

**CODE ENFORCEMENT BOARD
CITY COMMISSION MEETING ROOM
100 NORTH ANDREWS AVENUE
SEPTEMBER 28, 2010
9:00 A.M. – 1:10 P.M.**

<u>Board Members</u>	<u>Attendance</u>	Cumulative attendance 2/2010 through 1/2011	
		<u>Present</u>	<u>Absent</u>
Sam Mitchell, Chair	P	8	0
Howard Nelson, Vice Chair	P	6	2
Howard Elfman	P	8	0
Genia Ellis	P	8	0
Joan Hinton	P	8	0
Jan Sheppard	P	7	1
Chad Thilborger	P	8	0
Paul Dooley [Alternate]	P	8	0
Frank Marino [Alternate]	A	4	4
Joshua Miron [Alternate]	A	5	1

Staff Present

Bruce Jolly, Board Attorney
 Ginger Wald, Assistant City Attorney
 Brian McKelligett, Clerk /Code Enforcement Board Supervisor
 John Gossman, Code Enforcement Supervisor
 Dee Paris, Administrative Aide
 Erin Peck, Clerk III
 Yvette Ketor, Secretary, Code Enforcement Board
 Deb Maxey, Clerk III
 George Oliva, Building Inspector
 Burt Ford, Building Inspector
 Gerry Smilen, Building Inspector
 Ron Tetreault, Fire Inspector
 Junia Robinson, Haitian Programs Coordinator [translator]
 J. Opperlee, Recording Secretary

Communication to the City Commission

None

Respondents and Witnesses

CE09020950: Ominigie Paul, owner
 CE09011358: Kristopher McKenney, owner
 CE09072678: Wilky Dorelien, owner; Karen Black-Barron, attorney
 CE01010525: Constance Hersch, owner's representative

CE10031789: Christopher Austin, receiver; Robert Miller, receiver; Edwin Brown, property manager; James D. Camp, attorney; Joseph Harper, contractor; Corinne Keegan, employee
CE08061524: Joseph Ieracitano, contractor; Joseph Quaratella, owner
CE09060371: Alan LaPorte, potential buyer; Dominique LaPorte, potential buyer
CE07031444: John Annis, contractor; Richard Maynard, contractor; Jared Flournoy, contractor
CE09030410: Ronald Kaufman, attorney
CE08110556: Orville Morris Jarrett, owner
CE08121202: Thomas Handy, receiver
CE06061099: Thomas Scott Quina, owner
CE04082149: Janna Lhota, tenant's representative; Gus Carbonell, architect
CE08100726: Bradford Fitzgerald, owner
CE09081583: Kenneth Cooper, owner
CE09091161: John Peternell, owner
CE09010899: Edward Jennings, attorney
CE09101075: Charles Burkett, owner
CE09101786: Christine Hille, employee of registered agent
CE04090572: Philip Friona, owner
CE10061265: Joanne Galipault, attorney
CE09021699: Marcia Davis, contractor
CE08061254: Glenn Lastella, contractor
CE05060464: Thomas Collins, contractor
CE09101675: Alberto Leguizamo, owner; Rosa Leguizamo, owner
CE08041544: Stephen Todaro, architect
CE08010523: Rickey Dean Bright, owner
CE09021689: Fraser Barnfather, contractor

Chair Mitchell called the meeting to order at 9:00 a.m., introduced Board members and explained the procedures for the hearing.

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

Case: CE07031444

2491 State Road 84
Bill Richardson Trust

This case was first heard on 11/25/08 to comply by 1/27/09 and 2/24/09. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of fines, which would begin on 9/29/10 and would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 9/13/10.

George Oliva, Building Inspector, stated Cable Marine had submitted drawings with electrical details the previous day. He said missing at the moment were the fire sprinklers, which were attached to the Master Building permit. The Chief Electrical Inspector had indicated the electrical drawings looked good.

Mr. Jared Flournoy, fire sprinkler contractor, said he was getting his numbers together to prepare a proposal for a flow test; he said they should know today if a fire pump and/or outside water was required. Since Mr. Flournoy had been involved for one month, he could not say why it had taken two years to get permit drawings submitted.

Mr. Richard Maynard, contractor, said they were working to get the last bit of work complete. He said Mr. Flournoy's company had paid Fort Lauderdale for the flow test itself and there had been a delay because the pipe belonged to the County, not Fort Lauderdale. Mr. Maynard said progress had been made on the fire alarm system and the owner had authorized him to sign a contract for the fire sprinkler system and fire hydrant system.

Ron Tetreault, Fire Inspector, said the fire alarm system was nearly complete and the water supply tests should be completed that day. He estimated it would be at least 56 days before going for final inspections.

Inspector Oliva felt the case could be completely resolved within 56 days. Mr. Maynard said he could close it out in that time, but he did not know how much the owner had set aside for the fire sprinkler and fire hydrant system or how much this would cost. He explained the owner tended to "throw a fit" when Mr. Maynard requested more money.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 56-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 6-1 with Ms. Sheppard opposed.

Case: CE08110556

2716 Middle River Drive
Jarrett, Rose
Jarrett, Rose Rev Liv Tr

This case was first heard on 4/27/10 to comply by 7/27/10. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Orville Morris Jarrett, owner, stated the work was complete and the work had failed one inspection. He believed the permits should be closed out by Friday.

Burt Ford, Building Inspector, said no final inspections had been called in and Mr. Morris had admitted he was procrastinating.

Motion made by Mr. Nelson, seconded by Mr. Thilborger to grant a 28-day extension to 10/26/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE01010525

1315 Northwest 7 Street
1311 Northwest 7 Street LLC

This case was first heard on 6/22/10 to comply by 8/24/10. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Ms. Constance Hersch, the owner's representative, said the owner had purchased the property in December 2003 but the permits were dated prior to his ownership. The only work the owner had done was install permitted smoke detectors. The owner had hand delivered a letter to John Heller regarding this and requesting that the outstanding permits be closed but had not yet heard back from the City.

Mr. Nelson said the Board had already found that these violations existed on the property. Ms. Hersch said she had inspected the property and none of the work had been done.

George Oliva, Building Inspector, said the owner would meet with representatives of the Building Department to review the expired permits and to determine what work had and had not been done. Inspector Oliva recommended a 28-day extension.

Motion made by Mr. Nelson, seconded by Mr. Thilborger to grant a 28-day extension to 10/26/10, during which time no fines would accrue. In a voice vote, motion passed 6-1 with Chair Mitchell opposed.

Case: CE09060371

1800 Southwest 10 Court
Bernstein, Robert
C/O Saavedra Pelosi Goodwin & Heman

This case was first heard on 3/23/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$2,040 fine, which would continue to accrue until the property complied. Service was via posting on the property on 9/8/10 and at City Hall on 9/16/10.

Gerry Smilen, Building Inspector, said the potential buyer was present to describe the situation.

Mr. Alan LaPorte, potential buyer, said he had a contract to purchase the property and he felt the seller was unaware of the extent of the violations. Mr. LaPorte had offered to

take responsibility for bringing the property into compliance. He requested time for the seller to provide clear, insurable, marketable title and for himself to pull the permits to comply the violations. Mr. LaPorte said the problems with the title were delaying the closing.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 119-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE10031789

1515 Southwest 20 Street
Fraser, Russell E Jr &
Fraser, Julia F & Kral, Mary-M

This case was first heard on 6/22/10 to comply by 9/28/10. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Gerry Smilen, Building Inspector, reported a contractor had been hired to address the dock situation. He recommended an extension because there were "a lot of inter-departmental approvals" that would take time to secure.

Mr. Robert Miller, receiver, said they were addressing the dock issues. He said the property was not owned by the bank but was in receivership. Mr. James Camp, attorney, explained the real property was not in foreclosure; a subtenant, the marina, was in foreclosure. Mr. Joseph Harper, contractor, stated he had performed a site inspection and drawings had been done and submitted to Broward County Department of Planning and Environmental Protection [DPEP]. He said the drawings had been revised to allow the property owner to retain one of the slips and the drawings must be resubmitted. Mr. Miller thought the plans should be approved by the following week whereupon they would be submitted to Fort Lauderdale for the permit.

Mr. Miller said this was not directly on the river, it was in a basin and he did not believe it must go through the Army Corps of Engineers. Mr. Nelson said this was "absolutely an Army Corps of Engineers jurisdictional, navigable waterway" and advised Mr. Miller to check this. Mr. Miller said he would consult DPEP the following week.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 147-day extension to 2/22/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE08121202

2721 E Oakland Park Boulevard
2727 E Oakland Park Boulevard LLC

This case was first heard on 2/23/10 to comply by 3/23/10. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Thomas Handy, receiver, said they had engineer drawings for the stucco work that were now out to bid. He said the engineer's opinion was that the work did not meet "any kind of code." Mr. Miller said his engineer would submit forms and details for the rooftop AC units the following week, which should close that issue.

Burt Ford, Building Inspector, said Mr. Handy had been trying, and the electrical issues had been addressed some time ago. He recommended an extension.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 56-day extension to 11/23/10, during which time no fines would accrue. In a roll call vote, motion passed 4-3 with Ms. Ellis, Mr. Nelson and Mr. Thilborger opposed.

Case: CE04082149

3355 Southwest 13 Avenue
Schaefer Industries Inc

This case was first heard on 11/24/09 to comply by 4/27/10. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Ms. Janna Lhota, the tenant's representative, requested an extension. She said the owner had secured the permits for the interior work, and showed photos of work that had already been completed. Ms. Lhota requested 60 days.

Mr. Gus Carbonell, architect, confirmed that the permits had been issued and described work that had been completed. He said they were awaiting equipment installation. Mr. Carbonell did not feel 56 days would be enough time.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 119-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE09020950

210 Southwest 29 Avenue
Paul, Ominique

This case was first heard on 10/27/09 to comply by 2/23/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition the fine, which would begin on 9/29/10 and would continue to accrue until the property complied. Personal service was made to the owner on 9/7/10.

George Oliva, Building Inspector, said a few of the violations were already complied, the owner just needed to comply the AC. The owner had contracted someone to take care of the AC but that person had disappeared. There was no record of a permit for the AC.

Ms. Junia Robinson, Haitian Programs Coordinator, acted as translator for Mr.

Ominigue. He explained that hurricane Wilma had caused damage to the house and he was unsure why he was before the Board again. He said he had lost his job and the house was in foreclosure. Mr. Ominigue said he had paid someone \$3,500 for the AC and he thought this person would pull a permit but he had not.

Mr. Ominigue agreed to work with Inspector Oliva to comply the AC violations. Inspector Oliva said he had spoken with Mr. Ominigue's daughter, who spoke English. She informed him Mr. Ominigue had talked to contractor Jose Ares about the AC, but Mr. Ares confirmed he had no contract to address the AC.

Mr. Nelson advised Mr. Ominigue to move forward and obtain after-the-fact permits for the electrical and the AC during the extension.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 119-day extension to 1/25/11, during which time no fines would accrue. In a roll call vote, motion passed 5-2 with Ms. Sheppard and Chair Mitchell opposed.

Case: CE09072678

1109 Northwest 19 Street
Souffrant, Sonia ½ Int
Dorelien, Wilky

This case was first heard on 2/23/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Ms. Junia Robinson, Haitian Programs Coordinator, acted as translator for Mr. Dorelien.

Gerry Smilen, Building Inspector, said the owner had applied for a building permit. The plans had been picked up for corrections on August 20 but had not been resubmitted. Inspector Smilen read a letter from the engineer stating he was making corrections to the plans and hoped to resubmit them by October 8, 2010 and requesting an extension. Inspector Smilen recommended a 56-day extension.

Mr. Wilky Dorelien, owner, said he was doing everything he could to comply and he was unsure why the engineer was requesting a delay. Chair Mitchell asked the progress of the foreclosure and Mr. Dorelien said he had received no notifications so he did not know.

Ms. Karen Black-Barron, attorney, said she was a code enforcement attorney and the foreclosure was still pending.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 119-day extension to 1/25/11, during which time no fines would accrue. In a roll call vote, motion passed 5-2 with Ms. Sheppard and Chair Mitchell opposed.

Case: CE09011358

1040 Southwest 17 Street
McKenney, Kristopher J

This case was first heard on 1/26/10 to comply by 5/25/10. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded. Ms. Paris indicated violations that were now complied.

Mr. Kristopher McKenney, owner, said they were working to comply. He said the window contractor was no longer working with him and that permit had been denied. He was applying for an owner/builder permit.

Gerry Smilen, Building Inspector, confirmed that Mr. McKinney was working diligently and he was helping him to complete the owner/builder permit application.

Motion made by Mr. Nelson, seconded by Mr. Thilborger to grant a 56-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE08061524

1650 Northeast 60 Street
Quaratella, Joseph F

This case was first heard on 6/22/10 to comply by 9/28/10. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Joseph Ieracitano, contractor, explained this was a non-permitted gazebo. The owner had been informed by Mike Ciesielski in the Construction Services Bureau that the gazebo was under "accessory uses, free-standing shade structures" and he needed plans and to remove the non-conforming components. Mr. Ieracitano requested 119 days. He said they needed to remove 75% of the gazebo.

Mr. Joseph Quaratella, owner, said over the years he had added components to the gazebo and he agreed to remove components to comply.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 56-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 6-1 with Ms. Ellis opposed.

Case: CE04090572

201 Northwest 20 Avenue
Friona Family Real Estate Holdings

This case was first heard on 4/27/10 to comply by 6/22/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$3,400 fine, which would continue to accrue until the property

complied. Service was via posting on the property on 9/7/10 and at City Hall on 9/16/10.

Mr. Philip Friona, owner, said he was having plans drawn to address the violations. He explained he had been sick and requested 119 days.

George Oliva, Building Inspector, recommended a 119-day extension.

Motion made by Ms. Sheppard, seconded by Ms. Ellis to grant a 119-day extension to 1/25/11, during which time no fines would accrue. In a voice vote, motion passed 6-1 with Mr. Nelson opposed.

Case: CE06061099

3321 Northwest 67 Street
Quina, Thomas Scott & Patricia A

This case was first heard on 6/22/10 to comply by 7/27/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition the fine, which would begin on 9/29/10 and would continue to accrue until the property complied. Service was via posting on the property on 9/13/10 and at City Hall on 9/16/10.

George Oliva, Building Inspector, reported the window permit had been issued and the application had been submitted for the shed. He recommended a 56-day extension. He described which violations were now complied and which were still open.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 56-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE09021699

680 Southwest 29 Terrace
Telcy, Eugena

This case was first heard on 3/23/10 to comply by 4/27/10. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,020 fine, which would continue to accrue until the property complied. Personal service was made to the owner on 9/7/10.

George Oliva, Building Inspector, stated one item was complied and the contractor needed an engineer's letter for the after-the-fact permit.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 56-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE09101786

155 Isle of Venice # 303
National City Mortgage Co
C/O National City Mortgage Co

This case was first heard on 5/25/10 to comply by 6/22/10. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Ms. Christine Hille, employee of real estate agent, said they were awaiting final electrical and mechanical from the contractor. She stated the property was under contract with a closing date of October 25 and they hoped the property would be complied within a week or two. Ms. Hille requested an extension.

Burt Ford, Building Inspector, said the plans had been resubmitted on 9/23 but none of the reviews was complete yet.

Motion made by Mr. Nelson, seconded by Ms. Hinton to grant a 56-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE08100726

4404 Northeast 23 Avenue
Fitzgerald, Bradford W &
Fitzgerald, Roslyn J

This case was first heard on 3/23/10 to comply by 4/27/10. Violations and extensions were as noted in the agenda. The property was complied, fines had accrued to \$2,380 and the City was requesting no fine be imposed. Ms. Paris said Bradford Fitzgerald, owner, waived the right to notice of a Massey hearing so the Board could address the fines.

Mr. Fitzgerald said they had worked diligently to comply.

Motion made by Mr. Nelson, seconded by Ms. Ellis to impose no fine. In a voice vote, motion passed 7 - 0.

Case: CE08061254

1112 Southwest 20 Street
Friend, Sherri

This case was first heard on 10/28/08 to comply by 1/27/09. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded.

Gerry Smilen, Building Inspector, said work was progressing and recommended an extension.

Mr. Glenn Lastella, contractor, requested 56 days to finish.

Motion made by Mr. Nelson, seconded by Ms. Ellis to grant a 56-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE09010899

2864 Northeast 24 Place
Small, Greg M

This case was first heard on 7/27/10 to comply by 9/28/10. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Edward Jennings, attorney, said he had been working with Inspector Ford toward compliance. He requested 56 additional days. Mr. Jennings said the plans and applications had been submitted.

Burt Ford, Building Inspector, said the plans had been resubmitted on September 21. He did not object to the request for a 56-day exception.

Motion made by Mr. Thilborger, seconded by Mr. Nelson to grant a 56-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE08071578

1731 Northeast 3 Avenue
Volpe, Todd D

This case was first heard on 4/27/10 to comply by 6/22/10. Violations and extensions were as noted in the agenda. The property was not complied and the order had been recorded. Ms. Paris read a letter from the owner indicating he had no more personal or sick time from work to use to attend the hearing. The owner stated work was progressing and requested a two-month extension.

Burt Ford, Building Inspector, confirmed work was progressing and said he did not oppose the request for an extension.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to grant a 56-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

Case: CE09050135

2901 Northeast 33 Avenue # 2C
Keith, Jonathan

This case was first heard on 6/22/10 to comply by 8/24/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$1,360 fine, which would continue to accrue until the property complied. Certified mail sent to the owner was accepted on 9/17/10.

Burt Ford, Building Inspector, reported there had been no communication from the owner and no progress at the property.

Motion made by Ms. Sheppard, seconded by Ms. Hinton, to find the violations were not complied by the Order date, and to impose the \$1,360 fine, which would continue to accrue until the violations were corrected, and to record the order. In a voice vote, motion passed 7 - 0.

Case: CE08071153

1300 Northwest 2 Avenue
Eames, Theon

This case was first heard on 9/23/08 to comply by 11/25/08. Violations and extensions were as noted in the agenda. The property was not complied and the City was requesting imposition of a \$5,950 fine, which would continue to accrue until the property complied. Service was via posting on the property on 9/7/10 and at City Hall on 9/16/10.

Motion made by Mr. Nelson, seconded by Ms. Hinton, to find the violations were not complied by the Order date, and to impose the \$5,950 fine, which would continue to accrue until the violations were corrected and to record the order. In a voice vote, motion passed 7 - 0.

Case: CE07021615

1041 Northeast 9 Avenue
Guaracino, Billie J

This case was first heard on 7/27/10 to comply by 9/28/10. Violations were as noted in the agenda. The property was not complied and the City was requesting imposition the fine, which would begin on 9/29/10 and would continue to accrue until the property complied. Service was via posting on the property on 9/8/10 and at City Hall on 9/16/10.

Gerry Smilen, Building Inspector, said there had been no "effort at all to comply or show any willingness to comply" and recommended imposition of the fines.

Motion made by Mr. Nelson, seconded by Ms. Sheppard, to find that the violations

were not complied by the Order date, and therefore the fines as stated in the Order would begin on 9/29/10 and would continue to accrue until the violations were corrected. In a voice vote, motion passed 7 - 0.

The Board took lunch from 10:25 until 11:30.

Mr. Thilborger did not return to the meeting after lunch and Mr. Dooley took his place on the dais.

Case: CE09091161

1641 Northeast 3 Court # 4

Peternell, John L

Golon, Richard S

Personal service was made to the owner on 9/7/10.

Burt Ford, Building Inspector, testified to the following violations:

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING
THE REQUIRED APPROVALS.

FBC(2007) 1612.1.2

THE WINDOWS AND DOORS HAVE NOT BEEN PROVEN TO
SUFFICIENTLY WITHSTAND ESTIMATED OR ACTUAL IMPOSED
DEAD, LIVE, WIND, OR ANY OTHER LOADS THROUGH THE
PERMIT AND INSPECTION PROCESS.

Inspector Ford said he had spoken with the new owners, who had applied for the window and door permit. He submitted photos of the property into evidence, and recommended ordering compliance within 56 days or a fine of \$20 per day, per violation.

Mr. John Peternell, owner, said there had been a dispute with the former owner regarding who would pay to comply the violations. Once this was settled, he had hired a contractor to obtain after-the-fact product approvals. Mr. Peternell said he had hired someone in March to install the shutters, and they had been installed just the previous week. Mr. Peternell had hired someone to address the window and door violations.

Motion made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 56 days, by 11/23/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE09101075

4520 Northeast 18 Avenue # 300
Burkett-Scholl Properties II

Certified mail sent to the owner was accepted [no date].

Burt Ford, Building Inspector, testified to the following violations:

FBC(2007) 105.1

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS:

1. DRYWALL WAS REPLACED DUE TO WATER DAMAGE.

FBC(2007) 105.4.11

THE MECHANICAL SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:

1. NEW AIR HANDLERS AND CONDENSING UNITS ON THE ROOF HAVE BEEN REPLACED.

FBC(2007) 105.10.3.1

THE FOLLOWING PERMITS HAVE EXPIRED:

1. 01101637 - FENCE PERMIT THAT FAILED THE FINAL INSPECTION BACK ON 12/11/2001. NO OTHER INSPECTIONS OBTAINED.
2. 03080518 - ELECTRICAL PERMIT THAT FAILED A SERVICE ROUGH PARTIAL BACK ON 7/5/2006. NO OTHER INSPECTIONS OBTAINED.

Inspector Ford said he had met with the drywall contractor the previous week, and discussed changes that were needed on the plans. He said the fence and electrical permits needed to be renewed. Inspector Ford submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and recommended ordering compliance within 56 days or a fine of \$20 per day, per violation.

Mr. Charles Burkett, owner, said he had owned the property since 1999 and the tenant had desired to get out of the lease approximately one year ago. He stated the roof had leaked and he had repaired the leaks and replaced sections of drywall that had been affected by the leaks. Mr. Burkett said the work was under \$1,500 and he thought this did not require a permit. He had since applied for the permit.

Mr. Burkett stated the tenant had also requested a new air conditioning unit and wanted to use a particular company, Ed Helms. Mr. Burkett had agreed to use that company and paid the bill, but the company had not pulled a permit. He had since hired an air conditioning contractor to address this issue.

Mr. Burkett said one of the remaining violations referred to a wall repair that had been done. He displayed photos of the fence and explained they had put solid blocks within

the fence walls to prevent flooding from an adjacent property. The drainage issue had been resolved and they had removed the blocks.

Regarding the electrical violation, Mr. Burkett said the electrical room used to flood so they had built a step and changed the electrical work. He said according to his files, the rough inspection had been approved on 7/5/06.

Mr. Burkett said they were happy to comply and requested time to resolve the issues.

Inspector Ford said entire sheets of drywall had been replaced, and noted that even if the repair was less than \$1,500, a licensed contractor must perform the work; Mr. Burkett had indicated that maintenance workers had done it. The City's Building Official had determined that this work was beyond the scope of a repair and therefore required a permit. Inspector Ford had explained this to the contractor.

Inspector Ford stated the fence permit must be renewed and closed out. The electrical permit must be renewed and have final inspection. The air conditioner must also be taken care of. Inspector Ford recommended a 56-day extension.

Ms. Wald reported the after-the-fact fence permit had been issued on 10/29/01 for a "six-foot by 110-foot concrete pre-cast fencing for an office building and the surrounding area." Inspector Ford said the fence had already been installed and as it sat now, the fence would never pass. Mr. Burkett said this permit was for repairs to the bottom of the fence only, not the installation. Ms. Wald confirmed that the plans indicated the permit was for repairs to the fence bottom, and it had failed inspection on 12/12/01. Mr. Burkett stated the repair work had been removed.

Motion made by Mr. Nelson, seconded by Mr. Elfman to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 56 days, by 11/23/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE09081583

400 Southeast 8 Street
Cooper, Kenneth D

Personal service was made to the owner on 8/26/10.

Gerry Smilen, Building Inspector, testified to the following violation:
FBC(2007) 105.4.18

A WOOD FENCE HAS BEEN INSTALLED ON THE PROPERTY
WITHOUT A PERMIT.

Inspector Smilen said this case was the result of a complaint. He submitted photos of the property and the Notice of Violation detailing the violations and corrective action into

evidence, and recommended ordering compliance within 28 days or a fine of \$20 per day.

Mr. Kenneth Cooper, owner, said he had hired a contractor to pull the permit.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 28 days, by 10/26/10 or a fine of \$20 per day would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE08041544

619 Northeast 13 Avenue
Cox, 2009 Trust
Cox, Paul A & Stacie Renee Trustee

Service was via posting on the property on 9/7/10 and at City Hall on 9/16/10.

Burt Ford, Building Inspector, testified to the following violations:

FBC 105.1

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS:

FRONT COTTAGE:

1. THE INTERIOR WALLS AND CLOSET THAT SEPARATED THE TWO BEDROOMS IN THE COTTAGE UNIT HAVE BEEN REMOVED TO CREATE ONE LARGER BEDROOM.
2. A NEW DOOR HAS BEEN INSTALLED THAT CONNECTS THE COTTAGE TO THE BREEZEWAY IN THE BACK.
3. WOOD FLOORS, JOISTS, AND SHEATHING HAVE BEEN REMOVED DUE TO ROTTING AND A CONCRETE SLAB/FLOOR HAS BEEN POURED.

FBC 105.2.4

THE PLUMBING SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:

FRONT COTTAGE:

1. NEW FIXTURES HAVE BEEN INSTALLED IN THE BATHROOM.

FBC 105.2.5

THE ELECTRICAL SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:

FRONT COTTAGE:

1. CIRCUITS HAVE BEEN UPDATED IN BOTH THE KITCHEN AND BATHROOM.
2. CIRCUITS FOR THE FIRE DETECTORS HAVE BEEN INSTALLED.

3. CIRCUITS HAVE BEEN REMOVED WHEN THE INTERIOR WALLS AND CLOSET WERE TAKEN OUT THAT SEPARATED THE ORIGINAL TWO BEDROOMS.

COMMON AREA:

1. CIRCUITS HAVE BEEN ADDED TO POWER THE FOUNTAIN IN THE FRONT YARD.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

Inspector Ford said this case had originated from a landlord/tenant dispute. This was a single-family residence occupied by three tenants. Inspector Ford said he had been working with a contractor at the property for approximately one year but there had been a falling out between the contractor and the owner and work had stopped. He said there had been a change in the name on the deed earlier this year so he had withdrawn the case and begun it under the new name. Inspector Ford had met on-site with a new architect who he believed understood what must be done.

Inspector Ford submitted photos of the property into evidence, and recommended ordering compliance within 56 days or a fine of \$20 per day, per violation.

Mr. Stephen Todaro, architect, stated he had been retained three weeks ago; the owners wanted to resolve the violations in order to sell the property. Mr. Todaro said the owners had agreed to his price breakdown. He believed it would take two months to obtain a permit.

Inspector Ford informed the Board that a foreclosure action had been filed against the property on September 17.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 56 days, by 11/23/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE10061265

536 W Melrose Cir
Federal National Mortgage Assn
C/O Marshall C Watson Pa

Personal service was made to the attorney on 9/9/10.

Burt Ford, Building Inspector, testified to the following violations:
9-280(g)

THERE ARE EXPOSED WIRES IN A JUNCTION BOX ON THE EXTERIOR WALL IN THE BACK OF THE BUILDING.

FBC(2007) 105.1

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS:

1. THE PORCH, IN THE REAR OF THE BUILDING, HAS BEEN ENCLOSED. IT APPEARS TO BE 2X4 FRAMING AND CONVERTED INTO AN EXTRA BEDROOM.
2. NEW DOOR(S) HAVE BEEN INSTALLED IN THE PORCH CONVERSION.
3. NEW WINDOWS HAVE BEEN INSTALLED IN THE PORCH CONVERSION.

FBC(2007) 105.4.11

THE MECHANICAL SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:

1. A WALL AIR CONDITIONER HAS BEEN INSTALLED IN THE PORCH CONVERSION.

FBC(2007) 105.4.4

THE PLUMBING SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:

1. THE BATHROOM IN THE MAIN HOUSE HAS A NEW TOILET, NEW SINK, AND NEW FIXTURES.
2. A SINK AND FIXTURES HAVE BEEN INSTALLED IN THE PORCH CONVERSION.

FBC(2007) 105.4.5

THE ELECTRICAL SYSTEM OF THE BUILDING HAS BEEN ALTERED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER:

1. ELECTRICAL CIRCUITS WERE ADDED TO THE PORCH CONVERSION.

FBC(2007) 109.10

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS.

Inspector Ford stated the property had been foreclosed upon. He submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. Inspector Ford said he had spoken with the former owner's architect, who had confirmed that the addition could not be permitted. Inspector Ford recommended ordering compliance within 56 days or a fine of \$20 per day, per violation.

Ms. Joanne Galipault, Fannie Mae attorney, requested 56 days to get an architect to the property, to pull the permits and have the work done.

Motion made by Mr. Nelson, seconded by Ms. Sheppard to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 119 days, by 1/21/11 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE08010523

2251 Southwest 27 Lane
Bright, Rickey Dean

Certified mail sent to the owner was accepted on 8/25/10.

George Oliva, Building Inspector, testified to the following violations:
FBC 105.1

THE BUILDING HAS BEEN CHANGED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS OR INSPECTIONS:

1. THERE IS TOTAL INTERIOR REMODELING WORK: NEW KITCHEN, BATHROOMS, CABINETS AND FIXTURES.
2. COLUMNS SUPPORTING THE TIE BEAM IN REAR OF BUILDING HAVE BEEN REMOVED.
3. PARTITIONS WERE REMOVED AND NEW ONES ARE BEING BUILT. GLASS BLOCK UNITS WERE INSTALLED AT THE ENTRANCE.
4. ROOF WORK IS BEING DONE. AN ALUMINUM ROOF COVER IS ON TOP OF A CONCRETE SLAB IN THE REAR OF THE DWELLING.
5. WINDOWS AND DOORS ARE BEING REPLACED.

FBC 105.2.11

THE MECHANICAL SYSTEM OF THE FACILITY HAS BEEN CHANGED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER, INCLUDING BUT NOT LIMITED TO:

1. THE CENTRAL A/C UNITS ARE BEING REPLACED.
2. THE DUCT WORK IS BEING REPLACED.
3. VENTILATION FOR THE BATHROOMS AND KITCHEN ARE BEING REPLACED.

FBC 105.2.4

THE PLUMBING SYSTEM OF THE FACILITY HAS BEEN CHANGED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER, INCLUDING BUT NOT LIMITED TO:

1. THE PLUMBING FIXTURES FOR THE KITCHEN AND BATHROOMS ARE BEING REPLACED.

FBC 105.2.5

THE ELECTRICAL SYSTEM OF THE FACILITY HAS BEEN CHANGED WITHOUT OBTAINING A PERMIT IN THE FOLLOWING MANNER, INCLUDING BUT NOT LIMITED TO:

1. ELECTRICAL LOAD DEMAND WAS INCREASED BY ADDING ADDITIONAL LIGHTS AND WALL OUTLETS THAT HAVE NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED AMPERAGE LOADING THROUGH THE PERMITTING PROCESS.

FBC 109.6

WORK WAS PERFORMED AND COVERED WITHOUT OBTAINING THE REQUIRED APPROVALS THROUGH THE PERMITTING AND INSPECTION PROCESS.

FBC 1604.1

THE STRUCTURE FOR THE ROOF DOES NOT MEET THE STANDARD FOR GRAVITY LOADING AND HAS NOT BEEN DEMONSTRATED TO WITHSTAND THE REQUIRED WIND LOADING THROUGH THE PERMITTING PROCESS.

Inspector Oliva said Inspector Hruschka had issued a stop work order on the property and had determined the glass wall and aluminum roof to be unsafe. Inspector Oliva said the owner had informed him in April that his general contractor was ready to submit plans but this had never been done. Inspector Oliva submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence, and recommended ordering compliance within 56 days or a fine of \$10 per day, per violation and to record the order. Inspector Oliva said no more work had been done and the house was vacant. He said a neighbor was very concerned about uplift of winds.

Mr. Rickey Dean Bright, owner, said the house had been damaged in hurricane Wilma. He had paid a contractor and architect approximately \$70,000 to make the repairs but the contractor was now being pursued by detectives. Mr. Bright had found another contractor to do the work. He said he intended to remove all work that was not on the plans or permitted and then perform hurricane mitigation. Mr. Bright said his current general contractor had told him in April that the plans had been submitted but Inspector Oliva had stated the plans had never been submitted.

Motion made by Mr. Nelson, seconded by Ms. Hinton to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 56 days, by 11/23/10 or a fine of \$10 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE09101675

307 Northeast 23 Terrace
Leguizamo, Alberto
Leguizamo Rosa

Certified mail sent to the owner was accepted on 8/23/10.

Burt Ford, Building Inspector, testified to the following violation:
FBC(2007) 105.1

THE BUILDING HAS BEEN ALTERED IN THE FOLLOWING MANNER WITHOUT OBTAINING THE REQUIRED PERMITS:
1. A CHAIN LINK FENCE HAS BEEN INSTALLED.
2. PAVERS HAVE BEEN INSTALLED IN THE BACK YARD.

Inspector Ford presented photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. He explained the fence had failed review and the paver contractor had been paid in full and skipped town. Inspector Ford had advised the owner to get a change of contractor, renew the permit and have the necessary inspections. He recommended ordering compliance within 56 days or a fine of \$5 per day.

Ms. Rosa Leguizamo, owner said the contractor had been hired for the pavers in February. They had subsequently left town and Mr. Leguizamo had suffered a heart attack in New York. Ms. Leguizamo had kept paying the contractor to finish the work, but this had not happened. She requested time to hire a new contractor.

Motion made by Mr. Nelson, seconded by Ms. Ellis to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 119 days, by 1/25/11 or a fine of \$5 per day would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE09021689

2650 E Oakland Park Boulevard
Pescara Enterprises Inc

This case was first heard on 8/24/10 to comply by 9/28/10. Violations were as noted in the agenda. The property was not complied and the order had been recorded.

Mr. Fraser Barnfather, contractor, requested an extension; he said the contractor had finished the work the previous week. He explained the permit process had taken longer than anticipated and they were resolving the permit issue for the appliances.

Burt Ford, Building Inspector, did not oppose the request for an extension.

Motion made by Mr. Nelson, seconded by Ms. Hinton to grant a 56-day extension to 11/23/10, during which time no fines would accrue. In a voice vote, motion passed 7 - 0.

The Board took a brief break.

Case: CE06040110

1407 Southwest 10 Street
Nies, Shawn

Certified mail sent to the owner was accepted on 8/27/10.

Gerry Smilen, Building Inspector, testified to the following violation:

FBC(2007) 105.4.18

A WOOD FENCE WAS INSTALLED ON THE PROPERTY WITHOUT OBTAINING THE REQUIRED PERMIT.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence. Inspector Smilen said no permit applications had been submitted. Inspector Smilen read letters from the owner received on 2/3/10 and 9/20/10 requesting extensions.

Inspector Smilen said he had been unable to see the rear of the property and could not determine where the fence was. He noted this was a rental property with tenants. He confirmed that issuance of the permit would comply the violation. Inspector Smilen recommended ordering compliance within 56 days or a fine of \$20 per day.

Motion made by Mr. Nelson, seconded by Ms. Ellis, to approve the request for a continuance. In a voice vote, motion failed 0 – 7.

Motion made by Mr. Nelson, seconded by Mr. Elfman to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 28 days, by 10/26/10 or a fine of \$25 per day would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE09060554

1121 Guava Isle
Yoham, Jeffrey

Service was via posting on the property on 8/31/10 and at City Hall on 9/16/10.

Gerry Smilen, Building Inspector, testified to the following violation:
FBC 105.1

A BOAT LIFT HAS BEEN INSTALLED WITHOUT OBTAINING
THE REQUIRED PERMITS.

Inspector Smilen submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence and explained someone had reported that the boatlift was hindering traffic on a canal. He said on 9/22/10 corrected plans had been submitted with a permit application. Inspector Smilen recommended ordering compliance within 56 days or a fine of \$10 per day.

Motion made by Mr. Nelson, seconded by Ms. Hinton to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 56 days, by 11/23/10 or a fine of \$10 per day would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Case: CE08030930

2700 Southwest 12 Terrace
Strickland, Gregory J &
Fife, Blair Collins

Service was via posting on the property on 8/26/10 and at City Hall on 9/16/10.

Gerry Smilen, Building Inspector, testified to the following violations:

FBC 105.1

A CARPORT HAS BEEN ENCLOSED WITHOUT A PERMIT.

FBC 105.2.11

A WALL A/C UNIT HAS BEEN INSTALLED IN THE WALL OF THE ILLEGALLY ENCLOSED CARPORT WITHOUT A PERMIT.

FBC 105.2.5

PREMISE ELECTRICAL WIRING HAS BEEN INSTALLED IN THE ILLEGALLY ENCLOSED CARPORT WITHOUT A PERMIT.

FBC 109.6

THE CARPORT HAS BEEN ENCLOSED WITHOUT OBTAINING THE REQUIRED APPROVALS.

FBC 1626.1

THE WALLS, DOORS AND WINDOWS ON THE ILLEGALLY ENCLOSED CARPORT HAVE NOT BEEN PROVEN TO HAVE THE REQUIRED STRENGTH, UPLIFT OR LOAD CAPABILITIES TO MEET THE DEMANDS OF A HIGH VELOCITY HURRICANE ZONE.

Inspector Smilen stated a stop work order had been issued on 4/20/09 and the general contractor had removed himself from the permit, which was voided. He submitted photos of the property and the Notice of Violation detailing the violations and corrective action into evidence and recommended ordering compliance within 56 days or a fine of \$20 per day, per violation. Inspector Smilen pointed out that this residence was occupied by a tenant.

Motion made by Mr. Nelson, seconded by Ms. Hinton to find for the City that the violation existed as alleged and to order the property owner to come into compliance within 28 days, by 10/26/10 or a fine of \$20 per day, per violation would begin to accrue, and to record the order. In a voice vote, motion passed 7 – 0.

Approval of Meeting Minutes

[This item was heard out of order]

Motion made by Mr. Nelson, seconded by Ms. Hinton, to approve the minutes of the Board's August 2010 meeting. In a voice vote motion passed 7 - 0.

Communication to the City Commission

None

For the Good of the City

[This item was heard out of order]

Ms. Ellis suggested the Board schedule all cases for the AM period with no afternoon schedule, since the Board kept finishing earlier. Mr. McKelligett said they wanted to be

mindful of respondents who might need to wait three or four hours after signing in for their cases to be heard. Mr. Nelson suggested resetting the new business cases for 11 AM. The Board agreed to this change.

Cases Complied

Ms. Paris 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:

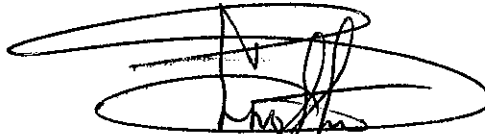
CE05080667 CE09030410 CE06061513 CE10071390
CE09050249

Cases Withdrawn

Ms. Paris 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:

CE09010920 CE05012419 CE08091852 CE09092377
CE08040364 CE09060387 CE09010464 CE09050642
CE10050436 CE09030900 CE05060464

There being no further business to come before the Board, the meeting adjourned at **1:10 P.M.**



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. Opperee, ProtoType Inc.