



CITY OF
FORT LAUDERDALE

Venice of America

CODE ENFORCEMENT BOARD HEARING AGENDA

October 23, 2007
10:00 AM

CITY COMMISSION MEETING ROOM - CITY HALL
100 N ANDREWS AVENUE
FT LAUDERDALE, FL 33301

Note: If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing he/she will need a record of the proceedings and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Board Members: Rixon Rafter, **Chair** • Myrnabelle Roche, **Vice Chair** • Howard Elfman • John Greenfield • Genia Ellis • Sam Mitchell • John Phillips • Patricia Rathburn, alternate • Jan Sheppard, alternate • Doug White, alternate

CODE ENFORCEMENT BOARD
City Commission Meeting Room
100 North Andrews Avenue
October 23, 2007
10:00 A.M. – 11:44 A.M.

<u>Board Members</u>	<u>Attendance</u>	<u>2/2007 to 1/2008</u>	
		<u>Present</u>	<u>Absent</u>
Rixon Rafter, Chair	P	8	1
Myrnabelle Roche, Vice Chair	P	6	3
Howard Elfman	P	8	0
Genia Ellis	P	8	0
John Greenfield	P	6	0
Sam Mitchell	P	8	1
John Phillips	A	7	2
Patricia Rathburn [alternate]	A	0	5
Jan Sheppard [alternate]	P	4	3
Doug White [alternate]	A	3	2

Staff Present

Ginger Wald, Assistant City Attorney
Bruce Jolly, Board Attorney
Farida Mohammed, Clerk, Code Enforcement Board
Mark Campbell, Secretary, Code Enforcement Board
Lindwell Bradley, Code Enforcement Supervisor
Brian McKelligett, Administrative Assistant II
Wayne Strawn, Building Inspector
Jorg Hruschka, Building Inspector
Mohammed Malik, Building Inspector
Jamie Opperlee, Recording Secretary
Ivett Spence-Brown, Fire Inspector

Also Present:

CE07061037: Jesse Maurer, owner
CE06050413: Jerome Tepps, attorney; Stephanie Patterson, property manager
CE07030178: Devendra Singh, owner
CE06030776: Sheryl Melson, owner
CE05061509: John Fuller, general contractor; Simon Kearney, owner
CE07030177: Tammi Molinet, owner; Toby Smith, owner's fiancé
CE07020969: James Benjamin, attorney for tenant; Peter Honno, representative of the owner; Miguel Milion, owner
CE06021206: Philip Bacigaluppi, owner
CE04051739, CE04051740: Alejandro Lee, owner
CE06061015: Toccara Williams, owner
CE07010240: Lannie Hankerson Rawls, owner; Brian Burns, contractor
CE05090061: Mark Benjamin, property manager
CE07021449: Domenico Camarda, general contractor

CE05060301; CE07012039: Monica Churchill, tenant; Serge Drovillard, plan expediter
CE07040542: Bradley Young, project manager
CE06110989: Robert Symington, owner

Chair Rafter called the meeting to order at 10:00 a.m., introduced the Board and explained the procedures for the hearing.

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

Case: CE07040542

Request for extension

Victoria's Corporate Plaza LLC
6245 Northwest 9th Avenue

Ms. Mohammed announced that this case was first heard 5/22/07 to comply by 7/24/07: 2 sections at \$100 per day, per violation. Time for compliance was extended from 8/28/07 to 9/25/07 and from 9/25/07 to 10/23/07. The property was not complied and the respondent was requesting additional time.

Mr. Bradley Young, project manager, requested additional time to comply. He explained that the plans had been returned for corrections, and he would now submit them to his engineer to make the changes. Mr. Bradley hoped that he could have the plans approved for the permit within 30 days.

Ms. Ivett Spence-Brown, Fire Inspector, had no objection to an extension. She recommended allowing Mr. Young until January to return with proof the permit was issued and work was being done.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to grant a 91-day extension to 1/22/08. Board unanimously approved 7 - 0.

The following two cases for the same owner were heard together:

Case: CE04051739

Request for Extension

Oasis Falls Condo Association Inc.
1424 Holly Heights Drive

Ms. Mohammed announced that this case was first heard on 9/27/05 to comply by 10/25/05: 9 sections at \$250 per day, per violation. The property was not complied and the actions of the Code Enforcement Board were stated on the agenda.

Case: CE04051740

Request for Extension

Oasis Falls Condo Association Inc.
1430 Holly Heights Drive

Ms. Mohammed announced that this case was first heard on 9/27/05 to comply by 10/25/05: 7 sections at \$250 per day, per violation. The property was not complied and

the actions of the Code Enforcement Board were stated on the agenda. The respondent was requesting additional time.

Mr. Alejandro Lee, owner, reported to the board that several inspections had been conducted at the property, a few permits had been closed, and some rough inspections had passed. He requested another 90 days to comply.

Mr. Jorg Hruschka, building Inspector, stated he had visited the property several times in the past month and work was progressing. He had no objection to a 90-day extension.

Mr. Mitchell asked Mr. Lee which items were closed out. Inspector Hruschka stated a significant amount of work was complete but there were often scheduling difficulties between the unit owners and inspectors. Mr. Lee listed closed items for Ms. Sheppard.

Ms. Sheppard noted that this case had continued for a very long time, and Mr. Lee explained that the plans had been returned by the City many times for changes. He stated only the paver permit was currently outstanding.

Mr. Mitchell asked if the general contractor had an estimated completion date. Mr. Lee hoped work would be complete in 90 days. Mr. Mitchell wanted an update from Mr. Lee sooner than 90 days because the case had been open so long.

Motion made by Ms. Sheppard, seconded by Ms. Roche, to grant a 91-day extension to 1/22/08 for both cases. Motion passed 6 – 1 with Mr. Mitchell opposed.

Case: CE05061509

Hearing to impose fine

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 complied and the potential fine was \$40,800.

Mr. Simon Kearney, owner, explained that he had not known he must call ahead to be put on the 8/23/05 agenda. He had attended the 8/23/05 hearing but had been unable to address the Board to request an extension and the fines had subsequently accrued from 8/23/05 to 9/27/05.

Mr. Jorg Hruschka, building Inspector, said it was up to the Board to determine if a reduction of the fine was warranted.

Ms. Sheppard remembered that Mr. Kearney had changed contractors and Mr. Kerney reminded the Board that his first contractor had left without completing the work, but he had finally “found an honest man.” His second contractor had completed the work expeditiously.

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to reduce the fine to \$2,500. Motion passed 6 – 1 with Ms. Roche opposed.

Case: CE06050413

Hearing to impose fine

Phillip & Joyce Schuman
443 Hendricks Isle

Ms. Mohammed announced that this case was first heard on 6/27/06 to comply by 9/26/06: 1 section at \$100 per day. Time for compliance was extended from 11/28/06 to 1/23/07, from 5/22/07 to 7/24/07, and from 7/24/07 to 8/28/07. The property was complied and the potential fine was \$18,000. Service for this hearing was via certified mail that had been accepted on 9/28/07 and 10/3/07.

Mr. Jerome Teppis, attorney, informed the Board that Mr. Schuman had suffered a stroke and was unable to attend the hearing. Mr. Teppis explained that Mr. Schuman had hired a contractor as soon as he was aware of the violations, but the first contractor, Fence and Railing Depot, had taken over \$2,900 from Mr. Schuman and never done the work. Mr. Teppis had contacted the company, who informed him that an employee, Alan Silver, had written the contract without the company's authorization and they refused to be responsible for the loss of the deposit.

Mr. Teppis continued that Mr. Schuman had hired another contractor who had completed the work. He explained that the work had been completed and inspected a couple of months ago, but this had not been entered properly in the City's computer records. Mr. Teppis requested reduction of the fine.

Mr. Teppis reported Mr. Schuman's checks were dated 6/21/06 and 9/15/06, and were made out to Fence and Railing Depot, who had also endorsed the checks.

Ms. Ivett Spence-Brown, Fire Inspector, said Inspector Clements recommended imposition of 10% of the total fine amount to cover administrative costs. She stated Inspector Clements had complied the property on 8/1/07; she could not say how many visits he had made to the property, or when. Mr. Teppis said the permit was issued on 5/23/07 and the property manager had informed him the work was completed in late July and the permit was signed off on 8/1/07.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to impose no fine. Board unanimously approved 7 – 0.

Case: CE07012039

Hearing to impose fine

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

Ms. Mohammed announced that this case was first heard on 5/22/07 to comply by 6/26/07: 2 sections at \$250 per day, per violation. On 8/28/07 the case was continued to 10/23/07. The property was complied and the potential fine was \$20,500. Pursuant

to the Board's request in August, documentation regarding the case had been mailed to the owner in New York. Service had been made for this hearing and the City was requesting imposition of a \$2,500 fine.

Ms. Monica Churchill, tenant and quasi-property manager, said the work had been completed on 4/27/07, but she had experienced difficulty scheduling an inspection.

Ms. Ivett Spence-Brown, Fire Inspector, said violations were complied at different times. The last one to comply was the panic hardware violation. She had complied this violation on the date the permit passed final inspection. Inspector Spence-Brown recommended imposition of the \$2,500 for administrative fees because it had taken so long to comply and because she had reinspected the property several times.

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to reduce the fine to \$2,500. Motion passed 6 – 1 with Ms. Ellis opposed.

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 to comply by 10/25/05: 8 sections at \$250 per day, per violation. On 8/28/07 the case was continued to 10/23/07. Pursuant to the Board's request in August, documentation regarding the case had been mailed to the owner in New York. The property was not complied and the City was requesting imposition of a \$1,454,000 fine and is continued accrual until the property was complied.

Mr. Serge Drovillard, plan expediter, informed the Board that they planned to demolish the building to resolve the issues.

Mr. Wayne Strawn, Building Inspector, was pleased that an effort was being made to address the issues at the property. He stated demolition of the 9th Avenue building would resolve some, but not all, of the violations at the property. A new parking plan, including handicapped parking, must be submitted, and several smaller items must be addressed. Inspector Strawn said the contractor had found a permit dated 1993, and he would determine if the restaurant building was complaint with the plans on that permit.

Inspector Strawn recommended the Board stop the fines and allow time for the building demolition and the parking change.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to grant a 35-day extension to 11/27/07 and to request the owner's representative to appear at that hearing to provide the Board an update. Board unanimously approved 7 - 0.

Case: CE07030177

Request for extension

Tammi Molinet
915 Cordova Road

Ms. Mohammed announced that this case was first heard on 6/26/07 to comply by 10/23/07: 2 sections at \$50 per day, per violation. The property was not complied and the respondent was requesting additional time.

Mr. Toby Smith, the owner's fiancé, said they had hired a contractor, Broward Piling, to install the pilings last October. In July, the City requested the permit. The contractor had pulled the permit and completed the work, and was now awaiting final inspection. Mr. Smith said Inspector Strawn had informed him that the dolphin pilings were not shown on the original plans. He requested 90 days to resolve the issue.

Mr. Wayne Strawn, Building Inspector, explained to the Board that the permit indicated the dolphin pilings were "existing" and were therefore being replaced, but this was not the case. The permit was now on hold and could not be signed off. Inspector Strawn said it was possible the owner would be compelled to remove the pilings. He expressed disappointment with the contractor, who had done the work without a permit and then submitted the inaccurate plan. He recommended granting a 90-day extension, but stated he would oppose any additional extension after that.

Mr. Smith submitted photos of his dock and pilings, along with those of other properties in the immediate area.

Motion made by Ms. Roche, seconded by Ms. Ellis, to grant a 91-day extension to 1/22/08. Board unanimously approved 7 – 0.

Case: CE07030178

Request for Extension

Devendra Singh
501 Southwest 27th Avenue

Ms. Mohammed announced that this case was first heard 6/26/07 to comply by 9/25/07: 5 sections at \$25 per day, per violation. The property was not complied, and the respondent was requesting additional time.

Mr. Devendra Singh, owner, requested a 30-day extension to comply the fencing and exterior lighting violations.

Mr. Wayne Strawn, Building Inspector, stated the exterior lighting and fence issues could be easily resolved. He said the owner was going through the DRC process for a change of use on the property that involved the other three violations. Inspector Strawn recommended allowing 6 months for the owner to complete the DRC process, whereupon the owner could submit one plan to resolve all remaining issues: the buffer wall, the buffer yard, and the landscaping. He recommended allowing 30 additional days to comply the fence and exterior lighting violations.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to grant a 35-day extension for FBC 105.1 and FBC 105.2.5 and a 182-day extension for 47-21.9 G.1, 47-25.3 A.d.i. and 47-25.3 A.d.iv. Board unanimously approved 7 - 0.

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 to comply by 5/22/07: 3 sections at \$20 per day, per violation. Time for compliance was extended from 5/22/07 to 7/24/07 and from 8/28/07 to 10/23/07. The property was not complied and the owner was requesting additional time.

Ms. Lannie Hankerson Rawls, owner, requested an additional 90 days to comply. She explained that her architect was working on the plans and needed more time.

Mr. Wayne Strawn, Building Inspector, explained that the defective work had been replaced, but the contractor who replaced the defective work did not have a contractor's license, and had not pulled a permit. Inspector Strawn was not sure if the new contractor would be able to pull a permit. He believed Ms. Rawls was working to resolve the violations and had been taken advantage of by the previous contractor, and said he did not object to an extension.

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to grant a 91-day extension. Board unanimously approved 7 – 0.

Case: CE07020969

Hearing to impose fine

Di-Mi Investments Corp.
1135 South Federal Highway

Ms. Mohammed announced that this case was first heard on 6/26/07 to comply by 8/28/07: 1 section at \$50 per day. Certified mail sent to the owner was accepted on 9/28/07 and certified mail sent to the registered agent was accepted on 9/28/07. The property was complied and the City was requesting imposition of a \$350 fine.

Mr. James Benjamin, attorney for the tenant, explained he should not be sworn in because he was a member of the Florida Bar. Mr. Benjamin asked Mr. Jolly to advise the Board that attorneys were not sworn in for any type of tribunal, from the Supreme Court of the United States down to Traffic Magistrate Court. Mr. Jolly stated Mr. Benjamin was correct, but this Board required it. Chair Rafter stated it was the Board's custom and practice to swear in lawyers.

Motion made by Mr. Mitchell to table this case to their next hearing. Mr. Mitchell later withdrew this motion.

Mr. Mitchell stated he did not want to spend time arguing whether Mr. Benjamin would be sworn in. If he chose not to be sworn, Mr. Mitchell advised Mr. Benjamin to take this issue up with the City and return the following month to have his case heard. Mr. Benjamin felt this was unfair to his client, and Mr. Mitchell said Mr. Benjamin's request that the Board alter its normal practice was unfair.

Ms. Wald agreed with Mr. Benjamin and Mr. Jolly that attorneys presenting cases to the Board did not need to be sworn in. Ms. Roche agreed, and asked Ms. Wald to advise the Board on how to proceed when an attorney was uncomfortable being sworn. Mr. Benjamin remarked that the Florida Bar Association prohibited him from being put under oath. He threatened to ask for attorney's fees and sanctions, and begged the Board to consider that this practice was "not according to law, the constitution, or the rules of the Florida Bar, or any tribunal, including the administrative rules under the State of Florida."

Ms. Wald stated the City wished the case to move forward now. Ms. Roche said the Board should be presented with evidence from a sworn witness regarding any representations made by the attorney. Ms. Wald stated if testimony was required, the witness should be sworn in. She explained that an attorney presenting a case on behalf of his client did not need to be sworn in, and noted that she was not sworn in for the same reason.

Ms. Roche pointed out that sometimes attorneys testified to the facts of the case; they did not confine themselves to facilitating the presentation of evidence. She believed some Board members, because they were not attorneys, did not make this distinction.

Mr. Jolly said, "Board, I've been telling you this for I don't know how long: lawyers are not sworn in." He was not sure he would draw the distinction Ms. Roche had mentioned regarding a lawyer's presentation of a case. Mr. Jolly stated, "He's subject to sanction by the Florida Supreme Court. If he lies to you, whether he's under oath or not under oath, he can have his ticket pulled." Mr. Jolly reminded the Board he had previously tried to persuade them that "lawyers are not sworn in." Mr. Jolly said he was "not hugely concerned that your request that Mr. Benjamin be sworn is somehow illegal: it's not, ... but I am concerned that he's been asked to be sworn and he's said, 'I'm not, because I'm not going to be a witness.'"

Mr. Mitchell withdrew his previous motion, and stated he did not like to "waste time with people that come to this Board, or come to any organization that I'm serving with, with attitudes that ... because they are who they are, they're superior, and they're going to infringe on the rules of any organization."

Mr. Wayne Strawn, Building Inspector, said the contractor was 7 days late picking up the permit once it was issued. He stated, "I would be a mindless bureaucrat to stand here and insist on the ...\$350 fine..." He confirmed for Mr. Benjamin that the work was complete and the permits signed off when the permit was picked up.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to impose no fine. Board unanimously approved 7 – 0.

Case: CE05090061

Hearing to impose fine

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 property was complied and the potential fine was \$15,500. Inspector Spence-Brown was recommending a fine equal to 10% of the total: \$1,550.

Mr. Mark Benjamin, property manager, described the difficulties they had experienced acquiring the fan and having the system tested. He requested abatement of the fine.

Ms. Ivett Spence-Brown, Fire Inspector, recommended reducing the fine to 10% of the total.

Motion made by Ms. Roche, seconded by Ms. Ellis, to impose no fine. Board unanimously approved 7 – 0.

Case: CE06021206

Request for Extension

Phillip Bacigaluppi
1406 Northwest 13th Avenue

Ms. Mohammed announced that this case was first heard on 9/26/06 to comply by 10/24/06: 4 sections at \$100 per day, per violation. Time for compliance was extended from 2/27/07 to 3/27/07, from 4/24/07 to 7/24/07 and from 7/24/07 to 10/23/07. The property was not complied and the owner was requesting additional time.

Mr. Phillip Bacigaluppi, owner, requested a 90-day extension. He informed the Board that he was still waiting for the City to issue the permits. He requested a 90-day extension.

Mr. Wayne Strawn, Building Inspector, explained Mr. Bacigaluppi's plans were still being reviewed. They had recently failed due to a lack of information from the engineer/architect. Inspector Strawn confirmed that when the permit was issued the property would be complied.

Motion made by Ms. Roche, seconded by Ms. Sheppard, to grant a 91-day extension. Board unanimously approved 7 – 0.

[Ms. Roche left the dais]

Case: CE07061037

Request for extension

S & R Ribler Properties
204 Southwest 21st Terrace

Ms. Mohammed announced that this case was first heard on 7/24/07 to comply by 9/25/07: 1 section at \$100 per day. The property was not complied and the owner was requesting additional time.

Mr. Jesse Mauer, owner, stated he had experienced a problem with the permits, and had not phoned in time to be added to last month's agenda. He believed the permits would be signed off within the next couple of weeks, and requested an additional 30 days to comply.

Ms. Ivett Spence-Brown, Fire Inspector, indicated Inspector Clements had agreed to a 30-day extension.

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to grant a 35-day extension. Board unanimously approved 6 – 0.

Case: CE07021449

Request for extension

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 was extended from 6/26/07 to 7/24/07 and from 8/28/07 to 10/23/07. The property was not complied, and the respondent was requesting additional time.

Mr. Domenico Camarda, general contractor, informed the Board that plans had been submitted on 10/1/07 and had been returned for revisions on 10/10/07. He requested 60 days.

Mr. Jorg Hruschka, Building Inspector, said he supported the request for an extension.

Motion made by Mr. Greenfield, seconded by Ms. Ellis, to grant a 91-day extension. Board unanimously approved 6 – 0.

[Ms. Roche returned to the dais]

Case: CE06110989

Request for extension

CABO 6795 LLC
6795 Northwest 17th Avenue

Ms. Mohammed announced that this case was first heard on 1/23/07 to comply by 3/27/07: 1 section at \$50 per day. Time for compliance was extended from 6/26/07 to 8/28/07 and from 8/28/07 to 9/25/07. The property was not complied and the owner was requesting additional time.

Mr. Robert Symington, owner, reported that all violations except the fire suppression system service tag were complied. PyroChem/Tyco, the fire suppression system company, had completed the engineering and provided a correlation between wet and powder spray booths, and this could be used to obtain a tag. Mr. Symington requested a 15-week extension.

Ms. Ivett Spence-Brown, Fire Inspector, said there had been a question whether or not the contents were flammable. She said they had information that the contents were flammable, and recommended an extension to January to allow the owner to pull the permit and complete the work. She stated this was a life safety issue.

Motion made by Ms. Sheppard, seconded by Mr. Mitchell, to grant a 91-day extension. Board unanimously approved 7 – 0.

Case: CE06061015
Toccara Williams
2051 Northwest 28th Avenue

Hearing to Impose Fine

Ms. Mohammed announced that this case was first heard 2/27/07 to comply by 4/24/07: 1 section at \$50 per day. Time for compliance was extended from 6/26/07 to 8/28/07. Certified mail sent to the owner was accepted on 9/28/07. The property was not complied and the City was requesting imposition of a \$5,850 fine and its continued accrual until the property was complied.

Ms. Toccara Williams, owner, explained she had hired a contractor to do the work, but he had not applied for a permit for the windows and doors. She requested a 30-day extension.

Mr. Wayne Strawn, Building Inspector, said progress had been made regarding the structural issues, but he concurred that the contractor had not applied for the door and window permits. He believed Ms. Williams might need to hire another contractor, and recommended an additional 60 to 90 days.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to grant a 91-day extension. Board unanimously approved 7 – 0.

Case: CE06101576
Craig Pierson &
Valeska Urbina
808 Northeast 16th Avenue

Request for extension

Ms. Mohammed announced that this case was first heard 8/28/07 to comply by 10/23/07: 2 sections at \$50 per day, per violation. The property was not complied and the owner had spoken with Inspector Hruschka earlier to request additional time.

Mr. Jorg Hruschka, Building Inspector, informed the Board that the owner had sent a certified statement requesting an additional 60 days. Inspector Hruschka reported the owner was working to resolve the issues and he did not object to an extension.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to grant a 91-day extension. Board unanimously approved 7 – 0.

Case: CE06030776

Request for Extension

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. Time for compliance was extended from 10/24/06 to 1/23/07, from 1/23/07 to 4/24/07, from 4/24/07 to 7/24/07 and from 7/24/07 to 10/23/07. The property was not complied and the owner was requesting additional time.

Ms. Sheryl Melson, president of Capital Innovations, requested a 90-day extension, explaining that she had found a contractor and the electrical permit application had been submitted the previous day. She informed the Board she had also applied for financing for the property since her last visit. Ms. Melson stated she had met with Inspector Strawn, Mr. McKelligett, and Valerie Bohlander regarding this property.

Mr. Wayne Strawn, Building Inspector, reported the parking lot had been redone and impact-resistant windows had been installed. An engineer had determined that the footings were sound, but the meter room constructed on a simple slab must be removed. Inspector Strawn stated he did not object to a 90-day extension.

Motion made by Ms. Roche seconded by Ms. Sheppard, to grant a 91-day extension. Board unanimously approved 7 – 0.

Case: CE07030221

Villas Santa Fe Corp.
1111 Southwest 4th Street

Ms. Mohammed announced that certified mail sent to the owner was accepted on 9/19/07 and certified mail sent to the registered agent was accepted on 9/19/07.

Mr. Jorg Hruschka, Building Inspector, testified to the following violations:
25-13

THE SWALE AREA OF THE RIGHT-OF-WAY HAS BEEN PAVED
OVER WITHOUT OBTAINING A PERMIT FROM THE CITY'S
ENGINEERING DEPARTMENT.

47-21.9 G.1.

A LANDSCAPE PLAN WHICH DEMONSTRATES THE
RETROACTIVE REQUIREMENTS HAS NOT BEEN SUBMITTED TO
THE LANDSCAPE DEPARTMENT.

FBC 105.1

ONE TWO STORY CONDOMINIUM HAS BEEN ALTERED WITHOUT A PERMIT, INCLUDING BUT NOT LIMITED TO:

- 1) BATHROOMS HAVE BEEN ALTERED.
- 2) KITCHEN CABINETS AND COUNTERS HAVE BEEN INSTALLED.
- 3) WALLS HAVE BEEN OPENED BETWEEN KITCHEN AND LIVING ROOM.
- 4) RAILINGS HAVE BEEN INSTALLED ON SECOND FLOOR LANDING.
- 5) CONCRETE WALKS HAVE BEEN INSTALLED.
- 6) THE DRIVEWAY AND PARKING LOT HAVE BEEN RESURFACED.
- 7) A FOUNTAIN HAS BEEN INSTALLED.
- 8) A FENCE HAS BEEN INSTALLED.

FBC 105.2.11

THE A/C UNITS HAVE BEEN REPLACED WITHOUT OBTAINING A PERMIT.

FBC 105.2.18

A SITE FENCE HAS BEEN INSTALLED WITHOUT A PERMIT.

FBC 105.2.4

THE PLUMBING SYSTEMS HAS BEEN ALTERED WITHOUT A PERMIT, INCLUDING BUT NOT LIMITED TO:

- 1) KITCHEN SINKS HAVE BEEN INSTALLED.
- 2) BATHROOM FIXTURES HAVE BEEN REPLACED.
- 3) THE LAUNDRY FACILITIES HAVE BEEN ALTERED.
- 4) A FOUNTAIN HAS BEEN INSTALLED.

FBC 105.2.5

THE ELECTRICAL SYSTEM HAS BEEN ALTERED WITHOUT A PERMIT, INCLUDING BUT NOT LIMITED TO:

- 1) GENERAL PREMISE WIRING
- 2) CIRCUIT TO POWER FOUNTAIN
- 3) WIRING IN LAUNDRY AREA

Inspector Hruschka presented photos of the property and described the violations. He recommended ordering compliance within 30 days or a fine of \$50 per day, per violation.

Motion made by Ms. Roche, seconded by Ms. Ellis, to find in favor of the City and order compliance within 35 days or a fine of \$50 per day, per violation. Board unanimously approved 7 – 0.

Case: CE06111667

Hearing to impose fine

Phillip Brown
2886 Northeast 26th Place

Ms. Mohammed announced that this case was first heard 2/27/07 to comply by 5/22/07: 9 sections at \$25 per day, per violation. Time for compliance was extended from 5/22/07 to 9/25/07. At the 9/25/07 hearing, the owner had requested an extension but was denied. Certified mail to the owner was accepted on 9/28/07 and certified mail to the owner's attorney was accepted on 10/3/07. The property was not complied and the City was requesting imposition of a \$6,075 fine and its continued accrual until the property was complied.

Mr. Wayne Strawn, Building Inspector, stated there had been no attempt to comply the violations; he had visited the property the previous day and the grass had not been cut.

Motion made by Ms. Roche, seconded by Mr. Mitchell, to find the violations were not complied by the ordered date and to impose a fine of \$6,075 and continue the fine accrual until the property was complied. Board unanimously approved 7 – 0.

Approval of meeting minutes

Mr. Mitchell reported his information packet had not included a copy of the minutes, so he would abstain from voting on their approval.

Ms. Roche stated she would abstain as well because she had not attended the hearing.

Motion made by Ms. Sheppard, seconded by Ms. Ellis, to approve the minutes of the Board's September 25, 2007 meeting. Board approved 5 - 0.

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:

CE07040131

CE06060258

CE06050522

Cases Rescheduled

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

CE06050647

There being no further business to come before the Board, the meeting adjourned at 11:44 A.M.



Chair, Code Enforcement Board

ATTEST:



Clerk, Code Enforcement Board

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