

CODE ENFORCEMENT BOARD
CITY COMMISSION MEETING ROOM
100 NORTH ANDREWS AVENUE
MARCH 25, 2008
10:00 A.M. – 11:49 A.M.

<u>Board Members</u>	<u>Attendance</u>	<u>2/2008 through 1/2009</u>	
		<u>Present</u>	<u>Absent</u>
Myrnabelle Roche, Chair	P	2	0
Sam Mitchell, Vice Chair	P	2	0
Howard Elfman	P	2	0
Genia Ellis	P	2	0
John Greenfield	P	1	1
Jan Sheppard	P	2	0
Doug White	P	2	0
Patricia Rathburn [alternate]	A	0	2

Staff Present

Ginger Wald, Assistant City Attorney
Bruce Jolly, Board Attorney
Skip Margerum, Code Enforcement Supervisor
Deb Maxey, Clerk 3
Joan Edmonson, Secretary, Code Enforcement Board
Wayne Strawn, Building Inspector
Jorg Hruschka, Building Inspector
Mohammed Malik, Building Inspector
Thomas Clements, Fire Inspector
J. Opperlee, Recording Secretary

Also Present:

CE05120450: Miguel Gonzalez, manager/tenant
CE07120720: Mary Moran, owner
CE05110537: David Wynter, owner; Christopher Sylburn, general contractor
CE06070690: Juan Ruiz, owner; Antonio Duran, translator
CE06080836: Daniel Stein, attorney; Michael Smith, general contractor
CE07061327: Oliver Cormack, owner
CE07120470: John Bryne, Jr, rep for Saxon Mortgage Services Inc
CE07100487: Sumit Gadd, owner
CE06020537: Michael Davis, owner
CE07120728: Pierre Heholt, owner
CE07120729: Randal Browning, owner
CE05060301: Monica Churchill, tenant

Chair Roche called the meeting to order at 10:03 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: CE07061327

Investments 1 Inc.
1413 Northwest 15 Avenue

Mr. McKelligett stated service was via the appearance of the owner at this hearing.

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

WINDOWS AND DOORS HAVE BEEN REMOVED AND REPLACED
AND KITCHEN CABINETS WERE REMOVED AND INSTALLED
WITHOUT OBTAINING THE REQUIRED PERMITS.

FBC 109.6

NEW WINDOWS AND DOORS WERE INSTALLED WITHOUT THE
REQUIRED FIELD INSPECTIONS.

FBC 1604.1

THE WINDOWS AND DOORS INSTALLED ARE NOT SUFFICIENT
FOR WIND PRESSURE REQUIREMENTS AND DON'T HAVE
APPROVED PRODUCT APPROVALS.

FBC 1626.1

THE WINDOWS AND DOORS RECENTLY INSTALLED DO NOT
MEET THE IMPACT TEST CRITERIA AND ARE NOT
PROTECTED BY ANY PROTECTIVE DEVICE (SHUTTERS) THAT
MEET THE IMPACT TEST CRITERIA.

Inspector Strawn had spoken with the owner, who did not contest the violations and agreed to comply within 91 days, by 6/24/08 or a fine of \$25 per day, per violation.

Mr. Oliver Cormack, owner, agreed to these terms.

Motion made by Mr. White, seconded by Ms. Sheppard, to find in favor of the City and order compliance within 91 days, by 6/24/08, or \$25 per day, per violation. In a voice vote, Board approved 7 – 0.

Case: CE06070690

Villas Florence Inc
1114 - 1116 Southwest 4 Street

Mr. McKelligett announced that this case was first heard on 5/22/07 to comply by 9/25/07. Mr. McKelligett stated extensions to the compliance deadline were noted on the agenda and said there were three outstanding violations at \$50 per day, per violation.

Mr. Wayne Strawn, Building Inspector, reported extensive compliance, and said the owner was requesting additional time. The outstanding violations were FBC 105.1 item 2 requiring a permit for the doors, and 1626.1 regarding the impact tests. He urged the owner to allow the electrical inspector to reinspect the property. Inspector Strawn did not object to an extension.

Mr. Antonio Duran, translator, requested another 30 days on behalf of the owner. Mr. Duran explained that the doors had been included on the window permit and that the remainder are closed. Inspector Strawn agreed to investigate whether the permit was titled incorrectly.

Motion made by Ms. Ellis, seconded by Ms. Sheppard, to grant a 28-day extension to 4/22/08. In a voice vote, Board approved 7 – 0.

Case: CE07120728

Pierre Heholt
2771 Southwest 2 Street

Mr. McKelligett stated service was via the appearance of the owner at this hearing.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:
NFPA 101 31.3.4.5.1

HARDWIRE SMOKE DETECTORS NOT INSTALLED.

Inspector Clements had spoken with the owner, who understood what must be done. Inspector Clements recommended ordering compliance within 60 days or \$250 per day.

Mr. Pierre Heholt, owner, agreed to these terms.

Mr. Heholt explained to Mr. Mitchell that he was informed of the need to make these alterations in 2006, but since then he had suffered some personal issues and moved several times.

Inspector Clements explained that Florida had adopted the new Code in 2005 and the City started enforcing it in 2006. Apartment owners were sent letters informing them of the change, and given one year to comply. After one year, any that had not complied were automatically sent to the Code Enforcement Board. Inspector Clements stated an electrician must provide plans and pull the permit. He noted that the required plans were very simple and did not require the services of an architect.

Mr. Heholt stated he was in the process of finding an electrician. He thought it might take more than 60 days to completely comply. He agreed he would find some way financially to afford the work.

Motion made by Mr. Mitchell, seconded by Mr. White, to revisit the case in 30 days for a progress report.

Mr. Heholt confirmed this was a four-unit apartment building.

Chair Roche felt they should accept Inspector Clements' recommendation, rather than requiring the owner to appear again in 30 days. Mr. White agreed with Mr. Mitchell that the owner should be put on a shorter compliance deadline, and return to prove to the Board that he was making progress. Ms. Ellis felt a 30-day deadline to obtain a permit

was “incredibly aggressive.” Chair Roche noted the number of cases the Board would be hearing concerning this violation, and how a shorter compliance deadline could be a burden on the Board’s schedule. She suggested they see how the first cases progressed with a 60-day deadline to get an idea of average compliance time to apply to future cases. She agreed with Ms. Ellis that chances were not good that an owner could obtain a permit within 30 days.

Mr. McKelligett reported that they had been limiting the number of cases for this violation that could be put on the Board’s agenda, but would start allowing more for the next couple of months to get them heard.

Mr. White stated this was a life safety issue and he did not feel a short compliance date was a waste of anyone’s time.

Ms. Ellis called the question.

Mr. Mitchell said he had suggested the 30 days because the owner was unsure about affording the work. He pointed out that this was an issue that the owners had known must be addressed for two years.

In a roll call vote, with Ms. Ellis and Chair Roche opposed, **Motion passed 5 – 2.**

Inspector Clements informed the Board that he had 40 of these cases on each Code Enforcement Board agenda from now until August. He reminded the Board that smoke inhalation was the leading cause of death in a fire, and this code was very important.

Case: CE07120729

Stipulated agreement

Randall Browning
2790 Southwest 2 Street

Mr. McKelligett announced that certified mail sent to the owner was accepted on 3/14/08.

Mr. Thomas Clements
NFPA 101 31.3.4.5.1

HARDWIRE SMOKE DETECTORS NOT INSTALLED.

Inspector Clements stated he had a stipulated agreement with the owner to comply within 60 days or \$250 per day, per violation thereafter.

Motion made by Ms. Ellis, seconded by Mr. Elfman, to find in favor of the City, approve the stipulated agreement and order compliance within 60 days or \$250 per day, per violation thereafter. In a roll call vote, with Mr. Mitchell, Ms. Sheppard and Mr. White opposed, motion passed 4 – 3.

Case: CE06020537

Michael Davis
2315 Northwest 13 Street

Mr. McKelligett announced that this case was first heard on 1/23/07 to comply by 4/24/07. Three sections at \$25.00 per day, per violation were still not complied. Mr. McKelligett said extensions to the compliance deadline were listed on the agenda.

Mr. Michael Davis, owner, informed the Board he had been unable to obtain loans for the shutters, but his father had agreed to allow him to pay for the work using his credit card. The window and door company was coming this week to take the measurements. He requested an additional 60 days to comply.

Mr. Wayne Strawn, Building Inspector, confirmed that only items FBC 105-1 Item 1 and FBC 105.2.11 were still open. He did not oppose an extension to allow Mr. Davis to comply, noting that the violations existed when Mr. Davis purchased the property.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to grant a 63-day extension to 5/27/08. In a voice vote, Board approved 7 – 0.

Case: CE06080836

South Point Inc.
C/O Wilshire Credit Corp
1121 Northeast 2 Avenue

Mr. McKelligett announced that this case was first heard on 2/27/07 to comply by 3/27/07. Four sections at \$150.00 per day, per violation still remained out of compliance for 173 days. Mr. McKelligett recited violations, compliance dates and potential fines, and stated extension were listed on the agenda. He informed the Board that the order had been recorded on 3/12/07 and there had been a change of ownership as of 5/1/07.

Mr. Daniel Stein, attorney, said his client, South Point, had foreclosed on the property and further noted their intent to get the property “up to spec” but later determined that it had to be demolished. An asbestos issue had come up and caused the delay.

Mr. Michael Smith, general contractor, said the permit application was almost complete and the client needs to sign off on the asbestos survey. He requested 30 to 60 days to comply. Mr. Stein noted the \$17,000 in additional expense the asbestos removal entailed.

Mr. Wayne Strawn, Building Inspector, confirmed that the sewer cap was signed off and the power was disconnected. He did not object to a 60-day extension.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to grant a 63-day extension to 5/27/08. In a voice vote, Board approved 7 – 0.

Case: CE05060301

Hearing to impose fines

John P. Mink Revocable Trust,
Kevin Mink, Trustee
5780 Northwest 9 Avenue

Mr. McKelligett announced that this case was first heard on 7/26/05 to comply by 10/25/05. Eight sections at \$250.00 per day per violation remains out of compliance for 789 days. Mr. McKelligett stated extension were noted on the agenda, and said the City was requesting imposition of a \$1,578,000 fine which would continue to accrue until the property complied.

Ms. Monica Churchill, tenant and “quasi property manager,” reported that some of the violations were complied. She said Mr. Mink was an absentee owner who resided in New York was took at least 60 days to respond to her requests for action regarding the property. He had recently agreed to pay for a general contractor to perform the work. Ms. Churchill requested an extension and a stay on the fines to allow time to get the work done.

Mr. Wayne Strawn, Building Inspector, confirmed that the Board was aware Ms. Churchill operated a restaurant on the property. Inspector Strawn said the City had requested the fine be imposed, but the Board could consider that the problem might be resolved now.

Ms. Churchill said they had been evicting derelict tenants in the past 90 days and now had the access needed to complete the work.

Inspector Strawn confirmed that the trash and debris had been removed, and some smaller items were taken care of, but under some code sections, there were many individual violations still out of compliance.

Ms. Ellis asked if Ms. Churchill had proof Mr. Mink agreed to hire a contractor. Ms. Churchill said he had promised to fax this today, but had not; he had made this promise to her in an email. She further added that Mr. Mink promised to send a check and a signed contract by the week of the week.

Motion made by Mr. Mitchell, seconded by Mr. Elfman, to find the violations were not complied by the ordered date and to impose a fine of \$1,578,000, which would continue to accrue until the violations were complied. In a voice vote, Board approved 7 – 0.

Case: CE07100487

Continued from 2/26/08

Goodwill Community Services LLC
1900 East Oakland Park Boulevard

Mr. McKelligett announced that this case was heard on 2/26/08 but had not been read into the record; it was a new business case.

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

9-306

- 1) THE STOREFRONT OF THE DENTAL OFFICE WAS DESTROYED BY VEHICLE IMPACT.
- 2) AN AWNING WAS DESTROYED BY WIND AND WAS NOT REPLACED.

FBC 105.1

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS. INCLUDING BUT NOT LIMITED TO:

- 1) A CHAIN LINK FENCE WAS INSTALLED ON BLOCK WALL ON EAST SIDE.
- 2) THE PARKING LOT STRIPING WAS ALTERED.

FBC 105.2.11

THE MECHANICAL SYSTEM HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS, INCLUDING BUT NOT LIMITED TO:
THE A/C UNIT FOR UNIT 1910 WAS REPLACED.

FBC 105.2.5

THE ELECTRICAL SYSTEM HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS, INCLUDING BUT NOT LIMITED TO:
EXTERIOR SITE LIGHTING WAS INSTALLED.

FBC 11-4.6.1

THE PARKING LOT DOES NOT PROVIDE THE REQUIRED ADA COMPLIANT SPACES.

FBC 11-4.6.4

THERE IS NO ADA SIGN FOR ACCESSIBLE SPACE.

FBC 1604.1

THE A/C BRACKET WAS NOT CONSTRUCTED IN ACCORDANCE WITH STRENGTH REQUIREMENTS FOR THE LOADS IMPOSED.

Inspector Hruschka explained that he did not have photos of the property, and the owner was working diligently to obtain the permits. He recommended ordering compliance within 30 days or \$100 per day, per violation.

Mr. Sumit Gadd, owner, informed the Board his attorney had advised him not to sign the stipulated agreement. Mr. Gadd provided a history of the case, beginning with the car accident that began the case. Mr. Gadd had experienced problems getting his plans approved, despite the fact that he had met with Inspector Hruschka to go over his plans before he submitted them.

Mr. Gadd was surprised he had been cited for the violations because he been in contact with Inspector Hruschka and John Gossman, Code Enforcement Supervisor. Mr. Gadd was upset that the City had returned his plans for revisions, since Inspector Hruschka and Supervisor Gossman had seen the plans.

Chair Roche explained to Mr. Gadd that Inspector Hruschka was not part of the review process in the Building Department. Chair Roche remembered they had continued Mr. Gadd's case at the last hearing to allow his lawyer to be present today. Mr. Gadd said his attorney had advised him not to sign the stipulated agreement and had a schedule conflict today.

Chair Roche advised Mr. Gadd that the Building Department could discover additional items that must be addressed during the plan approval process. She recommended Mr. Gadd hire a general contractor. Mr. Gadd resisted this idea, having had negative experiences with contractors in the past. Mr. Gadd requested 60 more days to comply. He stated his architect was working on the plan revisions.

Inspector Hruschka did not object to allowing another 63 days to comply.

Mr. Gadd did not dispute that the violations existed.

Motion made by Mr. White, seconded by Mr. Greenfield, to find in favor of the City and order compliance within 63 days or \$100 per day, per violation. In a roll call vote, motion passed 7 – 0.

Case: CE05110537

Hearing to impose fines

Sarah Wynter, 1/2 Interest &
David Wynter
1039 Northwest 12 Street

Mr. McKelligett announced that this case was first heard on 11/27/07 to comply by 2/26/08. Nine (9) sections at \$25.00 per day, per violation were not in compliance. Mr. McKelligett stated the City was requesting that a fine of \$4,775.00 be imposed, which would continue to accrue until the property complied.

Mr. Wayne Strawn, Building Inspector, stated he had spoken with the owner, whose contractor had agreed to attend today to update the Board, but was running late. The owner requested his case be heard last. The Board agreed.

Upon returning to the case, Christopher Sylburn, general contractor, explained the permit package had been submitted to the City this morning. He requested another 60 days to comply.

Inspector Strawn said this was a "classic case of buyer beware." He had discovered expired building permits from 1989, and noted the property had failed all inspections. He did not object to a 63-day extension.

Motion made by Ms. Ellis, seconded by Mr. Elfman, to grant a 63-day extension to 5/27/08. In a voice vote, motion passed 7 – 0.

Case:CE05120450

D & D Resources LLC
400 Northeast 13 Street

Mr. McKelligett announced that this case was first heard on 10/24/06 to comply by 2/27/07. Three (3) sections at \$50.00 per day per violation were not in compliance. Mr. McKelligett stated extensions were noted on the agenda and the property was not complied.

Mr. Miguel Gonzalez, manager/tenant, said he believed that the property was grandfathered in, and since they had not changed the parking area and landscaping, he needed only to find the archived plans and submit these along with his new asphalt and landscape plans. Mr. Gonzalez had tried to contact his zoning inspector to ensure everything was in order, but he had been absent from work all last week. When Mr. Gonzalez did speak to the inspector, he informed him the asphalt and landscaping must be all on one plan. Mr. Gonzalez requested another 30 days to get this done and submitted to the City.

Mr. Mohammed Malik, Building Inspector, opposed any extension of time because the case had gone on for so long.

Mr. Gonzalez informed the Board the property was for sale.

Inspector Malik confirmed that the permit approval was the last item to comply the property. He read from the reviewer's comments on the plans, and noted that landscape review had failed on 12/6/07 and zoning review had failed on 3/4/08. Inspector Malik confirmed that the other violations were complied.

Mr. Mitchell remembered that in November 2007, the removal of the containers had been the "final issue." This was still not resolved as of January, and the asphalt issue had now resurfaced.

Mr. Gonzalez confirmed that all of the containers were gone. Mr. Gonzalez said the plans examiner had originally thought that changes had been made to the plans. When Mr. Gonzalez explained what had been done, the reviewer had advised him to combine the plans for submission.

Mr. Gonzalez did not believe the owner had a buyer for the property at this time.

Mr. White lived in this neighborhood, and noted the blight the area suffered, and how he had hoped Mr. Gonzalez would clean up the property. Mr. White was concerned the property was still not complied, and stated that any fines could always be abated later if and when the property complied. Mr. Jolly stated this was not true; once a fine was imposed and the order recorded, the Board lost jurisdiction. After that, the City Commission could alter the fines.

Mr. White was worried that if the property changed hands, they must start the process over again. Chair Roche said this was not the case. She reminded the Board that as of now, the only remaining issue was the after the fact permit; the property was physically complied.

Inspector Malik said he had requested the fines be imposed because it seemed no progress was ever made on the property until immediately prior to a Code Enforcement Board hearing.

Motion made by Mr. White, seconded by Ms. Ellis, to grant a 28-day extension to 4/22/08. In a voice vote, motion passed 7 – 0.

Case: CE07120720

Stipulated Agreement

Mary Moran
600 Southwest 13 Avenue

Mr. McKelligett stated service was via the appearance of the owner at this hearing and the inspector had a stipulated agreement with the owner.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:
NFPA 101 31.3.4.5.1

HARDWIRE SMOKE DETECTORS NOT INSTALLED.

Inspector Clements reported he had a stipulated agreement with the owner to comply within 60 days or \$250 per day. He stated this was a four-unit building.

Motion made by Mr. Mitchell, seconded by Mr. White, to find in favor of the City, approve the stipulated agreement and order compliance within 60 days or \$250 per day. In a voice vote, motion passed 7 – 0.

Case: CE05101127

Stipulated Agreement

Gilcimar, Gilberto & Sunter Vieira
3361 Northwest 66 Street

Mr. McKelligett announced that certified mail sent to the owner was accepted on 3/11/08 and the inspector had a stipulated agreement with the owner.

Violations:
FBC 105.1

THE REAR PORCH OF THE BUILDING HAS BEEN ENCLOSED AND A SMALL FRAMED ADDITION HAS BEEN ATTACHED TO THE BUILDING ON THE WEST SIDE. NO PERMITS WERE OBTAINED FOR THESE ALTERATIONS.

FBC 105.2.4

THE PLUMBING SYSTEM HAS BEEN EXPANDED BY THE ATTEMPT TO INSTALL A BATHROOM IN THE ENCLOSED PORCH.

FBC 105.2.5

THE ELECTRICAL SYSTEM HAS BEEN ALTERED BY THE ADDITION OF CIRCUITS IN THE ENCLOSED PORCH AND AN EXTERIOR LIGHT ON THE WEST EXPOSURE.

FBC 1626.1

THE WALLS, WINDOWS AND DOORS CONSTRUCTED/INSTALLED IN THE ADDITION ON THE WEST AND THE PORCH ENCLOSURE DO NOT MEET THE REQUIREMENTS FOR IMPACT RESISTANCE TO WIND BORNE DEBRIS.

Mr. Wayne Strawn, Building Inspector, reported he had a stipulated agreement with the owner to comply within 91 days, by 6/24/08 or \$25 per day, per violation.

Motion made by Ms. Ellis, seconded by Mr. White, find in favor of the City, approve the stipulated agreement and order compliance within 91 days, by 6/24/08 or \$25 per day, per violation. In a voice vote, Motion passed 7 – 0.

Case: CE07071505

Rafael & Kennel Miranda
1424 Northwest 2 Avenue

Mr. McKelligett announced that service was via posting on the property on 3/12/08 and at City Hall on 3/13/08.

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

FBC 105.1

THE FOLLOWING ALTERATIONS HAVE BEEN DONE WITHOUT OBTAINING THE REQUIRED PERMITS:

- 1) THE BUILDING STUCCO HAS BEEN COMPLETELY RESURFACED.
- 2) THE CARPORT HAS BEEN ENCLOSED.
- 3) NEW WINDOWS AND DOORS HAVE BEEN INSTALLED.
- 4) THE KITCHEN HAS BEEN GUTTED; THE CABINETS AND COUNTERS HAVE BEEN REMOVED.
- 5) DRYWALL REPAIRS, REPLACEMENTS, AND REFINISHING HAVE BEEN DONE.

FBC 105.2.11

A CENTRAL AIR-CONDITIONING SYSTEM HAS BEEN INSTALLED WITHOUT OBTAINING THE REQUIRED PERMIT.

FBC 105.2.4

A WATER HEATER HAS BEEN INSTALLED WITHOUT OBTAINING THE REQUIRED PERMIT.

FBC 105.2.5

THE ELECTRICAL SYSTEM HAS BEEN ALTERED BY THE INSTALLATION OF A NEW PANEL FOR A SERVICE UPGRADE.

FBC 1612.1.2

THE WINDOWS AND DOORS THAT HAVE BEEN INSTALLED HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE WIND LOADING AND IMPACT RESISTANCE BY THE PERMITTING PROCESS. THE FOUNDATION FOR THE WALLS THAT ENCLOSE THE CARPORT IS NOT ADEQUATE FOR THE LOADS IMPOSED. THE WALLS ARE CONSTRUCTED ON A SIMPLE SLAB ON GRADE.

FBC R4404.5.1

THE WALLS ENCLOSING THE CARPORT DO NOT HAVE A CONTINUOUS FOOTING AS REQUIRED. THE WALLS ARE BUILT ON A SIMPLE SLAB.

Inspector Strawn presented photos of the property and explained the violations were discovered in May 2007 and another building inspector had issued a Stop Work Order at that time. Inspector Strawn had inspected the property and filed a report for work without permits in July 2007. Inspector Strawn said there had been no contact with the owner and work had continued despite the Stop Work Order. He recommended ordering compliance within 60 days or \$250 per day, per violation.

Motion made by Mr. White, seconded by Ms. Sheppard, to order compliance within 63 days or \$250 per day, per violation. In a voice vote, with Mr. Mitchell and Ms. Ellis opposed, motion passed 5 – 2.

Case: CE07120722

CJ Real Estate Investment Firm, Inc
549 Southwest 13 Avenue

Mr. McKelligett announced that certified mail sent to the owner was accepted on 2/25/08.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:
NFPA 101 31.3.4.5.1

HARDWIRE SMOKE DETECTORS NOT INSTALLED.

Inspector Clements had spoken with the owner the previous day, and noted that she lived out of state. He therefore recommended ordering compliance within 90 days or \$250 per day, per violation thereafter.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to find in favor of the City and order compliance within 90 days or \$250 per day. In a voice vote, motion passed 7 – 0.

Case: CE07120724

Glen & Gail Hudson
1912 Southwest 11 Court

Mr. McKelligett announced that certified mail sent to the owner was accepted on 3/17/08.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:
NFPA 101 31.3.4.5.1

HARDWIRE SMOKE DETECTORS NOT INSTALLED.

Inspector Clements recommended ordering compliance within 60 days or \$250 per day thereafter.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to find in favor of the City and order compliance within 90 days or \$250 per day. In a voice vote, with Ms. Sheppard opposed, motion passed 6 - 1.

Case: CE07120731

611 Southwest 12 Avenue LLC
611 Southwest 12 Avenue

Mr. McKelligett announced that certified mail sent to the owner was accepted on 2/28/08 and certified mail sent to the registered agent was accepted on 2/28/08.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:
NFPA 101 31.3.4.5.1

HARDWIRE SMOKE DETECTORS NOT INSTALLED.

Inspector Clements informed the Board that the next four cases were for the same owner. He recommended ordering compliance within 60 days or \$250 per day thereafter.

Motion made by Ms. Ellis, seconded by Mr. Mitchell, to find in favor of the City and order compliance within 60 days or \$250 per day. In a voice vote, with Ms. Sheppard opposed, motion passed 6 - 1.

Case: CE07120736

611 Southwest 12th Avenue LLC
612 Southwest 12 Avenue

Mr. McKelligett announced that certified mail sent to the owner was accepted on 2/28/08 and certified mail sent to the registered agent was accepted on 2/28/08.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:
NFPA 101 31.3.4.5.1

HARDWIRE SMOKE DETECTORS NOT INSTALLED.

Inspector Clements recommended ordering compliance within 60 days or \$250 per day thereafter.

Mr. Mitchell asked Inspector Clements to indicate the number of units involved in each case. Inspector Clements advised the Board to consider the code cut off point. He explained that there were two code sections the City was enforcing: the fire alarm and the smoke detector. Smoke detectors were required in all apartments, including condos starting at three units. Fire alarms must be installed in every building either taller than three stories or more than eleven units. He recommended these as differentiating between “big” and “small” buildings. He remarked that between three and four units, there was not much difference, because there was a smoke barrier required every 3,000 square feet. He confirmed that all four cases for this owner were four-unit buildings.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to find in favor of the City and order compliance within 60 days or \$250 per day. In a roll call, with Mr. Elfman, Mr. Greenfield and Ms. Sheppard opposed, and Mr. White out of the room, motion failed 3 - 3.

Motion made by Ms. Elfman, seconded by Ms. Ellis, to reconsider the Board’s previous vote. In a voice vote, Motion passed 7 – 0.

Inspector Clements recommended ordering compliance within 60 days or a fine of \$250 per day.

Motion made by Ms. Ellis, seconded by Mr. Greenfield, to find in favor of the City and order compliance within 60 days or \$250 per day.

Mr. Mitchell felt it appropriate to order the same compliance date and fine for this property as for the others with the same owner.

Mr. Elfman said he had voted against ordering compliance within 60 days because he felt an owner of multiple properties “should be able to act quicker than maybe an individual owner.” He admitted he should have brought this up before the Board’s vote on the first property for this owner. For consistency, he now agreed they should order compliance within 60 days. Mr. Greenfield agreed with this rationale.

In a voice vote, with Ms. Sheppard opposed, **Motion passed 6 – 1.**

Case: CE07120739

611 Southwest 12 Avenue LLC
545 Southwest 13 Avenue

Mr. McKelligett announced that certified mail sent to the owner was accepted on 2/28/08 and certified mail sent to the registered agent was accepted on 2/28/08.

Mr. Thomas Clements, Fire Inspector, testified to the following violation:
NFPA 101 31.3.4.5.1

HARDWIRE SMOKE DETECTORS NOT INSTALLED.

Inspector Clements recommended ordering compliance within 60 days or \$250 per day thereafter.

Motion made by Ms. Ellis, seconded by Mr. Elfman, to find in favor of the City and order compliance within 60 days or \$250 per day. In a voice vote, with Ms. Sheppard opposed, motion passed 6 - 1.

Case: CE07120740

611 Southwest 12 Avenue LLC
615 Southwest 12 Avenue

Mr. McKelligett announced that certified mail sent to the owner was accepted on 2/28/08 and certified mail sent to the registered agent was accepted [no date].

Mr. Thomas Clements, Fire Inspector, testified to the following violation:
NFPA 101 31.3.4.5.1

HARDWIRE SMOKE DETECTORS NOT INSTALLED.

Inspector Clements recommended ordering compliance within 60 days or \$250 per day thereafter.

Motion made by Ms. Ellis, seconded by Mr. Mitchell, to find in favor of the City and order compliance within 60 days or \$250 per day. In a voice vote, with Ms. Sheppard opposed, motion passed 6 - 1.

Case: CE07120470

Jorge Cimitier & Beverly Lewis
1808 Southwest 11 Court

Request to vacate Order of 2/26/08

Mr. McKelligett stated this was a request to vacate the order of 2/26/08. The inspector had spoken with the representative of Saxon Mortgage Services Inc. Mr. McKelligett said the City would open a new case against the mortgage company.

Motion made by Mr. Mitchell, seconded by Ms. Ellis, to vacate the order of 2/26/08. In a voice vote, motion passed 7 - 0.

Case: CE06091348

Lancaste Investments LLC
Trustee 3733 Land Trust
3733 Southwest 12 Court

Withdraw Order of 1/22/08

Mr. McKelligett stated this was a request to vacate the order of 1/22/08. The case was first heard on 10/24/06 to comply by 11/28/06. The property was not complied and fines had accrued to \$177,000. A final order was recorded on 11/17/06 and the property was deeded to the current owner on 12/1/07. Service was via posting on the property and via certified mail.

Mr. Jolly doubted the Board had the authority to vacate this recorded order. He felt the only reason for which the Board could vacate a recorded order was for a scrivener's error. Mr. McKelligett said the Board had done this in the past. He explained that the recorded order was against the previous owner. The City could therefore allow this order to stand, but would be precluded from opening a new case against the new owner. The fine would accrue on the property, but the new owner would have no incentive to come into compliance, except for foreclosure against the previous owner. Chair Roche pointed out that the fines ran against the property, not against the owner, and Mr. White stated, "You bought the property; you bought the problems." Mr. Jolly confirmed that if the new owners purchased the property after the first order had been recorded, the new owner "bought that problem."

Mr. McKelligett withdrew this request and will send the case back to the City Attorney for review.

Case: CE04021423

Vacate Order of 7/27/04

David Ralston
2019 Southwest 9 Avenue

Mr. McKelligett stated this request to vacate the order of 7/24/04 was to correct a clerical error.

Mr. McKelligett announced that this case was complied on 2/18/05. When the order was written on 7/27/04, the case history, notice of violation, fine status sheet and minutes called for a fine of \$25 per day, per violation, but one of the violations was recorded at \$250 per day.

Chair Roche wanted to table this item to allow the City Attorney to review this. Mr. Jolly said he was less concerned with a scrivener's error than other reasons for vacating an order. Chair Roche agreed.

Motion made by Mr. Mitchell, seconded by Ms. Sheppard, to vacate the order of 7/27/04 to correct a scrivener's error and reduce the fine amount on the applicable violation to \$25 per day instead of \$250 per day. In a voice vote, the motion passed 7 – 0.

Approval of Meeting Minutes

Motion made by Ms. Ellis, seconded by Mr. Mitchell, to approve the minutes of the Board's February 2008 meeting. In a voice vote, motion passed 7 – 0.

Code Enforcement Board
March 25, 2008
Page 17

The Board adjourned at 11:46 and reconvened at 11:48 without Ms. Ellis.

Case CE04021423

Mr. McKelligett clarified that the request for Case CE04021423 was to amend the existing order, changing the fine amount on the violation from \$250 per day to \$25 per day. Chair Roche stated they were entering an amended final order reflecting the proper fine.

Motion made by Ms. Sheppard, seconded by Mr. White, to amend the order on Case CE04021423 to change the fine amount on the violation from \$250 per day to \$25 per day. In a voice vote, with Ms. Ellis out of the room, motion passed 6 – 0.

Cases Complied

Mr. McKelligett 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:

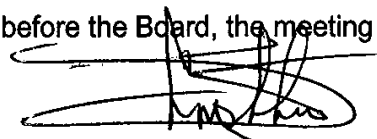
CE08011740	CE08011709	CE08011711	CE08011716
CE08020741	CE08020742	CE08020746	CE08020748
CE08020750	CE08020752	CE08020753	CE08020754
CE08020756			

Cases Without Service

Mr. McKelligett announced that the below listed cases had been withdrawn for lack of service. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE07120726

There being no further business to come before the Board, the meeting adjourned at **11:49 A.M.**



Vice Chair, Code Enforcement Board

ATTEST:



Clerk, Code Enforcement Board

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

Minutes prepared by: J. Opperlee, ProtoType Inc.