

City of Fort Lauderdale
 UNSAFE STRUCTURES BOARD
 Thursday, January 17, 2008 at 3:00 p.m.
 City Commission Meeting Room
 City Hall

Board Member	Attendance	Cumulative Attendance 10/07 - 9/08	
		Present	Absent
Patrick Kerney, Chair	P	3	1
John Scherer, Vice Chair	A	3	1
Olivia Charlton	P	3	1
Pat Hale	P	3	1
Hector Heguaburo	A	3	1
Joe Holland	P	4	0
Thornie Jarrett	P	3	1

City Staff

Yvette Ketor, Board Secretary
 Ginger Wald, Assistant City Attorney
 Wayne Strawn, City Building Inspector
 Jorg Hruschka, City Building Inspector
 Brian McKelligett, Administrative Assistant II
 Commissioner Christine Teel
 Eve Bazer
 Jamie Oppерlee, Recording Clerk

Guests

CE07021325: Allan Kozich, Hope Calhoun
 CE07080959; CE07080957: Marlan Copeland
 CE05110196: Erika Hernandez, owner's representative
 CE07080959: Sean Maloney
 CE07090739: Stacey Morabito, owner; Don Bastedo, neighbor
 CE07081768: Frank W. Cox
 CE06102225: James Poole, owner

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Disposition:	90-Day extension. Motion passed 4-1.	
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Address:	1901 SW 5 Place, 506 SW 20 Avenue	
Disposition:	30 days to demolish the property or the	

- City will demolish, pool to be secured within 5 days. Board unanimously approved.
3. **CE07090739 Jerome & Stacey Morabito** [20](#)
Address: 3127 NE 40 Court
Disposition: 30 days to demolish the property or the City will demolish. Board unanimously approved.
4. **CE07081768 Pan American Corporation & Francisco Antonio Vargas** [41](#)
Address: 150 NW 68 Street, 118 NW 67 Street
Disposition: 30 days to demolish the property or the City will demolish. Board unanimously approved.
5. **CE05110196 Synergy Property Services, Inc.** [43](#)
Address: 705 Northwest 2 Street
Disposition: 30-day extension, respondent to have new contractor, and to submit plans to the City for permit by 2/21/08. Board unanimously approved.
6. **CE06102225 James Poole** [51](#)
Address: 1748 Northwest 29 Way
Disposition: 30-day extension, owner to address comments and resubmit plans by 2/21. Board unanimously approved.

The regular meeting of the Unsafe Structures Board convened at 3:00 p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

All individuals wishing to speak on the matters listed on the Board's agenda were sworn in.

Approval of meeting minutes

Motion made by Mr. Jarrett, seconded by Mr. Holland, to approve the minutes of the Board's December 2007 meeting. Board unanimously approved.

1. Case: CE07021325

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Jungle Queen Inc.

2470 Southwest 21 Street

MR. MCKELLIGETT: First case is on page number 6. Wayne Strawn for case number CE07021325 at 2470 Southwest 21st Street, Jungle Queen Incorporated. Case was first heard by the Unsafe Structures Board on 6/21/07. At that hearing, the Board granted a 90-day extension with the staff's continuing weekly monitoring.

At the 9/20/07 USB hearing, the Board granted a 90-day extension to 12/20/07. At the 12/20/07 USB hearing, the case was continued to the 1/17/07 USB hearing. Green cards are in the file. In addition, the property was posted on 1/7/08, advertised in the Daily Business Review on 12/28/07 and 1/4/08.

MS. CALHOUN: Good afternoon, Hope Calhoun here on behalf of the property owner. The last time that you heard this matter, we had asked for an extension because we were going through the permitting plans, the permitting process, rather, for this project.

As we promised, we've been diligently providing weekly updates to City staff, and I believe that they'll be able to tell you that they're satisfied with those progress reports. At this time, we are in for permitting with the Broward County Health Department.

As a result of submitting those plans, some new issues were discovered, so we're going to have to revise the plans submitted, develop some new plans and continue to go through that process with the County Health Department.

Allan, I just see, is standing behind me, so if you'd like further detail on what needs to be done, he can provide that. Wayne is also here and he can address any other questions that you have.

With regard to our request, as a result of the issues now at the Health Department, we are requesting an additional 60 days to comply so that we can resolve the issues and hopefully get closer to resolution by that time. Thank you.

CHAIR KERNEY: Just for clarification, you submitted the plans to the City, and that's when these additional issues came up, or?

MS. CALHOUN: To the County, the County Health Department.

CHAIR KERNEY: Okay, they came up when you were, okay. Alright, could you state your name for the record please?

MR. KOZICH: My name is Allan Kozich, I'm an architectural engineer in Fort Lauderdale. One of the items on item number 7, at the top of the page - excuse me - one of the items on page number 7 at the top, the hood that was provided for the, where the Fry-o-laters are and things like that, that does have the proper hood and it does have the

proper fire protection for that. It was taken care of previously. We are changing out that system and we're not going to be using that system in the new building.

But the things that came up with is, that just arose, is that in regards to the septic tank grease traps and the drain field, the health department wants us to locate it on the survey. So we're in the process with Johnson's Septic Tank to locate those items so we get them on the plan and back over to the Health Department. And then it will go to the City for their review. And we'd like to ask for a 60-day extension.

CHAIR KERNEY: Okay, thank you. Wayne, you got something to add?

INSPECTOR STRAWN: Wayne Strawn, City building inspector, the business is in operation now, the building official did require weekly reports from an engineer in order for them to stay in operation. They have been faithful in giving those reports about the condition of the building.

We can understand that the process and the scope, the scope of work that's involved is extensive and the process, it's not unusual to find more issues as it works through the various departments. So I don't have any problem with an extension of time.

CHAIR KERNEY: Okay, thank you. Any questions from the Board? Seeing none, I'll entertain a motion.

MR. JARRETT: I would like to make a motion, first I'd

like to make a statement. I realize this is a historic property, and I know that whenever you're dealing with an older property you always turn up with additional problems. But these people have shown due diligence in what they said they were going to do. I would say let's give them a 90-day extension so that they don't have to come back in here, and that would be my motion.

CHAIR KERNEY: Okay, I have a motion for a 90-day extension, do I have a second?

MR. HOLLAND: Second.

CHAIR KERNEY: Motion and a second. Is there any questions on the motion? All in favor, signify by saying aye.

MR. JARRETT, MS. CHARLTON, MR. HOLLAND, CHAIR KERNEY:
Aye.

CHAIR KERNEY: All opposed?

MS. HALE: No.

2. Case: CE07080957, CE07080959

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Enclave at the Oaks Townhomes, LLC

1901 SW 5 Place, 506 SW 20 Avenue

MR. MCKELLIGETT: Next two cases will be heard together, starting on page number 11. Inspector Jorg Hruschka for the City. Case number CE07080957 at 1901 Southwest 5th Place: Enclave At Oaks Townhomes LLC. The certified mailings, the green cards are in the file. In addition, the property was

posted on 12/14/07, advertised in the Daily Business Review on 12/28/07 and 1/4/2008.

On page number 12, Inspector Jorg Hruschka for the City. CE07080959 at 506 Southwest 20th Avenue, Enclave At Oaks Townhomes LLC. Green cards are in the file. In addition, the property was posted on 12/14/07 and advertised in the Daily Business Review on 12/28/07 and 1/4/08.

CHAIR KERNEY: Is this a new case?

INSPECTOR HRUSCHKA: Yes sir.

CHAIR KERNEY: Could you read it into the minutes please?

INSPECTOR HRUSCHKA: Yes sir. Jorg Hruschka, City of Fort Lauderdale building inspector, this is in reference to case number CE07080957, 1901 Southwest 5th Place and the second property would be referencing CE07080958. The address would be 460 Southwest 20th Avenue. The violations are as follows:

FBC 117.1.1

THE TWO STORY SINGLE FAMILY HOME BUILT IN 1952,
THE SWIMMING POOL AND THE FREESTANDING SINGLE
STORY GARAGE HAVE BECOME UNSAFE. THE STRUCTURES
HAVE BEEN GUTTED AND CONSTITUTE A FIRE AND
WINDSTORM HAZARD. THEY HAVE BEEN SUBSTANTIALLY
DAMAGED BY NEGLIGENCE AND VANDALISM.

This also pertains to the other unit at 460. It's a one-story single-family unit built 1940. Next one would be:

FBC 117.2.1.1.1

THE BUILDINGS ARE VACANT, UNGUARDED AND OPEN TO
CASUAL ENTRY.

FBC 117.2.1.1.2

BOTH BUILDINGS HAVE AN UNWARRANTED ACCUMULATIONS OF
TRASH AND ARE FILLED WITH DEBRIS AND OTHER
COMBUSTIBLE MATERIAL.

FBC 117.2.1.2.3

THE BUILDINGS ARE PARTIALLY DESTROYED. WINDOWS AND
DOORS HAVE BEEN REMOVED. THE REMOVAL OF COPPER
WIRING AND PLUMBING COMPONENTS HAVE DESTROYED THE
PLUMBING, MECHANICAL AND ELECTRICAL SYSTEMS.

FBC 117.2.1.2.5

CRITICAL COMPONENTS OF THE ELECTRICAL SYSTEM,
INCLUDING BUT NOT LIMITED TO COPPER WIRING,
SWITCHES, OUTLETS, BREAKERS HAVE BEEN REMOVED
AND WOULD POSE A SERIOUS HAZARD IF ENERGIZED.

FBC 117.2.1.2.6

THE REMOVAL OF CRITICAL PLUMBING SYSTEM COMPONENTS
CREATED AN INADEQUATE AND MALFUNCTIONING SANITARY
SYSTEM AND WASTE DISPOSAL SYSTEM.

FBC 117.2.1.2.7

THE SWIMMING POOL CONTAINS STAGNANT WATER AND IS
UNSAFE AND DANGEROUS TO HUMAN LIFE AND PUBLIC
WELFARE.

I think we submitted a series of pictures to you, so I would like to enter those pictures into record to demonstrate the case.

CHAIR KERNEY: Okay, thank you. Do we have a respondent?

MR. MALONEY: Good afternoon. First, I was here late so I didn't get sworn in.

CHAIR KERNEY: Oh, okay, thank you for mentioning that.

[Mr. Maloney was sworn in]

CHAIR KERNEY: Could you state your name for the record please?

MR. MALONEY: Yes, good afternoon. My name is Sean Maloney. I am counsel for the bank which holds the mortgage on this property. That is, the property on page 12, case number CE07080959.

CHAIR KERNEY: Okay, is it two separate owners? No, it's owned by the same people, but you're only representing the one case?

MR. MALONEY: Just the one on page 12 and we don't own the property. My client simply has a mortgage on the property.

CHAIR KERNEY: Have a mortgage on the property, okay. And what do you have to add to this?

MR. MALONEY: It's City Residential is the lender.

CHAIR KERNEY: This is the lender, okay.

MR. MALONEY: On this, we are aware of the building's condition. We are simply seeking an extension of 60 days before the property's demolished. My client's in the process of doing a determination as to the current value and what it's going to cost to rehab the property to make it salable or whether it's simply easier to destroy it. So they may well undertake the demolition themselves, but are just seeking 60-day extension before the property is so destroyed by the City.

CHAIR KERNEY: What is your client willing to do to make the property safe right now?

MR. MALONEY: To make the property safe? I, unfortunately I just got this material. I don't know what steps they've taken. I know they've got a team in place to inspect the property and make a determination, I don't think they've gotten a report back as to what's needed to make it, to keep unwarranted visitors out. I'm assuming as a minimum, securing the property such that vagrants and other miscreants couldn't enter the property, but I don't know what they've determined as to what it's going to cost.

CHAIR KERNEY: Okay.

MR. MALONEY: So I don't know if they've taken those steps yet.

CHAIR KERNEY: And you're looking for 60 days in order to make a determination of whether or not you want to demolish it.

MR. MALONEY: Whether or not they want to demolish it, or to determine whether it's worth rehabbing and selling.

CHAIR KERNEY: Okay, alright.

MS. HALE: But that's only the one property I guess.

CHAIR KERNEY: Yes, I'm assuming this gentleman is going to speak about the other property. Would you step forward and state your name?

MR. JARRETT: Should we hear them one at a time?

CHAIR KERNEY: I'd like to hear them both since - why did we do these both together?

MS. HALE: Are they adjacent?

CHAIR KERNEY: Because it's the same owner?

INSPECTOR HRUSCHKA: Same owner. Three properties.

MS. HALE: Are they adjacent to each other?

INSPECTOR HRUSCHKA: They're all one parcel. There was supposed to be one master plan to redevelop the site. This gentleman here has shown me plans to demolish all properties, it would have been a total of four different, separate lots, or folio numbers. And he also already got FPL, water disconnect and hired for sewer cap so he could demolish -

CHAIR KERNEY: Okay, so we need to hear them altogether then. Okay step forward -

MR. JARRETT: Can I have one question?

CHAIR KERNEY: Sure.

MR. JARRETT: Before you step away, just for my clarification. Is your client the mortgage holder or the land owner?

MR. MALONEY: No, the mortgage holder, the lender.

MR. JARRETT: Okay, then the Board is aware that we just went through this with other cases. We have to deal with the landowner unless the mortgage holder has a power of attorney.

MR. MALONEY: Well, generally our mortgage, my client's mortgage, provides for they can take due and take any action including appearing before a court or a public body.

MR. JARRETT: Right, right.

CHAIR KERNEY: Yes, I believe the case that you're referring to, we actually did hear from the lender.

MR. JARRETT: I think the City attorney's going to clarify this.

MS. WALD: I think what - excuse me, Ginger Wald, Assistant City Attorney - I think what happened is, we went a little bit out of order, and I believe you should hear from the owner first.

CHAIR KERNEY: Oh, okay, this is the owner.

MS. WALD: And then maybe they will clarify some of your issues, hopefully. If not, I'll come back and answer them.

CHAIR KERNEY: Okay, let's hear from the owner then.

MR. COPELAND: Thank you. My name is Marlan Copeland, I represent the Enclave at the Oaks LLC. I'm coming before you

with a full set of demolition, plan to demolish the whole site, take out all the unsafe structures, all the buildings. And at this point we just want to demolish it all. It just has not been to permitting as of yet, but generally that takes 10, maybe 10 days to 12 days to get all this done on the expedient rate, so -

CHAIR KERNEY: So your intentions are to demolish the buildings.

MR. COPELAND: Yes, yes. At this point we want to demolish.

CHAIR KERNEY: Okay.

MR. HOLLAND: Is it selective demolition or complete?

MR. COPELAND: Complete.

CHAIR KERNEY: Well, that's easy then. If we make a motion or an order to demolish, then you'll have plenty of time before that becomes official to do your -

MR. COPELAND: Okay, thank you, yes.

CHAIR KERNEY: - your demolition. Mr. Maloney, are you, would you like to say anymore on that? Because I think I see the direction we're heading in here.

MR. MALONEY: Yes, it looks that way. Again, my client simply wants to have time to determine whether it's, the cost benefit is there to rehab -

CHAIR KERNEY: But this gentleman owns the property. Is he the one that's borrowed the money from you?

MR. MALONEY: Unfortunately, I don't have the mortgage. I only have a couple of e-mails and this notice of hearing, notice of violation.

MS. HALE: Does he have the mortgage or not?

CHAIR KERNEY: I guess we're going to find out.

MS. WALD: You actually have the respondent, you have the owner here. You have the two different properties that he is the representative for the owner, I should say. There are two different properties in front of you, they have been presented. Your decision, basically to make today is to whether go ahead and order demolition based upon the qualifications and the law in this property or obviously to provide an extension of time.

CHAIR KERNEY: I see. Okay, thank you. Is there any questions from the Board?

MS. HALE: I'm not pleased about that swimming pool, sir.

MR. COPELAND: It's definitely going to be taken away.

MS. HALE: Yes, and -

MR. COPELAND: I'm sorry, go ahead.

MS. HALE: And in the meantime, if a child wanders into that yard - yesterday two children drowned, and one almost drowned in Coral Springs.

MR. COPELAND: The immediate reaction would be to go safeguard it with a fencing system around it, 6 feet high.

CHAIR KERNEY: Or pump it dry.

MR. COPELAND: Yes.

MS. HALE: One or the other.

MR. COPELAND: Yes.

MS. HALE: In any motion, I'd like that to be made part of it, that within four days, which will give you the two-day weekend but by the end of Monday, that that pool is drained or made safe.

CHAIR KERNEY: But you're not asking for an extension, you're basically saying you're going to demolish the property.

MR. COPELAND: Yes, I want to demolish it; that's the plan.

CHAIR KERNEY: Okay, do we have any more questions from the Board? If, hearing none, does anybody want to make a motion?

MR. JARRETT: Following the Chair's direction.

INSPECTOR HRUSCHKA: Can I make a clarification?

CHAIR KERNEY: Sure.

INSPECTOR HRUSCHKA: There is a third parcel that we had on here that I didn't read into; it's CE - case number CE07080959, and the address is 506 Southwest 20th Avenue.

CHAIR KERNEY: Same owner?

INSPECTOR HRUSCHKA: It's part of the same parcel, same of the whole concept here. If you do a motion, can we say that we're going to include the parcels located at 460 Southwest 20th Avenue, 506 -

CHAIR KERNEY: You'll have to read into the record I believe.

INSPECTOR HRUSCHKA: The first two, but not the third one.

MS. WALD: Please read the third.

INSPECTOR HRUSCHKA: Third one? Okay. Can I just read in - 460 and 506, yes. Okay, 506.

MR. MCKELLIGETT: That has to be read into the record; that has not been read in yet.

MS. WALD: And the photographs.

INSPECTOR HRUSCHKA: There was an issue with when we going to present all of them because there was an issue with the folio numbers and citing the right property at the right notice. And we had without the fourth unit, for the next meeting. This one here would be CE07080959, and the address is 506 Southwest 20th Avenue, Enclave at the Oaks.

FBC 117.1.1

THE ONE STORY SINGLE FAMILY HOME BUILT IN 1954,
AND THE FREESTANDING SINGLE STORY ACCESSORY
BUILDING HAVE BECOME UNSAFE. THE STRUCTURES HAVE
BEEN GUTTED AND CONSTITUTE A FIRE HAZARD AND WINDSTORM
HAZARD. THEY HAVE BEEN SUBSTANTIALLY DAMAGED BY
NEGLECT AND VANDALISM.

FBC 117.2.1.1.1

THE BUILDINGS ARE VACANT, UNGUARDED AND OPEN TO

CASUAL ENTRY.

FBC 117.2.1.1.2

BOTH BUILDINGS HAVE AN UNWARRANTED ACCUMULATION OF TRASH AND ARE FILLED WITH DEBRIS AND OTHER COMBUSTIBLE MATERIAL.

FBC 117.2.1.2.3

THE BUILDINGS ARE PARTIALLY DESTROYED. WINDOWS AND DOORS HAVE BEEN REMOVED. THE REMOVAL OF BOTH COPPER WIRING AND PLUMBING COMPONENTS HAVE DESTROYED THE PLUMBING, MECHANICAL AND ELECTRICAL SYSTEM.

FBC 117.2.1.2.5

CRITICAL COMPONENTS OF THE ELECTRICAL SYSTEM, INCLUDING BUT NOT LIMITED TO COPPER WIRING, SWITCHES, OUTLETS AND BREAKERS HAVE BEEN REMOVED AND WOULD POSE A SERIOUS HAZARD, IF ENERGIZED.

FBC 117.2.1.2.6

THE REMOVAL OF CRITICAL PLUMBING SYSTEMS COMPONENTS CREATED AN INADEQUATE AND MALFUNCTIONING SANITARY FACILITY AND WASTE DISPOSAL SYSTEM.

And that's the same as the other ones.

CHAIR KERNEY: Okay, thank you. I'm going to make the assumption that the respondent's - it's the same comments for this property as it is for the other two. You have nothing more to add? Okay. Motion from the Board?

MR. JARRETT: I would like to make a motion. First of all, I'd like to clarify something. I don't think we can, in this motion to demo the structures, can order the swimming pool, but we could put a request in there that the owner comply to that. Is that correct, City Attorney representative?

MS. WALD: Yes, you can go ahead and make the request to secure the property prior to or along with the demolition.

MR. JARRETT: Okay.

MS. WALD: So that's can be done. That's securing the property, and securing the property of course, the concern that Board member Hale had was the pool. So that would be as part of securing the property.

MS. HALE: I just suggested we isolate it and give it a short time period because if the demolition takes a while, that pool will still be there unguarded.

MS. WALD: Right, and that would be securing the property, so that would be reasonable.

MS. HALE: I mean, it is not an attractive spa.

MS. WALD: I understand.

MS. HALE: Stagnant.

MS. WALD: Does that answer your question, sir?

MR. JARRETT: Okay. Regarding the three properties owned by Enclave at Oaks Townhouses, in addition to the following motion also included in this motion would be a order to secure

the pool for obvious reasons. And I move that we find the violations exist as alleged and that we order the property owner to demolition the structure within 30 days and that we order the City to demolition the structure should the property owner fail to timely demolish the buildings. Such demolition is to be accomplished by a licensed demolition contractor pursuant to the City-issued demolition permit.

CHAIR KERNEY: I have a motion, do I have a second?

MS. HALE: Could I just add one comment, that when you do that -

MR. HOLLAND: After a second.

MS. HALE: - we would put time on that -

CHAIR KERNEY: We would need a second first, if you wanted to amend the motion. Would you like to second it and then amend the motion?

MS. HALE: Yes, second.

CHAIR KERNEY: Okay, I've got a motion and a second, discussion on the motion?

MR. JARRETT: Friendly amendment, yes.

MS. HALE: Yes, to put a time of four or five days on that pool.

CHAIR KERNEY: Okay, so the motion -

MS. HALE: Thirty days is too long.

MR. JARRETT: Accepted.

CHAIR KERNEY: So the motion is amended for a 5-day securing of the pool. Is there discussion on the motion? All in favor, signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? Thank you.

3. Case: CE07090739

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Jerome & Stacey Morabito

3127 NE 40 Court

MR. MCKELLIGETT: Next new business case. On page 13, first item on the page. Jorg Hruschka for the City of Fort Lauderdale. Case number CE07090739 at 3127 Northeast 40th Court. Jerome V. and Stacey Morabito are the owners. Green cards are in the file, the property was posted on 12/4/07 and advertised in the Daily Business Review on 12/28/07 and 1/4/08.

INSPECTOR HRUSCHKA: Jorg Hruschka, City of Fort Lauderdale. This is a new case, it's case number CE07090739, the address is 3127 Northeast 40th Court. Violations are as follows:

FBC 117.1.2

A PERMIT FOR A NEW 4 BEDROOM, 4 BATHROOM RESIDENCE WAS ISSUED ON 4/5/2005 AND WORK PROGRESSED UNTIL 6/22/2005 WHEN THE LAST INSPECTION FOR THE BUILDING SLAB WAS PASSED. THE CONSTRUCTION SITE

WAS THEN ABANDONED AND THE PERMIT EXPIRED. THE
STRUCTURE IS PRESUMED AND DEEMED UNSAFE.

FBC 117.2.1.3.1

THE LAST INSPECTION FOR GENERAL PERMIT 04031745
WAS APPROVED ON 6/22/05. THE 90 DAY TIME
LIMITATION AS SPECIFIED IN FBC 106.10.3 HAS BEEN
EXCEEDED. THE JOB SITE WAS ABANDONED AND THE
PERMIT EXPIRED PRIOR TO COMPLETION AND BEFORE A
CERTIFICATE OF OCCUPANCY WAS ISSUED.

The City is requesting that we remove the work done up to
this point.

CHAIR KERNEY: Okay, thank you. Do we have a respondent?

MS. MORABITO: Hi, I'm Stacey Morabito.

CHAIR KERNEY: Hi Stacy, have you been sworn?

MS. MORABITO: Yes.

CHAIR KERNEY: Okay, thank you.

MS. MORABITO: I'm sorry, I wasn't quite sure how formal
this was going to be today. I think that it's important that
the Board knows that we were up to the -

CHAIR KERNEY: Could you speak into the microphone?

Okay, thank you.

MS. MORABITO: - second story. We were up to the second
story in building our dream home and we got hit with hurricane
Andrew and it was completely demolished on October 24, 2005.

MR. JARRETT: Wilma?

MS. MORABITO: Wilma, sorry, Wilma. So, Wilma hit on my husband's birthday and destroyed our home. We cleaned it up, we have it fenced, it's sanitary, it's completely safe, no one can get on the property. From that time on we found out our general contractor, his license has been revoked. He abandoned our work. We've had difficult times. So now we've decided to rebuild after all this time.

It took two years to determine what we wanted to do with the property, but we always maintained it. We kept it fenced and kept it cut and up until this time we haven't been in a position, we had to fight with our insurance of course, our windstorm, to get reimbursed so we've actually decided to at this point to apply for a permit and rebuild.

CHAIR KERNEY: And how far along are you -

MS. MORABITO: It's the second time we were hit. We were hit with Rita or Katrina, we lost block, and then by the Hurricane Wilma we were up to the second story.

CHAIR KERNEY: Okay. How far along are you in the plan process?

MS. MORABITO: We just started, because we just sold a commercial building and were unable to do it until we were prepared financially to do it.

CHAIR KERNEY: Okay, have you selected an architect?

MS. MORABITO: I already have the - I have the architectural plans, yes.

CHAIR KERNEY: You do. Oh, you do have architectural plans.

MS. MORABITO: Oh yes, we were up to the second story. And the reason that we did not have an inspection from June 2005 until Wilma is because we were making changes. So that was the reason for the delay. We were, it was just some design changes that had to go to, I think, architectural review.

CHAIR KERNEY: When were those drawings done?

MS. MORABITO: 2004, 2005.

CHAIR KERNEY: 2005.

MS. HALE: Have you submitted them back in to the Building Department yet now?

MS. MORABITO: We had to go for a change of contractor status and this just happened in the last two weeks because we just closed on our commercial building in the last two weeks. So all of this was started - we were prepared to clean up the property as Jorg, what our understanding of the request was, but at this point we can get an engineer to say that we have \$300,000 worth of pilings and slab work that is still in good condition.

So it was a decision whether we were going to sell the property with plans so someone else could build it or whether we were going to build it. So, for us, it's a crime to tear all of that good steel out when someone else could take it and

move it forward. The question is whether it was going to be us or someone else.

CHAIR KERNEY: So, this permit's lapsed then.

MS. HALE: [inaudible]

MS. MORABITO: Yes. But no, but we -

CHAIR KERNEY: Okay. Well, it could essentially be open [inaudible].

MS. MORABITO: - the original - right, right. We just went in for a change of contractor; we hired a new general contractor and I guess it was our understanding at the time that he was going to do a change of contractor status which evidently has been issued, and then a new permit. And I asked, I said, what is the price for the new permit, and they couldn't give it until such time they issued the permit. So that's where we were at.

CHAIR KERNEY: The problem is is that if your permit has expired, which it probably has -

MS. MORABITO: Yes.

CHAIR KERNEY: - those drawings that you had submitted at the 2004 or 2005 code are probably not applicable today, and you're going - I hate to say it - you're going to have to probably end up redoing your plans completely.

MS. MORABITO: Uh hmm [affirmative].

CHAIR KERNEY: We have some, you have something there Jorg?

INSPECTOR HRUSCHKA: Can I clarify?

CHAIR KERNEY: Sure.

INSPECTOR HRUSCHKA: I, we, double checked if there's any permit to renew or to demolish was on file as of about three days ago, and I noticed that we had just issued a change of contractor but there was no renewal for the permit. So I talked to Curtis Craig about this issue and he expired the permit, did not renew it because it exceeded the two-year limit, so the status right now is there is no valid permit -

CHAIR KERNEY: There's no permit.

INSPECTOR HRUSCHKA: - he's not going to renew it. They have to probably come to him to talk about the details. But I have just a printout here that I would like to just add.

[Inspector Hruschka presented the printout to the Board]

INSPECTOR HRUSCHKA: Can you see that? Is that clear enough? But it just basically states that he doesn't, did not renew the permit itself.

CHAIR KERNEY: Okay, alright, thank you.

INSPECTOR HRUSCHKA: And also, to clarify, the only thing that's there right now is the slab only and the re-bars for the columns sticking out. There's no second, there's no tie beams or any boards up for the second.

CHAIR KERNEY: Okay.

MS. MORABITO: We were all the way up to the second story before -

CHAIR KERNEY: Right, no, I understand that.

MR. HOLLAND: With what, reinforcement or form work or -

MS. MORABITO: I don't know, that's not my department but
I just know that -

MR. HOLLAND: Did you see it? Was it wood?

MS. MORABITO: Well, we had block all the way to the
second story, and from what I'm told, maybe because the
hurricane was so strong, it wasn't tied down properly. I
don't know, I don't know.

Unfortunately, the contractor that we hired - and we
hired him because he did other work in the neighborhood -
since then his license has been revoked and I think he was -

MR. HOLLAND: And there's a problem with getting the
subsequent structural engineer to certify the existing
facilities here so that you can continue?

MS. MORABITO: No, we've had engineers look at it and
they say that it's still, it's still usable, but it would be a
crime to tear it down.

MR. HOLLAND: And they're willing to put that in writing
and put their seal on it?

MS. MORABITO: Absolutely.

MR. HOLLAND: Okay.

CHAIR KERNEY: I believe we have some more people that -

MS. MORABITO: We've tried to preserve the rebar, we -

CHAIR KERNEY: We've got a few more respondents, so let

us, let's hear from those people, if you would.

MS. MORABITO: Okay.

CHAIR KERNEY: Step forward and state your name please.

COMMISSIONER TEEL: Good afternoon, I'm Christine Teel, the District 1 commissioner.

CHAIR KERNEY: Hi, and you've been sworn?

COMMISSIONER TEEL: Yes.

CHAIR KERNEY: Hi.

COMMISSIONER TEEL: It's unusual for me to come before a board, but this case has been going on for so long as far as a blight in the neighborhood. I've had numerous phone calls, all kinds of concern from Bermuda Riviera on the condition of this property. I don't know if you have, do you have the pictures in your file?

CHAIR KERNEY: We do.

COMMISSIONER TEEL: Okay.

CHAIR KERNEY: Thank you.

COMMISSIONER TEEL: The concerns are varied. There's times when I'll get calls about weeds and debris and trash, the rebar is sticking up with the children in the neighborhood. The fence falling down, children are able to access the property, the seawall is, had been removed. There's form boards there that are rotted. The adjacent properties' seawalls have been damaged because of not having the integrity of a continuous sea wall and the list goes on

and on.

I was actually over there as recently as Monday night, and the weeds are gone, but the rest of the debris and loose building materials are still on the site. It's, I think it has gone on so long now that it's to the point where it really has to be cleaned up. I don't think it's in any way going to be rebuilt tomorrow, next month, six months from now. But in my opinion and having listened to the people that live over there, this is much too long if you look at the dates, it's really excessive. So I would ask you to take some action immediately to get this area cleaned up as quickly as possible because I think it is a hazard. There's a lot of children there. Thank you.

CHAIR KERNEY: Thank you. Hi, state your name please.

MR. BASTEDO: My name is Donald Bastedo, I live -

CHAIR KERNEY: And you've been sworn.

MR. BASTEDO: Yes sir, I have, sir.

CHAIR KERNEY: Okay, thank you.

MR. BASTEDO: I'm a member of the Board of Directors of the homeowners association, Bermuda Riviera. And it's builders like this that come in there and start a construction and then fail, and then stop it and fail to continue it. It's lied there, laid there for a couple of years and it's a blight to our community. And we have two on the agenda today, same thing.

And we have enough trouble with the foreclosures and the auctions going on in our neighborhood without having something visually like this that deters the sale of the property. The people in the neighborhood, some of the people in the neighborhood, especially the neighbor next door, tried to sell the house. And they come in, they look at it, and they refer to what's going on next door. And they have nothing that they can really say because it's, it lays out there in disrepair.

And I see you got the figures. I don't see anything going up to the second floor. I think most of it is the, the slab is still there, the slab's intact but the columns are down. There's rebar there, there's fence, fence laying out there that's just loose. We worried about the hurricane, we called many times to have it cleaned up because of the loose debris and there during the hurricane season. So I'm here to support the inspector today.

CHAIR KERNEY: Okay, thank you. Do we have any questions from the Board?

MS. HALE: Can I ask Jorg? The Commissioner talked about the seawall -

INSPECTOR HRUSCHKA: Yes Ma'am.

MS. HALE: - but I notice here on this, we're not dealing with the seawall. Do you not deal with - does another inspector come along -

INSPECTOR HRUSCHKA: Actually, I never saw the seawall

because I took pictures here on 9/20 that you saw.

MS. HALE: Right.

INSPECTOR HRUSCHKA: There was a fence up, I cannot step on the property so I never witnessed the seawall. Anything that was really pertaining to the building permit itself is what we're requesting to be removed. So if that is part of the building permit, then we would ask to have that removed too, but I really don't want to suggest that we do remove a seawall because that would be kind of -

MS. HALE: Well evidently some of it is, because it's buckled the integrity of the adjoining -

INSPECTOR HRUSCHKA: Then we have to rebuild it.

MS. HALE: Right.

INSPECTOR HRUSCHKA: So, I haven't seen the pictures yet, I'm not aware of the seawall. I'm just concerned if we order the demolition of it, who's going to be reconstructing it? So I don't know -

MS. HALE: Well, evidently it's somewhat demolished already and needs reconstruction immediately.

INSPECTOR HRUSCHKA: I would not recommend -

MS. HALE: So you haven't seen it?

INSPECTOR HRUSCHKA: I have not seen it, but we had a similar case before the Boards a few months ago, and my concern would be if we order the demolition of a seawall, that would be even worsening the whole effect of - if we take it

out we have to rebuild it afterwards, it has to be reinstated, who's going to be carrying that expense of that? So I wouldn't suggest that we incorporate that. Some of the materials maybe, I don't know. I have not seen -

MS. HALE: So you don't know whether it was on the original permit to do that.

INSPECTOR HRUSCHKA: I would double check it, and see that we get it removed, whatever was built there right now, whatever structure is there right now, whatever rebar, formwork there might be at this time, that we remove that at this particular time. But not order the demolition of the seawall itself.

MS. HALE: I don't think we, I don't think that was the problem, was that the demolition of it, it was the fact that it was disintegrating before.

INSPECTOR HRUSCHKA: Right then.

MS. HALE: Is that a good word?

MR. HOLLAND: It was a safety issue [inaudible].

MS. HALE: Because, alright it was a safety issue because everybody else's seawall, you have to, everybody has to kind of maintain in or it all starts to crumble.

CHAIR KERNEY: Jorg, in your professional opinion, this reinforcing rod, this rebar's been sticking out of the slab now for 2 1/2 years; it's rusted. Can it be used if they continue to go on?

INSPECTOR HRUSCHKA: Okay, but first I have to start with a disclaimer; I'm not an engineer, I don't know. I would suggest that the spalling of that and the deterioration of the structural component of it probably would affect it somewhat but that really should be determined.

Just maybe as an aside, background information, when this whole thing started, I tried to convince Mr. Morabito to just take the steel down, clean the site up just to make it slightly for the neighborhood. Because what's the difference between a green lawn or just this empty site or a nice clean slab. And I gave him two weeks, he said he was going to do it. He did not do it and that's why we're in front of the Board right now to request that we take it out. That would have been a simple solution probably beforehand.

MS. HALE: Is that what you want then, the - I mean, is that what you're asking for?

INSPECTOR HRUSCHKA: Right now, we want removal of all the structures that have been illegally, installed under the permits. So that means the slab, columns, whatever repair work or work was started, formwork was started on the seawall, we would take that included.

CHAIR KERNEY: Okay. Do we have any more questions from the Board?

MR. JARRETT: I have a question of the City attorney, or perhaps staff. If we issue an order to demo this structure

but yet we have a homeowner who believes that they're going to start this right away, in actuality, if we give this order for demo, if the homeowner is sincere about reconstructing this building can they go down and pull the permits before this actually happens, if they moved quick enough?

MS. WALD: Pull the permits to -

MR. JARRETT: The homeowner -

MS. WALD: [inaudible] they had before, is that what you're asking?

MR. JARRETT: - says that they have the plans and that they're waiting for the contractor. Would they have 30 days after we issue the order to actually go pull a building permit, that wouldn't happen?

MS. WALD: No, because - the simple answer is no - and the reason why the simple answer is no is because if you entered an order for a demolition, of course you give the 30 days and the notice goes to the homeowner. It provides the homeowner with the time to go ahead and demolish their own property so the City is not charging them with that cost.

Now, that does take more than 30 days, I'm going to tell you right now, it takes much longer than 30 days for that whole process to go effect. The actual amount of time, these wonderful individuals would be better equipped to tell you because they have to do all the background and the paperwork.

If the homeowner went and was able to obtain their

permits to build, then we have two conflicting orders and then the question would be, are they going to get it built prior to the USB. And I think in that case, and I can't imagine that happening that fast by the way, but I think in that case we would have to be brought back to the Board, or it would have to go to a court to make a determination of which one would be the valid order and which one should go forward.

MR. JARRETT: Okay.

CHAIR KERNEY: They also have the option to appeal our decision as well.

MS. WALD: They would also have that option too, that is correct. And that would probably, I can't give them legal advice, and nor can you, but that is an option that would always be available to anybody from the decision of this Board.

MR. JARRETT: I have a comment for the Board. I understand this slab is a blight on the neighborhood without a doubt. But my Victoria Park neighborhood has all kinds of empty fields in it right now where developers bought property and they tore down the houses and now we're looking at empty fields that aren't really maintained. And I'm concerned that we're trading one evil thing for another evil thing.

If this homeowner has the means now to start this project and really build a home back, should we give her 30 days to pull this off? And if not, then be firm about it next month

and order the demolition. But I'm concerned about the empty field just sitting there too because obviously nobody's selling anything right now.

MR. HOLLAND: I'd like to be recognized. I, on the other hand, feel that there's quite a difference between an empty field and critical structural members not meant to be exposed to the weather for long periods of time as we resolve whatever hardship conditions we have here, compounded by the fact that - independent of that, a seawall is deteriorating that's affecting adjacent properties. That, to me, establishes a pattern of neglect and uncaring that a flurry of activity because of a few notices here doesn't really, in my opinion, show a diligence.

I think, we could have, I think there was adequate time to come in here with a better effort to show that diligence towards moving forward. I think this Board's seen a number of cases where we've been dangled and extended for quite a while in various maneuvers involving just investment aspects, financial aspects of a property.

I can feel for the neighbors that have to go through this and the safety hazards of this kind of reinforcing steel being exposed. It's extremely dangerous. And as far as that question about, there is a lost, a section, that a professional engineer is going to have to ratify is acceptable within the parameters of the design of this. But I'm of the

opinion that we've got to address this forcefully or we're going to see just more of the same.

CHAIR KERNEY: Any other comments from the Board? My personal comment is this: this is going to take a long time to get this built. The plans that the owners have are outdated, they're of no use. You're going to have to go through the design effort; it's going to be a while. But by the same token, as long as I've been sitting on this Board we've always given an opportunity to a homeowner if they do in fact want to salvage their property, to do it.

I can't remember a time that we've had somebody come in front of us and we've ordered demolition on the first go-around when they made a sincere effort or appeared to make a sincere effort that they were going to try to get this done.

So if somebody wanted to make a motion either way. But my opinion would be if the motion was made for a 30-day extension, it needs to have our standard stipulations: you need to come back with a set of plans, you need to come back with a contract from your architect, your engineer and your general contractor.

MS. HALE: Is there any way on this to include this information about the seawall? That seems to be something that the neighbors are very upset about as their seawall is collapsing.

INSPECTOR HRUSCHKA: May I make a suggestion? I think

it's more the blight issue that is at stake here right now than rebuilding. I think there is still a consensus if the slab can stay if we cut down the rebar, which are going to be structurally deficient most likely anyway. If we can order the cleanup and say do the clean up really quickly, but -

CHAIR KERNEY: That can be part of the motion.

INSPECTOR HRUSCHKA: That would be part of the motion?

CHAIR KERNEY: That could be part of the motion.

INSPECTOR HRUSCHKA: That they do it quickly, there, but give them extra time to prepare new plans. So therefore, give them maybe 90 days, 120 days to do that, but give them only 14 days to cut everything down, clean the site up, remove all the form work on the seawall so that the neighbors don't have the blight issue anymore and we help both sides, if that would be acceptable as maybe an alternative solution here.

MR. HOLLAND: Again, I'd like to point out as the structural engineer rep that these dowels are very critical structural elements and a large part of the equity of the structure if you're thinking about a chance to rebuild. From an aesthetic standpoint, shearing them off and just having the slab, yes, it's much more attractive, but that's quite a hardship, especially if it's a pile foundation and they're integral with the piles. That could be a showstopper from a financial standpoint.

CHAIR KERNEY: Okay, thank -

MS. HALE: Didn't you not say that the owner volunteered to cut them off?

INSPECTOR HRUSCHKA: He did promise at one time, but he reneged on the promise.

MS. HALE: He promised you that he'd slice them off, okay.

MS. MORABITO: Can I talk?

CHAIR KERNEY: Sure, you can comment on that.

MS. MORABITO: I was with my husband when he spoke to Jorg. We sent in writing the same day that we spoke to Jorg what we were prepared to do. There was a simple misunderstanding. We said we would clean up the property and to be honest with you I don't know what it was, but it was never to cut down the rebar.

We have \$40,000 worth of rebar in the foundation, so that wasn't part of it. We did not agree to that verbally. What we agreed to was in writing, so I wouldn't want to characterize it as, that my husband reneged on what he said he was going to do.

And I also take a little bit of this personally. I do own another home in Bermuda Riviera; I pay my taxes, I care very much about Bermuda Riviera. The neighbors that supposedly have damage to their seawall are my personal friends on one side, so I don't know where that's coming from. The other property that cannot get an offer had an offer on

the property. They chose not to accept it.

So I think with Christine, Ms. Teel, that it's getting to be a little personal and I'm getting a little offended by it. So, you know, I care about the neighborhood too, I just don't want to lose \$300,000 worth of foundation work.

MR. HOLLAND: Jorg, are these columns, are they tied down, are they lapped and tied, or could they be untied and taken down, do you know? Because we usually don't - sorry.

MS. WALD: I'm sorry. Just because it was mentioned and I did ask Ms., Mrs. Morabito, thank you, we found the letter and she would like that to be introduced.

CHAIR KERNEY: Okay.

MS. WALD: The one that she was referencing.

CHAIR KERNEY: Alright, thank you.

MR. HOLLAND: My question is, I believe these columns are probably tied up with wire to the dowels in the slab, and could probably be removed. And then you would have everything at the 4 foot high. Not that that's much better, but I believe that would be the case. I don't know if you recall if they're tied to the other dowels in the slab.

INSPECTOR HRUSCHKA: Just looking at some of the corner columns, we have most of them just being number fives on the corners. Four foot, probably protruding four feet. And you maybe have one, two, six different, seven different columns that are already tied up. Those would be removed. We still

have the 4-foot, and that definitely, in my book, would be a safety issue.

MR. HOLLAND: Yes, yes, I'm just saying from an aesthetic issue. But, I do feel like a few members of the Board, that I think an attempt can be made here, but I think should be very shortest of timeline. I don't, I think we've got to see a very, very serious commitment to move forward above and beyond what's been brought here to us today having this been noticed in this fashion.

CHAIR KERNEY: This is certainly your area of expertise, would you like to make a motion?

MR. HOLLAND: No, as far as relief is of my expertise, structural is my expertise but, I will go, I heard the legal ramifications of this and I'm willing to move that we find that the violations exist as alleged, and that we order the property owner to demolish the structure within 30 days, 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 demolition permit.

CHAIR KERNEY: I have a motion for demolition, do I have a second?

MS. CHARLTON: Second.

CHAIR KERNEY: I have a motion and a second, do I have discussion on the motion? Seeing none, all those in favor

signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? Motion passes.

4. Case: CE07081768

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**Pan American Corporation & Francisco Antonio Vargas
150 NW 68 Street, 118 NW 67 Street**

MR. MCKELLIGETT: Next item is on page number 8, it's an old business case. Wayne Strawn for the City of Fort Lauderdale. Case number CE07081768. The case address is 150 Northwest 68th Street, the site address is 118 Northwest 67th Street. The owner: Pan American Corporation and Francisco Antonio Vargas. The certified mailings are in the folder.

The case was presented to the USB on 10/18/07, the Board granted a 30-day extension to the 11/15/07 USB hearing. At the 11/15/07 USB hearing, the Board granted a 60-day extension to the 1/17/08 USB hearing.

INSPECTOR STRAWN: Wayne Strawn, City building inspector. With regard to Pan American Estates Mobile Home Park, that's at 150 Northwest 68th Street, and the mobile home in question is 118 Northwest 67th Street.

I've discussed the case with the owner of the trailer park and also with his attorney and they have the desire to remove the trailer from the property. A great deal of the illegal additions have been removed, but there's other items,

there's other issues that have not been addressed and they see the solution as to remove it from the property.

CHAIR KERNEY: Okay, and we have a respondent?

MR. COX: No response.

CHAIR KERNEY: No response, okay.

MS. HALE: Is it one of those that does move, or is it permanently affixed?

INSPECTOR STRAWN: Oh, it could probably be moved, I don't know whether or not, I didn't climb under it so, I have seen the frames break apart when they try to move them, but they might be very successful in moving this one.

MS. HALE: Okay.

CHAIR KERNEY: Thank you.

MS. WALD: Assistant City Attorney Ginger Wald. The owner's attorney actually faxed over to me - and I don't even know if I need to introduce it, just because I said I would - the actual default final judgment which now has evicted the tenant which provides the owner to go ahead and do what he needs to do and now he can do it. So we do have that, and I will go ahead and submit it and put it in the final record.

CHAIR KERNEY: Okay, very good, thank you. Do we have discussion from the Board? Seeing none, do we have a motion from the Board?

MS. HALE: What kind of a motion do you, did you want, Wayne?

INSPECTOR STRAWN: The City is asking for motion to demolish since the -

MS. HALE: I thought he was moving it?

INSPECTOR STRAWN: Yes, that's correct. But demolish, or move or make it go away is the same thing in this particular setting. And you would be ordering the property owner to remove or demolish, and he seems willing to comply with that order.

MS. HALE: I move that we find that the violations exist as alleged and we order the property owner to demolish the structure within 30 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 KERNEY: I have a motion; do I have a second?

MR. JARRETT: I'll second.

CHAIR KERNEY: I have a motion and a second; do I have discussion on the motion? Seeing none, all those in favor, signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? Motion passes.

5. Case: CE05110196

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Synergy Property Services, Inc.

705 Northwest 2 Street

MR. MCKELLIGETT: Next case is on page number one of the agenda, it's an old business case. Wayne Strawn for the City. Case number CE05110196 at 705 Northwest 2nd Street, Synergy Property Services are the owner. Certified mailing, green cards are in the file, posted on the property on 1/4/08, advertised in the Daily Business Review 12/28/07 and 1/4/08.

This case was first heard by the Unsafe Structures Board on 6/21/07, at that hearing the Board gave a 30-day extension, the owner to return on 7/19/07 with a status report, the owner to super secure the property and verify the integrity of the boarding at least every other day.

At the 7/19/07 hearing, the USB granted a 60-day extension to 9/20/07. At the 9/20/07 USB hearing the Board granted a 30-day extension to 10/18/07. At the 10/18/07 Unsafe Structures Board hearing, the Board granted a 60-day extension to December 20, 2007 with the respondent to return with a progress report. At the 12/20/07 USB hearing, the Board granted a 30-day extension, owner to return with a progress report.

CHAIR KERNEY: Hello.

MS. HERNANDEZ: Hello, Erika Hernandez for Synergy. Okay, since December, in December we were, we had discussed the floor joists of the second floor had needed to now be removed because of the water intrusion into the building. At

that time the architect has already redone the plans. In December my contractor was supposed to submit these new plans and since then my contractor has disappeared. So, we're still, I have the plans already drawn for, it's a partial demolition at this point since the whole second floor has to come out. They have not been submitted.

CHAIR KERNEY: The building still secured?

MS. HERNANDEZ: Yes it is, yes.

CHAIR KERNEY: Okay, alright, great. Wayne, do you have anything to add?

INSPECTOR STRAWN: Wayne Strawn, City building inspector, I think the Board has been very patient; the City is asking for a motion to demolish.

CHAIR KERNEY: Okay, thank you. Do we have discussion from the Board?

MS. CHARLTON: I would like to say one thing. The building, I'm familiar with the building.

MS. HERNANDEZ: Okay.

MS. CHARLTON: I work at the city of Fort Lauderdale Housing Authority, and that it was under contract with the [inaudible] rehab program. And I watched that building and no one seems to have come in to do a good job on the building. It's been a eyesore in the community. I pass, I often pass by the area and it's a eyesore and I think the Board's been very lenient as far as giving you the time to get your plans and to

move forward.

MS. HERNANDEZ: And I do agree that the Board has been very patient and we do appreciate that. Now, our permits have been revoked twice. The first time after the hurricane the roofing permits were issued, I was prepared to start the roof right away. The permits were then revoked because they tied the exterior to the interior. That took us a little while to get that together, we've had to revise our plans several times. Now, because of the water intrusion, again we're revising because of the floor joists on the second floor.

I'm saying, we did have this building, we've had several violations in the past when we had tenants there and, but never to the point that it was a fine. We always tried to take care of it in a timely manner. I've been taking care of the grass and making sure the lot's been clean and it's boarded and no one's been going into the building.

Citizens is still holding our money, we have the funds because there was a claim with the insurance after the hurricane. So as soon as I get the permits, I can start the construction of the, of redoing, rehabbing the whole building.

MS. CHARLTON: One other question: is the property for sale?

MS. HERNANDEZ: We've had this discussion before, where I've been asked and we're an investment company; everything we own is for sale. So, is it going to sell? No, there's

\$82,000 of fines that are kind of in limbo right now so. I had asked the Board before if it was an issue I can take it off the market. It's not like we get one call on it. But it's just, everything we own is up for sale. We're investors; we're realtors, we're -

CHAIR KERNEY: Where are you at? What are your thoughts as far as getting this thing because, - and I'm speaking as a Board member - you have done everything we've asked you to do as through this process. We're obviously disappointed that we're at this point.

MS. HERNANDEZ: My feelings are, is that, I went to the architect, we have the revised plans. If there's nothing else that needs to be changed once that gets submitted, I'm saying we should be okay. I'm saying once my permits get issued, I'm ready to start that same day.

CHAIR KERNEY: Okay.

MS. HALE: And you have a new contractor; you said you lost your old one.

MS. HERNANDEZ: He hasn't, yes, he hasn't been returning my calls. He's disappeared since the middle of December 'til now. So, at this point I still haven't heard from him and I'm in the process of changing contractors, so that these plans can get submitted.

CHAIR KERNEY: Do you know who the contractor is, the second one, you've already selected your next contractor?

MS. HERNANDEZ: Yes, I don't have the information with me.

CHAIR KERNEY: Okay. Wayne, could you, for my peace of mind, could you speak to, on the comment that was made that they had a roofing permit and it was revoked. I kind of remember that but enlighten me why and why would we revoke something if we were moving forward.

INSPECTOR STRAWN: The structural integrity of the building was totally compromised including the roof rafters.

MS. HERNANDEZ: That was the second time.

CHAIR KERNEY: Okay.

INSPECTOR STRAWN: Right.

MS. HERNANDEZ: The first time, they did interior, they linked the exterior to the interior.

CHAIR KERNEY: So, basically what you're saying, the City wasn't going to allow a new roof put on faulty rafters, is basically what happened.

INSPECTOR STRAWN: That's correct. We wanted to have a comprehensive plan that brought this building back into habitable, usable condition, not have a building that was in bad condition with a new roof on it, or re-roof over bad rafters.

Normal roofing contractors don't have a contractor's license so it's outside the scope of their license to replace rafters. So we wanted a comprehensive plan. When the

building was open 60 days ago or so, I noted that the water intrusion had also damaged the floor joists of the first floor, so we wanted to have that addressed as well. And I believe that your architect, your engineer's looked at that.

MS. HERNANDEZ: Yes, yes, he did. And the architect did also. You had spoke to him after you had went on that visit.

INSPECTOR STRAWN: It is a very expensive project to bring this building back. There's, basically, they have walls, rough plumbing, that's all.

CHAIR KERNEY: Okay. So, the project's sliding backwards but at no fault of Synergy. It's just the fact that the time that's lapsed has also created additional damage in there.

INSPECTOR STRAWN: The water intrusion has something, according to the tenants that I first interviewed in 19, in 2005 that the roof was leaking before hurricane Katrina.

MS. HERNANDEZ: And I actually - I didn't bring it with me today - I actually have receipts that the roof was fixed a week before, it was Wilma, because it was October 24th, a week before Wilma, I had the roof fixed. And we've always had tenants there; we always had section 8 tenants there with the City, and it was always a building that was completely occupied. We had no problem renting it out.

You know, there were, it's an old building and there were several different issues, but we managed to try to stay on top of it and, but the roof was fixed literally a week before that

hurricane and I have receipts that I can bring the next time.

CHAIR KERNEY: Okay, alright, thank you. Some more discussion from the Board? My opinion as a Board member would be if we do in fact grant an extension this time, it's going to have to be one of our drop dead ones. You know, that it would be the last one. But that's my opinion. Do I have a motion from the Board?

MS. HALE: I move that we extend for 30 more days at which time you will come with your brand-new contractor, you will have submitted your plans to the City, is there anything else I want to include in this?

CHAIR KERNEY: I don't know, it's your motion.

MS. HALE: I don't want you amending it afterwards.

CHAIR KERNEY: I'm sorry, 30 days -

MS. HALE: 30 days.

CHAIR KERNEY: - with have applied for the permit.

MR. JARRETT: I think you want to say February 23, our next meeting.

MS. HALE: Is or is that, February 23, no it's not February 23 it's the 21st.

MR. JARRETT: With my glasses on it's the 21st.

CHAIR KERNEY: Alright, 21st. Okay, I have a motion on the floor it's for a 30-day extension, or an extension to the 21st of February's meeting and the provisions of that are that you will have had to have applied for a permit by that time.

I have a motion, do I have a second?

MS. HALE: With a new contractor.

MS. HERNANDEZ: Absolutely.

CHAIR KERNEY: With, with, well, that's the only way they're going to be able to apply for permit, if they get a contractor. I have a motion, do I have a second?

MR. HOLLAND: Second.

CHAIR KERNEY: A motion and a second, is there a discussion on the motion? Seeing none, all those in favor, signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? Now the clock's ticking.

MS. HERNANDEZ: I appreciate it. I won't let you guys down. Thank you, have a good day.

6. Case: CE06102225

[INDEX](#)

James Poole

1748 Northwest 29 Way

MR. MCKELLIGETT: Next case is an old business case on page number five. Wayne Strawn for the City. Case number CE06102225 at 1748 Northwest 29th Way. James F. Poole is the owner. Certified mailings, green cards are in the file. Posted on the property 1/4/08, advertised in the Daily Business Review on 12/28/07 and 1/4/08.

This case was presented to the Unsafe Structures Board on

7/19/07. The Board granted a continuance to 10/18/07, owner to return with his plans and building permit. At the 10/18/07 the Unsafe Structures Board granted a 30-day extension to 11/15/07, owner to submit a permit application by 11/15/07.

At the 11/15/07 USB hearing, the Board granted a 30-day extension to 12/20/07, owner to have subcontractors hired and a permit application filed by that date. At the 12/20/07 USB hearing, the Board granted a 30-day extension to 1/18/07, owner to return with proof of permit application and a letter from his engineer.

CHAIR KERNEY: Thank you, state your name please.

MR. POOLE: James F. Poole.

CHAIR KERNEY: And you've been sworn.

MR. POOLE: Yes I have.

CHAIR KERNEY: Okay, thank you.

MR. POOLE: I have submitted it, good evening everybody, good afternoon. I've had a little bit of bad luck today so, you know what, I'm not really all - I'm here, but, and I'm focused, but I've had a little bit of bad luck today.

CHAIR KERNEY: Okay, fill us in -

MR. POOLE: Huh?

CHAIR KERNEY: Fill us in.

MR. POOLE: Fill us in?

CHAIR KERNEY: Fill us in; what's going on?

MR. POOLE: Well, you know -

CHAIR KERNEY: No, no, I mean with the property not with the bad luck. Not that I don't care, its just -

MR. POOLE: Well, I have submitted the application, but I do not have any paperwork with me because of the [inaudible] bad luck I had today.

CHAIR KERNEY: When did you submit the application?

MR. POOLE: The application was submitted a couple days after the last time I was here.

CHAIR KERNEY: So you submitted a permit application after the last meeting.

MR. POOLE: After the last meeting.

CHAIR KERNEY: Okay.

MR. POOLE: Soon after the last meeting.

CHAIR KERNEY: And that application was for, with a set of plans?

MR. POOLE: Yes.

CHAIR KERNEY: Okay. Wayne, can you confirm that that application was submitted?

INSPECTOR STRAWN: No.

[Inspector Hruschka researched the permit application on his computer]

CHAIR KERNEY: So your plans were all done, ready to go in for permit review.

MR. POOLE: Yes, they're in the permit review now.

CHAIR KERNEY: Okay. And you're, if I remember

correctly, you are a contractor, right?

MR. POOLE: Yes I am.

CHAIR KERNEY: You hold a contracting license. So you submitted it under your contractor [inaudible]. Okay, alright.

[Inspector Hruschka reports that the application was submitted, permit number 07121638, and it had failed building, electric, and "everything else"]

CHAIR KERNEY: Okay. Not the end of the world. A little unusual, but not totally unusual.

MR. POOLE: Well, bad luck [inaudible] no good.

CHAIR KERNEY: Just a few days, okay.

MR. POOLE: I didn't know about it.

CHAIR KERNEY: Okay. Discussion from the Board?

MR. POOLE: And I'd would like to stipulate, I just was released first time from the Broward County Jail.

CHAIR KERNEY: Just now?

MR. POOLE: Just now, 3:15.

CHAIR KERNEY: Okay.

MR. POOLE: And I'm here. Because I, you know I respect you.

CHAIR KERNEY: We appreciate that. You're actually doing good, so I think the Board's going to do something for you, so you might want to - we appreciate your honesty though, but please don't give me any more of the details on what and why

or - It seems Mr. Poole has submitted his application. Obviously there's comments, it needs to be picked back up. What's the Board's pleasure?

MR. JARRETT: Well, I would make a motion that we give him a 30-day extension and that he needs to go as soon as possible to the Building Department and pick up those plans and get the comments addressed.

CHAIR KERNEY: He needs to get some sleep first.

MR. JARRETT: So that when you come back to the Board meeting on the 21st, did I get that right?

CHAIR KERNEY: 21st, that's correct.

MR. JARRETT: On the 21st of February, that you actually won't have to be here, you should have a permit.

MR. POOLE: I'm going to address those comments whatever the comments are when I review them, I haven't had a chance to review them yet.

CHAIR KERNEY: Okay, so -

MS. HALE: No, well, it's only been since the 14th so, you're only about three days behind so don't worry.

CHAIR KERNEY: That's in the form of a motion?

MR. JARRETT: That's a motion.

CHAIR KERNEY: Okay. I have a motion for an extension to the February 21st meeting at which time, is that a stipulation of the motion that he has to reapply by then or -

MR. JARRETT: Oh, yes, that you need to get the paperwork

back in to the City.

CHAIR KERNEY: Address the comments and back in to the City before that meeting. Okay, I have a motion, do I have a second?

MS. HALE: I second it.

CHAIR KERNEY: A motion and a second. Is there discussion on the motion? All in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? Good luck.

MR. POOLE: Thank you very much.

COMPLIED CASES

MR. MCKELLIGETT: On page number two, Wayne Strawn for the City. Case number CE06081391 at 638 Northwest 15th Avenue, Beaver Cleaning and Maintenance Corporation, has complied.

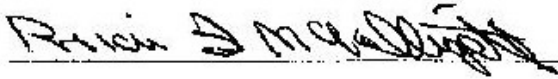
On page number three, Wayne Strawn for the City, CE06081398 at 642 Northwest 15th Avenue, Beaver Cleaning and Maintenance Corporation, has complied.

On page number 10, Jorg Hruschka for the City, case number CE07101681 at 2606 Whale Harbor Lane, Athina Tridima, as trustee of the Athina Tridima revolving living trust, dated July 18, 2007, has complied.

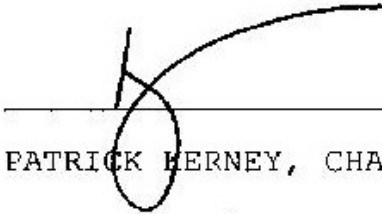
On page 13, Jorg Hruschka for the City, CE07100935 at 4201 North Ocean Boulevard, Bermuda Park LLC. The owners has

complied.

[Meeting concluded at 4:13 p.m.]



BRIAN MCKELIGETT, BOARD CLERK



PATRICK HERNEY, CHAIRPERSON

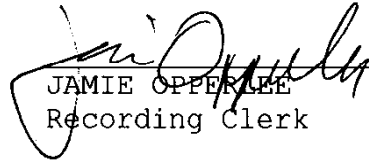
Minutes prepared by: Jamie Opperlee, Prototype Services

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held January 17, 2008, 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 25 day of January, 2008.

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 22 day of January, 2008.



NOTARY PUBLIC
State of Florida at Large

Notarial Seal:

