

**City of Fort Lauderdale
UNSAFE STRUCTURES BOARD
Thursday, July 21, 2005, 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	A
Patrick Kerney	A
Tom Jones	P
Michael Madfis	P
John Carroll	P
Charlie Minor	P

Also in Attendance

Eve Bazer, Community Inspections
Nadine Blue, Community Inspections
Yvette Ketor, Board Secretary
Lisa Edmondson, Recording Clerk
Brandy Cooper, Recording Clerk

The regular meeting of the Unsafe Structures Board convened at 3:10 p.m. on Thursday, June 25, 2005, at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

<u>CASE</u>	<u>INDEX</u>	<u>PAGES</u>
1. CE05010324 Case Address: 809 N.W. 15 th Avenue Owner: Herbert Myers, Albert Myers, Joyce Ann Fernandez, Mary Dashiell, and Perry Myers Inspector: Wayne Strawn Disposition: 60-day continuance granted, property to be secured		2-10
2. CE05041149 Case Address: 1843 S.W. 4 th Avenue Owner: Richard Hatcher Inspector: Kenneth Reardon Disposition: 30-day continuance granted		10-18

- | | | |
|----|--|-------|
| 3. | CE04111837
Case Address: 3601 S.W. 2 nd Street
Owner: Vincent M. and Jacqueline Graham
Inspector: Kenneth Reardon
Disposition: 30-day continuance granted | 18-23 |
| 4. | CE05040931
Case Address: 150 NW 68 Street
Owner: Pan American Corp.
Inspector: Wayne Strawn
Disposition: Motion to demolish unanimously approved | 23-24 |
| 5. | CE04111777
Case Address: 6980 N.W. 29 th Way
Owner: Antonio Benevides
Inspector: Wayne Strawn
Disposition: Withdrawn | 25 |

CHAIR SCHNEIDER: Good afternoon and welcome to the City of Fort Lauderdale Unsafe Structures meeting for July 21st. Is everyone present that's about to give testimony been sworn? If not, would you have them rise and do so please.

[Swear-in of witnesses by Ms. Bazer.]

CHAIR SCHNIDER: Thank you, good afternoon. Again this is the Unsafe Structures Board Meeting for July 21st. If you would, let's start with the first case please.

MS. BAZER: Please turn to page 2 of your agenda. This is the second case on the page. The Inspector is Wayne Strawn. This is Case CE05010324 at 809 Northwest 15th Avenue. The owners are Herbert Myers, Albert Myers, Joyce Ann Fernandez, Mary Dashiell, and Perry Myers. Last permit was issued on 5/9/73 for a sewer tap. This was last heard on 6/16/05 and they received a thirty day continuance. Certified mail was sent to Perry Myers, the green card was signed Lula Myers on 7/5/05. Certified mail to Albert Myers, the green card was signed Albert Myers on 7/2/05. Certified mail to Herbert Myers, signed 7/14/05 by Herbert Myers and certified mail sent to Joyce Ann Fernandez, and we have good service by her appearance here today.

CHAIR SCHNEIDER: Wayne, is this the first time this case has been heard?

MR. STRAWN: It has been heard; it was continued last month.

CHAIR SCHNEIDER: Alright, so it has been read into the record.

MR. STRAWN: No, I haven't read the charges.

CHAIR SCHNEIDER: Please read it into the record.

MR. STRAWN: Wayne Strawn, City Building Inspector. Florida Building Code Florida Building Code 111.2.1.3.2, to wit: the building does not comply with the minimum housing requirements of the City of Fort Lauderdale. The following is a list of building parts not kept in "reasonably good repair" as required by Municipal Ordinance 9-280(B): windows, doors, ceilings, kitchen cabinets and counter, roof, plumbing systems, electrical systems, shower stalls, chipped and loose tile, smoke detectors, walls, excessive mold, inoperable wall outlets, many other requirements of the Minimum Housing Code are also not provided as required. Florida Building Code 111.1.1, the single-story, five unit residential structure has been substantially damaged by the elements, presents a fire hazard, does not comply with the Minimum Housing Code of the City of Fort Lauderdale, or the maintenance requirements of the Florida Building Code. Florida Building Code 111.1.2, the building repairs and alterations have been done without obtaining the required permits. The work also encompasses the electrical system, plumbing system, and mechanical system. Florida Building Code 111.2.1.1.1, the building is not properly secured. Florida Building Code 111.2.1.2.2, a large crack exists in the concrete roof structure on the north exposure. Florida Building Code 111.2.1.1.2, there is an unwarranted accumulation of debris and combustibles inside apartment 4, combustibles are parked around and top of the electric water heater. Florida Building Code 111.2.1.1.3, the hard wired smoke detectors are inoperable. Florida Building Code 111.2.1.2.4, many ceilings are sagging because of deterioration caused by excess moisture. Florida Building Code 111.2.1.2.5, the premise wiring of the building is compromised due to excess moisture in the building. The window air-conditioning units have been installed without obtaining proper permits. It has not been demonstrated that circuits powering these units are properly protected. Florida Building Code 111.2.1.3.1, the following work has been done without obtaining the required permits and is therefore presumed and deemed by the Code to be unsafe. Electrical distribution panels have been changed out, new electrical circuits have been added, water heaters have been changed out and air conditioning equipment installed. Florida Building Code 111.2.1.2.6, the septic tank on the property has not been abandoned properly as required. In addition, the septic tank is not properly sealed. Florida Building Code 111.2.1.2.1, the smoke detectors and wiring to them are loose and hanging down. Areas of the ceiling are loose because of a moisture condition due to failure to maintain a watertight roof condition. Electrical conduit on the exterior of the building is loose on the wall. Kitchen sinks sag in the counters and the rear door of apartment number one is off the hinges and loose in the jamb. Those are the charges.

CHAIR SCHNEIDER: In your opinion -- you have been out to the job location, the site location?

MR. STRAWN: Not today, but I did when I made up these charges.

CHAIR SCHNEIDER: When you there, was the electric disconnected to this building?

MR. STRAWN: No, I think the electric is still connected.

CHAIR SCHNEIDER: In your opinion, the state that the structure is in with the electric connected, does it present imminent danger to life?

MR. STRAWN: I would think it would be prudent to disconnect -- to have the electric disconnected to the building.

CHAIR SCHNEIDER: Very good. Do we have the Respondent here?

MS. STEWART: Good afternoon.

CHAIR SCHNEIDER: Please state your name.

MS. STEWART: My name is Joyce Stewart. I'm here from the Law Offices of George Allen representing the Myers: that's Lula Myers, Joyce Fernandez, and Mary Myers. The property at issue is currently a part of an estate. We are asking for a continuance at this point. One of the parties that's involved also which is Ms. Mary Dashiell and all of the parties that I'm speaking of are here today. She is intended to or sell, she's intended to buy the property and the parties that I represent, the Myers, are negotiating a sale of that property to Ms. Dashiell who apparently -- do you currently reside there Ms. Dashiell? Who currently resides there at this time. We're asking that there be a continuance at this time due to the fact that the property at hand is in an estate and Ms. Dashiell will be responsible for all of the violations and all of the Code requirements that do need to be met. From what I understand, Mr. Botwell [phonetic], who is the attorney for the estate and Ms. Dashiell's attorney have gotten together and negotiated a part of that sale and all the parties here do attest to the fact that that sale will be going through and we just ask for time in order for that sale to go through. Also the judge who is handling the estate is not hearing any pending motions until August 17, 2005. So, we ask that this matter just be tabled until that time where we can get everything together.

CHAIR SCHNEIDER: As the electrical contractor representative on this Board and the Chairman of this Board, I have one problem with that. When I was listening to the charges being read, the weighted majority of those charges are electrical in nature. Quite frankly, that's the reason I asked the questions about imminent danger to life safety. I'm not even sure that the property in its state electrically is even fit for this lady to be living in it. Pardon me?

MS. DASHIELL: That's not true, sir.

CHAIR SCHNEIDER: And my concern is that someone get into the property without it

being properly secured and become injured or worse killed. As far as the continuance goes, that's going to be up to the Board, but I certainly don't, you know, from past track history don't see a problem with that. My concern more is for life safety. So, how do we go about addressing that concern while addressing the rest of the ills of the property and in abiding by your request for additional time?

MS. DASHIEL: May I say something, sir?

CHAIR SCHNEIDER: Please step forward and introduce yourself.

MS. DASHIEL: I'm Mary Dashiell.

CHAIR SCHNEIDER: Ma'am, I need to ask that you come to the mike because everything is done on record here. Thank you.

MS. DASHIEL: I'm Mary Dashiell and I feel that he said the building was unsafe because of the crack in the wall and we know that the roof does have a leak, but it has never been said that the electrical – there's no wires hanging, there's no loose wires in the sockets and that is not a damage thing that is being said. It's a lot of stuff on that Code is – does not apply.

CHAIR SCHNEIDER: Ma'am, I can only go by what the citations are cited at.

MS. DASHIEL: It said to update and upgrade the electrical and plumbing but it does not say that it was at danger. Never once did it say on that sheet that it was at danger. It said update and upgrade the electrical and the plumbing.

MS. STEWART: Ms. Dashiell, I know you do live at the property currently, correct?

MS. DASHIEL: Yes, I do.

MS. STEWART: Would you be responsible for making the changes that do need to be made?

MS. DASHIEL: I'm not making responsibility for any of the changes unless I own the property. The property is not owned by no one person. The property is owned by everybody, all five individuals, and until they sell the property to me and I fully own the property, then I'm responsible, I cannot say that I'm going to be responsible for all the Code violations until that has been done. This is the reason for the continuance so we can see that the lawyers get together and properly get the sale together on the property.

MS. STEWART: It is my understanding, and you don't have counsel here, but from what they are saying is that they are going to cut off the electricity to that property, do you understand that?

MS. DASHIEL: I understand it, but I don't agree.

CHAIR SCHNEIDER: As a contractor, this has been compromised due to water intrusion; that's a problem.

MR. CARROLL: Mr. Chairman?

CHAIR SCHNEIDER: Yes, sir.

MR. CARROLL: We've just been provided with some photographic evidence of the problems at the apartment complex and it appears to me as the structural engineer on the Board that there are some substantial issues with regard to water intrusion that's getting into the electrical system situation, and you know, and I'd be hard pressed just to grant a continuance without some board-up of the areas that are the problem areas and a disconnection of the electrical to those units.

MS. DASHIEL: Sir, all the –

MS. BAZER: Ma'am, I need you to speak into the microphone, please.

MS. DASHIEL: All the electrical is already off in all the apartments except two. The last apartment, the electrical was cut off yesterday. The electrical is only in my apartment, so, big deal.

MR. CARROLL: Well there's no documentation to support what you just said, so we're going by what we're provided.

MS. DASHIEL: No one is living there, sir. No one is living in the other apartments and it has been for months. The apartments are empty. The owners can verify that.

CHAIR SCHNEIDER: Do you have something to say, sir?

MR. MYERS: Yes, sir.

CHAIR SCHNEIDER: State your name please.

MR. MYERS: My name is Herbert Myers. I'm one of the siblings of my father, George Myers, and I was placed in the position of being the executor of the estate. I have in my hand right now from Security Mortgage, the company who wanted to buy this property going back to the 19th of January. I had this contract in my hand and all of a sudden these things started cropping up with reference with intervening with the process of selling the property. I indicated to the siblings and of course during the time when my brothers were living and both of them are dead right now, so I'm the only male figure that's there. I tried to my best ability to come up with a concept so where we can do this thing and get rid of the property because my father left it one-fifth per child. So, this is what we have right now with the apartments. Everybody has a house but me. I didn't get anything yet, and one apartment. But it seems as though my sister, who I think means well, but she I think she wants the whole apple and she

doesn't want to share. I have offered her as much as of the apple that I can give according to my brothers and my sisters. I am asking her today, before you, to back off because we have a person that wants to buy the property. They don't care how bad it is, they are willing to pay the amount of money as suggested on this package right here.

CHAIR SCHNEIDER: Well, the fact of the matter is, is their attitude is probably that dirt is worth more than the building.

MR. MYERS: I can't hear you.

CHAIR SCHNEIDER: I say the fact of the matter is, that in their opinion, the dirt that the property is built on is probably worth more than the building itself. But that's neither here nor there to this Board. The important issue to this Board and our charge in the City of Fort Lauderdale is to see that that property is maintained in accordance with the Codes and the City ordinances. And when I have an inspector that testifies before me that he's of the opinion due to the state of the building that it's in imminent danger to life safety, as a State licensed electrical contractor, I have only one thing that I can do and say to that. Then to compound that property, when I have a State licensed structural engineer tell me that because of the compromise of the structure and the integrity of the structure due to water intrusion and the intrusion of water into the electrical system is imminent, that just reinforces that position. So this Board cannot nor will not get into a dispute between you and your family or other civil or legal matters. What we will adjudicate and make a decision on is (a) how can we work with you, the property owner to (a) either correct the violations or (b) assist you in any way we can in the process of the sale to facilitate that and see that the property is corrected.

MR. MYERS: Well, in order to facilitate the effort that I have made, you see, the company is willing to come in as of now. I talked with the people last week; they are still willing to buy the property and we could just divvy out the moneys to – I can understand what you're saying, you don't want to get into personal matters like that, but this is the only way that I, as the executor of this account, that can get rid of the problem without having to go and build or re-build the property again.

CHAIR SCHNEIDER: Tell you what let's do. Let me get my Board members to make a decision, let us have some discussion on that motion, and we'll see if we can't work out something that's amiable to all parties.

MR. MYERS: I would appreciate that.

MS. DASHIEL: Sir, I have one more thing to say, please.

CHAIR SCHNEIDER: Yes, ma'am.

MS. DASHIEL: Let me speak into the mike. Sir, I have tried to buy this property even before you put the violation in. My family wrote a letter to me saying they will not sell to

me. Mr. Botwell can contact – Mr. Botwell is the person that wants to buy the property with it pushed down for the two twenty-five. He contacted my lawyer on the 19th of July and stated that if I wanted to buy the property, he would sell to me for the two twenty-five and that everybody had agreed. Now what my brother is saying evidently he has not agreed because he's saying something contrary to what Mr. Botwell is saying and he is suppose to be his attorney representing him. Now this is what was said to me that they would sell to me.

CHAIR SCHNEIDER: Ma'am, I appreciate your position. But I need you to hear what I just said to your brother.

MS. DASHEIL: I know, that you can't get in the family matter.

CHAIR SCHNEIDER: This Board is charged with enforcing the City ordinances and Codes, not with any other legal aspect of the property. And it's not that we're not unsympathetic, God only knows we are. You'd be devastated if you sat in this chair and heard some of the things that we hear. The last thing this Board wants to do is take someone's home and tear it down. But we are charged with a responsibility to see that the minimum Codes and ordinances are met and we're going to do that and if there is a way that we can amiably do that that satisfies everyone, then we'll do so. As I said, please allow this Board to make a motion. We'll have some discussion on it and see if there is something we can't -- some general consensus that satisfies everybody's concerns come to that consensus.

MS. DASHIEL: But sir, both lawyers are not here. She is representing from George Allen but the lawyers that are representing the Code violations are not here today.

CHAIR SCHNEIDER: Very well, Board, what's your decision?

MS. FERNANDEZ: I just need to ask you something.

CHAIR SCHNEIDER: Yes, ma'am. Please state your name.

MS. FERNANDEZ: Hi, I'm Joyce Fernandez. I'm one of the owners.

CHAIR SCHNEIDER: Yes ma'am, good afternoon.

MS. FERNANDEZ: I just need to ask you a question. While the Board is making your decision, would this prevent us from selling the property?

CHAIR SCHNEIDER: No, ma'am.

MS. FERNANDEZ: Okay, that's all I would like to know.

CHAIR SCHNEIDER: Again, I want to state it very clearly so this beautiful young lady attorney understands, we are charged with enforcing the City ordinances and the Codes with respect to the state of the building condition, period. What's your pleasure Board?

MR. MADFIS: I would like to make a motion to grant them thirty days provided that all the unoccupied units are securely boarded up and that the electricity has been shut off and that an electrical contractor has visited the home and the one unit to be occupied and certify that the electricity is safe.

CHAIR SCHNEIDER: Do we have a second on that motion?

MR. CARROLL: I'll second.

CHAIR SCHNEIDER: Any discussion? As the electrical contractor on the Board, I would agree with that motion and that would give you thirty days adequate time to come to some general consensus between your mutual selves and if that is not a long enough period of time considering – when did you say that the probate judge was going to hear this again? August what?

MR. MYERS: 17th.

CHAIR SCHNEIDER: What's the next Board meeting? Speak now or forever hold your piece?

MS. STEWART: Just to be – so that there's no inaccurate representation, the judge will not be hearing any pending motions until August 17, 2005. So I don't –

CHAIR SCHNEIDER: When does your case come before his docket?

MS. STEWART: We don't know exactly. We don't have an exact date.

CHAIR SCHNEIDER: Is thirty days enough time?

MS. STEWART: We'd ask for forty-five, if we could get that at least.

CHAIR SCHNEIDER: We can only give you sixty.

MS. STEWART: Well, I'll take the sixty then.

CHAIR SCHNEIDER: I figured you would.

CHAIR SCHNEIDER: Will the maker and the seconder of the motion amend their motion to sixty days?

MR. MADFIS: I would be willing to do that.

MR. CARROLL: I think we should put a week or ten day time limit on the board-up though.

MR. MADFIS: Oh for sure, I think the board-up should be done – that's a good time, yeah.

MR. STRAWN: May I address the Board?

CHAIR SCHNEIDER: Wayne?

MR. STRAWN: Yes, perhaps a proviso should be provided that if these conditions are not met, it will be brought before the August Board hearing.

CHAIR SCHNEIDER: Good point, very well. The motion is so amended that they will be granted a sixty day continuance provided the property is boarded up and secured on all unoccupied units and that the electric is disconnected from those same units and that verification be forthwith within the next ten days to two weeks. Otherwise, this case will revert at the next meeting.

MS. EDMONDSON: I'm sorry, there was another condition where he had asked that an electrical contract certify the remaining units.

CHAIR SCHNEIDER: That's goes without saying, Lisa.

MS. EDMONDSON: Well you're restating the motion. I wanted to make it clear on the record.

MR. MADFIS: Thank you.

CHAIR SCHNEIDER: How's that do everybody? Does that make everybody happy? A paradox; I finally did it. On the motion, all those in favor, signify by saying aye.

BOARD MEMBERS: Aye [unanimously].

CHAIR SCHNEIDER: All those opposed, like sign. Motion carries. Thank you, folks.

MS. BAZER: Please turn to page one of your agenda and it's the second case on that page. Ken Reardon is the inspector. This is case CE05041149 at 1843 Southwest Fourth Avenue. Richard Hatcher is the owner. The last permit issued on this property was 10/28/02 for re-roofing. Certified mail was sent to Richard Hatcher, green card came back, signature illegible, no date on the card. Certified mail sent to Robert C. Frederick, signed by Kathy Frederick, no date on the card. Certified mail sent to Kathleen Frederick, signed Kathleen Frederick, no date on the card.

MR. REARDON: Good afternoon Board. Ken Reardon, City Building Inspector. Case CE05041149, address of 1843 Southwest Fourth Avenue. This case is reference a tool shed that has been built into the backyard of the property. Violation of Florida Building Code 111.1.1, the rear shed structure has deteriorated from the elements, and has not been maintained according to the requirements of the Florida Building Code or the Minimum Housing Code of the City Fort Lauderdale. 111.2.1.2.1, the plywood wall siding is in rotted and deteriorated condition. 111.2.1.2.2, the roof and wall framing are rotted and unsafe.

111.2.1.2.5, the illegal electrical wiring added to the shed without first obtaining an electrical permit is in an unsafe condition and is exposed at the ground where the service wiring enters the building. 111.2.1.3.1, the electrical wiring in the shed was done without first obtaining an electrical permit and shall be presumed unsafe. 111.2.2.1, the cost to alter or repair the building exceeds 50% of the value of the building. 111.2.2.2., the cost of the structural repairs exceeds 33% of the value of the building. We ask that the Board give an order of demolition giving the property owner thirty days to demolish the building or such order be issued to the City.

CHAIR SCHNEIDER: Do we have a Respondent here? Please state your name, sir.

MR. HATCHER: My name is Richard Hatcher. I own the property.

CHAIR SCHNEIDER: How are you today, sir?

MR. HATCHER: I have a tool shed on the back of my property that he's familiar with and it was neglected. But it is structurally sound. The structure is sound. The 2 x 8 rafters are sound. There is one crack in the header because a limb fell out a tree. Mr. Mercer right here knows that. And if I could redo the building, it would be beautiful. We're talking about seventeen sheets of plywood, sir, at \$18.00 a sheet. It would cost me less to repair this building than it will be to get the architect to draw me the plans. It would be less for me to repair this building including a new roof and I don't know where he's coming up with the figure. I priced a building yesterday at Home Depot and they want \$2,600.00. I can repair my building and a safe building, a roof and everything on the building for less than \$1,000.00. And so I – I've got tools in there I've had since I was in high school and I've got everything and everybody else's there. I've got lawn mowers, wheelbarrows. I can't put that stuff in my front room. I'm in a catch-22 here. You want a licensed demolition expert to tear it down? I can't afford to tear it down; I can afford to fix it. I'm in a position where you're going to charge me for not fixing it or not having it removed when I can't afford it. I do have some applications here where I'm going to apply to the City for some help if that has to be done, but I can repair that building.

MR. REARDON: I've been working with Mr. Hatcher on this building for quite a while. I also actually have a concerned neighbor who wishes to address the Board. The hang up with Mr. Hatcher is he's going to need a design professional to make a set of sealed drawings, okay, that will certify the reconstruction of this building will meet the Code. You can see the pictures before you; it has deteriorated further than a cracked header and a bad rafter. There is serious dry rot to the framing. They got pictures of the building.

MR. HATCHER: I know, I got the same pictures.

MR. REARDON: It's going to need some attention. And I want to give Mr. Mercer, who is a neighbor who came, a chance to address the Board since he took his time to come.

CHAIR SCHNEIDER: Mr. Mercer?

MR. MERCER: Yes.

CHAIR SCHNEIDER: Please step to the mike and state your name.

MR. MERCER: Good afternoon gentleman, how are you? My name is Mark Mercer. I've been a resident in Broward County all my life, born and raised with sand between my toes. Unfortunately, I've also lived next to Mr. Hatcher since about right around 1990. There are some larger problems here. I know you're here just to address the issues with that structure which is a tool shed. Indulge me for just a minute. Ever since Mr. Hatcher has moved in to this structure, this neighborhood, me living next to him, has had to put up with everything from bank robbers, to thieves, to prostitutes. I'm as compassionate as the next person and some of you might even know that I'm involved in a lot of community affairs, charitable events, but enough is enough of what this neighborhood has had to deal with. Mr. Hatcher – it's not just a tool shed. There are people living in this. I know Mr. Hatcher thinks he's being compassionate by taking people in off the street, but he basically runs a flop house, I don't know how else to put it. Everything from having to witness drug deals, I mean, imagine the embarrassment of having your mother come over for a cup of coffee, walking her to her car and then having a john stop in a pick-up truck physically fighting with a prostitute to get her out of his truck while, you know, I'm paying \$6,000.00 per year in taxes. Mr. Hatcher, I don't care what he's saying, he runs a flop house. There are people living – this structure is – people live in it. It is beyond repair. I have pictures, two sets as of this morning at 10:00 o'clock, this morning.

MS. BAZER: You have two sets, you said, because we have to show to them –

MR. MERCER: Okay, fine. When they get done with them, certainly. Enough is enough. For the life of me, I don't know – with the main structure of the house, between broken windows, this latex paint just poured on top of asphalt shingles, I'm surprised the main structure of the house has not been condemned. And once again, all this -- did I leave out –

CHAIR SCHNEIDER: Kenneth, can I ask you a question, please?

MR. REARDON: Yes, sir.

CHAIR SCHNEIDER: What's the size of this structure?

MR. REARDON: Oh, it's approximately 10 x 18. Mr. Hatcher, do you have the exact dimensions of it?

MR. HATCHER: The building is twelve foot wide and twenty-six foot long.

CHAIR SCHNEIDER: My question to you is, you use to be involved with the Zoning Department at one time, did you not?

MR. MERCER: Will I be able to have just one more minute?

CHAIR SCHNEIDER: In a minute.

MR. MERCER: Thank you sir.

MR. REARDON: I'm involved in zoning from the standpoint as part of my duties as a building inspector assigned to Code, I enforce the City zoning code as well as building code.

CHAIR SCHNEIDER: My question to you then is based on the current city ordinances with the maximum allowable structure of a hundred square feet, 10 x 10, without meeting the minimum setbacks, will this structure, in its present location meet those setback requirements?

MR. REARDON: I discussed that with Mr. Hatcher and he assures me he's got plenty of side and rear setback.

CHAIR SCHNEIDER: Minimum rear set back on a structure larger than 10 x 10 is fifteen feet. Is that not correct?

MR. REARDON: Yes, right, and five on the side.

CHAIR SCHNEIDER: Is this fifteen feet from the back setback?

MR. REARDON: I don't know. I don't have a survey of the property.

MR. CARROLL: In looking at the photographs, it's close. And it looks like you've got that on the side, but the back looks pretty close. Assuming that the structure is twelve foot wide and looking at that one photograph –

CHAIR SCHNEIDER: That's neither here nor there for this Board.

MR. HATCHER: May I see them pictures?

CHAIR SCHNEIDER: That's neither here nor there for this Board. As far as we're concerned, from a zoning perspective, that's not our concern. What is my concern is that we make a ruling that's not in harmony with other ordinances elsewhere in the City, i.e., the zoning laws. Do I have any other questions from any other Board members? Please. We'll get to you Mister --

MR. JONES: Vertical 2 x 4 the tool shed, vertical members support, are they deteriorated at the foundation and does it in fact sit on pressure treated wood on a concrete slab?

MR. REARDON: I don't have the photographs anymore and I don't recall but it would require -- if it's in contact with the concrete, be pressure treated.

MR. JONES: You can't tell from the photograph if it's got – can you see that please, Ken, check it out.

CHAIR SCHNEIDER: Is that a slab or?

MR. REARDON: It is a slab.

MR. JONES: Okay, it's a slab. How is the vertical 2 x 4s, are they deteriorated, rotted or they --

MR. REARDON: Yes.

MR. JONES: And how about the rafters? The 2 x 8s, are they?

MR. REARDON: Both the wall and roof framing members are rotted. Yes, sir.

MR. JONES: Perhaps the only thing savable here would be the slab, the way it is described. It looks very negative as far as keeping it.

CHAIR SCHNEIDER: The other gentleman, the neighbor, you wanted to have one more minute?

MR. HATCHER: Can I follow him?

CHAIR SCHNEIDER: Please.

MR. MERCER: Did I forget to mention the day a bounty hunter came by looking for a sexual predator? Last address known at Hatcher's place. This is directly across the street from an elementary school in Fort Lauderdale, Croissant Park Elementary. I know you're here to decide -- your decision has got to be based on the structure alone, but please don't leave out the fact the stench that comes from this property, the rodents. I can sit out on my deck at night enjoying a beverage and watch the rats run down the fence line. This structure needs to be torn down and the main structure needs to seriously be considered also.

CHAIR SCHNEIDER: Well, I can't address all of the social ills

MR. MERCER: I understand, sir.

CHAIR SCHNEIDER: I too live over in that area; I live over at Edgewood. And as far as the rats go, you can look on any telephone line during the night and you can see them running down the telephone line. The City of Fort Lauderdale is overrun with rats. And quite frankly, they ought to have a City ordinance that bans feeding birds, squirrels, and other vermin in the City, but we're not here to discuss that. We are here -- and the meat and the potatoes of this issue, is this structure safe? And based on what the structural engineer will say and based on what this general contractor and that architect will say, will be the overweighing determining factor.

MR. MERCER: I fully understand. Aside from the quality of life issues, this place is a tinder box.

CHAIR SCHNEIDER: Sir, you wanted one last opportunity to respond?

MR. HATCHER: Yes I do.

MR. MERCER: Between electrical and the nature of this building and I just ask this Board to please, honor the hard work that your City staff is doing.

CHAIR SCHNEIDER: Thank you.

MR. MERCER: And order that this structure be removed.

CHAIR SCHNEIDER: Sir?

MR. MERCER: Thank you very much for your time.

CHAIR SCHNEIDER: You're welcome. Thank you for coming down.

MR. HATCHER: Man, he painted a horrible picture of me didn't he? I had a man offer me a hundred thousand dollars for my house and wouldn't sell it and I've had nothing but hell since. He showed you some pictures. I would like to show you some pictures, sir. Actually, the same pictures he showed you.

CHAIR SCHNEIDER: Sir, let me state something for the record. Everything that we do here is on the record, so if you want to address us, you need to do it through that microphone. But I can look at the pictures with you talking.

MR. CARROLL: Mr. Hatcher?

MR. HATCHER: Yes, sir.

MR. CARROLL: I'm a licensed structural engineer in the State of Florida. In looking at these photographs and just from the photographic evidence, I think you have some serious, serious problems with this structure. Have you retained a licensed professional engineer to come out and certify that this structure could be re-built?

MR. HATCHER: I certainly will. As I explained to him, as a matter of fact, we've had several conversations on it. I didn't know that I was to do that. I have had so many complaints from the City of Fort Lauderdale and the Police Department and they call come in and rap about Mr. Mercer calling them. They will tell you the same thing. But anyway, it got to the point where I ignored it and I realize now I can't.

MR. CARROLL: Well, we can't ignore it as a Board here. My position is as the structural engineer is to make recommendations in regards to structure. Now looking at the photographs, I would vote to tear the thing down. That would be my first inclination. Now are you willing to hire a design professional, a structural engineer, to come in and certify that this structure could be re-built?

MR. HATCHER: Absolutely.

MR. CARROLL: And if he says that it can't be re-built, what are you going to do?

MR. HATCHER: If it can't be re-built, I don't have a choice.

MR. CARROLL: Okay.

CHAIR SCHNEIDER: Any more? Yes, sir?

MR. REARDON: If we are going to be talking a little bit of a time extension here reference giving him an opportunity to get his design professionals on board, going back to what Mr. Schneider had said on the last property, this building is energized illegally, it's got exposed wiring and we would certainly ask that that be disconnected.

CHAIR SCHNEIDER: It will be. That will be one of the caveats if there is, if it's been built without a permit and it's been wired without a permit --

MR. REARDON: He had a permit for the building; it's the wiring.

CHAIR SCHNEIDER: The electrical portion of it. I would ask that if a motion be made, that that be part of it, that it's disconnected electrically until such time that it's proven safe and a permit pulled, and the work done properly. Is there anymore discussion, questions or any, of the neighbors, Respondent or the City Inspector?

MR. REARDON: I would make one additional comment. I know that Mr. Hatcher has been trying to get in touch with our Economic Development Department to see if he would possibly qualify for some assistance in programs they have that help people with bringing the exterior element to their house up to Code. And if he qualifies, perhaps he could get some financial relief. I would like to see him get the opportunity to do that, but we kind of need, you know, we've been playing with this since the beginning part of the year. We need a time certain.

CHAIR SCHNEIDER: Anything else? Yes, sir?

MR. MERCER: I just ask that again you at least hopefully have the structure removed. Maybe it will be another two or three hundred less square feet that Mr. Hatcher has to house these sort of people in. This is not just a disaster of the last year. How much time do you have? I mean I could go through this. I'm not -- and I do have better things to do than to take time out of my day to come down here, but it is unbearable. He has got this neighborhood under siege with the people that he houses and personally, I've had it. He needs to be reeled in. Thank you.

CHAIR SCHNEIDER: Thank you.

MR. MADFIS: That may be an issue for the Nuisance Abatement Board there.

CHAIR SCHNEIDER: What's your pleasure Board?

MR. HATCHER: Can I now make a comment?

CHAIR SCHNEIDER: No sir, we're done.

MR. HATCHER: There's three people living in my house.

CHAIR SCHNEIDER: Now, you're going to make it anyway, aren't you?

MR. HATCHER: Yes, I am.

CHAIR SCHNEIDER: Go ahead then.

MR. HATCHER: That's it.

CHAIR SCHNEIDER: There's three people living in your house.

MR. HATCHER: There's three people living in my house. There's a short, crippled Italian woman, and a 65-year old man in my bedroom. And of course I live there. I am listed in the directory, I am in the AA program and for the last thirty-two years, I have been helping people. There is nobody living in my garage.

CHAIR SCHNEIDER: Alright sir, thank you very much. Board, what's your pleasure?

MR. MERCER: Best guess from time to time, I see seven to ten people. I believe right now, we're getting a little relief because some of the prostitutes have been re-arrested and some of the people, you know, are probably in and out of jail. It is a constant revolving door; this is just not the last couple of years, gentleman. This is systemic.

CHAIR SCHNEIDER: Thank you.

MR. MERCER: Thank you, have a good day.

CHAIR SCHNEIDER: Do we have a motion?

MR. CARROLL: I'll make a motion. I really would like to see -- to give him, Mr. Hatcher, one chance to retain the services of a licensed professional engineer or a licensed architect that can do an inspection of the structure and certify that it couldn't be repaired and also indicate what the repairs would be and what the costs would be of those repairs. And that can be done in a report format to keep the costs down. And I'd say we need to get that done within the next thirty days.

CHAIR SCHNEIDER: And I also ask that you put on the motion that the electric be

disconnected from that by a licensed electrical contractor and that that proviso be stipulated that it's been done so in that report.

MR. CARROLL: I'll agree to that.

CHAIR SCHNEIDER: Do we have a second on that motion? Speak up.

MR. JONES: I'll second it.

CHAIR SCHNEIDER: Any discussion on the motion? Being no discussion, all those in favor of the motion, signify by saying aye.

BOARD MEMBERS: Aye [unanimously].

CHAIR SCHNEIDER: All those opposed? Motion carried. Sir, there is one thing I want to say to you before you leave here today. This Board is giving you one opportunity. In thirty days from now you need to take advantage of that opportunity or the next time this issue comes before the Board, I assure you that this Board will take action.

MR. HATCHER: Well, I certainly hope that you would.

CHAIR SCHNEIDER: Thank you very much for coming down.

MR. REARDON: It's actually a little less, it's August 18th.

MR. HATCHER: Okay, I will get somebody out there to do the drawings. Thank you.

MR. CARROLL: It's not really drawings. All we need is a report that says that it can be upgraded from a license engineer or a license architect.

MR. HATCHER: Okay, sir, I will have it.

CHAIR SCHNEIDER: And you need to have the electronic disconnected from it post-haste.

MR. HATCHER: Sir, the electric is disconnected.

CHAIR SCHNEIDER: Well it needs to be certified in the report that's it's done so. Thank you sir. Next case.

MS. BAZER: Page one, first case on the page. Ken Reardon is the inspector. This is case CE04111837 at 3601 Southwest Second Street; Vincent M. and Jacqueline Graham, the owners. Last permit issued on 4/22/04 to add two bedrooms and a bath and a den on the first floor and on the second story, three bedrooms and two baths. Certified mail sent to Vincent M. and Jacqueline Graham. Certified mail returned, signed J. Graham, no date on the card. Certified mail sent to Countrywide Home Loans, Inc., returned signed Ken C. Fitsor [phonetic], no date on the card; and certified mail to the Prentice Hall Corporation, Attention:

System, Inc., and that was signed by S. Thompson, no date on the card.

MR. REARDON: Ken Reardon, City Building Inspector. Case CE04111837, 3601 Southwest Second Street. I'd like to correct the record for one thing Ms. Bazer said is that permit she described to you was an application and that permit was never issued. This is reference an incomplete structure that was started to be added to the rear of the building. Violation of Florida Building Code 111.1.1, the structure has deteriorated from the elements. It has not been maintained according to the requirements of the Florida Building Code or the Minimum Housing Code of the City of Fort Lauderdale. Florida Building Code 111.1.2, this is an incomplete structure which was started under a 1999 Broward County permit. This permit is expired and null and void. This incomplete structure is presumed and deemed unsafe. 111.2.2.1, the cost to alter or repair the building exceeds 50% of the value of the building. 111.2.2.2, the cost of the structural repairs exceeds 33% of the value of the building. Mr. Graham has shown to be unwilling or unable to complete this project. It's a nuisance to the neighborhood. I ask that he be given thirty days to demolish the work that was started or ordering the City to demolish.

CHAIR SCHNEIDER: Thank you. Is the Respondent here? Please state your name sir.

MR. GRAHAM: I'm Vincent Lloyd Graham. I'm not quite sure what to say. I made a response at first when the letter was sent to me asking for the opportunity to come here and appeal the decision. I enlisted all the -- an elaborate argument as to why the decision is not really necessary, but sitting down and observing and listening to the precedent that has been set by the first case, I am not quite sure what the word "continuance" means but it seems to me to be the best means of buying time to solve the problem. If I'm given ninety days, I'll be able to come back here and this case will be resolved. I understand it's not even a big issue because the report is more theoretical than actual. All that's there is some, there was a building that I started under a permit some time but because of what I wanted to do, I realized that the land was being wasted so I knocked it down and had plans, a set of plans drawn to build something else. I got cheated by so many architects and so much rigmarole, that I just knocked the thing down. Then my wife was sort of upset with how long it's taking and indeed, there was a structure there that was rotting. But part of the structure that was rotting was a wood shed that was built on to put in my tools. That has been knocked down and removed; the debris part of it, the garbage part of it was removed. The only thing remains of that wooden structure that could have been, you know, exposed to the element or whatever is the actual 2 x 4s and 4 x 6's, knocked down and packed up. The other concrete structure, the only part of it that is still standing is about five or six feet of concrete wall, solid about up to waist high that I can knock down myself and the stub columns, just the steel coming up the stub columns that, if I'm giving time I can either knock that down or have contact an architect to draw up new plans that incorporate the part of the building that is left. If I'm given time, any of the above can be done.

CHAIR SCHNEIDER: Sir, I've been involved in construction in South Florida for over thirty-five years and I'm astounded that this was built in 1999, as high as the walls are

without any tie columns or tie beams and it's still standing, given some of the winds we've had.

MR. GRAHAM: Because, sir –

CHAIR SCHNEIDER: Please let me finish. I listened to you and I didn't interrupt you and I would appreciate the same respect. The problem that you have here is, God forbid, a little kid is standing next to one of these block walls and a good wind comes along and it blows over on him. I've seen concrete walls, under structure, concrete block walls under structure, on a job without the tie columns and tie beams, fall down, blow over in less than twenty mile an hour winds. And I am astounded, I'm not kidding you, that these walls are still standing. This is without a doubt a hazard to life and property. This needs to be dealt with immediately in my opinion. And I'm going to yield to the structural engineer who knows better than I. I'm just an electrician for God's sake.

MR. GRAHAM: Sir, if you go out there now sir, the walls that were reported of this high, was once upon a time. I knocked those walls down long time and basically all that stands right now is just –

CHAIR SCHNEIDER: You may have, but all I have to go with is the photographic evidence that I have in front of me and I'm looking at wall here that's probably, I'd say at best, eight to ten feet, maybe twelve feet tall.

MR. GRAHAM: My wife got angry at me about how long it's taken and I got angry myself and took a sledge hammer and knocked them down.

CHAIR SCHNEIDER: When were these photographs taken, Ken?

MR. REARDON: Is there a date on them?

CHAIR SCHNEIDER: I don't see a date, Kenneth.

MR. REARDON: They were taken in the neighborhood –

CHAIR SCHNEIDER: So, since then, you stated you've knocked the walls down?

MR. GRAHAM: I knocked the walls down, my wife get angry, say it's taking too long. And all that's left is basically the footing.

CHAIR SCHNEIDER: It's tough when those wives get on you, isn't it?

MR. REARDON: The walls are – I went by periodically to see if there has been any progress made. The walls are probably four foot high.

MR. GRAHAM: They are less than four foot. Basically all that's left now is the stub columns.

CHAIR SCHNEIDER: Well what do you intend – you said that if we give you ninety days, you're going to have this problem solved.

MR. GRAHAM: Yes.

CHAIR SCHNEIDER: What are you going to do in ninety days?

MR. GRAHAM: I want to have an engineer draw the plans for what I really want done or if not, I just continue –

CHAIR SCHNEIDER: Well, let me ask you this question. The engineer draws these plans, are any of these walls that you've got standing right now going to be used?

MR. GRAHAM: Yes, sir. Those are the only ones that I've left up to here because I figure - with the steel sticking out. Because I figure those walls are still left are just knee walls, can be incorporated in the new building so I left those up, not real high but just about here. The reason you said that, you know, you're astounded that the walls don't fall down. Back home where I come from, we build walls differently from how they build here. We fill every block pocket, we put steel in everything and that is why they have been able to stand up so long without falling down. But since, as it is said that they are unsafe, I knock it down but the other part that's left with the steel hanging, filled with concrete steel. If it's – I feel that those can still be used in the new building I intend to put up.

MR. CARROLL: Mr. Chairman?

CHAIR SCHNEIDER: Yes.

MR. CARROLL: Well, number one, your first permit expired. A new permit is going to have to be issued under the new Code, the 2001 Code, depending on when you get it in, it could be under the newest Code which could even be worse for you. So, in my professional opinion, you're not going to be able to salvage that structure because no engineer or architect that's licensed in the State of Florida is going to be able to certify that it meets the current Code. So right there, you're fighting an uphill battle. So, it would be my recommendation to tear it down and start fresh so you know what you got.

CHAIR SCHNEIDER: Well at least you've got the footers.

MR. CARROLL: Even the footers. Even the footers are a problem.

MR. GRAHAM: You are a structural engineer. The footers are four feet wide, twenty inches deep. Wouldn't that be able to hold up Fort Knox?

MR. CARROLL: That would meet the Code if they are and they have their proper steel in it but you've got to get somebody to certify it, that's the problem, you know? You've got to hire somebody with either electromagnetic equipment or x-ray equipment to go in there and

certify it and that's not cheap.

MR. GRAHAM: I'll knock it down if you give me enough time.

CHAIR SCHNEIDER: We'll give you thirty days.

MR. GRAHAM: Give me ninety days.

CHAIR SCHNEIDER: Well, let's see what the Board says, how's that? Any other comments? Any other recommendations? Any other appeals?

MR. MADFIS: I have one question.

CHAIR SCHNEIDER: Go ahead, please.

MR. MADFIS: So you're occupying the house that's been surrounded by this new construction?

MR. GRAHAM: No, sir. It's not the house, it's not surrounded by. It was designed in a way that I could build it without even touching the house, nothing touches.

MR. MADFIS: I understand. But I guess adjacent to this house, there's this unfinished construction. Are you occupying the home right now?

MR. GRAHAM: The word adjacent –

MR. MADFIS: I don't care whether there is construction there or not, are you occupying this property?

MR. GRAHAM: Yes, but the new house is about four foot six away. It doesn't touch any at all.

MR. MADFIS: That's fine. What do we know about the condition of the existing home that he's occupying?

MR. REARDON: Fine, not a problem.

MR. MADFIS: That's my question.

CHAIR SCHNEIDER: Any other questions? Does the Board have a motion?

MR. CARROLL: I'll make a motion to give him thirty days to tear it down.

MR. GRAHAM: Give me ninety days.

CHAIR SCHNEIDER: Do we have a second?

MR. MADFIS: I'll second that motion and you know –

CHAIR SCHNEIDER: Any discussion? Being no discussion on the motion, all those in favor, signify by saying aye.

BOARD MEMBERS: Aye [unanimously].

CHAIR SCHNEIDER: All those opposed, like sign. Motion carries. Now then sir, if thirty days does not do you, in thirty days come back in and see us.

MR. CARROLL: Show us some progress.

MR. GRAHAM: Okay.

CHAIR SCHNEIDER: Show us some progress and we will work with you. But you've got to make some moves on this before somebody gets hurt or even worse, killed.

MR. GRAHAM: Okay sir. Thank you, sir.

CHAIR SCHNEIDER: Thank you. Next case please.

MS. BAZER: Next case on page 4. We have good service with this, but the respondent did not appear. But the Inspector will therefore present the case and that is Inspector Wayne Strawn for case CEA05040931 at 150 Northwest 68th Street; Pan American Corporation the owner. The sight address on this is actual 38 Northwest 69th Street. The last permit issued was 10/14/04 to replace two garage doors. Certified mail was sent to Rodrigo Lopez, the green card was returned signed Elsa Aguilar, signed 6/22/05. Certified mail to Pan American Corporation, owner of Pan American Mobile Home Park, green card returned signed Sally Obates [phonetic], no date on the card. Certified mail to Frank W. Cox, Jr., green card returned, signed Sally Obates, signed 6/22/05.

MR. STRAWN: Wayne Strawn, City Building Inspector. This is a mobile home. It's an addition to a mobile home. A year and a half ago, approximately I put a stop work order on the job and they never honored the stop work order and completed the building. I was transferred to a different area; I wasn't working this particular area, so it was an old case that the other inspector never got to and I recently, in the last few months, were transferred back, so I found it and I brought it to the Board. Florida Building Code, 111.1.1, the addition attached to the mobile home is a fire and windstorm hazard. The required means of egress have been compromised and compliance with the Minimum Housing Code of the City of Fort Lauderdale has not been demonstrated. The design of this addition does not properly address the gravity loads or uplift resistance required by the Code. I might add -- I don't know if the pictures show it, I believe the entire structure, rafters, floor joists and everything are 2 x 4's. Florida Building Code, 111.1.2, the addition has been constructed without obtaining any of the required permits. It is therefore presumed and deemed unsafe. Florida Building Code, 111.2.1.1.3, the means of egress is compromised. The addition attached to

the south of the mobile home has not been provided with a direct exit to the outside. Occupants must re-enter the mobile home to exit. This form of egress is prohibited specifically by NFPA 501A 4-4.2. Florida Building Code, 111.2.1.3.1, electrical circuits associated with the addition have been altered/extended without obtaining the required permit. Florida Building Code, 111.2.1.3.2., compliance with the Minimum Housing Code of the City of Fort Lauderdale has not been demonstrated including, but not limited to, the required light and ventilation. Board, the City is asking for a motion to demolish.

CHAIR SCHNEIDER: Is there a respondent here? Being none, Board, what's your pleasure?

MR. MADFIS: Wayne, I can ask a question?

MR. STRAWN: Yes.

MR. MADFIS: When did it come under the jurisdiction of the Building Code and not the DOT for these mobile homes? How do you -- when they start doing additions like this, I would assume it goes to a building permit.

MR. STRAWN: Exactly. As long as it's inside the mobile home, they are allowed to make repairs. They can't alter the mobile home; they have to make repairs with equivalent materials. But a mobile home is sort of more like an automobile that is, it reaches a certain length of time when its useable life span is over and you can't just start rebuilding it like you do a home. The State requirements of 15-C require that if you put an addition on the home, it be self-supporting. Because a mobile home has a truck -- sort of like a truck chassis and the exterior walls are cantilevered away from that and you have no direct weight-bearing direct to the ground, they require that the addition be supported by posts and beam or supporting structure transfers the weight directly to the ground. The only thing they allow connected to the mobile home is a flashing for watertight. Typically, the way these are built, they put the 2 x 4's right on the mobile home and attached them to the outside wall. So, there's nothing wrong with them having an addition to their mobile home, but in order to build a Code compliant addition, they would have to tear this one down anyway.

CHAIR SCHNEIDER: Any more questions? What's your pleasure?

MR. MADFIS: I'll make a motion to have it torn down and removed.

CHAIR SCHNEIDER: Do we have a second?

MR. JONES: I'll second.

CHAIR SCHNEIDER: Discussion? Being none, all in favor of the motion, signify by saying aye.

BOARD MEMBERS: Aye [unanimously].

CHAIR SCHNEIDER: All those opposed, like sign. Motion carries.

MS. BAZER: For the record, I would just like to read in that on page two, one case has been withdrawn and for the record, that is case CE04111777 at 6980 Northwest 29th Way, Antonio Benevides, the owner.

CHAIR SCHNEIDER: Are there any board-ups or any other issues?

MS. BAZER: That's it for today.

CHAIR SCHNEIDER: Entertain a motion for adjournment.

EVE BAZER, BOARD CLERK

CHARLES SCHNEIDER, BOARD CHAIR

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held July 21, 2005, 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 July, 2005.

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 July, 2005.

NOTARY PUBLIC
State of Florida at Large

Notarial Seal: