

City of Fort Lauderdale
UNSAFE STRUCTURES BOARD
Thursday, February 16, 2006 at 3:00 p.m.
City Commission Meeting Room - City Hall

Board Member		Cumulative 1/1/06 to 12/31/06	
		Present	Absent
Charles Schneider, Chair	P	1	1
Patrick Kerney	P	1	1
Olivia Charlton	P	2	0
John Carroll	P	2	0
Hector Haguaburo	P	2	0
Charles Minor	A	1	1
Michael Madfis	P	2	0
John Scherer	P	2	0
Chris Bellissimo	P	1	0

Also in Attendance

Eve Bazer, Community Inspections
Nadine Blue, Community Inspections
Farida Mohammed, Community Inspections
Yvette Ketor, Board Secretary
Assistant City Attorney
Wayne Strawn, City Building Inspector
Ursula Thime, Code Compliance Officer
Lisa Edmondson, Recording Clerk

The regular meeting of the Unsafe Structures Board convened at 3:00 p.m. on Thursday, February 16, 2006, at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida and concluded at 3:54 p.m.

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CHAIR SCHNEIDER: Good afternoon everyone. I'd like to welcome you to the City of Fort Lauderdale Unsafe Structures Meeting for February the 16th. Is all present that is about to give testimony been sworn, if not, would everyone rise that's going to be giving testimony to be sworn in. Good afternoon again. Before we get started we have a couple of new Board members, and I was absent last month due to some personal issues, so I'd like to have the Board members introduce themselves so you know who you're dealing with, starting at my right please.

MR. MADFIS: Hi, I'm Michael Madfis and I'm an architect on the Board.

MR. BELLISSIMO: Chris Bellissimo, I'm a citizen on the Board.

MR. HEGUABURO: Hector Heguaburo, I'm the general contractor on the Board.

CHAIR SCHNEIDER: My name's Charles Schneider, state certified electrical contractor and chairman.

JOHN CARROLL: John Carroll, structural engineer on the Board.

MR. KERNEY: Pat Kerney, plumber on the Board.

MR. SCHERER: John Scherer, attorney.

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CHAIR SCHNEIDER: Welcome, and I'm glad to meet all of our new Board members. It's good to meet you all. First case;

MS. MOHAMMED: Good afternoon Board. First case, page two of the agenda, Inspector Wayne Strawn, case number CE05040942; case address 1500, sorry, 150 NW 68 St., the owner Pan American Corp. This site address, 177 Northwest 66th St. Certified mail sent to Frank W. Cox., signed by Sally Obates [phonetic] on 1/30/06; certified mail sent to Carlos Gomez, returned unclaimed, but he's here so we have service by personal appearance; and certified mail sent to Rafaela Mendoza, returned unclaimed, however, she's here so we have service by personal appearance.

CHAIR SCHNEIDER: My understanding is, I remember these folks, I believe, here about two or three months ago. So, we don't need to read this into the record. It's already been read, is that correct? Alright, could we have the parties approach the podium and let's get an update and see where we're at.

MS. MOHAMMED: Do you want a reading of the last hearing?

CHAIR SCHNEIDER: Yes, please, refresh us please.

MS. MOHAMMED: This case was brought before the Unsafe Structure Board on January 19, 2006, and the Board granted a 30 day extension within which time the electricity shall be shut off until an electrician can come out and make the necessary repairs to secure the electrical system, and within that 30 days the mechanical system on light and ventilation shall also be corrected or the owners shall come back with evidence of progress that they have made.

CHAIR SCHNEIDER: Thank you.

MR. STRAWN: Wayne Strawn, city building inspector.

CHAIR SCHNEIDER: Yes, sir.

MR. STRAWN: We have Ursula translating because there's a language problem.

CHAIR SCHNEIDER: Right.

MR. STRAWN: I was at the trailer today and I have a receipt from Tailor Made Electric Incorporated from Lake Worth, Florida. I will show you the receipt. Unfortunately, Tailor Made did not obtain a permit. He did some work over at the site, and I applaud the effort made by the residents, but unfortunately we don't have verification that any repairs were made - and that inside the trailer - and the repairs that were made did not address all the problems electrically at the mobile home.

What the City's looking for, of course, is to have electrician pull a permit and then we can

verify with our electrical inspector that the systems there are all safe. We also have the outstanding issue of minimum housing requirements of the city of Fort Lauderdale. Mobile homes are only allowed by the state, 15-C administrative rules, that when you repair them you must use like materials. As the Board is probably aware, mobile homes are designed by an engineer and whenever state does the inspecting, it has to meet the engineer's specifications in the construction process. Any alteration of the mobile home, of course, all of a sudden it comes to windows and doors, especially when it comes to the envelope of the building, you no longer have the insurance that this will meet the wind loads and certified by the original design. So, this is why the state requires that any replacement parts be mobile home original equipment such as it was built with. And what we have in this mobile home is Home Depot type doors that were bought, the type that you would remodel a home with and then installed in the walls and the coach of the mobile home. And none of these materials can be approved by the department, and we still have problems with general condition. The minimum housing code requires that all building parts or dwelling parts be in reasonably good repair and that's not the case with this. So, I do applaud the effort made so far but we haven't reached the point where we want to be. I have interviewed, today, the occupants and they are still paying off the mortgage on this mobile home. And they can correct me if I got this wrong, but it was a \$185 a month plus the site rent. So they may wish to consider some other options considering how difficult it will be to bring this coach up to code.

CHAIR SCHNEIDER: Wayne, have you during the process of interviewing these folks since there is a language barrier issue, spoken to them and do they understand through the interpreter?

MR. STRAWN: Yes, we can check with Ursula and see that we have been able to communicate these ideas.

CHAIR SCHNEIDER: Ursula, do these folks understand what the shortcomings are and what they need to do as far as getting this property up to code?

MS. THIME: He's asking what he can do. Ursula Thime, Building Inspector, Community Inspections. He's asking what can he do?

CHAIR SCHNEIDER: Well, I'm not here to recommend what he can do. There's a couple avenues he could take though and see. First, he could hire a professional but I think financially, that's out of the question. Secondly, it's virtually impossible for me as a professional to tell him what he has to do. I think his first step electrically was, he got a contractor and that's the proper thing to do. But his contractor's needs, and they know this, they need to have a permit to do electrical work. So, why he didn't pull a permit for the electrical work that he did already escapes me but certainly from what I'm hearing and what I recall about this case when it came before the Board the first time. There's sufficient enough electrical work there that's above and beyond what would be considered normal maintenance. And it's to the point now where it's repairs and things of that nature. And work of that nature requires a permit in the State of Florida and in the City of Fort

Lauderdale. As far as the structural damage and the other issues go, I'm not qualified, and there are those on the Board that could give him a little bit of steering guidance but again, as a Board, we're not here to do that, we're here to address the issues and to adjudicate the issues. So, I recommend he seek out some type of public assistance that could, more or less, mentor him, if you will, and kind of direct him on what the proper way to do it. And there are people in the construction industry, in our community, that can and will do that. Wayne?

MR. STRAWN: I'll speak slowly for the benefit of the interpreter. Just to give the Board a little background, especially for the members that weren't here before. To begin with there's a great deal of work without permits that's going on in this mobile home park. And I don't have the time to address the overall extent of it. The reason I singled out this trailer was because in an addition on the side, on the west side, was too close. Because of the construction of the addition, it was less than ten feet from the mobile home next to it -which comprises a serious fire hazard. And after this was addressed, we first came to the hearing and this gentleman tore off the addition. So, they lost approximately 50% of their living area by tearing off the addition that was in violation. That being said, and it's not my place to make recommendations for what people should do, but considering the extent of the payments for a mobile home of dubious value and the site rent, that they may want to reconsider about. You could put a lot of money into this mobile home and still have basically nothing. Now I don't want to be hanging out there but to speak in a practical fashion.

CHAIR SCHNEIDER: Wayne, what park is this located in?

MR. STRAWN: Pan American Mobile Home Park.

CHAIR SCHNEIDER: Where's that at?

MR. STRAWN: It's 150 NW 68th Street. It's almost up to McNab Road.

MR. CARROLL: Wayne, one of the reasons that we ran an extension last time was to try and find out what condition the electrical was in and unfortunately we didn't get there. You know, and that's unfortunate for him because he spent money and unfortunate for us because now we're sitting here in the same position we were last month because we thought well, he did something, now we're going to give him an opportunity to get to a point where maybe we can do something and now we can't. We're still here.

CHAIR SCHNEIDER: And he spent \$300 in the process and the guy didn't pull a permit and he didn't do what was requested.

MR. STRAWN: If that contractor would have called me I would have told him what we were looking for. But there was no effort. I was out of the office a great deal in January but I still have no record of a phone call placed to me by this contractor. Because I would have explained to him what we wanted was the whole system evaluated and made safe throughout the dwelling. But I didn't receive that call.

CHAIR SCHNEIDER: Ursula, I think you need to convey that, that that's still our position on this Board. That the integrity of the entire electrical system needs to be checked and we need a report on it and we need to know that it's been corrected properly and the only way to assure that it's been corrected properly is for whatever contractor he engages to pull a permit, do the work, and seek the proper inspections. As such are there any other questions by any other Board member?

MR. KERNEY: Mr. Chairman, unfortunately this is the type of case that will never resolve itself. It is cost prohibitive from what I'm hearing for them to bring this up to code, if it can even be brought up to code. So, we're not in a position as a Board to do anything financially to help them. I don't know that the city is or not, but at some point, unfortunately somebody's going to have to call for demolition of this property. I don't know if this is - if somebody has a recommendation to extend this thing so they can seek other avenues. But if not, I think that needs to be addressed today.

CHAIR SCHNEIDER: Anyone else have anything?

MR. SCHERER: What is their plan, do they have a plan?

CHAIR SCHNEIDER: Ursula?

MS. THIME: They said that they don't want to spend any money any more on the trailer and they will see the way out. I will go with them and translate in front of the owner of the trailer park because they cannot even communicate with the owner of the trailer park. They don't know even how much they owe on the trailer. I asked them how much they owed. They don't even know that.

MR. SCHERER: So, are they moving out?

MS. THIME: Eventually.

CHAIR SCHNEIDER: Well, I think, okay, that tells me clearly what the Chair needs to hear.

MS. THIME: Two to three months they would need to move out.

MR. SCHERER: Who owns the trailer, because if we're going to demolish the trailer, if they don't own - if there's a lien on the trailer or something like that, we need to know who owns it.

CHAIR SCHNEIDER: Yeah, that's the true property owner, is the lien holder.

MR. SCHERER: Because they might own less than the bank does.

MR. STRAWN: In fact, the lien holder is Southeastern Mobile Homes Incorporated. I haven't had a chance to check that, but I think if I wouldn't be a bit surprised if I ran this

incorporation, I would find that it's the owner of the mobile home park.

CHAIR SCHNEIDER: That's my guess.

MS. CHARLTON: I have a question. Would you consider the condition of the mobile home sub-standard?

MR. STRAWN: Yes it does not - it's an old mobile home. It does not meet the minimum housing requirements.

MS. CHARLTON: Okay, okay.

MR. STRAWN: And it's the alterations that are at issue too. If it had been untouched and been occupied by two little widow women, and never touched anything, and just carefully moved their knickknacks around the house for the last forty years, then it would probably still be in good condition. But that isn't the history of this mobile home.

MS. CHARLTON: I feel like the lien holder should get a citation, a copy of the citation as well.

MR. STRAWN: Yes, that's correct. Now, the mobile home park has been notified but at this time, and I cannot testify, that they are one in the same. Although I suspect they are.

MR. BELLISSIMO: Is the City Attorney comfortable that we've notified everybody properly?

ACA: [redacted] from the City Attorney's Office. This is actually news to me, I didn't know about this lien so the answer is no. I'm not comfortable with that at all.

CHAIR SCHNEIDER: Is it your request and recommendation that we give you time to notify the property?

ACA: Right, that's what I'd like to do. And it think that what we'll do is we'll bring this back next month with notice having been sent to the lien holder on the trailer and we'll try and do this - get this all wrapped up.

CHAIR SCHNEIDER: So, a 30 day extension's in order?

ACA: Yes.

BOARD MEMBER: So moved.

CHAIR SCHNEIDER: Do we have a second?

MS. CHARLTON: I second.

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CHAIR SCHNEIDER: Any discussion?

MR. MADFIS: Yeah, I'd like to discuss a couple of things. Is my thing on?

CHAIR SCHNEIDER: I don't know, is it?

MR. MADFIS: Can you hear me?

CHAIR SCHNEIDER: Yes, can you hear me?

MR. MADFIS: My concern is the safety of this home in the interim. You know, we've extended this already a number of months. They had time during the period that we didn't meet to address this citation on their own. They had been before us prior to that. I feel for these people but what I'm also concerned about is if in the next 30 days they're using a heater in that place and it causes a fire and someone gets hurt.

CHAIR SCHNEIDER: From a Board's perspective, inasmuch as that we have plausible knowledge of the condition of this property, and given the fact that from a legal standpoint all parties haven't been properly notified, does this Board have any liability if an issue of misfortune was to occur, a fire, etc.?

ACA: No, you don't.

CHAIR SCHNEIDER: Thank you.

ACA: You know, one thing we can do is we can just pull the case off the agenda today and maybe that would be the best way to handle it now that we've already started. They're here but we've discovered that we haven't served all the interested parties. We really can't even proceed to ask you for an order to demolish the property. So, why don't we proceed that way?? We'll reset it without -

CHAIR SCHNEIDER: Issue a table order?

ACA: No, I think we'll just reset it ourselves without you having to take any steps at all. So, we'll withdraw it from today's agenda and we'll have it back next month with appropriate service on all interested parties, okay?

CHAIR SCHNEIDER: Thank you.

ACA: Sorry.

CHAIR SCHNEIDER: Next case.

MS. MOHAMMED: Page one of the agenda. Inspector Wayne Strawn, case number CE05010324; case address 809 NW 15 Avenue; the owners, Herbert Myers, Albert Myers, Joyce Ann Fernandez, Mary Dashiell and Perry Myers. This case came before the Unsafe

Structure Board on January 19, 2006 and the Board granted a 30 day extension in which time the owner shall complete the sale of the property and if it doesn't take place - if the sale doesn't take place and these people are still in ownership within the 30 day period, they should demolish the property themselves or the city will then demolish the property.

CHAIR SCHNEIDER: Has the City Attorney reviewed these documents that you've handed to the Board?

ACA: [redacted] from the City Attorney's Office. I was just handed this when I walked in today, and it appears to be a purchase and sale - purchase and sale agreement with the closing schedule for tomorrow. So, it appears that -

CHAIR SCHNEIDER: Sale was imminent.

ACA: - they've done what you ordered them to do which was sell the property within 30 days or you would issue a demo order. So, I guess what we can do is, the closing is supposed to be tomorrow, I imagine that if it does take place they'll record the deed some time in the next week or ten days and we'll just keep an eye on it. And if the property hasn't changed hands, we'll bring it back.

CHAIR SCHNEIDER: So, it looks to me like this one should be withdrawn too, or, at least extended.

ACA: Well, we couldn't really withdraw it because - no, I think what we'd like to do is have a 30 day extension - a 30 day continuation because we couldn't really withdraw. You ordered them to sell it within 30 days and someone's presented us with this purchase and sell agreement. It looks like the closing is going to take place tomorrow. So, I don't think this really needs to be withdrawn but maybe we'll just - why don't we continue it indefinitely and we will either come back and inform you that the property has been sold or that we will put it on the agenda again. If you continue it we'll have to send out notices to everyone again and if they have sold the property then we don't have any need to have a hearing with them.

MR. SCHERER: The property still needs to be -

CHAIR SCHNEIDER: Well, that was going to be my next question. Is the property still in a state of disrepair?

ACA: Well, your order was sell the property within 30 days or we're going to issue an order to demolish it.

CHAIR SCHNEIDER: Okay.

MR. SCHERER: They've sold it, but the new owners still have to update the whole property.

ACA: I agree.

MR. SCHERER: There's somebody back here shaking their head saying yes.

ACA: Are you the new owner? You're about to be the new owner?

CHAIR SCHNEIDER: Did you swear in?

MR. ZIPPITELLO: Yes, I did, sir.

CHAIR SCHNEIDER: Why don't you come up and tell us your name and tell us what you intend to do.

MR. ZIPPITELLO: Derek Zippitello, Vice President of South Trust. We've been trying to buy this property now for about fourteen months. There was some extenuating legal circumstances with the property that took quite a bit of time to get that done. We went in front of Judge Spizer a week ago today and had an emergency hearing. He did force the sale. I do have a copy of the contract if you would like to see it. Closing date is set for tomorrow, however, I do not have my lien search back, my attorney's office does not. So, the property will not be closing tomorrow. We are shooting for an early to mid-week closing next week. And the property will be rehabbed appropriately in a timely manner with the [inaudible] city compliances.

CHAIR SCHNEIDER: Have you hired an architect?

MR. ZIPPITELLO: No sir, but I have started to do that. I've been in conversations with Wayne in the last couple of weeks.

CHAIR SCHNEIDER: And you're aware of all the shortcomings?

MR. ZIPPITELLO: I'm aware of what I'm getting into, yes, sir. This is what I do for a living.

CHAIR SCHNEIDER: Board, what's your pleasure?

MR. KERNEY: I make a motion we extend 30 days.

MR. MADFIS: I second that.

CHAIR SCHNEIDER: Any further discussion?

MR. CARROLL: I just think that we should make sure that within the 30 days that we have an architect on board and some definite plans because this thing has been going on even at this Board since, I think it was June or July of last year.

CHAIR SCHNEIDER: Better than six months.

MR. CARROLL: Definitely more than six months. So I'd like - can somebody amend the

motion to -

MR. KERNEY: I'll amend the motion to include that within that 30 days when you come back, there has to be an architect on board.

MR. ZIPPITELLO: That's fine, no problem. I didn't want to hire one because like I said, I've been working on his for fourteen months and I didn't want to put out any additional monies unless I don't have to.

MR. KERNEY: Understand.

CHAIR SCHNEIDER: Absolutely. Alright, motion's been amended, any further discussion on the motion? All in favor signified by saying aye.

BOARD MEMBERS: Aye [unanimously].

CHAIR SCHNEIDER: Opposed like sign. Motion carries. Thank you very much.

MR. ZIPPITELLO: Thank you.

CHAIR SCHNEIDER: Next case.

MS. MOHAMMED: Next case page 3 of the agenda. Inspector Wayne Strawn, case number CE05111769, case address 1225 NW 16 Street; the owner, Shirley M. Fletcher-Allen or Allen-Fletcher. This case came before the Unsafe Structures Board on January 19, 2006, and the Board granted a 30 day continuance within which time the property owners are ordered to secure the property immediately.

CHAIR SCHNEIDER: Wayne?

MR. STRAWN: Wayne Strawn, City Building Inspector. The building is secured. It does not meet the HUD standard for secure which requires two by fours on the inside, carriage bolts through the ply wood, but it is secured with tap cons. Also, the code requires that they paint the boarding to match the building. However, if a rehab permit is right around the corner then it wouldn't make sense to go through all this trouble. I think if you've seen the pictures, this building really isn't worth the trouble of going through the HUD standard of boarding up. It needs to be partially demolished, or totally demolished, or partially demolished and rebuilt.

CHAIR SCHNEIDER: Isn't this the -

MR. KERNEY: Yeah, I was going to ask the same question.

CHAIR SCHNEIDER: - Shirley Fletcher and her brother?

MR. STRAWN: That's correct.

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CHAIR SCHNEIDER: You were Shirley's brother?

MR. HILLS: Yes.

MR. STRAWN: He probably still is.

CHAIR SCHNEIDER: Well, our condolences to you regarding the loss of your sister.

MR. HILLS: Thank you.

CHAIR SCHNEIDER: What are you going to do here, Mr. Fletcher?

MR. HILLS: My name is Vernon Hills. What I was planning on doing is trying to - you know, I talked to my other brother and other family. I was trying to back them out and I'd go ahead and fix the place up.

MR. KERNEY: Could I ask a question of the inspector?

CHAIR SCHNEIDER: Sure.

MR. KERNEY: Wayne, if I remember correctly, when this came before us several years ago, if I'm not mistaken.

MR. STRAWN: It was a long process.

MR. KERNEY: Yeah.

MR. STRAWN: The only reason this is an '05 case, is because all the code sections changed and Chapter 111 became Chapter 117, so I had to regenerate a new case number. I think the original case was an '02, or an '03 case.

CHAIR SCHNEIDER: Has this house got a pool in it?

MR. STRAWN: I beg your pardon?

CHAIR SCHNEIDER: Has this house have a pool in it?

MR. STRAWN: No. The City is asking - without any concrete plan for rebuilt, the City is asking for a motion to demolish.

MR. KERNEY: This house wasn't in this bad of condition when it initially came in front of us, correct? Has this deteriorated over time is what's happened?

MR. STRAWN: It was in very bad condition, but of course the storm opened up more of the roof than what was open before. When you have something that is structurally unsound, the hurricanes are really unkind to it.

MR. CARROLL: One of the other things that we talked about last time was, there was some architectural plans that were developed to get a permit and the permit was never - or was issued or was never issued. I guess we didn't really know.

MR. STRAWN: It was issued and then it was voided because a letter from the contractor stating that it wasn't going to happen.

MR. CARROLL: Right, okay. So, there were plans done at one time, that's how it got off the docket and then got permitted.

CHAIR SCHNEIDER: Right.

MR. STRAWN: It will be possible. I don't think the code is much different, so if these plans were retrieved, if there wasn't a dispute over who's going to fix it or who it's going belong to, it could even permit - any time a permit is issued our process stops from here it goes to city commission for a resolution to demolish. From City Commission the contract gets awarded to one of our demo contractors. There's about at least six weeks lag in between time, so if someone is serious about fixing this building up, then get a hold of those old plans and get the permit approved.

CHAIR SCHNEIDER: Well, I'm going to be real candid. I asked a couple of questions about you being Shirley's brother and what not because I thought I'd recognized you. The process that this has been through has been about a two or three year process. This case and this property has been rolling around on this Board ever since I first came on the Board. Now, the problem that I have is, is that the Board worked strenuously with your sister when she was alive to try and get her through the process. Unfortunately, I guess the process just outweighed her and she passed on, and the long and the short of it is that the property continues to deteriorate. It continues to be an even bigger eyesore to the community than it was before. And the cost that it's going to take, just looking at these photos to repair this thing, my goodness, you're almost going to have to tear it down to bare block walls and tie beam and start all over again. And the question I have for you is, are you prepared to do that at today's construction costs? Are you aware that you could probably tear this thing down to the ground and start all over again with a brand new structure, a brand new slab, brand new footers, and have a brand new house for probably less money than you're ever going to spend on retrofitting and repairing this thing? There comes a point in construction, Mr. Hills, where - and that's why you see it all over town happening all over town. There used to be some value in repairing buildings. There isn't any more. With the cost of construction today and how rapidly it's done with the new technology, it's cheaper to tear this thing down and start all over again than it would be to try and rebuild it. And I think you need to think about that.

MR. HILLS: I understand that, sir. Well, like I said, you know, Shirley went through the process and stuff like that but what I'm saying is, I have the money to fix it up and go ahead and - I'm in the process of buying the property from my brothers and sisters and everything. I understand that, you know, like I said, I was in this business a little bit myself. I understand

[inaudible] like the whole thing has to be gutted out and stuff like that but I'd like to at least have a chance to fix it up myself because like I say, I do have the money to go ahead and do that if I have a chance.

MR. SCHERER: Who owns the property, the estate still? Is it going through probate?

MR. HILLS: It's going through probate now. I'm already talking with Shirley's children. It's going through probate with them. My brother, my other brother, I'm getting them they're going through probate and I just talked to my brother, he's going to sell his part.

MR. SCHERER: Do we have to send the estate notice, and they already have that? I'm talking to the City Attorney?

ACA: [redacted] from the City Attorney's Office. We've sent notice to everybody involved in this case and I believe that the notice to Ms. Fletcher's kids came back unclaimed, but we satisfied the notes requirements by posting the building which is what the Florida Building Code requires. So we've - and with regard to the two other brothers, I believe we've got them. We've been handling this case for a long time. We know where to send things.

MR. KERNEY: Mr. Chairman, I agree with your assessment cost-wise that it would be cheaper to tear it down and rebuild new than to try to renovate what's there. But by the same token, it may sound strange to say, I feel an emotional attachment to this property because it's been with us so long and I was excited when your sister had finally gotten to a point where she was going to rehab the house. And if your conviction to do that is there, then I'm willing to make a motion of the 30 day extension to make sure that you truly want to do that and see if you can't wrap the probate problems up.

MR. SCHERER: Have you contacted an architect or are you going to use the plans that were already approved?

MR. HILLS: I was thinking about using Shirley's architect, but I know another guy and I was thinking about going to him and getting a contract and letting him go through it because, you know, it's a whole lot of changes I'd like, you know, make the property to.

MR. SCHERER: So, you're going to hire another architect to start redesigning everything, as opposed to going with the plans that are already approved and you've already attained a permit once for, or not you, but your sister?

MR. HILLS: Yes, I haven't really seen the plans, you know, and stuff like that because Shirley was handling it, but I could use him too, you know, it's just a lot of changes.

MR. SCHERER: Well, your sister's already paid one architect to do a complete remodel of this house and probably engineers in order to obtain a permit. And maybe you want to make some minor modifications to those plans and specks in order to start the permit process over.

MR. HILLS: Yeah, I could use -

MR. SCHERER: As opposed to starting completely over from scratch with a new architect.

MR. HILLS: Right, right. Yeah, I could use him then.

MR. KERNEY: I would be willing to make that 30 day extension motion if you promise me that you'll spend the next 30 days really investigating whether or not it's cheaper to tear it down and start over. I think you're going find that to be true and I say that from experience. I just did that with my house. I wish I would have torn it down and started over because it ended up costing me a lot more money.

MR. HILLS: Right, well, you know, like said, I did a lot of [inaudible] myself, that's the work I did before I got hurt, you know, demolition and all that stuff like that. And I think if I just tear everything out and everything. It's going to be mostly stripped out anyway, you know, when I get through with it, you know.

CHAIR SCHNEIDER: Okay, we have a - excuse me, sir - we have a motion on the floor. Do we have a second?

MR. MADFIS: I'll second.

CHAIR SCHNEIDER: Go ahead, Mr. Hills. I just needed to get - there's a point where I need to get a second on the motion to keep carrying on. Now we can continue to discuss, so go ahead, sir.

MR. HILLS: Like I said, you know, I really want to fix the place up. I really want to go ahead and put the money into it because like I said, it's my mom's place and -

CHAIR SCHNEIDER: Sentimental value.

MR. HILLS: Right, exactly.

MR. KERNEY: My thought when I initially saw the property when it first came in front of us, that it didn't appear to be that bad. It looked like it was [inaudible].

CHAIR SCHNEIDER: It looks a lot worse now. I think the storm really tore it up.

MR. HILLS: It just needs to be stripped out.

CHAIR SCHNEIDER: Well, yeah it's like I said, you're going to have to take it down to tie beam and gut it and go.

MR. HILLS: Yes.

CHAIR SCHNEIDER: And then maybe you've got a basic structure there if the concrete and

the tie beam and the slab is structurally sound for all intensive purposes you're starting over anyway so there you have it. Is there any further discussion on this issue?

MR. CARROLL: Yeah, I'd like to make a point. We haven't given him any requirements. We're just giving him a 30 day extension. I think that we need to bring in, you know, an architect or engineer into the motion and/or obtain the plans that were previously approved and try and use those.

MR. KERNEY: It's been my experience that you can get the permit a lot faster by using the plans that were previously permitted and then go in for modifications after the fact. I mean if the structure of the structures, I mean, you can move this wall five feet over here, or move the kitchen over here, I mean, after you get the permit. And that way it would get off this docket and we don't have anybody crying anymore.

CHAIR SCHNEIDER: And you can start your process. You don't have to listen to us and we don't have to listen to you.

MR. HILLS: Well, like I said, I want to get it done. I want to go ahead and really get started getting it done.

MS. CHARLTON: I have a question. Your other siblings and Ms. Shirley's kids, are they going to actually sign a commitment of sale of the property?

MR. HILLS: Well, yes. I talked to Brian and - because he went into the Army. And it's already in the process now with a lawyer. As a matter of fact, I talked with him about it a couple of days ago.

MS. CHARLTON: Yeah, I still feel we should have something in writing that this sale is actually going to take place.

MR. HILLS: Well, yeah. He told me he could do that. I talked to him about that because I told him I need that.

MR. SCHERER: Do you have a contract with them? Have you submitted a contract or a quick claim deed or some type of agreement to your brother or to your, I guess, nephews? Your brothers own it as well as you do?

MR. HILLS: Yeah.

MR. SCHERER: Or her kids actually own it, not you?

MR. HILLS: No, the kids not own it. It's me, it's Shirley, well, she passed, my other brother, he passed and my other brother James.

MR. SCHERER: Does she have children?

MR. HILLS: Yes. She has four.

MR. SCHERER: Well then it goes to her kids.

MR. HILLS: Right, it goes to her kids.

MR. SCHERER: And you have an agreement with her children?

MR. HILLS: Yeah, I have talked with them.

MR. SCHERER: Okay, you have to have something in writing from them is what we're talking about saying, that they're agreeing to sell the property and you're agreeing to buy the property for a specific cost, how much money you're going to buy it for.

MR. HILLS: Yeah, I talked to him about that, like I said, two days ago.

MR. SCHERER: What we're saying, talking is not a contract.

MR. HILLS: Well, he say he already got it signed from Brian. Because see, Brian is the older of the other four kids [inaudible].

CHAIR SCHNEIDER: Well, I think what the Board is trying to tell you, Mr. Hills is, is that part of the conditions of granting you this 30 day extension is going to be, one, either resurrect the old plans and use those or get an architect and start the process and bring back evidence of a sale of a contract of sale or agreement, however it's done, quick claim deed, etc., that you're now the owner of the property and that you're free and clear to do what you've got to do. And that's part of what I'm hearing the Board telling us, that they're going to want to see from you come 30 days from now. They're going to want to know that you've either got the old plans and submitted them again for the permitting process or you've gotten another architect and you've just gone slap-ass crazy and going to start all over again. And you've got a new - you own the house, you have some type of agreement with your siblings, your brothers and your sister's children that you're now the owner of the property. Okay?

MR. HILLS: Okay. Like I said, it's still going through probate and stuff like that but I will get it.

CHAIR SCHNEIDER: When did it start into probate?

MR. HILLS: Just before [inaudible] about a month and a half ago.

CHAIR SCHNEIDER: Legal beagles, how long does it take for this to go through probate, generally speaking?

ACA: I have no idea. I imagine that each case could be different.

CHAIR SCHNEIDER: Well, when my step mama died, it was six months to a year. So that,

you know, we're sitting here again and I go back full circle to where I was about twenty minutes ago. We're some three years down the road from when, Shirley, God bless her soul, walked in here and this Board felt such a compassion for her that we did everything we could and worked with her all we could. And this property continues to deteriorate.

ACA: The City asked for a demo order so, we can -

CHAIR SCHNEIDER: Well, I have motion on the floor let's see what happens with it.

MR. HEGUABURO: I have a question for Inspector Wayne. I see on the pictures, do you feel that children can get in here and get hurt the way that the property stands?

MR. STRAWN: There is only a small area behind the garage. And it's so full of rubbish that I don't think that anybody could really get in there unless they really tried. The rest of the building is secure from casual entry.

MR. HILLS: Yeah, I secured that too. I put a board there too.

MR. STRAWN: The area I'm talking about, I was there just before I came to the hearing and it's still open.

MR. HILLS: Which one?

MR. STRAWN: When you go around to the back west side where the door goes into the [inaudible] look to the right, it's the back of the garage. There's all that rubbish there.

MR. HILLS: Yeah, but there used to be a hole there where they can get in. I put a board there so they couldn't get in.

MR. STRAWN: You can put a board there, though.

MR. HILLS: What to you mean, sir, that little small -

MR. STRAWN: That little small area.

MR. HILLS: I didn't know that was supposed to be boarded up.

MR. STRAWN: Well, some kid might want to climb in there, I don't know why, but -

CHAIR SCHNEIDER: Okay, any further discussion?

MR. CARROLL: Are we going to amend the motion? Is somebody going to amend the motion?

MR. KERNEY: At this point it doesn't sound like the motion's going to pass anyway due to the fact that. Well, let me ask one more question of Wayne. In order to apply for a permit,

the owner of the property has to apply for the permit, right?

MR. STRAWN: The contractor can apply for the permit.

MR. KERNEY: So, if the sale hasn't happened yet, a permit can still be applied for and approved, correct?

MR. STRAWN: As far as I know, that's correct.

MR. KERNEY: So, even if this took six months to a year to get through probate the permit process can continue forward and the construction process -

MR. STRAWN: That's correct.

MR. KERNEY: - could actually happen.

MR. STRAWN: Yes it could. I'd think there'll be a certain amount of trepidation. Whoever did so would do at their own risk, that's all.

MR. KERNEY: Right. Well, it's family. I'm assuming it will be worked out. Now, with that said, I'll amend my motion to include within 30 days when you come back, you have to have the set of drawings from the architect, whether you do a new set yourself, or you bring in the ones that Shirley had. And that you have a letter from the other owners stating that it's their intent once the legal problems are resolved that they are going to sell you the property.

MR. HILLS: Okay.

CHAIR SCHNEIDER: Second the motion with the amendments?

MR. MADFIS: I second.

CHAIR SCHNEIDER: Any further discussion?

MR. MADFIS: Yeah, I'd like to make a comment. I felt that we've gone through this for a number of years and that there's been a lot of effort put forth to get the permit that was, I guess, issued and then withdrawn. I don't think we should mess around anymore. I think if they've done that under our watch, to resolve this matter, I think we ought to request that they just go back to the original permit immediately. If he wants to do something different down the road, that's all up to him. What we've stuck through and allowed to happen over all this time is to allow for that permit to be put in position. Now, to go through this process again with somebody who, from what I can tell honestly may have some construction experience but really has no idea what he's getting into in terms of today's construction costs, today's code requirements, and everything else. That's the education that Shirley went through that took her a long time, and to watch that same process go over again, it's going to take another year. And when we are so close right now, we were so close before to having

that thing resolved and that's what so emotionally tearing about this. I don't think we should mess around anymore. I think we should say, pull that permit, get it done, and then if you want you want to do something down the road go ahead and do it. It's likely that's going to be the most economical, the most ethical way for this gentleman to get his work done in the first place. Dreaming about making this thing into, you know, a Taj Mahal, is not going to happen.

CHAIR SCHNEIDER: Well, Lord only knows. I guess they could - sometime down the road, once they started this, they could always submit a revision and -

MR. MADFIS: Absolutely.

CHAIR SCHNEIDER: - and do something different.

MR. MADFIS: But at least it gets it out of here.

CHAIR SCHNEIDER: And I think that would be your most prudent method of proceeding with this, resurrect the old drawings and the old permit, get it moving forward. If you want to have a revision, have your architect do a revision to it. God bless you. Go for it and then, you know, that becomes a whole other issue and a whole another process outside the realm of this Board and it's off our agenda and off our plate. And that would be your most prudent method of proceeding.

MR. MADFIS: And if I can just add, all that the Board has tolerated and worked for up until this point will not be lost. If we move ahead in any other direction, we don't what we're getting into and all of our efforts, including Shirley's and the family's could be wasted. I think that we're really at the crux now where we have to make that policy decision to save what's been put in place.

CHAIR SCHNEIDER: Any further discussion? Being done we'll call the question. All in favor signify by saying aye.

BOARD MEMBERS: Aye [unanimously].

CHAIR SCHNEIDER: All opposed like sign.

MR. CARROLL: Opposed.

CHAIR SCHNEIDER: Please note one opposition. Motion carries. See you in 30 days and try and resurrect your plans or have a new architect, and I doubt within 30 days you'll have any ownership because the thing won't be through probate and that's going to hold up any transference of property. Just keep us posted with how you're coming on the probate situation.

MR. HILLS: Right. I'm going to still try to fix the place up.

CHAIR SCHNEIDER: Very well. Good luck to you.

MR. MADFIS: I just want to make sure it went on the record, I also opposed that motion.

CHAIR SCHNEIDER: You did too? Two oppositions, motion still carries.

MR. STRAWN: Mr. Chairman?

CHAIR SCHNEIDER: Yes, sir?

MR. STRAWN: I want to correct - I was speaking from the City Attorney's Office and there's a correction on remarks I made earlier about going to City Commission. This Board is empowered by the building code and therefore it's not necessary. The City Commission stopped - used to be in place - I think it was in place for forty or fifty years, all the way back when we used to condemn buildings using Fort Lauderdale Municipal Ordinance, and the City Commission stopped us for the purpose of allocating funds. City Attorney's Office can explain to you that that step is not necessary any more.

CHAIR SCHNEIDER: Okay, something new.

ACA: Actually I can't - I don't really have a good explanation for it I just know the City Commissioner was doing it and we can't figure out why and no one seems to know and I've - so I think we're going to start doing it a different way now. But we actually haven't had very many demo cases up until, you know, since I've been here, for about three years, we've had I think, maybe, you know, fewer than half a dozen. So, even though Wayne said it will go the City Commission for a resolution authorizing the demolition, it probably won't. What we'll do, is we'll find some other way to inform the City Commission that the City will demolish the property if the property owner hasn't demolished it on the day after the order, obviously not for this property, but just in general.

CHAIR SCHNEIDER: So now, if I'm hearing you correctly that once this Board issues a notice and the determination of the demolition, you have a 30 day process where we wait for that process to occur and then there's no more estoppel after that point. It goes to demolition.

ACA: Right, well there's the property owner, the respondent has a right to appeal in order of this Board so, within 30 days - the way that it would work that you would enter an order and I think I gave you the text of -

CHAIR SCHNEIDER: Right, and there's 30 days.

ACA: And the respondent has 30 days from the date the order is executed. So, I think that we get the orders to you to sign, a couple days later - 30 days from the date the order is executed, the property owner has the right to appeal that. If no appeal is filed then the burden becomes the City's decision, the City's burden to comply with the order. We would have to still advise the City Commission that we're going to this, and the City Attorney's Office

would have to look into it.

CHAIR SCHNEIDER: So, theoretically, and technically that could be as much as 90 days, if I'm hearing you correctly and doing the math.

ACA: No, it would probably within the -

CHAIR SCHNEIDER: Within the 60 day window?

ACA: Within sixty days, yeah.

CHAIR SCHNEIDER: Okay, thank you.

ACA: Any other questions?

CHAIR SCHNEIDER: Anybody else?

ACA: Thank you.

MS. MOHAMMED: Thank you Board. That concludes today's agenda.

[Thereupon, the meeting was concluded at 3: 54 p.m.]

EVE BAZER, BOARD CLERK

CHARLES SCHNEIDER, CHAIR

Unsafe Structures Board Meeting
Thursday, February 16, 2006
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CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held February 16, 2006, 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 March, 2006.

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 March, 2006.

NOTARY PUBLIC
State of Florida at Large

Notarial Seal: