

City of Fort Lauderdale
 UNSAFE STRUCTURES BOARD
 Thursday, April 19, 2007 at 3:00 p.m.
 City Commission Meeting Room
 City Hall

Board Member	Attendance	Cumulative 1/1/07 to 12/31/07	
		Present	Absent
Chris Bellissimo	A	3	1
Olivia Charlton	P	4	0
Hector Heguaburo	P	3	1
Joe Holland	P	4	0
Patrick Kerney	P	3	1
Michael Madfis, Chair	P	4	0
Charles Minor	P	3	1
John Scherer	P	4	0

City Staff

Farida Mohammed
 Yvette Ketor, Board Secretary
 Assistant City Attorney
 Wayne Strawn, City Building Inspector
 Jamie Opperee, Recording Clerk

Guests

CE06080943: R. Samson, owner
 CE06081398: Steven Lee, Beaver Cleaning's attorney; Martin Fein, GMAC's attorney
 CE06081280: Robert Liguori, realtor; Juan Perez, owner's attorney; Joe Ganguzza, attorney for lender; Sylvan Eversley, owner

Index

<u>Case</u>	<u>Respondent</u>	<u>Page</u>
1. CE06080943 Disposition:	Robert Samson Extension to May 17, owner to return with a signed contract with an architect and drawings. Unanimously approved.	<u>2</u>
2. CE06081391 & CE06081398 Disposition:	GMAC Mortgage Corp/Beaver Cleaning & Maintenance Corp Extension to May 17 hearing. Vote was 6 - 1 with Chair Madfis opposed.	<u>11</u>
3. CE06081280 Disposition:	Sylvan Eversley Extension to June 21, 2007. Unanimously	<u>21</u>

	approved.	
4. CE06080655	Marilyn Finley	<u>29</u>
Disposition:	30 days to demolish the property or the City will demolish. Unanimously approved.	
5. CE06091955, CE06091892	REO Asset Management Inc.	<u>37</u>
Disposition:	30 days to demolish the property or the City will demolish. Unanimously approved.	
6. CE06121623	Laurie A. Butler	<u>49</u>
Disposition:	Withdrawn	
7. CE05110458	Deborah Campion and Louis S. Cupo	<u>50</u>
Disposition:	Dismissed. Unanimously approved.	

1

The regular meeting of the Unsafe Structures Board convened at 3:03 p.m. on Thursday, April 19, 2007 at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida. Board members introduced themselves in turn.

[Swearing in]

[1. Case CE06080943]

INDEX

MS. MOHAMMED: Good afternoon Board. First case, page seven of your agenda. It's an old business case. Case number CE06080943, the inspector is Wayne Strawn. The case address: 1601 Northwest 6th Avenue, the owner, Robert H. Samson. Certified mail to the owner signed 3/22/07, signature illegible. Certified mail to Mortgage Electronic Registration Systems Inc. signed 3/22/07, signature illegible. Certified mail to Mortgage Electronic Registration Systems

Inc. in care of C.T. Corporation System,
signature illegible, signed for on 3/22/07.
Certified mail to C.T. Corporation Systems,
signature illegible, signed for 3/22/07.

This case was first heard by the Unsafe Structures Board on 3/15/07; at that hearing the Board granted an extension to 4/19/07.

MR. SAMSON: I'm Robert Samson, I'm the owner. I was here a month ago.

CHAIR MADFIS: Right.

MR. SAMSON: I started making some calls the day after the last hearing to some architects and engineers. I was referred to a draftsman who came out a couple of days later and looked at the garage. He's drawn up some plans which I have not seen yet. I spoke to him a while ago; he had given them to the architect, and there's also, they send out a structural engineer because there may be a problem with the tie beam on the garage. So I've supposedly, I talked to the draftsman a while ago, I'm supposed to have the plans ready by early next week to submit for a permit.

CHAIR MADFIS: Okay, and your charge was basically show up here with a permit application I believe?

MR. SAMSON: Excuse me?

CHAIR MADFIS: I'm trying to remember exactly what we granted your extension for, which was thirty days I guess, to try to -

MR. SAMSON: To try to get a permit.

CHAIR MADFIS: Okay, get all the stuff in order. So, you actually have a contract with an architectural engineering firm?

MR. SAMSON: Well, I actually, I gave a down payment, I don't have a written contract, but I contracted a draftsman who is working with an engineer and with an architect.

CHAIR MADFIS: Well, wait a second, you have an agreement or, who did you pay?

MR. SAMSON: I paid the draftsman.

CHAIR MADFIS: You paid the draftsman. And he's going to what, contract with the architect?

MR. SAMSON: He works as an independent, I guess as an associate of theirs. He's an associate of William Osborne, architect.

CHAIR MADFIS: So he's actually, William Osborne is the architect.

MR. SAMSON: Yes.

CHAIR MADFIS: Okay.

MR. SAMSON: And the engineer is with

Bromley Cook, although I don't know who the name of the engineer is.

CHAIR MADFIS: Okay. Any questions from the Board regarding this issue?

MR. HEGUABURO: When do you feel you'll get a permit?

MR. SAMSON: As soon as I get the plans, which the draftsman told me they've been back to the architect now for two weeks and he's been making changes I guess. He's given them back to the draftsman; the draftsman's going to make some last changes and then I should get them early next week and I plan to go in and apply for a permit then.

MS. CHARLTON: I have a question. Mr. Samson, do you have anything in writing stating that these people are going to be doing the work for you? Do you have a cancelled check or anything?

MR. SAMSON: I have a cancelled check, yes.

MS. CHARLTON: Because if you gave someone money, you would actually, you should have a contract.

MR. SAMSON: I don't.

CHAIR MADFIS: Or at least an agreement, you know, at least citing the scope of the work that they're planning to do, so that we can understand that this whole job is being handled. My concern is that a draftsman really shouldn't be contracting for this type of work.

MR. SAMSON: Well, when I spoke to the architect originally, they said they were very busy, they wanted me to go ahead and contact the draftsman directly because they said they'd worked with this guy for the past twenty years so they trust his judgment.

He came out, looked at the garage, and decided to request the structural engineer to come out, so I guess other than the fact it seems to be taking a long time, I have no reason to assume that they're not doing what they say they're doing.

CHAIR MADFIS: Well, you're going to need how much more time, or what are you here to request from us?

MR. SAMSON: I'm new to this process; I don't know what - I'm just trying to get a permit in as soon as I can, but I need the plans to get it in.

CHAIR MADFIS: I'm willing to entertain a motion from anyone or -

MR. KERNEY: I have another question Mr. Chairman. Did this draftsman give you any indication of how long the process would take to develop a set of drawings? Did he say he could have it done by -

MR. SAMSON: Well, I told him that I had a hearing scheduled a month from the last meeting, from the last time I was here, and he said it would be no problem within that time. I did at one point about two weeks ago kinda lose faith in the draftsman because he wasn't returning my calls, but I guess he was out of town. He did finish the plans in about two weeks; he gave them to the architect, but I guess the architect's just very busy. I don't know how long -

MR. KERNEY: Did you receive a copy of those drawings that he gave to the architect?

MR. SAMSON: No, he offered to give me a preliminary set, but since they aren't good to give to the City yet, I just thought I'd just come in and just tell you what he told me.

MR. KERNEY: Yes, it would have been nice to see, at least show that we're moving in the

right direction.

CHAIR MADFIS: That's really our biggest concern: is to make sure that we're heading in the right direction and that we have a definite kind of time line. Even if it needs somewhat of adjustment along the way, at least there's a planned future, and it seems a little haphazard at this point.

MR. HOLLAND: A lot of this information's hard to verify, with all due respects. This is an awfully interesting way of doing business with engineers, architects and starting with the draftsman. How can we verify any of this?

MR. SAMSON: I could get the phone and you could call the draftsman.

MR. HOLLAND: But even then, maybe some others have seen this kind of procurement method but it's kind of new on me and -

MR. SAMSON: I'm very new to this; I did what I thought I needed to do. I was anxious to get something moving on it, obviously, so I hired the guy about, he was out to the house about three days after the last hearing.

MR. HOLLAND: Now is he at this firm, you mentioned the name of this firm?

MR. SAMSON: William Osborne.

MR. HOLLAND: And this is side work for him?

MR. SAMSON: Gary Ratterman works out of his office, although I understand he's an - Gary Ratterman - Gary Ratterman is the, he's the draftsman, and he works out of William Osborne's office.

MR. HOLLAND: As an independent or -

MR. SAMSON: I assume he's an independent contractor.

MR. SCHERER: Who did you write the check to?

MR. SAMSON: To Gary Ratterman.

MR. HOLLAND: Okay, now, and this associate, bringing out the structural engineer off this deposit to this draftsman, I mean that's kind of an odd situation also. Was there any reference to estimating amount of hours and paying him hourly, lump sum or any of those discussions involved?

MR. SAMSON: I asked him up front, the draftsman, when he came out to the property about how much cost we were talking about. He said probably about a thousand dollars for the

structural engineer, and for the architect and
for the plans.

MR. HOLLAND: All together.

MR. SAMSON: Yes.

MR. HOLLAND: A thousand dollars.

CHAIR MADFIS: That sounds like a
draftsman's opinion.

MR. KERNEY: Mr. Chairman, I'm prepared to
make a motion.

CHAIR MADFIS: I'm prepared to hear a
motion.

MR. KERNEY: I'd like to make a motion to
give this gentleman an extension to the May
seventeenth meeting, but I'm going to put some
stipulations on it. First of all, you're going
to have to have a signed contract with a
certified architect or engineer. And we would,
at the very least, like to see some drawings,
whether they be progress drawings, completed
drawings, some sort of drawing to show that we're
moving in the right direction. I'll put that in
the form of a motion.

CHAIR MADFIS: Is there a second on that?

MR. HEGUABURO: Second.

CHAIR MADFIS: Great. Alright, let's take

a vote. All in favor of that motion?

BOARD MEMBERS: Aye.

CHAIR MADFIS: Any opposed? Hearing none,
the motion passes unanimously.

MR. SAMSON: Thank you.

[2. Case CE06081391 & CE06081398] INDEX

MS. MOHAMMED: Next case, we're going to hear the next two cases on page eleven and page twelve of your agenda. We're going to hear those two cases together. Wayne Strawn is the inspector for both cases. Case number CE06081391, and case number CE06081398. The case addresses are: 638 Northwest 15th Avenue and 642 Northwest 15th Avenue. The owners: GMAC Corporation and Beaver Cleaning and Maintenance Corp. The owners and interested parties were notified via certified mail, and the green cards are in the file. And this is an old business case.

These cases were first heard by the Unsafe Structures Board on 11/16/06. At that hearing, the Board granted a thirty-day extension, and the respondents were to return with a progress report and evidence of negotiations with GMAC.

On 12/21/06, these cases were presented to

the Unsafe Structures Board. At that hearing, the Board granted a thirty-day extension of time and the owners were to return with proof of a deal with GMAC. On 1/18/07, the Unsafe Structures Board granted a ninety-day extension and respondents must reappear with at least one proposal from a design professional.

MR. KERNEY: Before we get started, if I may, is this the one where there's the two are owned by the - okay, alright.

MR. LEE: That's it. Just to refresh the Board's recollection, I'm Steven Lee on behalf of Beaver Cleaning. This is a "U" shaped property; it's a total of eight units. Four units are on one half of the property, two lots, and the other four units are on the other half.

There's apparently some fraud, loan origination. This thing never should have been mortgaged separately because it's one building but it was. One mortgage got foreclosed, we bought it from the lender, from GMAC, without knowing that it was part of the other building, that it never was legally, or legally should have been separated. So there was, we secured our half, we boarded it up, we made it water-tight,

but the other half was in violation, so we kept getting pulled into this thing.

We dug into it some more, and we were able to track down what the status was of the other half. GMAC is a big company, they've got servicers all over the place, but we finally found somebody in Texas that would talk to us, and we got a contract to purchase the other half.

At the last time we came before the Board, we had that contract actually signed. And our plan was, and as Murphy's Law would have it, something else came up, a title issue came up so we had to do a re-foreclosure. So within that ninety days, they were going to - GMAC was going to do the re-foreclosure and we were going to get our proposal, or at least part of our proposal, to present it today.

It took GMAC longer than they had anticipated to clear that title. They had one foreclosure sale scheduled in March some time, but ultimately they did not have the final re-foreclosure sale at the courthouse steps until last Thursday. It was not guaranteed that GMAC would get the property back at that sale, okay, a third party bidder could have bought it and if

that happened, we would have been in litigation with GMAC and things would have gotten pretty messy.

Fortunately, GMAC did get it back, okay, last Thursday they got, they were the successful bidder at the sale. A certificate of title is issued by the clerk ten days after the sale; that falls on Sunday, this Sunday, April 22nd. If it falls on a Saturday or Sunday, you have one extra business day, so the CT's actually not going to issue until this coming Tuesday the 24th of April.

We can close any time after that; my client's an all-cash buyer. We actually scheduled the closing for April 30th, which is a Monday, I believe, Monday after next, and we're going to close on that date.

What I would propose is just to roll us over to the next calendar, and at that time we'll have our proposals ready for you and present them to you. The reason we didn't bring them is because until last Thursday, GMAC was not even entering into extensions of the contract.

What they told us was, look, this is a title defect, if we can't cure it because a third-party bidder buys at the sale then we're

just going to have to litigate this matter, it would have gotten quite messy at that point. Thank God that didn't happen.

MR. HEGUABURO: You propose to roll you over and what? I didn't get the last part.

MR. HOLLAND: Yes, please speak up.

MR. LEE: We don't have the plans today; we don't have the proposals today. We didn't even know that GMAC was for sure going to sell us the property until Thursday. I mean, we had a contract, a title defect was discovered, they had a hundred and twenty days to cure it, it took them longer than a hundred and twenty days to cure it, so GMAC didn't want to re-enter into contract with us until they were sure they got the property back at the sale.

If last Thursday a third-party bidder had bought, we wouldn't have gotten the property, so we didn't wasn't to spend the time and the money to get those proposals until we were sure we were getting the property. GMAC's got the property back at the sale; they're actually getting the certificate of title this coming Tuesday.

We're closing the following Monday, April 30th we're closing with GMAC. We will be the

April 19, 2007

owners of the property then. GMAC will be out of the picture, then the whole property is finally ours and we can get proposals and present them to you.

I can't give you a detailed time line without those proposals, and we'll get them with the requisite level of detail. My client's, professionally he's re-habbed a lot of properties over the years -

MR. SCHERER: Is the property safe?

MR. LEE: Beg your pardon?

MR. SCHERER: Is the property safe? Is the property closed in and boarded up and nobody's living in it, nobody's getting in it.

MR. LEE: Our half is completely boarded up.

MR. HEGUABURO: Right, but we're concerned about the other side.

MR. HOLLAND: And hurricane season -

MR. LEE: I'm not sure about the other side, the exact status of the other side.

CHAIR MADFIS: Let's take one question at a time please.

MR. SCHERER: Wayne is right, Wayne could probably answer this question, Inspector -

INSPECTOR STRAWN: Wayne Strawn, City building inspector. The last time I inspected the property it was secure.

CHAIR MADFIS: Excuse me, I have a few questions for the property owner.

MR. LEE: Yes.

CHAIR MADFIS: so, this issue with GMAC, that was the first piece of property you acquired on this site.

MR. LEE: No, no, this is the, the property that's still owned by GMAC, the 642.

CHAIR MADFIS: Well, initially, before they bought it back at the re-foreclosure, you thought you had possession of it?

MR. LEE: No, we own 638, the adjacent property.

CHAIR MADFIS: The other side.

MR. LEE: And there's no question our title's clear; we own that side.

CHAIR MADFIS: And then you had that one.

MR. LEE: It was the other side that was in violation -

CHAIR MADFIS: {inaudible} approached to buy, and then you found that there was a title problem, they had to go back and re-foreclose.

MR. LEE: Delayed our closing.

CHAIR MADFIS: So you've owned the other side for quite a while now.

MR. LEE: Yes.

CHAIR MADFIS: No question about it.

MR. LEE: Yes.

CHAIR MADFIS: Well, you were charged with coming back here with at least one design proposal.

MR. LEE: Correct.

CHAIR MADFIS: Okay. It doesn't cost anything that I know of to get a proposal from most design professionals for the scope of this work. So the only effort that would have been a little bit of cost would have been a little bit of your time to investigate this. And considering the fact that you already have an investment in half of it, I don't think that would really be a waste of your time to begin to engage this design professional.

It would almost be part of your due diligence as you proceed with the remaining purchase of the property. So I'm personally I'm a little disappointed that you didn't make that effort to get that design proposal for this

meeting.

MR. LEE: Perhaps I misunderstood, but I thought you wanted something with a level of detail. I thought you wanted detailed drawings and -

CHAIR MADFIS: Well, eventually we're going to definitely need those, but at least get a proposal. That's step one. So, as you can see, some of these projects take a long time to move along, and if the effort isn't made to at least proceed, we're going to be here for a long time.

ASSISTANT CITY ATTORNEY: [redacted] from the City Attorney's office. I think what happened was, when they came in January, they had a contract; they expected to close on the property and then at the last minute, the title issue on the GMAC part came up and so that explains the delay. And actually it wasn't resolved until just last week.

CHAIR MADFIS: I'm sure, but it doesn't mean that they can't put the wheels in motion on some of these other issues that are ultimately going to have to be done. And now we come here, we're asking for another month just to get

another design proposal or what? I'm not quite sure what, on what basis to give another extension. And I'll bring it back to the Board to see if anyone else has more questions regarding this.

MR. KERNEY: Mr. Chairman, my knowledge of this case, I believe that this has kind of moved forward. They've taken the right steps. This is, I think this is pretty easy, you need another month, is what you're asking.

MR. LEE: We just need another month and then we're going to have not only design proposals, we're going to have the whole ball of wax for you with some very concrete details.

MR. KERNEY: If I remember correctly, one side of this thing is beautiful, pristine, and the other side is -

MR. LEE: That's right.

MR. KERNEY: Okay. If it pleases the Board, I would make a motion for an extension to the May seventeenth meeting.

CHAIR MADFIS: Alright, any second on that motion?

MR. HOLLAND: Second, sorry.

CHAIR MADFIS: Okay, we have a second and

April 19, 2007

a motion on the floor. Let's take a vote. All in favor of that motion say aye.

MR. MINOR, MR. KERNEY, MR. HEGUABURO, MR. SCHERER, MS. CHARLTON, MR. HOLLAND: Aye.

CHAIR MADFIS: All opposed?

CHAIR MADFIS: No. Any others? Okay, motion passes.

MR. LEE: Thank you Board members. This is Martin Fein on behalf of GMAC.

MR. FEIN: Everything he said is correct, contract for sale, and I'll leave it to the gentleman [inaudible]

CHAIR MADFIS: Thank you.

MR. HOLLAND: Do we need another motion on the second property? Do we need another motion for the second property or no, it's all treated as one?

MR. SCHERER: It's all one case.

MR. HOLLAND: Okay.

[3. Case CE06081280]

INDEX

MS. MOHAMMED: Your next case is on page eight. This is an old business case also. Inspector Wayne Strawn for case number CE06081280. Case address 611 East Evanson Circle, the owner, Sylvan Eversley. The owners

and interested parties were notified of this hearing and the green cards are in the file.

This case was first heard by the Unsafe Structures Board on 11/16/06. At that hearing, the Unsafe Structures Board ordered the property owner to demolish the property, the structure within 30 days, and further ordered the City to demolish the structure should the property owner fail to timely demolish.

On 3/15/07, this case was brought to the Unsafe Structures Board and the order of 11/16/06 was vacated and the property owners and interested parties were ordered to reappear at the April 19, 2007 Unsafe Structures Board hearing.

CHAIR MADFIS: Okay, what's the news?

MR. PEREZ: Good afternoon, Juan Perez on behalf of the property owner Sylvan Eversley who just came in. He hasn't been sworn in yet, I don't know if you want to take the moment to do that but -

CHAIR MADFIS: Okay.

MR. PEREZ: I have been in contact with Cate McCaffrey of the City of fort Lauderdale with regards to holding off the demolition, and

she had informed us that the basic premise was they needed to get it right, obviously. And they submitted permits recently through a general contractor to take care of that. The permits are in current open status and are currently being processed.

The general contractor obviously does not know when they're going to come out, but I have been informed that it is currently with landscaping.

CHAIR MADFIS: So the permits actually haven't been issued; you've actually made an application for a permit and you're in landscaping which is either the first or second step in the review process.

MR. PEREZ: Correct. They were [inaudible] submitted for March 22, 2007.

CHAIR MADFIS: And when did you last check on the status?

MR. PEREZ: I checked on them yesterday. I actually printed this off of the City's website if you'd -

CHAIR MADFIS: So the only review it's been through is been zoning and landscape?

MR. PEREZ: Correct, as far as I'm aware.

CHAIR MADFIS: In a month. That's unusual. They'd pretty much caught up, I thought.

MR. HOLLAND: So they say.

MR. GANGUZZA: Good afternoon, my name's Joe Ganguzza -

CHAIR MADFIS: I'm sorry, you've been sworn?

MR. GANGUZZA: I'm sorry?

CHAIR MADFIS: You have been sworn?

MR. GANGUZZA: I'm an attorney, I'm happy to be sworn if you require me.

CHAIR MADFIS: Is he going to testify, does he need to be sworn?

[swearing in of Mr. Ganguzza]

MR. KERNEY: Before you start, I believe I have a conflict of interest. Do you represent the Hemispheres?

MR. GANGUZZA: I do.

MR. KERNEY: Okay.

MR. GANGUZZA: But I don't think I'm really adverse. I just want to kind of provide the Board with a status.

MR. KERNEY: Okay, just let me just put it on record that you and I have been involved in a

contract negotiation on a project in -

MR. GANGUZZA: But I'm not your attorney.

MR. KERNEY: Right, exactly. Alright, I just want to make sure I don't have a problem here.

ASSISTANT CITY ATTORNEY: [inaudible]

MR. HOLLAND: It's just a disclosure.

MR. GANGUZZA: You never know who you're going to meet at the Unsafe Structures Board. I'm not talking about you, Pat, I'm talking about the owner of the property. I represent Fremont Savings and Loan, and Fremont is a lender on this property and Fremont has been very anxious since it received the notice of demolition because as far as we're concerned, this looks like a fraudulent loan to us.

And Fremont reacted very promptly in securing the property. We have our construction consultant here, Mr. Robert Luguori, who took care of making the structure safe, boarded it up, secured the pool area. And we actually had given notice of default on a non-monetary default to the property owner and we have marching orders to foreclose on this.

We will play ball with the unit owner, the

property owner, if they're headed in the right direction. As I said, the mortgage is current, but once we kind of looked at what was going on there, we were very, very concerned about the status of the property, the way it was subdivided and the reasons why the notice went out.

So, if you need somebody else to be looking after them, I want to assure you that the bank is as well. So, determinant on what the Board wants to do with the property owner's request, if they don't do it then we're going to be close on their heels, we're going to foreclose and we're going to do it. Okay?

MR. PEREZ: And obviously, with that being said, the property owner's interest is not to lose the property. However, obviously has been the delay. But as you can see, he has filed, he's moving in the right directions and I'm sure with the bank on the heels, as it was said, it will be moved along in the proper fashion.

CHAIR MADFIS: Any idea, perhaps, what was the last review date on that schedule, when did landscape or zoning last see it?

MR. PEREZ: I apologize, but what I pulled off does not state the last review date here, so.

April 19, 2007

CHAIR MADFIS: Okay, it does seem like you're moving in the right direction and you're in for a permit. I'm just concerned that it's taking this long for the next review. I think it might take a little bit of checking into and follow-up on these permit applications sometimes to make sure it's just not stuck somewhere or something, so.

MR. PEREZ: I can assure you I'll get in contact with the G.C. I actually spoke with the G.C. for an update pursuant to this hearing today and he himself admitted I don't know why it's taking so long. He was in there not yesterday, but the day prior to, checking on the status, and that's what they told him, so he understands that it's taking a while, as does everybody involved.

CHAIR MADFIS: And then sometimes if the plans are deficient or something like that, sometimes that can delay the process as well so check up on that. Alright, let's bring it back to the Board. Any other questions for the respondent? Okay, any motion to be made? Actually, are you requesting a particular amount of time, you think another thirty days or you?

MR. PEREZ: I would request at least

another thirty days for a hearing status to find out where we are so we can keep moving forward in the right direction. I would imagine that the thirty days, after the permits are, in fact, issued, that the thirty days may not be enough to take care of the work anyway, so it may be another status. But I would at least request that, to have another status to give another update to the Board.

CHAIR MADFIS: I believe once a permit is issued, we're done with this case, then it becomes somebody else's issue. But I'll listen to the Board for a motion.

MR. KERNEY: Just so I'm clear, you're moving through the permitting process?

MR. PEREZ: Correct.

MR. KERNEY: Just a personal opinion, there's no sense in bringing this gentleman back in another thirty days when it's probably going to take closer to sixty or ninety.

CHAIR MADFIS: Okay.

MR. SCHERER: I'll make a motion for a sixty-day extension.

MR. KERNEY: June twenty-second.

MR. SCHERER: June twenty-first. Right?

Yes.

CHAIR MADFIS: Alright, do I hear a second on that motion?

MR. HEGUABURO: Second.

CHAIR MADFIS: Okay. All in favor?

BOARD MEMBERS: Aye.

CHAIR MADFIS: All opposed? Hearing none, motion passes.

MR. PEREZ: Thank you.

[4. Case CE06080655]

INDEX

MS. MOHAMMED: Next case. Next case is page one of your agenda. Inspector Wayne Strawn for case number CE06080655. Case address: 409 Northwest 13th Avenue, the owner, Marilyn Finley. Certified mail to the owner, Marilyn Finley, returned unclaimed. Certified mail to the interested parties and the mortgage companies, we sent certified mail and we have gotten the green cards and they're in the case file.

But we do have posting for this new business case, we do have service for this new business case by posting the notice on the property as well as advertising today's hearing in the newspaper, the Broward Business Review.

INSPECTOR STRAWN: Wayne Strawn, City

building inspector. The violations that exist at the property at 409 Northwest 13th Avenue are as follows:

FBC 117.1.1 : THE SINGLE FAMILY BUILDING HAS BECOME UNSAFE. THE BUILDING HAS BEEN SUBSTANTIALLY DAMAGED BY THE ELEMENTS. IT ALSO HAS BEEN DAMAGED BY FIRE. THE BUILDING DOES NOT MEET THE STANDARD OF THE FORT LAUDERDALE MINIMUM HOUSING CODE OR THE MAINTENANCE STANDARD OF THE FLORIDA BUILDING CODE.

FBC 117.2.1.1.1 : THE BUILDING IS VACANT AND UNGUARDED. IT IS OPEN TO CASUAL ENTRY.

FBC 117.2.1.2.1 : MANY BUILDING PARTS HAVE FAILED, ARE HANGING LOOSE OR ARE LOOSENING. THE PARTS INCLUDE BUT MAY NOT BE LIMITED TO: SIDING, FLOORING, WALLS (INTERIOR AND EXTERIOR), ROOFING MATERIAL, CEILINGS, WINDOW FRAMES AND DOOR FRAMES.

FBC 117.2.1.2.2 : THE SUPPORT SILLS AND EXTERIOR WALL FRAMING ARE BADLY DAMAGED BY TERMITES AND THE RAFTERS HAVE ROTTED OFF AT THE ENDS IN AREAS.

FBC 117.2.1.2.3 : THE BUILDING IS DAMAGED ON THE NORTH EXPOSURE BY FIRE. THE EXTERIOR WALL AND ROOF FRAMING IN THIS AREA WERE STRUCTURALLY

COMPROMISED.

FBC 117.2.1.2.5 : THE ELECTRICAL SYSTEM HAS BEEN ALTERED WITHOUT OBTAINING PERMITS. THE ALTERATIONS OF THE SYSTEM ARE "DEEMED" BY THE CODE TO BE UNSAFE.

FBC 117.2.1.3.1 : THE ELECTRICAL AND PLUMBING SYSTEMS OF THE BUILDING HAVE BEEN ALTERED WITHOUT OBTAINING PERMITS. THE ALTERATIONS INCLUDE BUT MAY NOT BE LIMITED TO, THE INSTALLATION OF A NEW ELECTRICAL DISTRIBUTION PANEL AND BATHROOM AND KITCHEN FIXTURES AND PIPING. STRUCTURAL REPAIRS HAVE BEEN ATTEMPTED WITHOUT OBTAINING PERMITS. THE WORK INCLUDES BUT MAY NOT BE LIMITED TO: THE SPLICING OF RAFTER TAILS, REPLACEMENT OF FLOORING AND REBUILD OF AN INTERIOR WALL.

FBC 117.2.1.3.2 : THE BUILDING DOES NOT COMPLY WITH THE STANDARD FOR MAINTENANCE OF THE FORT LAUDERDALE MINIMUM HOUSING CODE. ALL BUILDING PARTS ARE REQUIRED TO BE "IN REASONABLY GOOD REPAIR". THE DEFICIENCIES IN THIS AREA EXIST THROUGHOUT THE BUILDING.

Just for the information of the Board, the building was moved to this site in 1949, in January of 1949. I don't know exactly how old

April 19, 2007

the building is, but we can assume it wasn't a new building when it was moved to the site in 1949. I would like to submit into evidence some photographs, the photographs accurately depict what I saw at the time of my inspections. The photographs are labeled exhibits "A" through "M". I'll put them on the viewer.

[Inspector Strawn used ELMO unit to display his photos]

That's the front view of the building:
Exhibit A. Exhibit B: side view of the north exposure. You can see some of the fire damage on the north exposure covered by plywood. Exhibit C: there's a close-up of the fire damage where the sill is completely gone and the wall framing is gone.

Exhibit D: that's the west exposure as it existed yesterday. You'll notice the plumbing work on the left hand side and the open and abandoned condition. This is a close-up of that corner where you can see the deterioration by dry rot and termites of this wooden framing, sills, that would be Exhibit E.

Exhibit F is a close-up of the damage and the bad condition. Exhibit G is another close-up

of the rotten condition. This is an example, but the condition is existent throughout the structure. Exhibit E: That's the south exposure. You can see more rot where a hole is cut in the wall to try to work on the plumbing. Exhibit F: This is an area by the fire where the ceiling fell down; it's destroyed.

Exhibit G: The new electrical panel that has been installed. Hope that comes out good on your viewers. Exhibit H: Interior wall where the plaster is falling off the old lath. Exhibit I: Rafter tail splice where they had rotten off, had fallen off and been repaired. Exhibit J: rafter tail splice again.

Exhibit K: We're back at the north exposure where the sill is non-existent. Exhibit L: that's the rotten sill again in another location. Exhibit M: That's the kitchen floor; I pushed it with my foot and it shows the rotten wooden floor decking underneath the tile. And we're right back to Exhibit A so - The City is asking for a motion to demolish.

CHAIR MADFIS: What size tile was that in the kitchen?

INSPECTOR STRAWN: In the kitchen, that

was one-foot square.

CHAIR MADFIS: It look like a vinyl
asbestos or -

INSPECTOR STRAWN: Yes, that's correct.
It was vinyl asbestos.

CHAIR MADFIS: Do you think it was one
foot or nine inches?

INSPECTOR STRAWN: It could be nine
inches. You're probably right about that because
the old tiles - it's very old and years ago the
tile was the smaller dimensions. If I can find
the photograph, I'll put it back up on the
viewer.

CHAIR MADFIS: It looked to me like it was
the nine-inch size.

MR. SCHERER: It was hard to tell.

INSPECTOR STRAWN: We are submitting all
of these photographs into evidence at this time.

MR. HOLLAND: I'd like to ask Wayne and
the panel: any speculation as to why this was
moved, is this - how common that sort of thing
is, moving a house to make way for roads, or any
significance to this dwelling possibly?

INSPECTOR STRAWN: No, I don't have any
information on that. It is interesting when we

find a lot of homes that have been moved, and they were actually required to take a picture of it. So we'll actually see a photograph sometimes in the microfilm of the house as it existed in 1949.

In some cases, as you bring out, they're moving for development on the river or there's some reason for moving, but I didn't have any information on why. It did give the lot and block where it came from; I don't remember where it came from.

MR. HOLLAND: How much of the framing could you see through the holes in the floor underneath? I guess you took a look at some of it from various openings.

INSPECTOR STRAWN: No, I didn't look at the floor framing very carefully. I did note that everything was spongy in each room. There were areas where there was probably termite damage that severely damaged the flooring.

CHAIR MADFIS: So there's no one here from the - representing the owner? Any other discussion? I'll entertain a motion.

MR. KERNEY: Mr. Chairman, I move that we find that the violations exist as alleged, and

that we order the property owner to demolish the structure within thirty days, and that we order the City to demolish the structure should the property owner fail to timely demolish. Such demolition is to be accomplished by a licensed demolition contractor pursuant to a City-issued licensed demolition permit.

CHAIR MADFIS: Is there a second to that motion?

MR. HEGUABURO: Second.

CHAIR MADFIS: Great. All in favor?

BOARD MEMBERS: Aye.

CHAIR MADFIS: All opposed? None, motion passes.

INSPECTOR STRAWN: Thank you Board.

CHAIR MADFIS: You're welcome. Wayne, would you say that house was built out of Dade County Pine?

INSPECTOR STRAWN: I don't know.

CHAIR MADFIS: Or don't you know. You don't know?

INSPECTOR STRAWN: I don't know what it's built out of.

CHAIR MADFIS: I was just curious there's any salvage value in the wood there.

INSPECTOR STRAWN: The original louvers, when I first inspected the building last fall, there was a louver system around the front porch which seemed to be of some historical interest to someone, because someone came along and tore it out.

[5. Case CE06091955, CE06091892] INDEX

MS. MOHAMMED: Next case is on page four of your agenda. We're going to hear both cases together, the case on page four. Page four and page fourteen. Wayne Strawn is the inspector for both cases. Case number CE06091955, case address 826 Northwest 1st Avenue, the owner, REO Asset Management Inc. Certified mail to the owner, REO Asset Management Inc., signed by Lorrie Solo, not dated. Certified mail to Josh Geller as registered agent for REO Asset Management Inc., signed by Lorrie Solo, not dated.

The other interested parties were notified via certified mail and the green cards are in the file. We also posted the property and the hearing, the date for today's hearing. The case was advertised in the Broward Daily Review.

On page fourteen, this is an old business case that's back. Same owner, REO Asset

Management Inc., case number CE06091892, property address, 824 Northwest 1st Avenue.

This was an old business case and the property owner was notified and the property owner as well as the interested parties were notified.

This case, 824 Northwest 1st Avenue, this case was first heard by the Unsafe Structures Board on 12/21/06. At that hearing, the Board granted a thirty-day extension and the respondents were to return with documentation from an architect or engineer.

On 1/18/07, the Unsafe Structures Board granted a thirty-day extension, provided the respondents return with a permit application, completed and filled out with a set of plans ready for submission for permit. And these both cases, like I said, it's the same owner.

CHAIR MADFIS: Is there anyone here representing the owner?

MS. MOHAMMED: There are no respondents, sir.

INSPECTOR STRAWN: Wayne Strawn, City building inspector. This is an unusual case, this is similar to the case you heard earlier.

April 19, 2007

The, actually it's one building, with the sewer connection on one end of the building, the power coming in on the other end of the building. It was subdivided in some way to produce a mortgage fraud and obtain two mortgages. The difference in this particular building, however, is that the same person now owns both halves and is responsible for both halves.

It appears on your agenda as two separate cases because we had two separate folio numbers and there was the potential of being two different owners. So we had to present it as two separate cases although it's one building.

The owner called me with an urgent phone call this afternoon that special circumstances had arisen and he could not be present at the hearing today. He informed me that the building is secure, he has an application in the department for a truss repair.

The east side of the building, the east, the east end of the building has been, as you have seen before when the case was presented, severely damaged by fire. And because of that we had to - that, and the expired permits on the west end of the building - it was prudent to

April 19, 2007

address the whole building before this Board. He has told me that the building is secure.

His permit for a truss repair and for a re-roof, quite logically, the re-roof permit is held up because we have no assurance that, in fact, you couldn't re-roof it without repairing the structural damage first. And we're really not looking for just repairing structural damage; we want the building re-habbed and made suitable for occupation.

He informs me that the tenant in the east, the west half of the building is leaving soon and will make it a vacant building. And he also assures me that he is going to go forward and he has made efforts to get a set of plans for the entire building. However, it's up to the discretion of this Board of whether or not they wish to extend any more time.

CHAIR MADFIS: To refresh my memory, this is the one where he actually had, was it some squatters in there, or there was a tenant in there who didn't have utility service for some reason, is that the one?

INSPECTOR STRAWN: I can't remember, but -

CHAIR MADFIS: Okay. Are there any tenant

in there now?

INSPECTOR STRAWN: Yes, the front unit is occupied. That's the unit on the west end which is, fronts the street.

CHAIR MADFIS: And this building is considered unsafe?

INSPECTOR STRAWN: Yes, because the east half has been severely damaged by fire.

CHAIR MADFIS: And it's really one structure.

INSPECTOR STRAWN: Five units in the building.

CHAIR MADFIS: So there's someone living in this unsafe structure right now.

INSPECTOR STRAWN: Yes.

CHAIR MADFIS: And the rest of it is boarded up or not?

INSPECTOR STRAWN: Yes, it is secured. I did not get a chance to verify whether it's secured properly. But it is, "properly" is another definition for securing properly. It may be secured, according to the City municipal ordinance, you have to have, the boards have to be painted the same color and so forth, there's a lot of standard, and of course, many times, a

secure building from the building code standpoint, that is, it's not open to casual entry, doesn't meet the standard of the -

CHAIR MADFIS: Right. Well, I guess if there was an emergency in this building, would the Fire Department realize there could be occupants in it, or would they sort of step back and let it burn as opposed to moving in.

INSPECTOR STRAWN: That's a good question.

CHAIR MADFIS: Is it clearly identified -

INSPECTOR STRAWN: The front of the building is not boarded up because there's an occupant there, which he says is leaving soon.

MR. SCHERER: Was he ever ordered to have this property vacated? Was that -

INSPECTOR STRAWN: No, not that I know of. I don't remember, I think I would remember if this Board ordered the property vacated.

MR. KERNEY: In your professional opinion, is the side of the building that's being occupied unsafe?

INSPECTOR STRAWN: It doesn't meet the same, it doesn't have the same problems. It's not fire-damaged. It had expired permits, but then, there's an awful lot of buildings in town

that have expired permits, and windows put in without permits, and permits for which have expired and so forth and so on.

MR. HOLLAND: I have a general question for Wayne and the Board. Being new on the Board, I have a question about safety during hurricane considerations. I know it's a little subjective but, of course, plywood comes off the windows, and the wind gets under, it can lift the roof and put other residences in peril and businesses. Do we address that at all?

INSPECTOR STRAWN: Yes, flying debris is an issue.

CHAIR MADFIS: That is an issue in my opinion.

MR. HOLLAND: It's a very important issue to me, personally, and I think it should be important to this City to protect the welfare of other people adjacent to these properties. And the threat of losing, slightly boarded-up boards on windows puts the roof structure at great risk for coming off and getting thrown onto other residences.

INSPECTOR STRAWN: One of the units is where there's great fire damage occurred. If you

counted one through five going west to east, it would be like number four. And it's, the trusses in that unit are severely destroyed to where you can see a visible sag in the roof, the upper cord of the truss is no longer supporting.

MR. HOLLAND: And it's propagating to adjacent members, probably, the distress.

INSPECTOR STRAWN: Yes. So it's not, it will not withstand wind loading as required.

CHAIR MADFIS: And we're within a month and a half of hurricane season.

MR. KERNEY: Well, obviously, we weren't privy to the conversation that you had with the homeowner, but I would think that if he was prepared to comply with our request, he could have sent somebody with the permit application or the plans, I just, I don't -

CHAIR MADFIS: What's your thought, Wayne, do you think he's, this emergency would -

INSPECTOR STRAWN: Well, how long has this been in front of the Board? What was that?

MR. HOLLAND: December.

MR. SCHERER: December twenty-first, but it says on 1/18 we granted a thirty-day extension?

CHAIR MADFIS: A ninety-day.

MS. MOHAMMED: Yes.

CHAIR MADFIS: I'm sorry, ninety-day, I'm sorry, you're right, I'm looking at the wrong one.

MS. MOHAMMED: Thirty -

CHAIR MADFIS: I mean thirty days.

MS. MOHAMMED: Yes. Thirty days. We had it scheduled for the February hearing and we had to pull it at the last minute because there were other interested parties. We were advised by the Assistant City Attorney there were other interested parties, so we had to pull the case from the 2/15 hearing, and notified them for this hearing.

MR. HOLLAND: I'm sorry, what was that purpose again, for yanking the - I didn't get that, what was the reason for pulling it in February?

CHAIR MADFIS: Can you go back?

MS. MOHAMMED: Other interested parties. When they did a title search, the Assistant City Attorney, when the City attorney's office did a title search, they found other people that we needed to notify.

MR. SCHERER: So we pulled it in January -

MS. MOHAMMED: Yes.

MR. SCHERER: In February -

MS. MOHAMMED: In February.

MR. SCHERER: And what happened with
March?

MS. MOHAMMED: We sent out certified mail
to everybody, notifying them of today's hearing.

MR. SCHERER: Okay, so, we missed a
meeting somewhere, I think, didn't we, or am I?

MS. MOHAMMED: They have to have thirty
days to have notice, so it, that's why it wasn't
scheduled for March, it was -

CHAIR MADFIS: So it really turns into
sixty days.

MR. SCHERER: Sixty days. Okay.

MS. MOHAMMED: That's right.

INSPECTOR STRAWN: I can testify that he
sounded very sincere on the phone. However, with
the time periods that we're talking about,
perhaps there's a problem with the ability to
actually resolve these issues.

CHAIR MADFIS: so, we're not aware that he
actually made any progress over the -

INSPECTOR STRAWN: The progress here is

two applications that came into the Building Department.

CHAIR MADFIS: There are two applications in, you verified that.

INSPECTOR STRAWN: There's applications in for a re-roof and a truss repair.

CHAIR MADFIS: Oh, I'm sorry, you told us that. But it's a - they're really not comprehensive enough to be taken seriously because -

INSPECTOR STRAWN: Correct.

CHAIR MADFIS: - there's much more work to be done. So they're really not legitimate applications.

MR. SCHERER: We asked him for a set of plans that were ready for submission for a permit also, and you just said he didn't have a set of plans, he was working on it -

INSPECTOR STRAWN: No, he didn't inform me of a set of plans that were ready to be submitted.

MR. SCHERER: He couldn't come to the meeting, doesn't have a set of plans, and has had four months, five months to do it?

INSPECTOR STRAWN: That's correct. The

extenuating circumstances had to do with his wife being tied up and he had to go pick up his kids at school.

CHAIR MADFIS: This happens. Alright, any other discussion? I'll bring it back to the Board for a motion.

MR. SCHERER: I'll make a motion. I move that we find that the violations exist as alleged, and that we order the property owner to demolish the structure within thirty days and that we order the City to demolish the structure should the property owner fail to timely demolish. Such demolition is to be accomplished by a licensed demolition contractor pursuant to the City-issued licensed demolition permit.

MS. MOHAMMED: Is that both cases, both properties?

MR. SCHERER: This case, yes.

MR. KERNEY: Second.

CHAIR MADFIS: Alright, all in favor of that motion?

BOARD MEMBERS: Aye.

CHAIR MADFIS: Alright, any opposed?
Okay, motion passes.

MS. MOHAMMED: Just for the record, that's

for both cases, the 626 and 624.

CHAIR MADFIS: Correct.

MS. MOHAMMED: Sorry, sorry, 824 Northwest
1st Avenue and 826 Northwest 1st Avenue.

CHAIR MADFIS: Right.

MR. SCHERER: Just one building.

CHAIR MADFIS: It is correctly one
building though, right?

MS. MOHAMMED: Yes. Thank you.

[6. Case CE06121623]

INDEX

MS. MOHAMMED: We have some information on
a case on page three. Case number CE06121623,
case address 1557 Northwest 6th Avenue, the owner,
Laurie A. Butler, and the inspector is Wayne
Strawn. At this point, we are withdrawing this
case from the agenda and Wayne Strawn is here to
explain why.

INSPECTOR STRAWN: Wayne Strawn, City
building inspector. The CRA, the building, the
City is buying the property for the improvement
of the Sistrunk corridor and they have every
intention of demolishing the building, but right
now while it changes hands they don't want to
have a lien or anything. Their intention is to
move as fast as possible, as soon as they take

possession, to demolish the building.

CHAIR MADFIS: So you're requesting a grant for an extension of time?

INSPECTOR STRAWN: No, we have withdrawn it. We're just explaining to the Board why it's withdrawn.

CHAIR MADFIS: I see, okay.

[7. Case CE05110458]

INDEX

MS. MOHAMMED: Next case, page six of your agenda. Case number CE05110458, case address, 1613 Northwest 11th Court, the owner Deborah Campion and Louis S. Cupo. The City is requesting that the Board dismiss this case.

CHAIR MADFIS: For what purpose?

MS. MOHAMMED: We brought this case before the Unsafe Structures Board last month and asked for a continuance, a thirty-day continuance, however, we did not notify the second owner, Deborah, and on the advice of the City, the City attorney's office said we don't want to have the case prejudicial, the best thing is to have the case dismissed and start up a new case if it's still in violation.

CHAIR MADFIS: Okay, so -

INSPECTOR STRAWN: Wayne Strawn, City

building inspector. A permit's been issued for rebuilding it so -

CHAIR MADFIS: Oh, it has.

INSPECTOR STRAWN: - it will not come back before the Board.

CHAIR MADFIS: Okay, so it's a legitimate dismissal, I guess. Do we have to make a motion and vote or?

MS. MOHAMMED: Is it dismissed or complied?

INSPECTOR STRAWN: It's - I don't care.

MS. MOHAMMED: Is it dismissed or complied?

INSPECTOR STRAWN: Dismissed is fine.

MS. MOHAMMED: You may make a motion for dismissal, sir.

CHAIR MADFIS: Okay, can I hear a motion to dismiss?

MR. HOLLAND: Motion to dismiss.

CHAIR MADFIS: Second?

MR. KERNEY: Second.

CHAIR MADFIS: All in favor?

BOARD MEMBERS: Aye.

CHAIR MADFIS: All opposed? None, motion passes.

MS. MOHAMMED: Alright, I'll start the agenda from the beginning. Page two of your agenda, Case number CE06090312, case address, 425 Northeast 4th Avenue. This case has been withdrawn from the agenda.

CHAIR MADFIS: Okay.

MS. MOHAMMED: Page thirteen of your agenda, case number CE06091833, case address 3018 Northeast 20th Court. This case had been withdrawn, sorry rescheduled. We're going to reschedule this case for next month, for May seventeenth '07. And that concludes today's agenda.

[Meeting concluded at 3:57 p.m.]

FARIDA MOHAMMED, BOARD CLERK

MICHAEL MADFIS, CHAIRPERSON

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held April 19, 2007, 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 26 day of April, 2007.

ProtoTYPE, INC.

JAMIE OPPERLEE
Recording Clerk

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

DATED this _____ day of April, 2007.

NOTARY PUBLIC
State of Florida at Large

Notarial Seal: