

City of Fort Lauderdale
UNSAFE STRUCTURES BOARD MINUTES
Thursday, October 21, 2004, at 3:00 p.m.
City Commission Meeting Room - City Hall

| <u>MEMBER</u> | <u>PRESENT/ABSENT</u> |
|--------------------------|-----------------------|
| Charles Schneider, Chair | P |
| Jim Rampe, Vice Chair | P |
| Brent Tozzer | A |
| Patrick Kerney | A |
| Trey Morgan | P |
| Tom Jones | P |
| Michael Madfis | P |

Also in Attendance

Eve Bazer, Community Inspections
Maurice Murray, Community Inspections
Nadine Blue, Board Clerk
Robert Pignataro, Building Inspector
Kenneth Reardon, Building Inspector
Wayne Strawn, Building Inspector
Lisa Edmondson, Recording Clerk

The regular meeting of the Unsafe Structures Board convened at 3:10 p.m. on Thursday, October 21, 2004, at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

| <u>CASE</u> | <u>INDEX</u> | <u>PAGES</u> |
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| 1. CE04070113 Case Address: 1904 SW 10 Court Owner: Reynolds, Thomas A & Frances Inspector: Kenneth Reardon Disposition: Motion for 90 day extension, unanimously approved. | | 3-5 |
| 2. CE04031526 Case Address: 801 NW 19 Avenue Owner: Thomas Reich Inspector: Robert Pignataro Disposition: Motion for 30 day extension, unanimously approved. | | 5-9 |

3. CE04011615 1
Case Address: 534 NW 22 Avenue
Owner: Goldberg, Andrew
Inspector: Wayne Strawn
Disposition: Motion for demolition,
unanimously approved.

4. Board-ups 10

[Swearing in of witness by Ms. Bazer.]

CHAIR SCHNEIDER: First case.

MS. BAZER: Okay, I believe you wanted to hear the last case first. Okay, so let's look at the bottom of page two and that is case CE04011615 at 534 Northwest 22nd Avenue. Andrew Goldberg is the owner. Wayne Strawn the inspector. This case was last heard on September 16th, 2004, but proper notice had not been received. The last permit issued was 10/9/01 to install in the water heater. Certified mail sent to Security Bank N.A., signature illegible, signed 9/23/04. Mers Taylor Bean Mortgage Corporation signed by P. Lewis on 9/24/04. Taylor Bean Mortgage Corporation signed J. Acevedo on 9/24/04. CT Corporation System are registered agent for Mers signed by Fred Singer 9/23/04, and Andrew Goldberg returned unclaimed on 9/24/04. This was also advertised in the *Daily Review* on 10/1 and 10/8/04.

CHAIR SCHNEIDER: So, at this point, proper service has been made. This case has been read into the record. You have any input, Wayne?

MR. STRAWN: The violations exist as stated. This is the same case we spoke about last month. It's still open to casual entry. The only problem with the service was that I got this case from Doug. I didn't realize he hadn't posted it, so it never did get posted. But as you can see from the record – and it's now been posted also.

CHAIR SCHNEIDER: What's your pleasure Board?

MR. RAMPE: Mr. Chairman, I move that we make a motion for demolition based on our decision -

CHAIR SCHNEIDER: There is no respondent here?

MR. STRAWN: No.

CHAIR SCHNEIDER: On your motion, do we have a second?

MR. MORGAN: Second.

CHAIR SCHNEIDER: Any discussion? Yeas, nays? Motion carries. Next victim – case.

MS. BAZER: Alright, the first case on page one is case CE04070113 at 1904 Southwest 10th Court. Thomas A. and Frances Reynolds, the owner. Ken Reardon is the inspector. This case was last heard on September 16th, 2004. There was a 30-day continuance granted. Respondent must have electricity properly disconnected from the building and have a temporary pole set according to proper standards and permitting. The last permit issued was 9/9/04 for electric. Certified mail sent to Thomas and Frances Reynolds, returned unclaimed.

Kovers [phonetic] Credit Limited signed by Linda Everson [phonetic] on 9/28/04. Synergy Investment Group signed D. Decartis [phonetic] on 10/01/04. Gunther E. Kovers, registered agent for Kovers Credit signed by Kovers, no date. T. Amsel [phonetic] registered agent for Sun Life Homes signed by Aeton Adda [phonetic] on 9/28/04 and Peter Weintraub, registered agent for Synergy Investment, signed by Lisa Wessel on 9/28/04. This was advertised in the *Daily Review* on October 1st and 8th, 2004.

CHAIR SCHNEIDER: Good afternoon, sir. How are you today?

[Mr. John Fowler, Architect for Respondents] MR. FOWLER: Very well. How about yourself?

CHAIR SCHNEIDER: I'm pretty good. Do you have all your permits in order? Have you done everything we've asked you to do?

MR. FOWLER: Everything. I got the permits signed. I've got the permit here. FPL has cut the – disconnected the electric to the house and I also brought pictures of the –

CHAIR SCHNEIDER: Sir, do you understand the reason why I was pretty hardnosed about that?

MR. FOWLER: Well, I was misled by the previous contractor, Henry & Sons, and we've changed contractors. We're now using George Burrows on the electric over there.

CHAIR SCHNEIDER: Well, George is a good man. He's been around Fort Lauderdale a long time.

MR. FOWLER: Yes.

CHAIR SCHNEIDER: The bottom line with electricity is, with that service attached to the house, you could theoretically energize that house at any time at will. The Code, particularly in Broward County and now in the State of Florida requires that you have a certificate of occupancy to do that, and that's what I was after, that chain of events. When you have an unsafe structure, particularly in the electrical aspect of it, you have to be more concerned about life and limb and property in that order than at any other time. So, that's why I insisted that the electricity be cut from the house and a temporary set. Ken, are you satisfied with everything that's going on?

MR. REARDON: Yes, he's got a full set of plans that have been into the building department for review. They went out for corrections and I believe they resubmitted them yesterday back in for review. He's moving forward on the permit to rehabilitate the house. I would ask that maybe we would give him sixty days to see how that permit is fairing for coming back in front of –

CHAIR SCHNEIDER: After that sixty days, Ken, if this is – if this is permitted at that point,

that pretty well takes us out of the picture at this point?

MR. REARDON: Exactly. Once this permit is issued, then this – the case basically in its essence is complied. We'll follow it to make sure the work is done, the permits are finalized out. If not, then it would become a new action, but yeah.

CHAIR SCHNEIDER: Board, do you have any questions?

MR. RAMPE: I don't have any questions, Mr. Chairman, but I have a motion to make.

CHAIR SCHNEIDER: Alright, sir.

MR. RAMPE: I would move that we give them a ninety day extension, recognizing the backlog over at the building department, because these folks are obviously moving ahead and working earnestly to get this house restored and back in order. And so I think we can trust them with the ninety days and hopefully we won't see the case again with, you know, if we give the ninety days, that gives them a little more leeway over at the building department where we all know they're very busy.

CHAIR SCHNEIDER: Do we have a second?

MR. MADFIS: I'll second that.

CHAIR SCHNEIDER: Any discussion? You okay with that, Ken?

MR. REARDON: That's fine. I'm sure they're going to comply this case. We won't be needing to tear the building down, but we need this still in front of you as a motivating factor to keep the ball moving forward.

CHAIR SCHNEIDER: Very good. On the motion, yeas.

BOARD MEMBERS: Aye [unanimously].

CHAIR SCHNEIDER: Nays? Motion carries. Thank you very much. Okay, next case.

MS. BAZER: The next case down is case CE04031526 at 801 Northwest 19th Avenue. Thomas Reich is the owner. Bob Pignataro is the inspector. This case was last heard on September 16th, 2004. There was a thirty day continuance granted. Respondent must submit plans to the City within the thirty day time frame. Last permit issued was 4/30/04. There was certified mail sent to Thomas Reich and signed by K. Martinez on 9/28/04 and it was advertised in the *Daily Review* on October 1st and 8th, 2004.

CHAIR SCHNEIDER: Bob and the recipient, how's everybody today? Respondent, how are you today, sir?

MR. REICH: Yes, thank you. I'm doing well. I turned in the plans. I'm moving forward.

Actually, I went before the – I guess the review board. There are a couple of corrections I have to make and I'll be resubmitting them. It's a tedious process. I need time. I did submit them. Actually, one of the corrections was to get a raised seal on the – on one of the –

CHAIR SCHNEIDER: You have to supply embossed sealed plans.

MR. REICH: Right. It was stamped and signed, but I think there was a raised seal that was neglected to be, you know, crimped. But nevertheless, I am moving forward. I would like to ask for ninety days. I'll be resubmitting these plans shortly.

CHAIR SCHNEIDER: Where's your architect at?

MR. REICH: Where is he?

CHAIR SCHNEIDER: Yeah.

MR. REICH: I didn't bring him here. He –

CHAIR SCHNEIDER: No, no, no. Where's his office at?

MR. REICH: In Okeechobee.

CHAIR SCHNEIDER: Okeechobee?

MR. REICH: Okeechobee Road actually, by Miami.

CHAIR SCHNEIDER: Oh, in Miami.

MR. REICH: Yes.

CHAIR SCHNEIDER: Drive down there and get him to seal the plans.

MR. REICH: Yeah, yeah, I will. I'll do that.

CHAIR SCHNEIDER: How long has this been going on?

MR. REICH: This issue here?

CHAIR SCHNEIDER: Yeah, that you got these comments back from the building department?

MR. REICH: Probably ten days or so, maybe two weeks. Oh, actually, the date is - 9/20 was the plan review.

CHAIR SCHNEIDER: That's a month. And it's taken you that long to get a seal?

MR. REICH: That was one issue. There were other corrections that have to be made.

CHAIR SCHNEIDER: Are they all architectural?

MR. REICH: Well, from the point I get the seal, I guess, they're going to keep on reviewing it.

MR. MADFIS: Can I take a look at the comments that you have there? Are those the comments from the building department?

MR. REICH: I don't have them with me.

CHAIR SCHNEIDER: Let's hear from Bob. Robert? What's your recommendation on this?

MR. PIGNATARO: I can't see thirty – more than thirty days on this. I think if you look at the track record on this, there's some foot dragging on somebody's part. I don't know the reason why, but it's still sitting out there in the same condition, so –

MR. RAMPE: When did we first see this case? Do you know, Bob?

MR. PIGNATARO: I don't have the file, but it's been –

MR. RAMPE: I know we hear it last month. That was not the first time.

MR. PIGNATARO: No. This place has changed hands a lot and it's been sitting in that same condition and, as I caught these gentlemen repairing the roof without a permit, it started the whole thing and –

MR. RAMPE: If I could ask the respondent a question. How long have you been involved in the property?

MR. REICH: It's been three months already. We boarded up the place. We painted it. We mowed the lawn. I think we're doing the upkeep, but some of these plans – it's very tedious, very time consuming.

MR. RAMPE: Okay, that's enough I just wanted to know how long. Bob, go ahead.

MR. PIGNATARO: This case started in 3/16 of '04, okay. And that's when we started going forward with this to the Unsafe Structures again. This has a helluva track record.

MR. RAMPE: I'm remembering it now that he said they painted and boarded up. I remember that hearing.

MR. PIGNATARO: Uh-huh [affirmative]. On 9/15/04, Unsafe Structures gave a thirty day continuance. Earlier that day, I signed the structural, electrical, and plumbing and

mechanical apps and the plans okayed to submit to the building department. That was on 9/15. So, nothing's changed that I know of.

CHAIR SCHNEIDER: Sir, first of all, I want you to understand something. At least three of us sitting up here, one of us is a State certified electrical contractor, another one is a State certified builder, and another one is a State registered architect. Nobody in the world knows better than us what it takes to get a set of plans through the building department, but you've got to be focused on doing this on a daily basis. If you hired an architect down on Okeechobee Road in Coral Gables, Miami, Florida, you need to jump in your car, go down there, and have him put a seal on it because, guess what? That's what you paid for. Second of all, if he's got corrections to make on the drawings, he needs to make them and you've had the plans out of the building department now with these comments, at least as far as I can ascertain, for thirty days. And with this going around with a – like a three ring dog and pony show for almost going on a year now, it gets real aggravating when a piece of property changes hands repetitively because the drill is after that, that it's a situation where people are trying to avoid spending money and fixing up the property and keep stretching it out. And it's my philosophy that I'll listen to that only so long and then I've got to be inclined to drop the hammer and the property fixed up. You have to understand what this Board's charge is. We're not here to tear your property down and to deny you anything. We're here to help you. In fact, hold your hand and, if you will, walk you through the process in many instances. But you have to do it for yourself. I personally feel ninety days is out of order. I'm inclined to entertain a motion for thirty more days and if you haven't got this thing moving forward in fast gear by then, I'm inclined to entertain a motion to tear the property down because quite frankly, I'm tired of seeing it coming back and forth before this Board and nothing getting done. It's unfair to the community. It's unfair to the neighbors that live around it and it's time something gets done. Board, what's your pleasure?

MR. MADFIS: I'll make a motion, thirty days. Either a permit or you come back with a direct plan of exactly what comments are left and exactly when they're going to be addressed.

MR. MORGAN: I'll second.

MR. RAMPE: Can you explain what you mean by the comments? What did you say?

MR. MADFIS: Okay, the building department will post the – I believe they'll post the plan rejection comments on the internet or you can retrieve them from the building department once the plans have gone through the second time. So, if you have those comments – if you don't get your permit in the next go-round, submit your plans in the next few days and have them reviewed, or actually if you get those comments back again, you might be able to submit them again before the next thirty days is up. But if, for whatever reason, you don't get your permit in thirty days because you have continuing comments, the only way I think we can be lenient again in the future would be to see those comments and actually be able to understand why you aren't getting through. I mean, I understand sometimes it is difficult and

they don't always go through the first or even the second time, but if you don't return the plans with the comments responded to, of course, nothing will happen. So, if you come back in thirty days without the permit or don't get the permit within thirty days, then we really need to understand why that's not happening. And if it's just because you're not responding to those comments then, you know, we'll drop the hammer. If it's because you've done everything you can and, for some reason, there's a comment that took longer than thirty days to be addressed, that might be legitimate. Is that clear?

MR. RAMPE: I understand what you're saying. So, you're saying, to clarify just a little bit and make sure I do understand, that if we have the comments, we'll know whether he followed up from previous comments or not.

MR. MADFIS: Right.

MR. RAMPE: Or whether he just let them slide and tried to submit the plans again.

MR. MADFIS: We'll better be able to evaluate how much more time he might need if he still has comments. From here, I can't even tell if the comments are – if it's just a seal, he should have the permit.

MR. RAMPE: If they're just letting them slide and resubmitting the plans, I think we ought to demolish, but that's a discussion for the next time if this case comes up. Hopefully not. My only thought is, again, we've got a gentlemen here who has only been involved for three months. This has been going on for quite a while. And this gentleman has appeared regularly every time before the Board. He's obviously working on it. We've got plans here. Plans have been submitted and I'm a little more inclined towards sixty days as opposed to thirty days in order to, you know, get this thing off of our books, so we don't have to keep looking at it, and understanding that he has been moving forward. Unless – I would ask Bob, I mean, do you feel really strongly about that thirty days, or would you be comfortable with sixty days?

MR. PIGNATARO: I think we need to hold his feet to the fire on this. It's not unreasonable that he show up with the comment sheet and I'm putting a note in that we're going to show up with the comment sheet also to make sure that, you know, we get this thing going.

MR. RAMPE: Okay. Well, then –

MR. PIGNATARO: I'm not opposed to giving him time when things are moving along. Something like a seal –

MR. RAMPE: That should have been taken care of a long time ago. Okay, then again, I withdraw that sixty days then in deference to Bob's remarks here. I agree. I think we should keep it thirty days then and I would support that motion.

CHAIR SCHNEIDER: Any more comments, questions? On the motion.

BOARD MEMBERS: Aye [unanimously].

CHAIR SCHNEIDER: Those opposed? Motion carries. Thank you, sir.

MS. BAZER: Those are all the cases and – do you all have the list from the Unsafe Structures of the board-ups?

CHAIR SCHNEIDER: Yes, ma'am.

MS. BAZER: Okay, what I would like to do is to read those case numbers into the record and ask that you find the buildings are open and abandoned and unsafe, so that we may place a lien and do our additional administrative charges against these properties. And they are cases CE04071972, CE04060027, and CE04081828.

CHAIR SCHNEIDER: What's your pleasure, Board?

MR. RAMPE: I move that we approve them.

CHAIR SCHNEIDER: Do we have a second?

MR. MADFIS: I'll second.

CHAIR SCHNEIDER: Any discussion? All those in favor?

BOARD MEMBERS: Aye [unanimously].

CHAIR SCHNEIDER: Opposed? Motion carries.

MS. BAZER: Thank you. Meeting adjourned.

CHAIR SCHNEIDER: Thank you.

[Thereupon the meeting concluded at 3:30 p.m.]

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held on October 21, 2004, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.

Dated at Ft. Lauderdale, Broward County, Florida, this ____ day of November, 2004.

ProtoTYPE, INC.

LISA G. EDMONDSON
Recording Clerk

SWORN TO and SUBSCRIBED before me by LISA G. EDMONDSON who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this ____ day of November, 2004.

NOTARY PUBLIC
State of Florida at Large

Notarial Seal: