

CODE ENFORCEMENT BOARD

City Commission Meeting Room

100 North Andrews Avenue

August 28, 2007

10:00 A.M. – 1:43 P.M.

<u>Board Members</u>	<u>Attendance</u>	<u>1/31/2007 to 1/30/2008</u>	
		<u>Present</u>	<u>Absent</u>
Rixon Rafter, Chair	P	6	1
Myrnabelle Roche, Vice Chair	A	5	2
Howard Elfman	P	6	0
Genia Ellis	P	6	0
John Greenfield	P	4	0
Sam Mitchell	P	6	1
John Phillips	P	6	1
Patricia Rathburn [alternate]	A	0	
Jan Sheppard [alternate]	A	3	
Doug White [alternate]	P	2	

Staff Present

Assistant City Attorney
Bruce Jolly, Board Attorney
Farida Mohammed, Clerk, Code Enforcement Board
Debra Maxey, Clerk 3
Mark Campbell, Secretary, Code Enforcement Board
Lindwell Bradley, Code Supervisor
Brian McKelligett, Administrative Assistant II
Steve Paine, Fire Inspector
Thomas Clements, Fire Inspector
Wayne Strawn, Building Inspector
Jorg Hruschka, Building Inspector
Robert Kisarewich, Fire Inspector
Mohammed Malik, Building Inspector
Wilfret Anderson, Fire Inspector
Jamie Opperlee, Recording Secretary
Ivett Spence-Brown, Fire Inspector
Jeff Lucas, Fire Inspector

Also Present:

CE06060130: Dana Dickinson, owner
CE06050647: Gina Villavicencio, owner
CE07022152: Patricia Hayes, owner
CE04051739; CE04051740: Anthony Zannini, owner
CE00041078: Thomas Loudon, officer of company; Robert Parker, manager
CE06030178: Edgar Marquez, owner
CE07030441: Esa Natour, owner
CE06020537: Michael Davis, owner

CE04060813: Cesar Sordo, attorney
CE07021449: William Buck, owner
CE05060301; CE07012039: Monica Churchill, manager/tenant
CE07040542: Bradley Young, project manager
CE05120450: Cesar Rojas, tenant
CE07040131: Houen Sapp, owner
CE03030470: John White, pastor
CE07040523: Kelly Parrish, property manager
CE06101576: Craig Pierson, owner
CE05061509: John Fuller, general contractor
CE06060258: Lenora Fernandez, owner, Subryan Perumal, owner
CE03060710: Dane Graziano, company vice president, Richard Lawrence, project manager
CE04081702: Harry Arthur, general contractor; Alex Charfen, owner
CE05080073: Simeon Jacobs, general contractor; Larry Shendell, attorney
CE06111008; CE06111013: David Butters, owner
CE07010240: Lannie Hankerson Rawls, owner
CE04100313: Abraham Narkes, owner
CE07061043: Amjad Hammad, owner
CE06091348: John Pineres, representative of the owner
CE07040572: Gary Keenan, agent; Agustin Pujols, engineer
CE06110989: Robert Symington, owner

Chair Rafter called the meeting to order at 10:07 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: CE05061509

Request for Extension

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. The property was not complied and the respondent was requesting additional time to comply.

Mr. John Fuller, representative of the general contractor, requested an additional 60 days to comply. He said all permits had been issued and work was progressing.

Mr. Jorg Hruschka, Building Inspector, stated he supported the extension request.

Motion made by Mr. Phillips, seconded by Ms. Ellis, to grant a 60-day extension. Board unanimously approved.

Case: CE03030470

Mount Hermon African Methodist
Episcopal Church Inc.
711 Northwest 4th Street

Vacate Orders of 7/22/03 and 4/27/04

Ms. Mohammed stated the City was requesting vacation of the orders dated 7/22/03 and 4/27/04 and dismissal of the case.

Motion made by Mr. Phillips, seconded by Mr. Greenfield to vacate the orders dated 7/22/03 and 4/27/04 and dismiss the case. Board unanimously approved.

Case: CE05090926

Mount Hermon African Methodist
Episcopal Church Inc.
711 Northwest 4th Street

Imposition of fines

Ms. Mohammed announced this case was first heard 1/24/06 to comply by 7/25/06. Time for compliance extended from 8/22/06 to 2/27/07 and from 2/27/07 to 8/28/07. The property was not complied and the respondent was present to request additional time.

Mr. John White, church Pastor, said they had the permit to demolish the building.

Mr. Wilfret Anderson, Fire Inspector, confirmed that the permit had been pulled and the building was to be demolished. He stated there were no life safety issues.

Motion made by Mr. Mitchell, seconded by Mr. Greenfield, to grant a 90-day extension. Board unanimously approved.

Case: CE06111008

Sam & Nat Butters
% N & S Butters
2003 Northwest 62nd Street # 105C

Request for extension

Ms. Mohammed announced that this case was originally heard on 1/23/07 with compliance ordered by 3/27/07: 1 section at \$50 per day. Time for compliance extended from 6/26/07 to 8/28/07. The property was not complied and the respondent was present to request an extension of time.

Mr. David Butters, owner, said the boat permits were closed out and they had assumed they were finished. Inspector Spence-Brown had visited the property and informed him one of the boats had no fire inspection. Mr. Butters was now scheduling the fire inspection. He requested a 30-day extension.

Ms. Ivett Spence-Brown, Fire Inspector, said the property was complied because the permit had been pulled. One boat did need a fire final inspection, but this was a different issue. She said she did not object to abatement of the fine.

Motion made by Mr. Phillips, seconded by Mr. Greenfield, to abate the fine. Board unanimously approved.

Case: CE06111013

Request for extension

Sam & Nat Butters
% N & S Butters
2005 Northwest 62 Street # 207

Ms. Mohammed announced that this case was originally heard on 1/23/07 with compliance ordered by 3/27/07: 1 section at \$50 per day. The property was not complied and the respondent was present to request an extension of time.

Ms. Ivett Spence-Brown, Fire Inspector, said this property was complied as well.

Motion made by Mr. Phillips, seconded by Ms. Ellis, to abate the fine. Board unanimously approved.

Case: CE04081702

Request for Extension

Alex Charfen
1135 Northeast 12th Avenue

Ms. Mohammed announced that this case was first heard on 5/24/05 with compliance ordered by 8/23/05: 4 sections at \$50 per day. The property was not complied and the owner was requesting an extension.

Mr. Alex Charfen, owner, listed all work completed at the property. Mr. Charfen said that he and his wife were employed in the real estate industry and recently had not been able to devote as much income to the property as they would have liked. He had met with Inspector Malik and determined exactly which items remained to comply the property. Mr. Charfen was certain the property would be complete in 90 days.

Mr. Mohammed Malik, Building Inspector, said the property could be complied in one of two ways: all permits must be pulled or all illegal work must be removed. Mr. Charfen had decided to remove all of the illegal work.

Mr. Charfen said the recorded order on the property was preventing him from obtaining funding. This was why he had decided to remove the illegal work to comply the property as quickly as possible. He could then move to refinance the property.

Motion made by Mr. White, seconded by Mr. Phillips, to grant a 90-day extension. Motion approved 6 – 1 with Mr. Mitchell opposed.

Case: CE05080073

Request for extension

Asoka Condo Association Inc.
1336 Holly Heights Drive

Ms. Mohammed stated that this case was first heard on 9/27/05 to comply by 10/25/05: 7 sections at \$250 per day, per violation. Extensions had been granted as stated on the agenda. The property was not complied and the respondent was requesting additional time to comply.

Mr. Simeon Jacobs, general contractor, stated three of the four properties were now complied. Final inspection for the swimming pool had been scheduled for the previous day, but the Inspector had postponed it.

Mr. Jorg Hruschka, Building Inspector, had no objection to a 30-day extension.

Motion made by Mr. Phillips, seconded by Mr. White, to grant a 30-day extension. Board unanimously approved.

Case: CE07040572

Request for extension

Richard & Marcie Spreen
6680 Northwest 17th Avenue

Ms. Mohammed announced that this case was originally heard on 5/22/07 with compliance ordered by 7/24/07: 1 section at \$50 per day. The property was not complied and the respondent was requesting an extension.

Mr. Agustin Pujols, engineer, said they had been working diligently; corrections had been submitted the previous day to the plans that were originally submitted in June. He requested a 90-day extension.

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

Motion made by Mr. Phillips, seconded by Mr. White, to grant a 90-day extension. Board unanimously approved.

Case: CE07040523

Request for extension

J. Perry & Joyce Knight
% Kelly Parrish, Property Manager
776 Northwest 57th Court

Ms. Mohammed announced that this case was first heard on 5/22/07 with compliance ordered by 6/26/07: 1 section at \$250 per day. Time for compliance extended from 6/26/07 to 8/28/07. The property was not complied and the respondent was requesting an extension.

Ms. Kelly Parrish, property manager, said all plans had been submitted to the City for a permit. She requested additional time to comply.

Ms. Ivett Spence-Brown, Fire Inspector, explained that the violations had been issued to the tenant who had not informed the owner. The management company was now working to comply the problems and she did not object to an extension. She confirmed that the second floor was used for storage, not for offices.

Motion made by Mr. Philips, seconded by Mr. Mitchell, to grant a 90-day extension. Motion passed 5 – 2 with Mr. Mitchell and Mr. White opposed.

Case: CE07061043

Stipulated agreement

A&M Investments of America LLC
3220 West Broward Boulevard

Ms. Mohammed announced that certified mail addressed to the owner and registered agent had been accepted on 8/14/07.

Violations:

NFPA 1 1.12.1

ALTERATIONS DONE WITHOUT OBTAINING A PERMIT.

NFPA 1 1.7.6

THE ELECTRICAL BREAKER THAT SERVICES THE EXIT AND EMERGENCY LIGHTS IS NOT MARKED.

NFPA 1 10.13.1.1

ADDRESS IS NOT PROVIDED ON THE ADDRESS SIDE OF THE STRUCTURE CONSISTENT WITH THE CODE.

NFPA 1 13.6.3.10

FIRE EXTINGUISHERS ARE NOT MOUNTED CONSISTENT WITH THE CODE.

NFPA 1 13.6.6.1.1

FIRE EXTINGUISHERS ARE NOT PROVIDED WITHIN 75 FOOT TRAVEL DISTANCE.

NFPA 10 6.3.1

THE FIRE EXTINGUISHERS HAVE NOT BEEN SERVICED AND TAGGED BY A STATE LICENSED COMPANY WITHIN THE PAST 12 MONTHS.

Mr. Thomas Clements, Fire Inspector, testified he had a stipulated agreement with the owner to comply NFPA 1 1.12.1 within 60 days or fine of \$100 per day, and to comply NFPA 1 1.7.6, NFPA 1 10.13.1.1, NFPA 1 13.6.3.10, NFPA 1 13.6.6.1.1 and NFPA 10 6.3.1 within 30 days or fine of \$50 per day, per violation.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to find in favor of the City, approve the stipulated agreement, and order compliance with NFPA 1 1.12.1 within 60 days or fine of \$100 per day, and with NFPA 1 1.7.6, NFPA 1 10.13.1.1, NFPA 1 13.6.3.10, NFPA 1 13.6.6.1.1 and NFPA 10 6.3.1 within 30 days or fine of \$50 per day, per violation.

Case: CE06020537

Hearing to impose fine

Michael L. Davis
2315 Northwest 13th Street

Ms. Mohammed announced that this case was first heard 1/23/07 to comply by 4/24/07: 3 sections at \$25 per day, per violation. Time for compliance extended from 5/22/07 to 7/24/07. The property was posted on 8/01/07 and also at City Hall on 8/16/07. The property was not complied, and the City was requesting imposition of a \$3,725 fine and its continued accrual until the property was complied.

Mr. Michael Davis, owner, requested an extension. He said he had run out of money complying the other violations and the only remaining issue was a permit for the windows and doors.

Mr. Wayne Strawn, Building Inspector, reported that the shed and the car canopy had been removed. Inspector Strawn reported Mr. Davis had removed eight-inch thick concrete paving from the swale. He confirmed that only the window and door violations remained.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to grant a 90-day extension. Board unanimously approved.

Case: CE07022152

Patricia Hayes
1306 Southeast 13th Terrace

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

Mr. Jorg Hruschka, Building Inspector, testified to the following violations:
FBC 105.1

- 1) AN EXTERIOR DOOR HAS BEEN INSTALLED IN THE KITCHEN.
- 2) THE KITCHEN HAS BEEN ALTERED.
- 3) THE CEILINGS AND SEVERAL WALLS HAVE BEEN REPLACED WITH NEW DRYWALL.
- 4) A BATHROOM HAS BEEN ALTERED.
- 5) STRUCTURAL REPAIRS AND ALTERATIONS TO THE EXTERIOR FRAME HAVE BEEN MADE IN THE FAMILY ROOM AND THE STORAGE ROOM.
- 6) THE BUILDING HAS BEEN ALTERED AND A PEDESTAL HAS BEEN CONSTRUCTED TO ACCOMMODATE THE INSTALLATION OF NEW DUCT WORK AND A FUTURE A/C UNIT.
- 7) EXPANSION FOAM INSULATION HAS BEEN SPRAYED ON THE ROOF TRUSS SYSTEM.
- 8) STUCCO REPAIRS HAVE BEEN MADE.

FBC 105.2.11

NEW DUCT WORK HAS BEEN INSTALLED. A PEDESTAL TO SUPPORT A FUTURE A/C UNIT HAS BEEN BUILT. THE ELECTRIC TO POWER FUTURE UNIT HAS BEEN INSTALLED.

FBC 105.2.4

KITCHEN AND BATHROOM FIXTURES HAVE BEEN REMOVED. NEW SHOWER HANDLES AND SHUT OFF VALVES HAVE BEEN INSTALLED. THE WATER HEATER HAS BEEN REPLACED. ALTERATIONS TO THE WATER SUPPLY AND SEWER LINES HAVE BEEN MADE.

FBC 105.2.5

THE FOLLOWING ALTERATIONS HAVE BEEN MADE

- 1) NEW CIRCUIT TO POWER WATER HEATER.
- 2) NEW CIRCUIT TO POWER A/C UNITS.
- 3) GENERAL PREMISE WIRING, INCLUDING EXTENSIVE REWIRING OF KITCHEN, BATHROOMS AND BEDROOMS.
- 4) NEW ELECTRICAL PANELS AND BREAKERS.
- 5) TELEPHONE AND COAXIAL CABLES HAVE BEEN INSTALLED.
- 6) HI-HAT LIGHTING HAS BEEN INSTALLED.

FBC 1604.1

THE REPAIRS TO THE STRUCTURAL FRAME MEMBERS IN THE GARAGE AND FLORIDA ROOM, INCLUDING ANCHORAGE AND CONNECTION, ARE NOT DESIGNED OR CONSTRUCTED IN ACCORDANCE WITH THE STRENGTH REQUIREMENTS FOR THE LOADS IMPOSED.

Inspector Hruschka said he had an agreement with Ms. Hayes to comply all violations within 120 days or fine of \$250 per day, per violation. Ms. Hayes had already hired an architect, who had submitted plans for permits. He felt within 120 days permits should be issued and some work should be done.

Ms. Patricia Hayes, owner, agreed. She said she had already spoken with Inspector Hruschka regarding requesting extensions if she felt she could not comply by the deadline.

Motion made by Mr. Greenfield, seconded by Ms. Ellis, to order compliance within 150 days or fine of \$250 per day, per violation. Board unanimously approved.

Case: CE06060130

Dana Dickinson
716 Northeast 19th Avenue

Continued from 7/24/07 hearing

Ms. Mohammed announced that this case was continued from the 7/24/07 hearing.

Mr. Jorg Hruschka, Building Inspector, reported that Ms. Dickinson had all the permits, and was only waiting for the last inspection. As far as he was concerned, the property was complied.

Case: CE07010240

Request for Extension

Leola Hankerson &
Lannie Hankerson Rawls
2800 Northwest 24th Street

Ms. Mohammed announced that this case was first heard on 2/27/07 with compliance ordered by 5/22/07: 3 section at \$20 per day, per violation. Time for compliance extended from 5/22/07 to 7/24/07. The property was not complied and the owner was requesting an extension.

Ms. Lannie Rawls, owner, requested additional time to comply. She explained that the first architect had not completed the job, and she had needed to hire another architect, who had begun working on the project on the 8th of August.

Mr. Wayne Strawn, Building Inspector, explained that the entire support structure for the roof had been replaced, so the only remaining violation was FBC 105.1. He did not object to an extension.

Motion made by Mr. White, seconded by Mr. Mitchell, to grant a 60-day extension. Board unanimously approved.

Case: CE07021449

Hearing to impose fine

William & Mary Buck
4836 Northeast 23rd Avenue # 25

Ms. Mohammed announced that this case was first heard 4/24/07 to comply by 5/22/07: 1 section at \$50 per day. Time for compliance extended from 6/26/07 to 7/24/07. The property was not complied, and the City was requesting imposition of the fine.

Mr. Jorg Hruschka, Building Inspector, recommended fines not be imposed as the owner was working diligently to comply the property. He did not object to an extension.

Mr. William Buck, owner, reported the permit application had been submitted on July 25 but the permit had not yet been issued. He requested a 60-day extension. Inspector Hruschka supported a 60-day extension.

Motion made by Mr. White, seconded by Mr. Phillips to grant a 60-day extension. Board unanimously approved.

Case: CE05120450

Request for Extension

D & D Resources LLC
400 Northeast 13th Street
Tenant: Valvoline Express

Ms. Mohammed announced that this case was originally heard on 10/24/06 with compliance ordered by 2/27/07: 3 sections at \$50 per day, per violation. Time for compliance extended from 2/27/07 to 3/27/07, from 3/27/07 to 5/22/07, from 5/22/07 to 7/24/07 and from 7/24/07 to 8/28/07. The property was not complied and the respondent was requesting an extension.

Mr. Cesar Rojas, the tenant, said one violation was complied. Work had been completed for the sign violation, but he was still awaiting inspection. Regarding the paving and the containers, Mr. Rojas said he had met with a contractor who should have plans submitted by the end of the week. He requested 30 days to resolve the sign violation and to obtain permits for the paving and the containers.

Mr. Mohammed Malik, Building Inspector, said he had not seen a major improvement since Mr. Rojas' last appearance. He had expected Mr. Rojas to hire a contractor and submit plans by now. Mr. Rojas explained he had hired the contractor, but the contractor had been in the hospital following bypass surgery. Mr. Rojas had met with another contractor recommended to him by his original contractor, who assured him plans would be submitted by the end of this week.

Motion made by Mr. White, seconded by Ms. Ellis, to grant a 30-day extension. Motion passed 4 – 3 with Mr. Elfman, Mr. Mitchell and Chair Rafter opposed.

Case: CE04051739

Request for Extension

Oasis Falls Condo Association Inc.
1424 Holly Heights Drive

Ms. Mohammed announced that this case was originally heard on 9/27/05 with compliance ordered by 10/25/05: 9 sections at \$250 per day per violation. The actions of the Board are as stated on the agenda. The property was not complied and the respondent was requesting an extension.

Mr. Anthony Zannini, owner, explained the electrician had submitted plans the previous Friday and some units were scheduled for inspection today. He requested a 60-day extension to complete the work.

Mr. Jorg Hruschka, Building Inspector, said when he had spoken with Mr. Zannini's brother the previous Friday and he had agreed to improve their diligence toward complying the property. Inspector Hruschka said he supported a 60-day extension.

Mr. White asked if violation FBC 704.3 was a life safety issue. Inspector Hruschka said this could be a life safety issue, but it was not an imminent concern.

Inspector Hruschka confirmed for Ms. Ellis that this was the case in which the City had lost the plans. Mr. Zannini confirmed that the architect had needed to redraw the plans to submit to the City.

Mr. Mitchell was very concerned about how long this case had dragged on without progress, regardless of the delay caused by the City's loss of the plans. Mr. Zannini explained the causes for the many delays, and stated they were acting in good faith to remediate all issues.

Motion made by Mr. Phillips, seconded by Mr. White, to grant a 60-day extension, with the understanding that this would be the last extension. Motion passed 6 – 1 with Mr. Mitchell opposed.

Case: CE04051740

Request for Extension

Oasis Falls Condo Association Inc.
1430 Holly Heights Drive

Ms. Mohammed announced that this case was originally heard on 9/27/05 with compliance ordered by 10/25/05: 7 sections at \$250 per day per violation. The actions of the Board are as stated on the agenda. The property was not complied and the respondent was requesting an extension.

Mr. Zannini requested 60 additional days for this property as well.

Motion made by Mr. White, seconded by Mr. Phillips, to grant a 60-day extension, with the understanding that this would be the last extension. Motion passed 6 – 1 with Mr. Mitchell opposed.

Case: CE07040542

Request for extension

Victoria's Corporate Plaza LLC
6245 Northwest 9th Avenue

Ms. Mohammed announced that this case was originally heard on 5/22/07 with compliance ordered by 7/24/07: 2 sections at \$100 per day, per violation. The property was not complied and the respondent was requesting an extension.

Mr. Bradley Young, project manager, presented a letter from his engineer indicating the need for a flow test for the sprinkler system. He had already applied for the test and the engineer felt it would take 14 days to have the tests conducted. The plans would then be resubmitted to the City. Mr. Young requested a 60-day extension.

Ms. Ivett Spence-Brown, Fire Inspector, recommended a 30-day extension, because this was a life safety issue in an occupied building.

Motion made by Mr. Mitchell, seconded by Mr. Elfman, to grant a 30-day extension. Motion passed 6 – 1 with Mr. White opposed.

Case: CE00041078

Hearing to impose fine

Salvation Army
1445 West Broward Boulevard

Ms. Mohammed announced that this case was originally heard on 5/23/2000 with compliance ordered by 7/22/2000: 2 sections at \$25 per day, per violation. The property was complied.

Mr. Steve Paine, Fire Inspector, recommended abatement of the \$350 fine because of the Salvation Army's work in the community.

Motion made by Mr. Greenfield, seconded by Mr. Phillips, to abate the fine. Board unanimously approved.

Case: CE07040131

Homer & Tracy Lavon Sapp
405 Northwest 19th Avenue

Ms. Mohammed announced that service was via the appearance of the owner at this hearing. Ms. Mohammed indicated Mr. Sapp had signed in for the hearing, but had left.

The Board moved the case to the end of the agenda to give Mr. Sapp a chance to return.

Mr. Sapp never returned to the hearing, and Ms. Mohammed announced the case would be rescheduled for lack of service.

Case: CE06030178

Hearing to impose fine

Gina Von Elbe & Edgar Raphael Marquez
1801 Northeast 20th Street

Ms. Mohammed announced that this case was originally heard on 11/28/06 with compliance ordered by 1/23/07: 1 section at \$50 per day. The property was not complied and the City was requesting imposition of the \$10,800 fine and its continued accrual until the property was complied. Ms. Mohammed explained that certified mail sent to the owner had been returned unclaimed and service was obtained by posting the property and at City Hall on 7/31/07.

Mr. Edgar Marquez, owner, explained they had moved to New York City 18 months ago and had no knowledge of the violations. He requested 30 days to comply the property. Mr. Marquez said some friends had taken care of the property for a few months. Ms. Mohammed confirmed that certified mail with notice of the first hearing sent to the address had been signed 11/16/06. Mr. Marquez said the green card signature was not his wife's; it was probably one of the caretakers'.

Mr. Jolly advised the Board to first consider Mr. Marquez's request for an extension.

Motion made by Mr. Phillips, seconded by Ms. Ellis, to grant a 30-day extension. Motion passed 6 – 1 with Mr. Mitchell opposed.

Case: CE06110989

Hearing to Impose Fine

CABO 6795 LLC
6795 Northwest 17th Avenue

Ms. Mohammed announced that this case was originally heard on 1/23/07 with compliance ordered by 3/27/07: 1 section at \$50 per day. Time for compliance extended from 6/26/07 to 8/28/07. The property was not complied and the owner was requesting an extension.

Mr. Robert Symington, owner, requested a 30-day extension.

Ms. Ivett Spence-Brown, Fire Inspector, had no objection to a 30-day extension.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, grant a 30-day extension. Board unanimously approved.

Case: CE04100313

Hearing to impose fine

Abraham & Ruth Narkes
3090 West Broward Boulevard # B

Ms. Mohammed announced that this case was originally heard on 10/26/04 with compliance ordered by 1/25/05: 1 section at \$50 per day. The property was not complied and the City was requesting imposition of a \$47,200 fine and its continued accrual until the property is complied. Ms. Mohammed stated certified mail notice of this hearing had been accepted on 7/28/07.

Mr. Abraham Narkes, owner, said a building permit had been issued in April 2004 and he provided the permit number. Mr. Narkes said the property had failed fire inspection; the Fire Inspector had wanted two smoke detectors installed. Mr. Narkes had then hired an electrical contractor to install smoke detectors and provided a permit number for this. The City had then issued a building permit, which was signed off and approved on July 21, 2005. Mr. Narkes said he had spoken with the building official this morning and requested 30 days to find proof of the inspection and the building permit.

Mr. Thomas Clements, Fire Inspector, said in 2004 he believed there had been a permit, but there was never a final inspection. He had checked computer records, and could not find the permit number Mr. Narkes had supplied. Inspector Clements recommended a 30-day extension to do more research.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, grant a 30-day extension. Board unanimously approved.

Case: CE03060710

Hearing to impose fine

Jack Rust Trust
1115 Northeast 9th Avenue

Ms. Mohammed announced that this case was first heard on 6/24/03 with compliance ordered by 12/24/03: 2 sections at \$50 per day, per violation. The property was not complied and the City was requesting imposition of a \$67,100 fine and its continued accrual until the property was complied. Ms. Mohammed stated certified mail notice of today's hearing had been accepted on 7/31/07.

Mr. Richard Lawrence, Project Manager, said they had been retained to comply the violations. He noted that the work was already 90% completed. The only issue remaining was acquiring permits for the corrections.

Mr. Dane Graziano, company Vice President, said they had been tenants in the building for 30 years. He explained that they had not been noticed, and requested a 90-day extension.

Mr. Jeff Lucas, Fire Inspector, said a permit had been pulled for the work, but the original contractor had died and the permit was voided. He was not sure if they could use the existing plans to obtain a permit or if new plans must be submitted and a new permit applied for.

Mr. Mitchell was certain the building official would not accept plans from 2004 and that an extension of 180 days would be more reasonable. Mr. Lindwell Bradley, Code Supervisor, suspected new plans would be required, but said that it would be at the discretion of the building official. Mr. Jorg Hruschka, Building Inspector, noted that additional work had been done and would need to be reflected in the plans intended for submission.

Motion made by Mr. Mitchell, seconded by Mr. White, to grant a 180-day extension. Board unanimously approved.

Case: CE06091348

Request for Extension

Donald Goldstein
3733 Southwest 12th Court

Ms. Mohammed announced that this case was originally heard on 10/24/06 with compliance ordered by 11/28/06: 3 sections at \$250 per day per violation. Extensions had been granted from 11/28/06 to 2/27/07, from 6/26/07 to 7/24/07 and from 7/24/07 to 8/28/07. The property was not complied and the respondent was requesting an extension.

Mr. John Pineres, representative of the owner, requested additional time to comply. He explained he had failed the inspection on the windows for framing issues and he must resubmit plans. They must also resubmit plans for the air-conditioning unit. He anticipated submitting the plans this week and requested 30 additional days to comply.

Mr. Jorg Hruschka, Building Inspector, said he did not object to an extension with the stipulation that another would not be granted because diligence had been very lackluster in this case.

Motion made by Mr. Phillips, seconded by Mr. White, to grant a 30-day extension, with the stipulation that no more extensions would be granted. Board unanimously approved.

Case: CE05060301

Hearing to impose fines

John Mink Revocable Trust/
Kevin Mink, Trustee
5780 Northwest 9th Avenue

Ms. Mohammed announced that this case was first heard on 7/26/05 with compliance ordered by 10/25/05: 8 sections at \$250 per day, per violation. The property was not complied and the City was requesting imposition of a \$1,342,000 fine and is continued accrual until the property was complied. Ms. Mohammed stated certified mail with notice of today's hearing was accepted.

Ms. Monica Churchill, a tenant and quasi-property manager, said she had assumed some responsibility for paying bills at the property and had put down a deposit to buy the property, but this could not go forward because of these issues. Ms. Mohammed said the notices had been sent to a Bellerose, New York address. Ms. Churchill said she was made aware of this hearing by postings at the property.

Mr. Jolly was unsure if Ms. Churchill was legally able to represent Mr. Mink here, but advised the Board that they may want to hear from her prior to imposing a fine.

Ms. Mohammed presented a letter dated 2004 from Mr. Kevin Mink, authorizing Ms. Churchill to act on the owner's behalf. Ms. Churchill explained that the water had been shut off and garbage service had ceased and she had sent a letter to Mr. Mink asking him to permit her to act on his behalf to get these issues resolved. She stated she had been dealing with Inspectors Kurtcock and Reardon and then Mr. Mink had become involved again and been in contact with Inspector Reardon directly to resolve issues at the property, but had later "dropped the ball" again.

Ms. Churchill said that the work at restaurant had been completed before she moved in.

Mr. Phillips noted that the letter informed Ms. Churchill to bring the property into compliance, which she had not done. Ms. Churchill said this was because Mr. Mink had dealt directly with Inspector Reardon, and she was not involved for a period of time again. She had only become involved now because of the postings at the property.

Mr. Phillips suggested that someone from the City should call Mr. Mink to inform him of what was happening. Ms. Churchill explained that the respective rents were going toward the water and garbage collection fees. Ms Churchill said she did not own the

property but did not want her business to fail because the property would be foreclosed upon.

Mr. Jolly explained it was not Ms. Churchill's responsibility to repair the property since she was not the owner.

Mr. Phillips wanted to defer the hearing for 60 days and requested that a copy of the Board's minutes be sent to Mr. Mink with the notice of the hearing. Mr. Jolly said this was not the Board's responsibility. Mr. Greenfield said he seconded Mr. Phillips's motion.

Mr. White wanted to find that the violations were not complied and impose the fines. Mr. Phillips said he wanted to give the benefit of the doubt to Mr. Mink and to try and protect the tenants.

Mr. Mitchell believed Mr. Mink knew about the violations. Mr. Phillips felt that there was enough confusion and potential harm to the tenants, that postponing for 60 days would do no harm. Mr. Mitchell reminded Mr. Phillips that Mr. Mink had corresponded with inspectors for some time.

Mr. Wayne Strawn, Building Inspector, said he had no personal knowledge about the case other than his inspections. Inspector Strawn said there had been a 2002 case, which had been found defective and the order vacated. The 2005 case was a follow-up to the 2002 case. Inspector Strawn remarked that these were not very serious or life safety violations and should not be difficult to resolve. He agreed another 60 days would make no difference. Inspector Strawn noted that imposing fines would probably guarantee the property would not be complied for an even longer period of time.

Motion made by Mr. Phillips, seconded by Mr. Greenfield, to continue the Massey hearing for 60 days and to forward minutes of the Board's meeting and notice of the Massey hearing by certified mail to Mr. Mink at the Bellerose, New York address. Board unanimously approved.

Case: CE07012039

Hearing to impose fines

John Mink Revocable Trust/
Kevin Mink, Trustee
5782 Northwest 9th Avenue

Ms. Mohammed announced that this case was first heard on 5/22/07 with compliance ordered by 6/26/07: 2 sections at \$250 per day, per violation. The property was not complied and the City was requesting imposition of a \$31,000 fine and is continued accrual until the property was complied.

Ms. Monica Churchill, tenant, stated the property was now complied. She confirmed for Mr. Phillips that she had removed the additional seats. Mr. Phillips thought this situation represented the inherent financial conflict between the tenant and the owner and why he wanted the minutes of this hearing sent to Mr. Mink. Ms. Churchill stated she

wanted to be in compliance because it was in her best interest. She explained that when she purchased the restaurant, she had been informed that there was an expansion in 1990 for which there were permits but that later was found to be false.

Ms. Ivett Spence-Brown, Fire Inspector, said she had visited the property the previous day and that Ms. Churchill produced a permit for the emergency lights and that the security bar had been removed. Inspector Spence-Brown complied the property as of August 7, 2007.

Ms. Mohammed advised that now the notice for the hearing to impose fines would be sent to Mr. Mink with the other notice.

Motion made by Mr. Phillips, seconded by Mr. White, to continue the hearing to impose fines for 60 days, and to forward copies of Board's meeting minutes to Mr. Mink. Board unanimously approved.

Case: CE06060258

Request for Extension

Leonora Fernandez
1061 Northwest 23rd Terrace

Ms. Mohammed announced that this case was first heard on 1/23/07 to comply by 4/27/07: 8 sections at \$25 per day, per violation. Time for compliance extended from 4/24/07 to 7/24/07. The property was not complied and the respondents were present to request an extension.

Mr. Subryan Perumal, owner, requested additional time to comply. He said he did have blueprints but was having difficulty hiring a contractor because of the expense. He anticipated receiving estimates for the electrical and plumbing soon.

Mr. Wayne Strawn, Building Inspector, confirmed that the compliance plan was to remove the unpermitted structures and therefore the plumbing and electrical only needed to be capped. Inspector Strawn said there were no life safety issues.

Ms. Leonora Fernandez, owner, explained to Mr. Phillips that they had hired the architect prior to the last hearing. Mr. White asked if they intended to remove the unpermitted work or renovate it. Mr. Perumal explained that the alterations were made prior to their purchase of the house. Half of the house and the carport had been built without a permit. Now they intended to demolish the unpermitted work. They also had plans drawn up to get the house back to its original form. Mr. Perumal said a contractor would cost \$20,000-\$25,000 and they could not afford it right now. He was aware that a permit was not required to demolish the illegal work but they needed electrical and plumbing contractors for capping and a roofing contractor for the carport roof area that has to be reconstructed.

Inspector Strawn said he did not want to grant a lengthy extension because he wanted to keep on top of the progress at the property. He recommended no more than 60 days and said he expected within that time to see some concrete movement toward compliance.

Motion made by Mr. Phillips, seconded by Mr. White, grant a 60-day extension. Board unanimously approved.

Case: CE07030441

Esa & David Natour
1901 Northwest 21st Avenue

Ms. Mohammed announced that certified mail sent to the owner and tenant were signed but not dated.

Mr. Wayne Strawn, City Building Inspector, testified to the following violations:
FBC 105.1

THE FOLLOWING ALTERATIONS, IMPROVEMENTS, REPAIRS AND INSTALLATIONS HAVE BEEN DONE WITHOUT OBTAINING THE REQUIRED BUILDING PERMITS:

1. COLUMNS AND BEAMS HAVE BEEN INSTALLED TO RE-ENFORCE AND SUPPORT THE ROOF PROJECTION ON THE EAST EXPOSURE OF THE BUILDING.
2. REPAIRS TO THE ROOF FACADE ON THE EAST EXPOSURE OF THE BUILDING.
3. INSTALLATION OF A STEEL DOOR ON THE REAR OF THE BUILDING.

FBC 105.2.4

A WATER HEATER INSIDE THE BUILDING AND A UTILITY SINK OUTSIDE ON THE WEST EXPOSURE ALONG WITH THE SUPPLY AND WASTE PIPING HAVE BEEN INSTALLED WITHOUT OBTAINING THE REQUIRED PERMIT.

FBC 105.2.5

THE ELECTRICAL SYSTEM HAS BEEN ALTERED AND CIRCUITS HAVE BEEN ADDED OR EXPANDED TO POWER THE FOLLOWING EQUIPMENT AND FACILITIES:

1. REFRIGERATION AND AIR CONDITIONING EQUIPMENT
2. EXTERIOR LIGHTING
3. WATER HEATER

47-21.8 A.

THE LANDSCAPING HAS NOT BEEN MAINTAINED PROPERLY. SOME OF THE TREES SHOWN ON THE LANDSCAPE PLAN HAVE DIED.

9-309

AIR-CONDITIONING AND REFRIGERATION EQUIPMENT INSTALLED OUTSIDE DOES NOT HAVE THE PROTECTIVE COVERS REQUIRED FOR EXTERIOR INSTALLATION.

9-306

THE FACADE ON THE EAST EXPOSURE IS STRUCTURALLY COMPROMISED AND AREAS OF THE BUILDING HAVE BECOME UNATTRACTIVE DUE TO LACK OF MAINTENANCE.

FBC 1612.1.2

THE COLUMN AND BEAM DESIGN USED TO RE-ENFORCE THE ROOF PROJECTION ON THE EAST EXPOSURE OF THE BUILDING HAS NOT BEEN APPROVED BY THE BUILDING DEPARTMENT. NO DOCUMENTATION HAS BEEN SUBMITTED THAT THIS DESIGN WILL WITHSTAND ALL THE LOADS THAT IT MAY BE SUBJECT TO.

47-19.4 D.7.

THE REQUIRED CONCRETE SLAB, DRAIN AND HOSE BIB TO PROVIDE FOR SANITATION HAS NOT BEEN PROVIDED FOR THE DUMPSTER INSTALLATION. THIS IS AN ADDITIONAL REQUIREMENT FOR ANY BUSINESS THAT HANDLES FOODSTUFFS.

47-19.4. D.1.

THE REQUIRED ENCLOSURE OF THE DUMPSTERS ON THE PROPERTY HAS NOT BEEN PROVIDED.

Mr. Esa Natour, owner, stated when he was made aware the violations, he had hired a contractor. The contractor informed him he was in the process of obtaining permits but Mr. Natour had determined while at the City offices, that this was not true. Mr. Natour requested six months to make the repairs.

Mr. Wayne Strawn, Building Inspector, presented photos of the property and recommended the Board allow only 90 days for the structural issues and said he did not object to six months for the other violations.

Inspector Strawn explained that the structural repairs included a roof projection on the east side of the building, with beams and columns installed. Inspector Strawn said Detective Abrams was investigating the contractor Mr. Natour had hired as an unlicensed contractor.

Motion made by Mr. Phillips, seconded by Mr. White, to order compliance with FBC 105.1, and FBC 105.2.5, 9-306 and FBC 1612.1.2 within 60 days or \$100 per day per violation, and with FBC 105.2.4, 47-21.8 A., 9-309, 47-19.4 D.7. and 47-19.4. D.1. within 90 days or \$100 per day per violation. Board unanimously approved.

Case: CE06101576

Craig Pierson, & Valeska Urbina
808 Northeast 16th Avenue

Ms. Mohammed announced that service was via posting at the property on 8/13/07 and at City Hall on 8/17/07.

Mr. Jorg Hruschka, building inspector, testified to the following violations:
FBC 105.1

INSTALLED WOOD FENCE WITHOUT A PERMIT.

FBC 106.10.3.1

THERE ARE TWO (2) EXPIRED PERMITS AT THIS SINGLE FAMILY HOUSE, 01031941 FOR SHUTTERS ON FRENCH DOORS ISSUED ON 5/9/01 WITH NO INSPECTION,

02071922 FOR IRRIGATION WATER METER ISSUED ON
7/26/02 WITH NO INSPECTION.

Mr. Craig Pierson, owner, said his fence had been knocked down by the hurricane and he had replaced it to keep his property safe. He said Inspector Hruschka had helped him find a contractor to obtain the fence permit and resolve the shutter permit issues. The irrigation water meter had been removed, so it did not require a permit.

There was some confusion regarding whether or not this property had been cited at the correct address and whether the hearing notice had been mailed to the correct address. Inspector Hruschka explained that the property behind Mr. Pierson's had been cited in 2006. When the Instructor came to reinspect that property, he had visited Mr. Pierson's property by mistake and found violations there for which he issued a citation. Inspector Hruschka noted that Mr. Pierson was being diligent in complying the violations.

Motion made by Mr. White, seconded by Mr. Phillips, to order compliance within 60 days or \$50 per day, per violation. Board unanimously approved.

Case: CE06050647

Request for Extension

Gina Villavicencio
1145 Northeast 5th Terrace

Ms. Mohammed announced that this case was originally heard on 1/23/07 with compliance ordered by 5/22/07: 2 sections at \$50 per day, per violation. Time for compliance extended from 5/22/07 to 7/24/07 and from 7/24/07 to 8/28/07. The property was not complied and the owner was requesting additional time to comply.

Ms. Gina Villavicencio, owner, said she had been unable to obtain a loan right away, so she had decided to remove the fence. She requested another 30 days.

Mr. Mohammed Malik, Building Inspector, confirmed that the window and shutter violations were complied because a permit had been issued, but the fence violation remained. He did not object to the request for an extension.

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

The Board broke for lunch from 12:49 to 1:09. Mr. Greenfield left the dais for lunch and did not return to the hearing.

Case: CE04020709

Request to vacate order dated 2/22/05
imposing fines

Nils Olsen
3804 Southwest 12th Court

Ms. Mohammed announced the City had requested the previous month that the Board vacate the order to impose the fine dated 2/22/05. A motion had been made, but the

Board had never voted, so the case had been put on the Board's agenda again this month.

Mr. Mitchell wanted the City to provide a reason for vacating the order. Mr. Phillips reminded him that the City was the petitioner, so it was their right to do so.

Ms. Mohammed explained that the City did not have service for the hearing to impose fines. At the last hearing, the City had requested the Board vacate the existing order and re-impose the fines with a new order. The Board had voted to re-impose the fines, but had never voted on their motion to vacate the existing order.

Motion made by Ms. Ellis, seconded by Mr. Phillips, to vacate the order dated 2/22/05. Board unanimously approved.

Case: CE06090401
Cathleen & Joseph Babiak
2182 Northeast 59th Court

Hearing to impose fine

Ms. Mohammed announced that this case was originally heard on 10/24/06 with compliance ordered by 1/23/07: 1 section at \$50 per day. The property was not complied, and City was requesting imposition of a \$10,800 fine and its continued accrual until the property was complied.

Motion made by Mr. Mitchell, seconded by Mr. Elfman, to find the violations were not complied by the ordered date, to impose and record the fine of \$10,800, and its continued accrual until the property was complied. Board unanimously approved.

Case: CE01050403
Ruben Parker
3111 Southwest 12th Place

Request to vacate orders of 7/24/01, 9/25/01,
and 9/28/04

Ms. Mohammed announced the City was requesting vacation of the orders dated 7/24/01, 9/25/01 and 9/28/04 because there was no proof of service for the first hearing.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to vacate the orders dated 7/24/01, 9/25/01 and 9/28/04. Board unanimously approved.

Case: CE01080869
James Ackerman
843 Southwest 14 Court

Request to vacate orders of 2/26/02, 7/23/02,
and 8/24/04

Ms. Mohammed announced the City was requesting vacation of the orders dated 2/26/02, 7/23/02 and 8/24/04 because there was no proof of service for the first hearing.

Motion made by Mr. Phillips, seconded by Mr. Mitchell, to vacate the orders dated 2/26/02, 7/23/02 and 8/24/04. Board unanimously approved.

Case: CE01121205
Evangelos Anthony &
George & Kasiani Tsitnis
701 West Las Olas Boulevard

Request to vacate orders of 7/23/02 and
1/28/03

Ms. Mohammed announced the City was requesting vacation of the orders dated 7/23/02 and 1/28/03.

Motion made by Mr. Mitchell, seconded by Mr. Phillips, to vacate the orders dated 7/23/02 and 1/28/03. Board unanimously approved.

Case: 9105799
Cornelius Hall
1705 Northwest 15th Avenue

Hearing to impose fine

Ms. Mohammed announced that this case was originally heard on 6/25/91 with compliance ordered by 8/26/91: 1 section at \$150 per day. Time for compliance extended from 8/24/04 to 10/26/04, from 11/23/04 to 2/22/05 and from 4/26/05 to 7/26/05. Ms. Mohammed stated notice of today's hearing was accepted on 7/31/07. Mr. Wayne Strawn, Building Inspector, explained that in 1991, one fine was applied to the entire property regardless of the number of violations. One violation remained and continued to accrue a fine at \$150 per day.

Motion made by Mr. Mitchell, seconded by Mr. Elfman, to find the violations were not complied by the ordered date, to impose the \$840,000 fine and continue its accrual until the property was complied. Board unanimously approved.

Case: CE01031359
George & Avis Orgill
1431 Northwest 20th Court

Vacate orders dated 7/24/01, 10/23/01,
and 10/29/04

Ms. Mohammed announced the City was requesting vacation of the orders dated 7/24/01, 10/23/01 and 10/29/04.

Motion made by Mr. Phillips, seconded by Mr. Mitchell to vacate the orders dated 7/24/01, 10/23/01 and 10/29/04. Board unanimously approved.

Case: CE06030088
Arthur Sandwen
1525 Southeast 12th Court

Hearing to impose fine

Ms. Mohammed announced that this case was originally heard on 4/24/07 with compliance ordered by 5/22/07: 1 section at \$50 per day. Time for compliance extended from 5/22/07 to 7/24/07. The property was complied on 8/22/07 and the City was requesting imposition of a \$1,400 fine.

Mr. Wayne Strawn, Building Inspector, said he had been communicating with a gentleman in Boston who was a relative of the invalid owner who had been handling

the violations from Boston. The property had been complied soon after Inspector Strawn had contacted the relative in Boston.

Motion made by Mr. Phillips, seconded by Mr. Elfman, to abate the fine. Board unanimously approved.

Case: CE05041623

Hearing to impose fine

Fram Davie One Inc
3223 Davie Boulevard

Ms. Mohammed announced that this case was originally heard on 5/24/05 with compliance ordered by 7/26/05: 1 section at \$100 per day. The property was complied and the City was requesting imposition of a \$14,800 fine.

Motion made by Mr. Mitchell, seconded by Mr. White, to find the violations were not complied by the ordered date, to impose a fine of \$7,400 and to record the order.

Mr. Thomas Clements, Fire Inspector, explained that in 2005, the owner had initially resisted getting a permit, but had eventually done so. The owner had not appeared to request extensions at the proper times and Inspector Clements had complied the property as of 12/22/05; the date the property passed final inspection. Mr. Mitchell withdrew his motion, and Mr. White withdrew his second.

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

Approval of meeting minutes

Motion made by Mr. Phillips, seconded by Ms. Ellis, to approve the minutes of the Board's July 2007 meeting. Board unanimously approved.

Chair Rafter wanted a memorial to former Board member Sarah Horn and asked Board members to make suggestions. Ms. Ellis informed the Board that a plaque in Ms. Horn's name will be placed in Civic People's Park. She agreed to inform the Board when this plaque was ready so they could attend the memorial.

Cases Complied

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

CE07040513
CE06111044

CE07040515
CE05081210

CE06082131
CE05080021

CE06111002
CE05080022

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:

CE06111420

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:

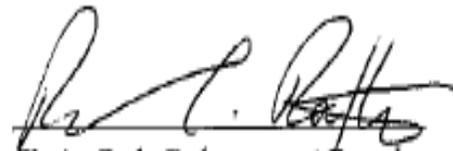
CE07070124
CE04010823

CE04060813

CE04120753

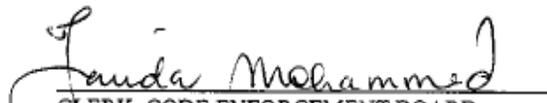
CE06021206

There being no further business to come before the Board, the meeting adjourned at 1:43 P.M.



Chair, Code Enforcement Board

ATTEST:



Jauda Mohammed
CLERK, CODE ENFORCEMENT BOARD

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