Mr. Wayne Strawn, Building Inspector, stated progress was being made at the property and he did not object to a 90-day extension. Even if the property was not fully complied in 90 days, he felt they would then be able to narrow down the anticipated compliance date at that time.

Mr. Phillips and the Assistant City Attorney discussed the property's past title problems and the Assistant City Attorney reiterated that Capital Innovations was the titleholder of record and the City was treating them as such.

Motion made by Mr. Phillips, seconded by Ms. Roche, to grant a 90-day extension to 4/24/07. Motion passed 6-0.

Case: CE03091916

Navarro Enterprises Ltd.
1337 Southwest 21st Terrace

Ms. Mohammed announced that this case was originally heard on 10/28/03 with compliance ordered by 4/28/04: 2 sections at \$50 per day, per violation. Extensions

had been granted from 4/27/04 to 10/24/04, from 10/26/04 to 4/26/05, from 4/26/05 to 5/24/05, from 5/24/05 to 11/22/05, from 11/23/05 to 1/24/06 due to Hurricane Wilma, from 1/24/06 to 7/25/06 and from 7/25/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. Jolly recused himself from this case, stating that the respondents were friends and clients of his.

Ms. Hope Calhoun, the owner's attorney, explained that the mezzanine was gone but they must still complete the change of use process. They had already appeared twice before the DRC. Ms. Calhoun stated that their architect, John Carroll, appeared to have abandoned the job so they must now hire a new one. She requested a 60 to 90-day extension and agreed to report back to the Board in 30 days if the Board desired.

Mr. Thomas Clements, Fire Inspector, said he had spoken with the Fire Marshall, who was opposed to any extension due to the fire safety issues. The fire exits on the second floor were insufficient and this presented a safety hazard. Ms. Calhoun stated the third floor was used for storage only; no work was performed there.

Motion made by Mr. Phillips to grant a 30-day extension to 2/27/07. Motion died for lack of a second.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to find their order was not complied with in a timely manner and to impose fines and their continued accrual until the violations are complied. Motion passed 5-1 with Mr. Phillips opposed.

Case: CE06110989

Cabo 6795 LLC
6795 Northwest 17th Avenue

Ms. Mohammed announced that certified mail sent to the owner and registered agent were accepted on 12/1/06.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- NFPA 1 4.5.8.1 : SPRAY BOOTH IS MISSING ANNUAL SERVICE TAG.

The following violations were now complied:

- NFPA 101 7.10.1.2 : EXIT SIGN IS MISSING.
- NFPA 101 7.10.5.1 : EXIT SIGN DOES NOT ILLUMINATE

Inspector Spence-Brown recommended ordering compliance with NFPA 1 4.5.8.1 within 60 days or \$50 per day.

Mr. Robert Symington, owner, agreed to comply.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to order compliance with NFPA 1 4.5.8.1 within 60 days, by 3/27/07 or a fine of \$50 per day would be imposed. Board approved unanimously.

Case: CE06111002

Carter Property Enterprises Inc.
841 Northwest 57th Street

Ms. Mohammed announced that certified mail sent to registered agent was accepted [no date] and certified mail sent to the company director was accepted on 12/4/06.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- FBC 105.1 : TWO LARGE WALK-IN FREEZERS WERE INSTALLED WITHOUT A PERMIT.

Inspector Spence-Brown informed the Board that she had performed several inspections since 2005, and as of her last inspection on 1/22/07 the property was still not complied. She recommended ordering compliance within 120 days or a fine of \$50 per day.

Mr. Dennis Jaffe, manager, agreed to comply.

Motion made by Mr. Phillips, seconded by Ms. Roche, to order compliance within 120 days, by 5/22/07 or a fine of \$50 per day would be imposed. Board approved unanimously.

[Ms. Roche left the dais]

The next four cases for the same owner were heard together:

Case: CE05081210

Asoka Condo Association Inc.
1330 Holly Heights Drive

Case: CE05080073

Asoka Condo Association Inc.
1336 Holly Heights Drive

Case: CE05080021

Asoka Condo Association Inc.
1342 Holly Heights Drive

Case: CE05080022

Asoka Condo Assn Inc.
1348 Holly Heights Drive

Ms. Mohammed announced that these cases were first heard 9/27/05 to comply by 10/25/05: 7 sections at \$250 per day, per violation. Extensions had been granted from 10/26/05 to 1/24/06 due to Hurricane Wilma, from 1/24/06 to 4/25/06, from 4/25/06 to 10/24/06 and from 10/24/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. Simeon Jacobs, contractor, stated that all of the structural interior violations were complied; he was only waiting for the paver permit, which was still awaiting Engineering approval. He requested a 60-day extension.

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

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to grant a 60-day extension to 3/27/07. Motion passed 5-0.

Mr. Larry Shendell, the owner's attorney, thanked the Board for their patience and cooperation.

[Ms. Roche returned]

Case: CE06081622

Emil Sr. & Ellen Gasperoni
4800 Northwest 15th Avenue #B

Ms. Mohammed announced that this case was first heard 9/26/06 to comply by 11/28/06: 1 section at \$200 per day. The date had been extended from 11/28/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. Robert Toplas, the tenant, stated he had submitted the new drawings two weeks ago for the permit. He requested an additional 60 days to comply.

Ms. Ivett Spence-Brown, Fire Inspector, stated she had no objection to an extension.

Motion made by Mr. Phillips, seconded by Ms. Horn, to grant a 60-day extension to 3/27/07. Motion passed with Mr. Mitchell opposed.

Case: CE05090938

Chadman L. Turner
623 Northwest 15th Way

Ms. Mohammed announced that this case was first heard on 1/24/06 to comply by 2/28/06: 1 section at \$150 per day. Extensions had been granted from 2/28/06 to 5/23/06, from 6/27/06 to 9/26/06 and from 10/24/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Ms. Gloria Royster, mother of the owner, said her contractor had informed her he would be finished within 30 days. She explained that they now had all drawings and permits.

Ms. Tammy Meadows, Fire Inspector, confirmed that all permits were pulled and she felt 30 more days would be sufficient.

Motion made by Mr. Mitchell, seconded by Mr. Phillips to grant a 30-day extension to 2/27/07. Board approved unanimously.

Case:CE06111011

Sam & Nathan Butters
2001 Northwest 62nd Street # 103

Ms. Mohammed announced that certified mail sent to the owner and tenant were accepted on 12/20/06 and the inspector had a stipulated agreement with the owner to comply.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- FBC 105.1: MAG LOCK WAS INSTALLED WITHOUT A PERMIT.

Inspector Spence-Brown said she had a stipulated agreement with the owner to comply within 60 days or \$50 per day.

Motion made by Mr. Young, seconded by Mr. Phillips, to accept the stipulated agreement and order compliance within 60 days, by 3/27/07 or \$50 per day. Board unanimously approved.

Case: CE06111008

Sam & Nathan Butters
2003 Northwest 62nd Street #105C

Ms. Mohammed announced that certified mail sent to the owner and tenant were accepted on 12/20/06 and the inspector had a stipulated agreement with the owner to comply.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- FBC 105.1: INTERIOR ALTERATION WAS DONE WITHOUT A PERMIT.

Inspector Spence-Brown said she had a stipulated agreement with the owner to comply within 60 days or \$50 per day.

Motion made by Mr. Young, seconded by Mr. Mitchell, to accept the stipulated agreement and order compliance within 60 days, by 3/27/07 or \$50 per day. Board unanimously approved.

Case: 06111013

Sam & Nathan Butters
2005 Northwest 62nd Street # 207

Ms. Mohammed announced that certified mail sent to the owner and tenant were accepted on 12/20/06 and the inspector had a stipulated agreement with the owner to comply.

Ms. Ivett Spence-Brown, Fire Inspector, testified to the following violation:

- FBC 105.1: INTERIOR ALTERATIONS WERE DONE WITHOUT A PERMIT.

Inspector Spence-Brown said she had a stipulated agreement with the owner to comply within 60 days or \$50 per day.

Motion made by Mr. Young, seconded by Mr. Mitchell, to accept the stipulated agreement and order compliance within 60 days, by 3/27/07 or \$50 per day. Board unanimously approved.

Case: CE06060258

Leonora Fernandez
1061 Northwest 23rd Terrace

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

Mr. Wayne Strawn, Building Inspector, testified to the following violations:

- FBC 105.1 : THE FOOTPRINT OF THE BUILDING HAS BEEN EXPANDED BY A LARGE ADDITION ATTACHED TO THE WEST SIDE COMPLETE WITH AN ADDED BATHROOM. PERMITS FOR THE CONSTRUCTION WERE NOT OBTAINED. PERMIT #B891075 FOR A CARPORT ROOF AND SLAB HAS EXPIRED WITHOUT PASSING FIELD INSPECTION. THE ROOF AND SLAB NOW EXIST AS WORK WITHOUT A VALID PERMIT.
- FBC 105.2.4 : PLUMBING FIXTURES AND PIPING HAS BEEN INSTALLED WITHOUT OBTAINING THE REQUIRED PERMIT. THE WORK INCLUDES THE INSTALLATION OF BATHROOM FIXTURES AND A WATER HEATER.
- FBC 105.2.5 : THE ELECTRICAL SYSTEM HAS BEEN ALTERED WITHOUT OBTAINING THE REQUIRED PERMITS. THE WORK INCLUDES THE EXPANSION OF THE CIRCUITRY FOR THE ADDITION CONSTRUCTED ON THE WEST SIDE OF THE BUILDING, EXTERIOR LIGHTING AND POWER FOR THE AIR CONDITIONING UNIT THAT HAS BEEN INSTALLED.
- FBC 105.2.11 : AN AIR CONDITIONING SYSTEM HAS BEEN INSTALLED WITHOUT OBTAINING THE REQUIRED PERMIT.
- FBC 106.10.3.1 : PERMIT #B891075 HAS EXPIRED AND BECOME NULL AND VOID. THE WORK DONE ON THE CARPORT ROOF HAS NOT BEEN APPROVED BY FIELD INSPECTION.
- FBC 106.10.3.5 : THE PERMIT FOR THE CARPORT ROOF AND SLAB (B891075) HAS NOT BEEN RENEWED WITHIN 180 DAYS AFTER THE EXPIRATION OF THIS PERMIT. THE WORK DONE UNDER THE AUSPICES OF THIS PERMIT HAS NOT BEEN REMOVED NOR HAS A NEW PERMIT WITH PLANS THAT COMPLY WITH THE CODE BEEN ISSUED.

- FBC 1612.1.2 : THE DESIGN AND CONSTRUCTION OF THE CARPORT ROOF DO NOT MEET THE REQUIREMENTS FOR STRENGTH AS REQUIRED. THE LOAD IMPOSED HAS CAUSED THE ROOF STRUCTURE TO SAG ON THE END. THIS IS CAUSED BY OVERSTRESSING.
- 47-34.1 A.1. : THE CARPORT ROOF CONSTRUCTION IS IN VIOLATION OF THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE. THE CARPORT ROOF OVERHANG EXTENDS INTO THE SIDE YARD SETBACK WHICH IS PROHIBITED BY THE TABLE AT 47-5.31.

Inspector Strawn presented photos of the property and recommended ordering compliance within 90 days or \$25 per day, per violation.

Mr. Subryan Perumal, owner, said he was working to comply the violations; he was currently seeking an architect and a contractor. He informed Mr. Mitchell that he had bought the property to live in. There was a tenant there now, but he was in the process of evicting her to make the repairs.

Inspector Strawn said there was an old permit on the property, but the plans were not available and the permit was never signed off. He did not know if the plans reflected how the structure was actually built. The building extended into the setback and was not strong enough, and Inspector Strawn wanted an engineer's opinion of how to remedy the situation.

Motion made by Mr. Young, seconded by Ms. Horn, to order compliance within 90 days, by 4/24/07 or a fine of \$25 per day, per violation, would be imposed. Motion passed with Mr. Mitchell opposed.

Case: CE06111431

Peter & Cindy Shaw
1100 Northeast 14th Avenue

Ms. Mohammed announced that certified mail sent to the owner was accepted on 12/29/06.

Mr. Mohammed Malik, Building Inspector, testified to the following violation:

- FBC 105.2.18 : INSTALLED NEW WOOD FENCE WITHOUT PERMITS.

Inspector Malik stated he had a stipulated agreement with the owner to comply within 90 days or \$100 per day.

Motion made by Mr. Mitchell, seconded by Mr. Young, to accept the stipulated agreement and order compliance within 90 days, by 4/24/07 or \$100 per day. Board unanimously approved.

Case: CE04061917

Thomas A. Landmeier
1128 Northeast 16th Street

Ms. Mohammed announced that this case was first heard 10/26/04 to comply by 4/24/05: 4 sections at \$50 per day, per violation. Extensions had been granted from 5/24/05 to 8/23/05, from 2/28/06 to 5/23/06, from 7/25/06 to 9/26/06, from 9/26/06 to 11/28/06 and from 11/28/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. Thomas Landmeier, owner, explained that his plans had been rejected by mechanical and structural inspectors. He had already met with City staff to discuss corrections and planned to resubmit the plans within two weeks. He requested a 60-day extension to provide the Board with the next update, by which time he hoped to have all permits.

Mr. Mohammed Malik, Building Inspector, said he did not object to an extension because Mr. Landmeier was very diligent and kept Inspector Malik well informed.

Motion made by Mr. Phillips, seconded by Ms. Horn, to grant a 60-day extension to 3/27/07. Board unanimously approved.

Case: CE04091130

Dom & John Development LLC
1344 Northeast 4th Avenue

Ms. Mohammed announced that this case was first heard 1/25/05 to comply by 7/24/05: 3 sections at \$50 per day, per violation. Extensions had been granted from 3/28/06 to 5/23/06, from 5/23/06 to 8/22/06 and from 9/26/06 to 11/28/06, from 11/28/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. Eric Carbonell, representing Dom & John Development, stated that the demolition permit was pulled and the building demolished. He requested an extension to have the final inspection.

Mr. Mohammed Malik, Building Inspector, said they were "an inch away" from compliance, and he had no objection to an extension.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to grant a 30-day extension to 2/27/07. Board unanimously approved.

Case: CE06050511

Isaac Fryd Trust
4950 West Prospect Road

Ms. Mohammed announced that this case was first heard 7/25/06 to comply by 1/23/07: 4 sections at \$50 per day, per violation. The property was not complied and the owner was requesting additional time to comply.

Mr. Charles Curran, employee, said they had the permit for the emergency lights, a receipt for the fire door order and a set of plans. He requested 90 days to complete the work.

Ms. Ivett Spence-Brown, Fire Inspector, objected to another 90 days; she felt this had taken too long already. She said all the violations were corrected except for the spray booth installation.

Mr. Curran said he had filed with the EPA this week as soon as he had received the plans.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to grant a 60-day extension to 3/27/07. Board unanimously approved.

Case: CE05061509

Kilnock Inc.

837 North Fort Lauderdale Beach Boulevard

Ms. Mohammed announced that this case was first heard 7/26/05 to comply by 8/23/05: 12 sections at \$100 per day, per violation. Extensions had been granted from 9/27/05 to 1/24/06, from 1/24/06 to 2/28/06, from 2/28/06 to 5/23/06, from 5/23/06 to 8/22/06, from 8/22/06 to 10/24/06, and from 10/24/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. Jean-Pierre DaSilva, contractor, explained that the drawings had been returned for revisions and requested a 90-day extension.

Mr. Wayne Strawn, Building Inspector, confirmed that there were 7 permit applications made in 2005 and 2006, but no permits had been issued. There were old permits issued on the property in 2003 and 2005 that had expired with no performance.

Mr. Kenneth Trent, attorney, explained that the expired permits were for a previous owner and the old applications were from a former contractor who had abandoned the job. Mr. DaSilva informed Mr. Phillips that the drawings had all been redone and 5-Star Construction would be the general contractor. He described the work that remained to be done that was addressed on the plans.

Motion made by Mr. Phillips, seconded by Mr. Young, to grant a 90-day extension to 4/24/07. Motion passed with Mr. Mitchell opposed.

Case: CE04032185

Ward Harris Properties Inc.

2901 East Las Olas Boulevard

Ms. Mohammed announced that this case was first heard 1/25/05 to comply by 4/25/05: 6 sections at \$100 per day, per violation. Extensions had been granted from 5/24/05 to

7/26/05; from 7/26/05 to 9/27/05; from 9/27/05-1/24/06 due to hurricanes, from 1/24/06 to 4/25/06; from 5/23/06 to 7/25/06; from 7/25/06 to 8/22/06; from 8/22/06 to 9/26/06, from 9/26/06-10/24/06 and from 10/24/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. Kenneth Trent, attorney for the owner, reported that his research revealed that there was a permit for the walk-in cooler issued to a tenant in 1985. He explained that Inspector Strawn had met with the Jodie Oberholtzer, their general contractor, and they had submitted plans to the City.

Mr. Wayne Strawn, Building Inspector, presented photos of the property and noted that a permit must be pulled for the change to the floor plan. The plans already submitted were only for the windows, so plans must be resubmitted and reviewed by all departments.

Mr. Trent explained that the shelves had been installed to separate the alcohol sales from the gas station to satisfy the DBPR.

Inspector Strawn recommended a 60-day extension.

Motion made by Mr. Phillips, seconded by Mr. Young, to grant a 60-day extension to 3/27/07. Motion passed with Mr. Mitchell opposed.

Case: CE03120005

John & Georgiann Bria
219 Southwest 21st Terrace

Ms. Mohammed announced that this case was originally heard on 3/23/04 with compliance ordered by 7/21/04: 2 sections at \$100 per day, per violation. The date was extended from 7/27/04 to 11/24/04, from 1/25/05 to 3/26/05, from 3/22/05 to 5/24/05, from 5/24/05 to 8/23/05, from 9/27/05 to 11/22/05, from 11/23/05 to 1/24/06 due to Hurricane Wilma, from 2/28/06 to 4/25/06, from 4/25/06 to 7/25/06, from 7/25/06 to 10/24/06 and from 10/24/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. John Bria, owner, explained that the plans had been re-submitted to the City in October after the Building Department lost them. He stated he needed a Clean Air license from the County. Once he had this, he could resubmit the plans to the City.

Mr. Ken Reardon, Building Inspector, recommended a 180-day extension.

Motion made by Mr. Young, seconded by Mr. Phillips, to grant a 180-day extension to 7/24/07. Board approved 6-0.

Case: CE03121170

Stephen Francis Arciero
3890 Davie Boulevard

Ms. Mohammed announced that this case was originally heard on 7/26/05 with compliance ordered by 11/22/05: 5 sections at \$50 per day, per violation. The date had been extended from 2/28/06 to 5/23/06, from 5/23/06 to 9/26/06 and from 9/26/06 to 1/23/07.

Mr. Tom Andrews, manager, explained that the plans were in review, and requested a 60-day extension.

Mr. Wayne Strawn, Building Inspector, confirmed that all issues were resolved except the air conditioning, and said he had no objection to a 60-day extension.

Motion made by Mr. Mitchell, seconded by Mr. Young, to grant a 60-day extension to 3/27/07. Board unanimously approved.

Case: CE05091942

Alberto C. & Esther Merino
1355 Southwest 26th Avenue

Ms. Mohammed announced that this case was first heard on 3/28/06 with compliance ordered by 6/27/06: 1 section at \$50 per day; the case was continued from 7/25/06 to 8/22/06 and 8/22/06 to 9/26/06 at the request of the owner's attorney and an extension was granted from 9/26/06 to 11/28/06. The property was not complied and the owner was requesting additional time to comply.

Mr. Ken Reardon, Building Inspector, testified that the permit had been issued on 10/30/06 and he considered the violation complied. He did not recommend any decision on fines because the permit had not passed final inspection yet.

Mr. Jolly recommended continuing the case for 30 days and then considering the request for abatement.

Ms. Roche explained the situation to Ms. Merino in Spanish.

Motion made by Mr. Mitchell, seconded by Mr. Young, to grant a 30-day continuance to 2/27/07. Board unanimously approved.

Case: CE06050647

Gina L. Villavicencio
1145 Northeast 5th Terrace

Ms. Mohammed announced that service was via posting at the property and City Hall on 1/9/07 and the inspector had a stipulated agreement with the owner.

Mr. Mohammed Malik, Building Inspector, testified to the following violations:

- FBC 105.1 : THERE HAVE BEEN PHYSICAL ALTERATIONS AND IMPROVEMENTS TO THE BUILDING WITHOUT FIRST OBTAINING THE REQUIRED BUILDING PERMIT. SUCH ITEMS INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:
 1. INSTALLED NEW WINDOWS
 2. INSTALLED NEW FENCE
- FBC 105.2.18 : INSTALLED NEW FENCE WITHOUT PERMITS.

Inspector Malik stated he had a stipulated agreement with the owner to comply within 120 days or \$50 per day, per violation.

Motion made by Mr. Mitchell, seconded by Mr. Young, to accept the stipulated agreement and order compliance within 120 days, by 5/22/07 or \$50 per day, per violation. Board unanimously approved.

Case: CE04120753

Rick & Linda Williams
1450 Southwest 21st Terrace

Ms. Mohammed announced that this case was first heard on 5/24/05 with compliance ordered by 11/22/05: 1 section at \$100 per day. The date had been extended from 11/23/05 to 1/24/06 due to Hurricane Wilma, from 1/24/06 to 7/25/06 and from 8/22/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. Rick Williams, owner, explained that the fencing was complete, the shutters had been installed, but he still must demolish the carport. He requested a 180-day extension.

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

Mr. Williams explained to Mr. Young that he had experienced health issues and a divorce in the past year and this had delayed the work.

Motion made by Mr. Young, seconded by Ms. Roche, to grant a 180-day extension to 7/24/07. Board unanimously approved.

Case: CE05090061

Harbourage Place Condo Association Inc.
3055 Harbor Drive

Ms. Mohammed announced that this case was first heard 2/28/06 to comply by 5/23/06: 1 section at \$250 per day. The date was extended from 7/25/06 to 10/24/06 and from 10/24/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. Mark Benjamin, property manager, requested a 90-day extension.

Mr. Jorge Mederos, Fire Inspector, stated there had been many challenges, but the manager had been working to correct the problems, and he did not object to the extension.

Motion made by Mr. Young, seconded by Mr. Mitchell, to grant a 90-day extension to 4/24/07. Board unanimously approved.

Case: CE03041279

Rudolph Herman & Anker Pearce
3133 Southwest 16th Street

Ms. Mohammed announced that this case was first heard 7/22/03 to comply by 9/20/03 and 1/22/04: 5 sections at \$10 per day, per violation. Extensions had been granted from 8/22/06 to 11/28/06 and from 11/28/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Mr. Rudy Herman, the new owner, reminded the Board that he had recently purchased the property aware of the violations. He informed the Board that 5 of the 7 violations were now complied and requested 120 days to complete repairs. He also requested that fines be abated when he returned in 120 days. He explained that he was holding money in escrow for the previous owner, a retiree.

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

Motion made by Mr. Mitchell, seconded by Mr. Young, to grant a 120-day extension to 5/22/07. Board approved unanimously.

Case: CE04062158

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

Ms. Mohammed announced that this case was first heard 7/26/05 to comply by 11/22/05: 3 sections at \$10 per day, per violation. Extensions had been granted from 3/28/06 to 5/23/06 and from 10/24/06 to 1/23/07. The property was not complied and the owner was requesting additional time to comply.

Ms. Flavie St. Pris, owner, testified through an interpreter, Rolin Alexis, her son-in-law, and indicated that the violations were complied.

Mr. Wayne Strawn, Building Inspector, informed Mr. Alexis that a permit was required for the alterations. Mr. Alexis thought that the alterations could remain because they were present when his mother-in-law purchased the home. Inspector Strawn explained

that this had been the problem from the case's start: the owner's belief that the alterations were allowed because a previous owner had done the work.

Chair Hale advised Ms. St. Pris and Mr. Alexis to consult with Supervisor Bradley regarding the permit process. Inspector Strawn said the owner could not just tear off the addition; the wall must be restored as well. He remarked that he had seen no progress on the property since the shed was torn down.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to grant a 60-day extension to 3/27/07. Board approved unanimously.

The Board broke for lunch from 12:06 to 1:06.

Case: CE03101792

New River Dry Dock Inc.
2200 Marina Bay Drive East

Ms. Mohammed announced that this case was first heard 11/25/03 with compliance ordered by 12/10/03: 31 sections at \$100 per day, per violation. Ms. Mohammed reported that 22 sections were now complied and 9 sections were still open. Extensions had been granted from 1/27/04 to 5/26/04, from 5/25/04 to 8/25/04, from 8/24/04 to 2/22/05, from 2/22/05 to 8/23/05, from 8/23/05 to 2/28/06, from 2/28/06 to 3/28/06, from 3/28/06 to 4/25/06, from 4/25/06 to 5/23/06, from 5/23/06 to 10/24/06 and from 10/24/06 to 11/28/06. On 5/23/06, the Board had ordered that no boats occupy the property at any time. The property was not complied and the owner was requesting additional time to comply.

Mr. Douglas Bates, attorney, explained that they had a letter of intent from a prospective buyer but the boat was still present. Mr. Bates stated they had a January 31 deadline to obtain a signed asset purchase agreement, an LOI and bid procedures to present to the bankruptcy court showing the property would be sold. These had been demanded by the secured creditor. Mr. Bates reported that the prospective owner intended to run the property as a marina and had the money to do this. They were setting up a meeting with Mr. Bates, Mr. Wickman, the buyer and Inspector Strawn to outline the steps the new owner must take to comply the property.

Mr. Robert Wickman, owner, said he believed the boat was seaworthy, and he had considered cutting it up on the spot to create an artificial reef. Mr. Bates said the purchaser had taken into account the remediation costs for the violations, including removing the boat. He added that the Wickmans were accepting much less for the property than the appraised value, partly due to the cost of complying code violations.

Ms. Roche felt the City should lien the property now to be sure the purchaser did not try to avoid the responsibility for the violations and the accrued fines. Mr. Bates stated they were concerned that a lien would negatively affect the property's sale at an auction. The new owner could end up being someone who "trolls for bankruptcies." Ms. Roche

reminded Mr. Bates that he could not speak for the new owner, and the new owner might claim that the City was estopped from enforcing an order unless it was recorded.

Mr. Bates presented a copy of the LOI signed by the prospective buyer and added that the buyer had been given a copy of the Code Enforcement Board agenda describing the violations.

The Assistant City Attorney informed Mr. Phillips that the City could not file a claim of lien until the Board imposed the fine.

Mr. Bates explained that according to the bankruptcy code, any claims are attached to the proceeds of the sale.

Ms. Mohammed confirmed that the Board's order had not been recorded.

Mr. Wickman reminded the Board that the property had been closed to operations and he was certain a lien would chill the sale.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to grant a 60-day extension. Mr. Mitchell withdrew this motion so the Board could hear the inspectors' opinions.

Inspector Strawn and Inspector Kisarewich reminded the Board that as long as the boat was present, 9 fire code violations remained active. Mr. Phillips remarked that nothing had changed at the property, but the bankruptcy might solve the problems and the new owner would remediate.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to grant a 30-day extension. In a roll call vote, motion failed 3-3 with Ms. Roche, Mr. Young and Chair Hale opposed.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to grant a 60-day extension. In a roll call vote, motion failed 3-3 with Ms. Roche, Mr. Young and Chair Hale opposed.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to find the Board's order had not been complied with and to impose a fine of \$49,500 and fines continue to accrue until the violations are complied, and to record the order. In a roll call vote, motion passed 4-2 with Mr. Mitchell and Mr. Phillips opposed.

Case: CE05121203

Audrey Demuth
2902 Northwest 69th Court

Ms. Mohammed announced that personal was made by Inspector Strawn on 1/9/07.

Mr. Wayne Strawn, Building Inspector, testified to the following violations:

- 105.1 : FENCING HAS BEEN INSTALLED ON THE EAST AND WEST SIDES OF THE PROPERTY WITHOUT OBTAINING THE REQUIRED PERMITS.

- 47-19.5.E.3.: THE GATES INSTALLED IN THE FENCING ON THE EAST SIDE OF THE PROPERTY SWING OVER THE PUBLIC RIGHT OF WAY.
- 47-19.5.E.5.: THE FENCING INSTALLED ON THE EAST SIDE OF THE PROPERTY HAS NO PROVISION TO BREAK UP THE LINEAR ASPECT AND MONOTONOUS APPEARANCE OF THIS CONTINUOUS FENCING.
- 47-34.1.A.1.: THE FENCING ON THE EAST SIDE OF THE PROPERTY DOES NOT HAVE THE REQUIRED SETBACK FROM THE PUBLIC RIGHT OF WAY AS REQUIRED BY TABLE 1, SECTION 47-19.5.B. U.L.D.R.

Inspector Strawn explained that once the fence came down, it had lost its grand fathered-in status and the owner had repaired it without a permit, including the installation of new posts. He recommended ordering compliance within 90 days or a fine of \$10 per day, per violation.

Motion made by Mr. Mitchell, seconded by Mr. Young, to order compliance within 90 days, by 4/24/07 or a fine of \$10 per day, per violation. Board approved unanimously.

Case: CE06020537

Michael L. Davis
2315 Northwest 13th Street

Ms. Mohammed announced that Inspector Strawn had a stipulated agreement with the owner to comply.

Mr. Wayne Strawn, Building Inspector, testified to the following violations:

- 25-13 : THE SWALE HAS BEEN PAVED OVER ON THE WEST AND EAST SIDE OF THE PROPERTY. NO VALID PERMITS EXIST FOR THE PAVING ADJACENT TO THE PAVEMENT OF THE PUBLIC STREET.
- FBC 105.1 : ALTERATIONS OF THE DWELLING AND STRUCTURES ERECTED ON THE PROPERTY HAVE BEEN DONE/COMPLETED WITHOUT OBTAINING THE REQUIRED PERMITS. THE WORK INCLUDES:
 1. WINDOW AND DOOR CHANGE OUTS THROUGHOUT THE BUILDING.
 2. LARGE SHED CONSTRUCTED IN THE REAR YARD.
 3. CAR CANOPY STRUCTURE BUILT ON THE EAST SIDE OF BLDGIN ADDITION PERMIT 04060856 TO INSTALL CONCRETE APRONS ON THE R.O.W. TO CONNECT THE DRIVEWAY HAS EXPIRED AND BECOME NULL AND VOID. THE CONCRETE WORK IN THE SWALE ON THE EAST AND WEST SIDES OF THE PROPERTY NOW EXISTS AS WORK WITHOUT A VALID PERMIT.
- FBC 105.2.11 : AIR CONDITIONING UNITS HAVE BEEN INSTALLED WITHOUT OBTAINING THE REQUIRED PERMITS.

Inspector Strawn informed the Board he had a stipulated agreement with the owner to comply within 90 days or a fine of \$25 per day, per violation.

Motion made by Mr. Young, seconded by Ms. Roche, to accept the stipulated agreement and order compliance within 90 days, by 4/24/07 or a fine of \$25 per day, per violation. Board unanimously approved.

Case: CE06111419

Bibiane Blanc
1325 Chateau Park Drive

Ms. Mohammed announced that Inspector Malik had a stipulated agreement with the owner to comply.

Mr. Mohammed Malik, Building Inspector, testified to the following violation:

- FBC 105.2.18 : INSTALLED, REPLACED NEW FENCE WITHOUT PERMITS.

Inspector Malik informed the Board he had a stipulated agreement with the owner to comply within 90 days or a fine of \$50 per day.

Motion made by Mr. Phillips, seconded by Mr. Young, to accept the stipulated agreement and order compliance within 90 days, by 4/24/07 or \$50 per day. Board unanimously approved.

Case: CE06111428

Suzannah Ludlow
1380 Southwest 25th Avenue

Ms. Mohammed announced that certified mail addressed to the owner was accepted on 1/5/07.

Mr. Mohammed Malik, Building Inspector, testified to the following violation:

- FBC 105.2.18: INSTALLED NEW IRON FENCE WITH WOOD POST, WITHOUT PERMITS.

Inspector Malik informed the Board he had a stipulated agreement with the owner to comply within 90 days or \$25 per day.

Motion made by Mr. Young, seconded by Mr. Mitchell, to accept the stipulated agreement and order compliance within 90 days, by 4/24/07 or a fine of \$25 per day. Board unanimously approved.

Case: CE06110963

Diana Investments Trust/Edgar Lendian Trustee
704 Southwest 27th Avenue

Ms. Mohammed announced that certified mail sent to the tenant was accepted on 1/5/07.

Thomas Clements, Fire Inspector, testified to the following violation:

- NFPA 1 1.7.5.1 : UNABLE TO GAIN ENTRY TO PERFORM FIRE SAFETY INSPECTION.

Inspector Clements stated he had left several messages but never been contacted with a reply, and wanted to warn the owner with the possibility of a fine. He recommended ordering compliance within 30 days or a fine of \$50 per day.

Motion made by Mr. Young to order compliance within 30 days or a fine of \$50 per day. Mr. Young withdrew this motion because the owner had not been noticed [only the tenant had].

Case: CE06110967

Trevor A. Michelin
3913 Davie Boulevard

Ms. Mohammed announced that certified mail sent to the owner was accepted [no date] and certified mail addressed to the tenant was accepted on 12/29/06.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:

- FBC 105.1: INTERIOR RENOVATION HAS BEEN DONE WITHOUT A PERMIT.

Inspector Clements explained that the tenant had combined two spaces inside the building. He recommended ordering compliance within 30 days or \$100 per day.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to order compliance within 30 days, by 2/27/07 or \$100 per day. Board approved unanimously.

Case: CE06111045

John Dokimos & Middle River Oasis LLC
524 Bayshore Drive

Ms. Mohammed announced that certified mail sent to the owner and registered agent were accepted on 12/23/06.

Mr. Robert Kisarewich, Fire Inspector, testified to the following violations:

- NFPA 1 11.1.2 : THE COVER PLATE OF THE CIRCUIT BREAKER BOX IN THE LAUNDRY ROOM IS NOT INSTALLED.
- NFPA 1 4.5.8.1: THE EMERGENCY LIGHT BY ROOM # 205 HAS NOT BEEN MAINTAINED.

Inspector Kisarewich recommended ordering compliance within 30 days or \$250 per day, per violation.

Mr. Phillips asked why Inspector Kisarewich was recommending such a large fine; Inspector Kisarewich stated he had tried to work with the owner, but they had "completely ignored" him.

Motion made by Ms. Horn, seconded by Mr. Young, to order compliance within 30 days, by 2/27/07 or \$250 per day, per violation. Motion passed 4-2 with Mr. Phillips and Mr. Mitchell opposed.

Case: CE05041036

Hearing to Impose Fine

Bonefish Property Management Corp.
1433 Northeast 5th Avenue

Ms. Mohammed announced that this case was first heard on 3/28/06 with compliance ordered by 9/26/06: 1 section at \$50 per day. The property was complied on 10/4/06 and the City was requesting imposition of the \$350 fine. Service of this hearing was via posting at the property and City Hall on 1/12/07.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to find the property was not complied by the ordered date and to impose the \$350 fine. Motion passed 4-2 with Mr. Phillips and Ms. Horn opposed.

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:

CE06040598	CE06111133	CE06111160	CE06110982
CE06111019	CE06111079	CE06111098	

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:

CE06040492	CE06080836	CE06041818	CE06110963
CE06110964			

Cases Withdrawn

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

CE06031015	CE06051044
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Approval of Meeting Minutes

Motion made by Mr. Phillips, seconded by Mr. Young, to approve the minutes of the Board's November 2006 minutes. Board unanimously approved.

There being no further business to come before the Board, the meeting adjourned at 2:00 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.