

CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, March 20, 2008 AT 3:00 P.M.
CITY COMMISSION MEETING ROOM
CITY HALL

Board Member	Attendance	Cumulative Attendance 10/07 through 9/08	
		Present	Absent
Patrick Kerney, Chair	P	5	1
John Scherer, Vice Chair	P	4	2
John Barranco	P	2	0
Olivia Charlton	A	4	3
Pat Hale	P	5	1
Hector Huguaburo	A	4	2
Joe Holland	A	5	1
Thornie Jarrett	P	5	1
John Phillips [4:17]	A	1	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
J. Opperlee, ProtoType Inc. Recording Clerk

Guests

CE07041577: Chapman Smith, attorney
CE07121155: Ricardo Monteiro, owner
CE07120541: Vernon Hills, owner's brother; James Hills, owner's brother
CE07080958,
CE07090955: John Copeland, owner's representative

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Disposition:	30 days to demolish the property or the	

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City will demolish; pool must be secured within 24 hours. Board unanimously approved.

3. **CE07121155** **Ricardo Monteiro** [31](#)
 Address: 1524 NE 15 Street
 Disposition: 60-day extension to 5/15/08. Board unanimously approved.
4. **CE07120541** **Shirley Fletcher-Allen, Vernon, Delbert and James Hills** [39](#)
 Address: 1225 NW 16 Street
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5. **CE06102225** **James Poole** [50](#)
 Address: 1748 NW 29 Way
 Disposition: 30 days to demolish the property or the City will demolish. Board unanimously approved.
6. **CE07111134** **Rudolph & Tammy Marie Herman** [57](#)
 Address: 1750 SW 29 Avenue
 Disposition: 30 days to demolish the property or the City will demolish. 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 Ms. Hale, to approve the minutes of the Board's February 2008 meeting. Board unanimously approved.

1. Case: CE07080955, CE07080958

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Enclave at the Oaks Townhomes LLC

502 SW 20 Avenue, 460 SW 20 Avenue

MR. MCKELLIGETT: First case, old business case, two properties; I'll read them both. Inspector Jorg Hruschka for case number CE07080955, 502 Southwest 20th Avenue, Enclave at Oaks Townhomes LLC. This case was first heard on 2/21/08 USB hearing. The Board granted a 30-day extension to 3/20/08. The certified mailings notations are on the agenda and in addition it was posted on the property on 3/7/08 and advertised in the Broward Daily Business Review on 2/29/08 and 3/7/08.

On page number three, Jorg Hruschka for case number CE07080958 at 460 Southwest 20th Avenue, Enclave at the Oaks Townhomes LLC. Case was first heard on 2/21/08, the USB hearing. The Board granted a 30-day extension to 3/20/08. The notifications and mailings are noted on the agenda, in addition this was posted on the property on 3/7/08, advertised in the Broward Daily Business Review on 2/29/08 and 3/7/08.

CHAIR KERNEY: Thank you. Hello, come forward and state your name please.

MR. COPELAND: My name is John Copeland and I am managing and owning the two properties as part of bigger portfolio or parcel but did want to give you an update on the progress that we've made over the last 30 days.

We actually did not get the sewer cap permits until the day before yesterday so we, well as soon as we got those we submitted the demolition permit application, and are waiting for the actual permit. As soon as we get the permit we'll demolish the two buildings and we'll take them down.

CHAIR KERNEY: Okay. Jorg, you have anything to add?

INSPECTOR HRUSCHKA: No, I have proof here they did get the permit issued. It's just need to close it out before the full application goes in. I have seen the documents before so I'm comfortable that they will continue with it.

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

MR. JARRETT: I'm ready for motion.

CHAIR KERNEY: I'll accept a motion.

MR. JARRETT: I make a motion that we give them a 30-day extension and that would be to the May 15th meeting.

MS. HALE: Huh?

MR. JARRETT: I'm sorry. I'm looking at the wrong one. April 17th I'll be all right. I was going to give you a 60-day extension.

CHAIR KERNEY: Alright, I have a motion to extend this to the April 17th meeting. Do I have a second?

MS. HALE: I'll second.

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

saying aye.

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? Thank you.

2. Case: CE07041577

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John Dokimos and Middle River Oasis

519 Antioch Avenue

MR. MCKELLIGETT: Next case is on page number five; it's a new business case. Wayne Strawn for case number CE07041577 at 519 Antioch Avenue. John Dokimos and Middle River Oasis LLC are the owners. The notifications and certified mailings are noted on the agenda, in addition this was posted on the property on 2/18/08, advertised in the Broward Daily Business Review on 2/29/08 and 3/7/08.

MR. SMITH: Good afternoon, Chapman Smith on behalf of the property owner, John Dokimos.

CHAIR KERNEY: Good afternoon. Unfortunately, it has to be read into the record, so I need the inspector to read it into the record. So if you just, no problem, just -

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector for 519 Antioch Avenue. The violations exist as follows:

FBC 117.1.1

THE TWO STORY APARTMENT BUILDING HAS BEEN
SUBSTANTIALLY DAMAGED BY RECENT WINDSTORMS AND

THE ELEMENTS. THE BUILDING IS UNSAFE AND PRESENTS A WINDSTORM AND FIRE HAZARD. THE BUILDING DOES NOT COMPLY WITH THE MAINTENANCE STANDARDS OF THE FLORIDA BUILDING CODE AND THE MINIMUM HOUSING CODE OF THE CITY OF FORT LAUDERDALE.

FBC 117.2.1.1.1

THE BUILDING IS VACANT, UNGUARDED AND OPEN AT DOORS AND WINDOWS.

FBC 117.2.1.1.2

THE APARTMENT UNITS ARE FILLED WITH FURNITURE, DEBRIS AND OTHER COMBUSTIBLE MATERIAL THAT CREATE AN UNACCEPTABLE FIRE HAZARD.

FBC 117.2.1.2.1

MANY BUILDING PARTS ARE LOOSE, HANGING LOOSE OR LOOSENING. THE PARTS INCLUDE, BUT MAY NOT BE LIMITED TO: ROOF DECK MATERIAL, ROOFING MATERIAL, ELECTRICAL CONDUIT AND FIXTURES, DOORS, WINDOWS, AND BALCONY AND STAIRWAY SAFEGUARDS. CEILINGS HAVE COLLAPSED IN ALL SECOND FLOOR UNITS.

FBC 117.2.1.2.2

THE ROOF DECK AND RAFTERS ARE SUBSTANTIALLY DAMAGED BY WATER INTRUSION SINCE THE STORMS OF 2005.

FBC 117.2.1.2.3

THE ROOFING SYSTEM HAS BEEN DESTROYED BY STORMS. UNCHECKED WATER INTRUSION HAS COMPROMISED THE STRUCTURAL INTEGRITY OF THE BUILDING SINCE THE STORMS IN 2005.

FBC 117.2.1.2.5

THE ELECTRICAL SYSTEM HAS BEEN EXPOSED TO WATER INTRUSION OVER ONE YEAR AND WOULD BE A HAZARD IF ENERGIZED. THE ELECTRICAL SYSTEM HAS BEEN PARTIALLY DESTROYED AND COMPROMISED.

FBC 117.2.1.2.7

THE POOL CONTAINS STAGNANT, GREEN WATER AND IS DEEMED UNSAFE BY THE FLORIDA BUILDING CODE.

FBC 117.2.1.3.2

THE BUILDING DOES NOT CONFORM TO THE MINIMUM STANDARDS FOR HOUSING AS REQUIRED BY THE MINIMUM HOUSING CODE OF THE CITY OF FORT LAUDERDALE. THE SAFETY STANDARD OF THE FLORIDA BUILDING CODE IS NOT BEING MAINTAINED.

INSPECTOR STRAWN: Would the Board members like to see some photographs?

CHAIR KERNEY: We would, thank you.

[Inspector Strawn showed photos of the property on the Elmo]

INSPECTOR STRAWN: There is a picture of the swimming pool, and a view of one side of the property. Interior, one

of the interior units. See which way I can, think that would give you a better viewpoint - standing on the ground, not standing on the ceiling. Here you have, it's a collapsed ceiling, ceiling is missing. We have interior on the first floor, interior shot again. These pictures are from May of 2007. I would like to say that the last 11 months, the last 10 months have not been kind. So, it's considerably worse shape than what these photographs show. Green pool, open unit.

MS. HALE: Can I see that picture, that pool, again?

INSPECTOR STRAWN: Yes.

MS. HALE: Is that a fence in the back or is that just hazy picture?

INSPECTOR STRAWN: That's latticework that's collapsed into the pool.

MS. HALE: Oh, okay.

INSPECTOR STRAWN: And you have some of the mold you can see, and that's, like I said, 10 months ago. Walls that are exposed. Destruction by water intrusion. More destruction by water intrusion, you see the furring trusses exposed, the framing exposed. There's no dry wall left in that particular unit. Same story, you can see the damage on the roof deck material. The electric power has been disconnected by order of the Fire Marshal. Same situation, same violations.

This balcony system is no longer in as good a shape as it appears here in 2007, in May of 2007. But this part has been

removed, I don't know if someone was taking aluminum or what their plan was, but it's been destroyed by vandals or pack rats. Same situation, we have open apartments that are still open to casual entry.

CHAIR KERNEY: Thank you Wayne.

INSPECTOR STRAWN: You're welcome.

CHAIR KERNEY: You're, I'm assuming the City is asking for a motion to demo.

INSPECTOR STRAWN: Motion to demolish.

CHAIR KERNEY: Okay, thank you. Okay, I'm sorry, just state your name for me again please.

MR. SMITH: Chapman Smith on behalf of the owner, John Dokimos. I'm representing Mr. Dokimos, this building was, the damage was caused by hurricane Wilma. It's been a hurricane Wilma insurance claim since shortly after the storm.

I represent Mr. Dokimos' interests in that claim and we just settled that claim on Tuesday, actually, through appraisal process. That of course has been pending since December of 2005 when the insurance company first got involved.

Just so you're aware, the amount of the claim that was settled was more than double what the insurance company originally estimated at. And that's why the work got started in part and then stopped, because he didn't have adequate funds.

The building code issues, although I'm not here today to specifically address those, I'm here today to request a continuance. Those issues are being handled by Dan Pascale of Berger and Singerman.

I am here to request, now that the Board is aware that the insurance claim has been resolved, payment from Citizens typically takes 30 to 45 days after submission, which was yesterday. We expect to have that money in within the next, within that time period. And then of course Mr. Dokimos would like a little extra time, maybe 30 days, to kind of get the scope of work and bids in place to remediate all of this damage.

CHAIR KERNEY: Okay. You confused me a little bit. There's another law firm that's handling -

MR. SMITH: There is another law firm that's handling the building code violation issues and my understanding is that he may have had a discussion with staff on extending this. It's Dan Pascale at Berger Singerman.

CHAIR KERNEY: Okay, and they're not here today.

MR. SMITH: They're not here today.

CHAIR KERNEY: I see.

MR. SMITH: I'm here because I'm the one who handled the insurance claim and that's what was hindering the repair of this property.

CHAIR KERNEY: Okay. I think what you're going to find is

the problem that this Board is going to have is we understand that Mr. Dokimos has been arguing with his insurance company and may have run out of funding, but where we're going to have trouble is why would he leave this property in this condition.

That pool, you can't find a more unsafe - if somebody fell into that pool you would never know it. This Board, from my experience, and I think I'm the longest standing member on the Board, is that's a definite no-no; that's just absolutely unacceptable.

And if he had any idea at all of protecting the community he wouldn't have never allowed that pool to stay full like that and stay in that condition, or at least put some sort of fencing around. He obviously doesn't really care one way or the other; he's more concerned about getting his insurance claim settled.

MR. SMITH: I think it's a question of funding more than anything. They spent the money they did get trying to remediate the property and once they ran out of funds - I wasn't involved at that point - I do know that I have had discussions with Mr. Pascale about the pool issue, and I know they do have plans to drain the pool fairly quickly and secure it.

I do know also at the property, I was there on Tuesday, and there was a 30-yard dumpster there, and a 20-yard dumpster that was, both of which were full, so apparently someone has

been there cleaning up. No one was working when I was there but there's a noticeable amount of debris that's been removed from the buildings.

CHAIR KERNEY: Yes, the idea of 'We're going to get around to draining the pool' any timeframe short of yesterday is too long, unfortunately, so - before I let you continue, I see Counsel for the City has something to add.

MS. WALD: Yes. And I usually don't put myself under oath but I did because I do have information that would be in a testimony sense. I've actually spoken with Mr. Pascale, who I actually thought was going to show here today.

Back on February the 7, 2008 we had Special Magistrate hearing on a case number CE07020041. That matter and then also this matter, both of those cases have been held in abeyance, they've been stayed. And the reason why they've been stayed is Mr. Dokimos had filed a bankruptcy proceeding a while back and this Board by staff and we instructed staff that they could not proceed forward because of the bankruptcy stay and also on the Special Magistrate case.

And that was dismissed, the bankruptcy was dismissed, which allowed the staff to go ahead and present this case to Board, which you obviously heard today, and will make a decision. In that regard, the Special Magistrate case, in having the discussions, the insurance payment dispute was a pending matter that was brought up by Mr. Pascale and he

informed me of that.

Mr. Pascale also informed me that because he testified in front of the Special Magistrate that they were asking for a 14-day extension prior to fines being imposed in a Massey Hearing to appear at the next hearing because they may want to demolish the property and wanted to see what was going to happen at the USB Board.

So I did want to provide you a little more background information in regards to Mr. Pascale the attorney that, I forgot your name -

MR. SMITH: Chapman Smith.

MS. WALD: - Chapman Smith was talking about. And additionally in regards to the bankruptcy and why this has not come before the Board for these long seven to eight months. Thank you.

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

MR. SCHERER: So, it sounds like he wants to demolish the property or has -

MR. SMITH: I don't know. I haven't heard that before, I'm sure it's being evaluated. I think, until he resolved his insurance claim he didn't know really what his options were as far as either proceeding with repairs or demolishing and that's what they're looking at right now, now that that's been resolved.

I understand the pool is an issue. Whatever the Board's decision on that, of course I'll pass that along. Whatever they need to do to secure that and protect public health and safety.

MR. BARRANCO: I've got a question: is there a construction fence up around the property right now?

MR. SMITH: There's not a formal construction fence, but the property is fenced in by vegetation and there is a set of double doors, although they weren't very well hinged when I was there the other day. And then, it is open in the back, which would be on the west side, to another property that is also owned by Mr. Dokimos.

MR. BARRANCO: And as far as you know, his intent is to actually renovate that structure?

MR. SMITH: I don't know his intent one way or the other. I just handled the insurance part of the loss. I was appointed in the bankruptcy case to handle that part of the claim and that's really the scope, the limited scope of my involvement.

MR. SCHERER: I think he should have shown up to this.

CHAIR KERNEY: Yes, because your testimony doesn't do us much good. All you can testified to is his insurance situation, not what his intent is with the property, what he's going to do, what he's -

MR. SMITH: Well, I think that's, I think the reason why

that he wanted a short extension of time was now that he knows what the scope of the insurance proceeds are, now he can make some informed decisions on what his intentions are with the property.

Because obviously there's a certain cost amount that it's going to take to rehabilitate the property or to redevelop the property and until he had finished that portion of it, or I had finished that portion of it, really couldn't make that decision.

MR. SCHERER: If -

MR. SMITH: And by the way, so the Board is clear, Mr. Dokimos does not reside in Fort Lauderdale, in Florida anymore. So he's an absentee owner.

CHAIR KERNEY: Okay.

MR. JARRETT: I have a question for staff. Wayne, when was the last time you visited the property?

INSPECTOR STRAWN: Approximately two weeks ago.

MR. JARRETT: Is this a property - those pictures look really bad - is this a re-habitable property, or is this a -

INSPECTOR STRAWN: Well, you can almost fix almost anything if you have enough money. I'd be curious about what kind of insurance settlement Mr. Dokimos received because it's going to be very costly to bring this back into a livable condition.

It's, well, when we used to build buildings, when we

topped out, we were only half done. And basically what they've got is a topped out building with nothing inside because everything inside is destroyed. So you can figure the cost of building a building about that size, about half of that amount to rehab it.

MS. HALE: Is that about 10 apartments?

INSPECTOR STRAWN: That -

MS. HALE: 12?

MR. SMITH: There are 14, I believe there are 14 units there -

MS. HALE: Okay.

MR. SMITH: but not all of them -

CHAIR KERNEY: You need to speak into the microphone.

MR. SMITH: - but not all 14, let me check my notes,

MR. SCHERER: How many square feet is the building?

MR. SMITH: - but not all of the units are destroyed inside. Some of them are perfectly fine inside.

MS. HALE: Okay.

MR. SMITH: There's a - the building is an L-shaped building -

MS. HALE: Yes.

MR. SMITH: - two-story building, and the units that are on the southern side of the L, both the first and second floor are gutted down to studs because those are the ones -

MS. HALE: Right.

MR. SMITH: - that where the roof was removed and all of the interior finishes were removed because obviously of mold and water damage etc.

On the wing that, the L-wing that goes east and west, the majority of those units are really have very minor damage: paint, maybe some cabinetry where some water came in. But the walls are intact; the ceilings are intact etc.

MS. HALE: Okay, but nobody's living in those? No, okay.

MR. SMITH: No one lives in any of the units.

MR. JARRETT: Would Counsel like to offer the Board the insurance settlement, that is, let us know what the insurance settlement was?

MR. SMITH: The insurance settlement was for \$385,000.

MR. JARRETT: And we're talking about how many units that'll have to actually be repaired?

MR. SCHERER: How many square feet is the building, 15,000, 10,000?

MR. SMITH: No, the building's, I believe the gross square footage of the building is maybe 5 or 6,000. Each one of the units is approximately 300 square feet or so, 350 square feet.

MS. HALE: It looks like a one-bedroom unit.

MR. SMITH: It's, they are what I'd call a very small efficiency unit with a full kitchen, a bath and either a small bedroom. All of the units that I recall pretty much have the

same layout.

CHAIR KERNEY: Wayne, do you have something else you want to add?

INSPECTOR STRAWN: No.

CHAIR KERNEY: Okay.

MS. HALE: What did we do on the other one for the days on the pool? Do you remember when we had that problem this fall?

CHAIR KERNEY: It was immediately -

MS. HALE: Six days, five days?

CHAIR KERNEY: No, I don't think we gave them that much time to rectify that because of the nature of the hazard.

MS. HALE: Staff, yes, staff, did we give five days or six days or something the last time a pool issue came up?

CHAIR KERNEY: Yes, what she's referring to is we had, I can't remember the -

MS. HALE: Those town - the last people that were just here, The Enclave, we gave them five days or something?

MR. SCHERER: I don't think it's relevant; I think you've got to do it immediately.

INSPECTOR STRAWN: May I address the Board?

MR. SCHERER: If you are going to do it.

CHAIR KERNEY: Absolutely.

MS. HALE: We gave that, we gave them five days.

INSPECTOR STRAWN: We also want to look at mitigating the

situation of being open and abandoned.

MS. HALE: Right, yes.

MR. JARRETT: Oh, absolutely.

MS. HALE: The whole thing.

MR. JARRETT: If we're going to talk about any kind of an extension, then we need to include an order for it to be immediately secured. But I'm not convinced that they want -

MS. HALE: I agree we could give the extension, I just want the pool dealt with.

MR. JARRETT: I'm not thoroughly convinced by what we've heard here that the building's going to be rehabbed. It doesn't sound to me like there's sufficient funding to rehab the building.

MR. SCHERER: Thirty days from now we're going to come back and he's going to ask for another extension because he needs to find the architect to investigate the plans and it's still going to be open, the pool still going to be -

MR. JARRETT: And obviously, since he, the funding ran out before the completion of the job the first time around there must not be additional funding there. That's the assumption that we can make here.

MS. HALE: Well, he's moved out of town, we know that much.

MR. SMITH: I don't agree you can make that assumption from the standpoint of -

MR. JARRETT: Well, tell me.

MR. SMITH: You're making an assumption based on funding without having really any scope of work that's necessary to rehab these units. I mean, essentially, the building needs a new roof and it needs to be, all of the units that are on the southern L need to be basically all the improvements done inside. The framing is still in place.

MR. SCHERER: Yes, but you have to bring the entire building up to code.

MR. SMITH: Whether or not it's going to hit to the requirement of bringing the entire building up to code -

MR. BARRANCO: It will.

MR. SCHERER: It has.

MR. BARRANCO: That's way beyond the threshold. And the use has been discontinued, so you're going to have to bring it up to code 100% to the Florida Building Code today, structurally.

MR. SMITH: Well, I'm not qualified as an attorney, but not as an architect, to make that decision, or an engineer, on the building code, but whether that's -

CHAIR KERNEY: That's why we have architects -

MR. SMITH: Sure.

CHAIR KERNEY: - and engineers and plumbing contractors and all that, [inaudible] on the Board.

MR. SMITH: I understand, I'm just saying, from that

standpoint that, with all due respect to the Board, you've only seen photographs that are a year old and you haven't inspected the building, there's no plans that have been submitted, so -

CHAIR KERNEY: And I have the testimony -

MR. SMITH: Sure.

CHAIR KERNEY: - of the City building official as well. And what we do as this Board, for this Board, is to determine from typically the owner's testimony, what their game plan is, how they're going to fund it, is this really going to happen. And the fact that Mr. Dokimos is not here, and the fact that he lives out of town is not this Board's problem.

We have nothing to go on. All we have to go on is your testimony that he received \$385,000 in funding. Whether or not he went out and bought a new Porsche with that, I have no idea. We have no way of knowing because we don't have his testimony. That's our problem.

MR. SMITH: I can tell you that he hasn't bought the Porsche because I [inaudible] the money yet.

CHAIR KERNEY: Well, that was a bad example, but you see where I'm going with it, I have no idea.

MR. SMITH: I think, and I don't think Mr. Dokimos, in all fairness, would have an idea until he had this award and he knew what the scope of his insurance proceeds were going to be. Obviously if he'd only gotten \$100,000 he would say 'I

can't redo this building.' And that's why he's asking for an extension of time.

I understand the concerns and appreciate the concerns of the Board on securing the building and protecting, and draining the pool and protecting the pool.

MR. SCHERER: Why didn't he do that in the past? See, here's the questions that we need to ask him.

MR. SMITH: I understand those questions. I don't know the answers as to why those weren't done and certainly I can see the need for them to be done.

MR. SCHERER: For three years.

MR. SMITH: Well, it hasn't been three years yet but -

MS. HALE: Two and a half years.

MR. SMITH: It's been, October 24, 2005 was the hurricane.

MR. SCHERER: Three years you've got a vacant building and it's destroyed and its - I mean a year ago was when the photos were taken. I'm going to make a motion to demolish. So I move that we find the violations exist as alleged and that 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 demolition permit.

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

MR. JARRETT: Second.

CHAIR KERNEY: I have a motion and a second; do I have discussion?

MS. HALE: Yes.

MR. BARRANCO: Yes.

MS. HALE: I want something done about that pool; you can't have the pool sitting there for 30 days. Now, I asked staff a question: what did we give the last people, five days to secure that lovely green pool at The Enclave?

MR. MCKELLIGETT: Well, unfortunately, we do not have access to those records.

MS. HALE: Okay, so we'll have a rider then, I guess, on the motion. Is that how we're going to do it?

CHAIR KERNEY: No, the motion is for demolition; the motion's for demolition.

MR. JARRETT: She can make a friendly -

MR. SCHERER: But we can amend the motion.

CHAIR KERNEY: Suggestion?

MR. JARRETT: Yes, and if the [inaudible] the motion accepts it, then it can become a part of the motion.

CHAIR KERNEY: I don't - I don't -

MS. HALE: I just can't see that green spa sitting there for another five days not covered and -

CHAIR KERNEY: I'm sorry, there's nothing we can do. If we're going to make a motion to demo, for demolition, there's

nothing else you can add to it.

MS. HALE: But -

CHAIR KERNEY: If he's if he's a good citizen, he'll do something about it even though we've ordered a motion for demolition. If he doesn't, it's unfortunate. So, are there any, is there any more discussion on the motion?

MS. HALE: I can't understand, the last time we added -

CHAIR KERNEY: We [inaudible] -

MS. HALE: - demolition, we had a demolition on that Enclave and we added a thing about the swimming pool.

MR. JARRETT: Actually, I don't think it was a - I think the motion you're referring to was an extension that we put a rider in there. And I think that's what the Chair is trying to say that we could, if we were giving him an extension, we could include something about the pool and we could order that it be immediately boarded up. But I think that the Chair's saying that because were making -

MR. MCKELLIGETT: Can I speak please?

MS. HALE: Yes.

MR. MCKELLIGETT: Brian McKelligett for the City. Yes, in that fact, you did, I do, I am reading the minutes, you did grant a 30-day extension with the conditions that the property be super secured, particularly the fence that we have regularly monitored daily by the owner.

MS. HALE: Now, can we still, if we have a demolition

order -

MS. WALD: Talk into your microphone.

MS. HALE: If we have a - well, I can't see you if I don't talk into my microphone - if we have a demolition order, can we still give him five days to board up that pool so that it's not a danger?

MS. WALD: Well, actually, to tell you the truth, in regards to the pool, what I'm going to do is I'm going to have my secretary who's here, to go run upstairs and pull up the minutes from the Special Magistrate hearing because if I remember correctly, the pool was actually addressed at the Special Magistrate hearing.

But I want her to double check. And I want to make sure it was not on something else, but I know it was on this property. So this may actually be a moot point in regards to the pool because if the pool was actually cited under Code of Ordinance 18-1, what code will ask for at that time is under 18-2 to go ahead and take active measures to take care of the pool. But I need to have that checked first.

MS. HALE: Okay.

MS. WALD: In answering as to your question in regards to that, if you remove, the motion on the floor right now is a motion for the demolition order.

MS. HALE: Demo, yes.

MS. WALD: The discussion is based upon that motion. As

to a point of order, I think you have to follow through on that motion. If you want to make another motion or amend to it, you have the right to go ahead and do that, but that has to be done in that procedural grounds.

MS. HALE: Okay.

MS. WALD: The motion to demolish, that's what you have the order and you have the capability going ahead and doing as to your authority. So I hope that answers all of your questions except the pool.

MS. HALE: Well, I don't know. I mean, but we can still amend the one part of it.

MS. WALD: You can make the request to amend the motion that's already been made by John.

MS. HALE: Okay.

CHAIR KERNEY: I would -

MS. WALD: If you want to do that, you can do that, but I still think that -

MS. HALE: But I'm supposed to wait while you go upstairs and try to find that.

MS. WALD: No, I still think there's some more discussion.

MS. HALE: Okay.

MS. WALD: Because I believe John had - the other John - had some more discussion that he wanted to talk about first. So before you go ahead and amend the motion, why don't you

finish the discussion -

MS. HALE: Okay.

MS. WALD: - and then you can handle the motion as a point of order.

MR. BARRANCO: Well, you pretty much spoke to what I was going to speak of. I wanted to amend the motion and have them put up a fence immediately, so I would support that motion only to amend it to have that fence placed immediately. And the demolition order is for 30 days so, I think we need to get that secured because if a kid goes out there tomorrow -

CHAIR KERNEY: I agree, but if you amend the motion to say that, and they fail to do it, what are you going to do to them?

MR. BARRANCO: What happens if they don't demo the building in 30 days and we made a motion to have this building demo'ed?

CHAIR KERNEY: The City will demo it for them.

MR. BARRANCO: Well then, the City could put up a fence for them and secure the site, right?

CHAIR KERNEY: I don't know about that, I don't think they can though. Wayne, do you want to help out?

INSPECTOR STRAWN: The Board is accepting, is following a good course of action. Quite logically, if the property owner follows the order of the Board, the pool will go away, there will be no green pool; it will all be at the landfill.

MR. SCHERER: Exactly.

INSPECTOR STRAWN: So that would solve the problem.

MR. SCHERER: It's a demolition order for the entire property.

INSPECTOR STRAWN: That's correct.

MR. SCHERER: Including the pool

INSPECTOR STRAWN: Including the pool.

MR. SCHERER: I think their concern is that what happens tomorrow when a kid goes out there. That's -

MS. HALE: It sat there. Obviously there's a certain degree of odds, that the pool has sat there in that condition for two and half years and no child has fallen in. On the other hand, we've had, over the past couple of months, three children that died by falling into swimming pools that were unsecure, insecured, unsecured?

INSPECTOR STRAWN: Unsecured.

MS. HALE: Unsecured. And I guess Ginger, wait, Ginger's still looking up the -

CHAIR KERNEY: Well, again, if the maker of the motion is unwilling to accept the amendment to the motion it's, the point's moot then as well.

MR. SCHERER: What is the amendment?

CHAIR KERNEY: The amendment would be that we additionally order them to secure the pool in addition to the demolition.

MR. SCHERER: Yes, I agree.

CHAIR KERNEY: You would accept that? Okay.

MR. SMITH: Is that by, not to interrupt, but that's by way of a fence on the property, because I think that was the amendment that Mr. Barranco made.

CHAIR KERNEY: I don't believe it's, however the pool can be secured, whether it be by fence on the property or a fence around the pool.

MS. HALE: Generally we, I think the last time we said drain it and put a fence around it, because as soon as the rain comes you will get water.

CHAIR KERNEY: Prior to the amendment to the motion, shall we, let's see if it's even an issue.

MS. WALD: Okay. An extension was granted at the February 21, 2008 Special Magistrate hearing to 4/3/08. So it had not been determined.

CHAIR KERNEY: Okay. Okay, at this point, I have a motion for demolition and I have a second. I have an amendment to the motion for demolition that the pool be secured within 24 hours? That, you were, that was your amendment?

MS. HALE: Yes.

MR. SCHERER: Twenty-four hours. Within 24 hours.

CHAIR KERNEY: For 24 hours. Does the second to the motion accept the amendment?

MR. SCHERER: Yes.

CHAIR KERNEY: Okay, so I have a motion, a second. Is there more discussion on that motion? Seeing none, all in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? Thank you.

MR. SMITH: And the order will be issued and who will receive a copy of the order? Will I receive it because I have appeared on behalf of the owner?

CHAIR KERNEY: That would be for the City Counsel to tell you. I'm not -

MS. WALD: What was -

MR. SMITH: The question was, how will the order be issued? Will I receive a copy of it because I have appeared on behalf of the owner?

MS. WALD: You can have a copy of it. The owner is also mailed - excuse me - the order is also mailed to the owner certified mail. But if you have already -

MR. SMITH: I have.

MS. WALD: - put in your name and you will get a copy of it also.

MR. SMITH: Okay, and they have my card as well.

MS. WALD: And they have your info.

MR. SMITH: And Mr. Pascale.

MS. WALD: And if he's -

MR. SMITH: He's [inaudible]

MS. WALD: - in that file, no problem. You know what?

CHAIR KERNEY: I believe we were done with our business.

You, okay, great.

3. Case: CE07121155

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Ricardo Monteiro

1524 NE 15 Street

MR. MCKELLIGETT: Next case, new business case on page number seven. Inspector Jorg Hruschka for case number CE07121155 at 1524 Northeast 15th Avenue. Ricardo Monteiro is the owner. Posted on the property on 2/8/08, advertised in the Broward Daily Business Review on 2/29/08 and 3/7/08. The certified mailings are noted on the agenda.

CHAIR KERNEY: What was the page again?

MR. MCKELLIGETT: Page number seven.

INSPECTOR HRUSCHKA: Jorg Hruschka, City Building Inspector. This is a new case, CE07121155 at 1524 Northeast 15th Avenue. The violations are as follows:

FBC 105.4.1.2

A NEW PERMIT WAS NOT OBTAINED WITHIN 180 DAYS
FROM THE DATE OF THE INITIAL PERMIT BECOMING
NULL AND VOID.

FBC 117.1.2

PERMIT 04070697 FOR A FAMILY ROOM, BATHROOM AND

DEN ADDITION WAS ISSUED ON 8/24/04 AND WORK
PROGRESSED UNTIL 8/28/06, WHEN THE LAST
INSPECTION FOR THE BUILDING COLUMN 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 PERMIT 04070697 WAS
APPROVED ON 8/28/06. THE TIME LIMITATION AS
SPECIFIED IN FBC 106.10.3 HAS BEEN EXCEEDED.
THE JOB SITE WAS ABANDONED PERMIT EXPIRED PRIOR
TO THE COMPLETION AND BEFORE THE CERTIFICATE OF
OCCUPANCY WAS ISSUED.

I have several pictures to show the Board as an exhibit.

[Inspector Hruschka showed photos of the property on the
Elmo]

Here is exhibit A shows the frontal of the property. On
the left hand side you can distinguish the addition. Exhibit
B shows the extent of the exhibition going from north to
south. Exhibition C is an inside shot of that addition, and
exhibit D is just certifying that we posted the property. The
City is requesting that we do demolish the structure.

CHAIR KERNEY: Jorg, can you tell me whether or not there
were inspections prior to the permit running out?

INSPECTOR HRUSCHKA: Prior to that? They had the slab inspection.

CHAIR KERNEY: They did.

INSPECTOR HRUSCHKA: Yes, hold on one second.

MR. SCHERER: Okay, so they had the last column inspection.

INSPECTOR HRUSCHKA: Right. Here's a permit history for it. Slab was 8/24/05. Tie beam and column were at 8/28/06. So it was a long process coming already anyway beforehand, but now it completely stopped.

CHAIR KERNEY: So, I guess the question I'm asking, they were pretty much up to date, the project just stopped and didn't progress beyond that.

INSPECTOR HRUSCHKA: Right, yes.

CHAIR KERNEY: And would the code that that was built under, would that meet current code today, because if he pulls a new permit today he's going to have to comply with current code because this one was allowed to expire.

INSPECTOR HRUSCHKA: You know, I have to see when the permit was issued.

MS. HALE: '04.

INSPECTOR HRUSCHKA: It was, yes, '04. It was just on the borderline. I'm not quite sure if that's '01 or the '04 codes, so.

CHAIR KERNEY: Okay.

INSPECTOR HRUSCHKA: Really cannot determine at this particular time.

CHAIR KERNEY: Okay. Alright thank you. Could you step forward and state your name please? You swore in, right?

MR. MONTEIRO: Yes.

CHAIR KERNEY: Okay, great. Pull that down to you, right, great.

MR. MONTEIRO: I'm the owner. The thing has happened that I'm going to start the building there and before -

CHAIR KERNEY: I'm sorry, state your name for the record please.

MR. MONTEIRO: What did you say?

CHAIR KERNEY: Your name.

MR. MONTEIRO: Ricardo Monteiro.

CHAIR KERNEY: Carlos Monteiro.

MR. MONTEIRO: Ricardo Monteiro.

CHAIR KERNEY: Ricardo. Okay, thank you.

MR. JARRETT: You are the owner.

MR. MONTEIRO: I am the owner. I started building the things there before the hurricane, and after the hurricane this damage is something I'm going to wait for the insurance to pay. The insurance give me only \$10,000, and this don't did nothing there. And after that, I'm going to start to building the things, I'm going to still work. I lost my job last year and I stay almost 7 months without work. But I

start to work right now everything I'm going to put update and I have plan to take new permits and I'm going to start to do the things again.

CHAIR KERNEY: Okay. When do you think you'll do that?

MR. MONTEIRO: I have a plan and I put my property in my account to sell and right now I have close to next month to [inaudible] the next month, but I cannot take the money from here, to here to start building the things again.

CHAIR KERNEY: I see. Are you aware of the fact -

MR. MONTEIRO: Anyway, oh, I'm sorry.

CHAIR KERNEY: Are you aware of the fact that you'll have to do a whole new set of drawings based on the current code? You'll have to redo the drawings and resubmit them to the City.

MR. MONTEIRO: I don't know about that.

CHAIR KERNEY: That's kind of the -

MR. MONTEIRO: I have to put the code -

CHAIR KERNEY: The architect that did the original drawings -

MR. MONTEIRO: Yes.

CHAIR KERNEY: - is he still around?

MR. MONTEIRO: Yes.

CHAIR KERNEY: Is that somebody can still get in touch with? Okay. So how much time do you think you would need?

MR. MONTEIRO: About three months.

CHAIR KERNEY: About three months, before you could even apply for the permit.

MR. MONTEIRO: Yes. No, no, I'm going to - I have plan to, this weekend the general contractor he's come there to take a look everything and are going to give estimate for me.

CHAIR KERNEY: Okay.

MR. MONTEIRO: And as soon as I fix the things, I want to put the permits. I want to take the new permit.

CHAIR KERNEY: Okay.

MR. MONTEIRO: I don't think I'm going to spend 60 days or three months to come inside.

MR. SCHERER: He can apply for a permit before, I mean I guess you'd have to have the general contractor to apply for it so.

MR. BARRANCO: He's an owner, he can do it.

MR. MONTEIRO: Yes, I have planned to.

MR. SCHERER: So you can apply for the permit and that would get you off of our -

CHAIR KERNEY: Well, he's going to have to update his drawings.

MR. SCHERER: I mean it's 2004.

MR. JARRETT: He may have to update the drawings and he may not. All he may have to do is just have his architect review them. In fact, if I was him, I was resubmit them and let the City tell me that the drawings aren't correct.

MR. MONTEIRO: I think, can I start work to give the architect to start to put everything is the code again before I come to the permit? I don't know.

CHAIR KERNEY: Your best bet might be to just submit the drawings that you had, start over again.

MR. JARRETT: Yes, let the City determine whether or not they're up to code.

CHAIR KERNEY: Jorg, do you think that's going to be his best course of action?

INSPECTOR HRUSCHKA: I don't think it's in the City's interest or anyone's interest to deprive anyone of their property rights especially this far along already. I would suggest that we go that action, yes.

CHAIR KERNEY: Okay, alright, great. So what do you think he needs, Jorg, 30 days or -

INSPECTOR HRUSCHKA: I would say let's rather give him 60 days because he has to go and get the permit issued. If there's revisions to be done, I'd rather give him the extra time for that.

CHAIR KERNEY: Okay, alright. Is there more discussion?

MR. JARRETT: No, I'm ready for a motion.

CHAIR KERNEY: Okay, I'll accept a motion.

MR. JARRETT: I'll make a motion that we give the gentleman an extension of 60 days and that would be to the May meeting. This time I'm giving the right date, May 15.

CHAIR KERNEY: Okay, I have a motion for an extension to the May 15th -

MR. JARRETT: May 15th.

CHAIR KERNEY: Do I have a -

MR. JARRETT: I'm sorry, he looked like he didn't understand. What we're doing is we're passing, we're making a motion, I'm making a motion to give you 60 days. In 60 days either you have a building permit back on the building and you don't have to come back here. But if there's some reason you don't have the building permit then you need to come back to the meeting in 60 days and explain to us why you don't have the building permit.

MR. MONTEIRO: Alright.

MR. JARRETT: Okay?

MR. MONTEIRO: Thank you.

CHAIR KERNEY: So the motion stands? You want to put a stipulation as far as when he needs to come back?

MR. JARRETT: No, just 60-day extension.

CHAIR KERNEY: Okay, alright, I have a motion for an extension to the May 15th meeting; do I have a second?

MR. SCHERER: Second.

CHAIR KERNEY: I have 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? Thank you.

MR. MONTEIRO: Thank you.

4. Case: CE07120541

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**Shirley Fletcher-Allen, Vernon,
Delbert and James Hills
1225 NW 16 Street**

MR. MCKELLIGETT: Next case, new business case, it's on page six. Wayne Strawn for case number CE07120541 at 1225 Northwest 16 Street. Shirley M. Fletcher-Allen, Vernon C. Hills, Delbert Hills and James Hills are the owners. The certified mailings are noted on the agenda, in addition, it was advertised in the Broward Daily Business Review on 2/29 and 3/7/08.

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector with regard to 1225 Northwest Sixteenth Street. The violations that exist at the property are as follows:

FBC 117.1.1

THE ONE STORY, CBS, SINGLE-FAMILY HOME WAS BUILT IN 1952. THE STRUCTURE HAS BEEN SUBSTANTIALLY DAMAGED BY AN ABORTED REBUILDING PROJECT. THE BUILDING EXISTS AS A RUIN ONLY AND DOES NOT EVEN PROVIDE SHELTER IN ITS PRESENT CONDITION.

FBC 117.1.3

THE BUILDING IS PARTIALLY DEMOLISHED. THE WALLS

CONTINUE TO DEGRADE CAUSING AN UNSAFE
STRUCTURE.

FBC 117.2.1.1.1

REMAINS OF THE BUILDING ARE VACANT, UNGUARDED
AND OPEN TO CASUAL ENTRY.

FBC 117.2.1.2.1

THE REMAINS OF THE BUILDING CONSIST OF
FREESTANDING WALLS AND COLUMNS. THE REMAINING
WALLS CONTINUE TO DEGRADE AND BLOCKS, BEAMS,
PRECAST SECTIONS, AND COLUMNS ARE LOOSENING.

FBC 117.2.1.2.2

THE BLOCK WALLS, COLUMNS AND BEAMS ARE
DETERIORATING.

FBC 117.2.1.2.3

THE BUILDING IS SUBSTANTIALLY DESTROYED AND THE
STRUCTURAL INTEGRITY HAS BEEN COMPROMISED. THE
FREESTANDING WALLS HAVE NOT BEEN APPROVED AS
SUCH. THE ELECTRICAL, PLUMBING AND MECHANICAL,
AND STRUCTURAL SYSTEMS HAVE BEEN DESTROYED. THE
INTERIOR WALLS AND ROOF STRUCTURE HAVE BEEN
COMPLETELY REMOVED.

INSPECTOR STRAWN: I'll show you the photographs.

[Inspector Strawn showed photos of the property on the
Elmo.]

There's one portion, one portion of the building. This is a photograph from the rear where the door jam's been removed. Photograph from the front where the roof has been removed. On the west section of the front where the carport was, the carport roof has been removed; only the columns remain. That's a section looking from the southwest.

A section inside the building where it's just, there had been some substandard work done previously without proper tie beams and it's just freestanding walls now. Freestanding walls, beams. Just a slab, exterior walls. More of the same. You have some deterioration shown where the, around the windows openings. The electricity has been disconnected, the service mast has fallen down as you can see. Again, freestanding walls.

MR. SCHERER: Wayne, was this a home before us once before?

INSPECTOR STRAWN: Yes, this has had a long history before the Board. The previous owner, actually one of the owners listed, Shirley, was in front of the Board but she died in the process while it was still in front of the Board.

At one time a permit was issued for the rebuilding which expired and it came back in front of the Board again as an expired job. And then Mr. Hill is one of the family members who is wishing to preserve the building. He got a partial demolition and actually brought in the dumpsters and

everything to remove all the parts of the building that were no longer usable. And there was a plan that had been approved at one time.

So the case was withdrawn when the partial demolition permit was received and the property was cleaned up and the expectation was that a building permit would be issued and the restoration be completed, but that didn't happen.

MR. SCHERER: How long ago was that, I mean, how, it's like two years, right?

INSPECTOR STRAWN: That goes back over a period of at least three years.

MR. SCHERER: Three years?

CHAIR KERNEY: At least.

INSPECTOR STRAWN: Yes, at least.

MR. SCHERER: On this one house?

INSPECTOR STRAWN: Yes.

CHAIR KERNEY: Good afternoon Mr. Hills, good to see you again.

MR. HILLS: Yes, how are you doing?

CHAIR KERNEY: What are we doing with this house now? Would you state your name please, just for the record of course.

MR. HILLS: Vernon Hills. What I'm trying to do is, I guess, like you said it's a long history. And it's still with the family that I still haven't gotten my brother children

it's on probate. And I'm still going the motion with it. But I see that I can't get probate did, so I'm just going to go ahead and just put the money into it, just go ahead and fix it up because I see, I'm tired of coming here really. I really am, and -

CHAIR KERNEY: It's not that we don't like to see you it's -

MR. HILLS: I understand.

CHAIR KERNEY: I think I see you more than I do my own wife to be honest with you.

MR. HILLS: Yes. And I had a couple of guys come out there and look at the place and see can we get, get estimate and stuff. But I think one of the guys who I talked to is on your Board, used to be on your Board. I think Wayne know him.

Matter of fact, I'm going to go and see can I talk to him today and see can he go ahead and -

CHAIR KERNEY: You're talking about an architect?

MR. HILLS: No, not an architect, he's a builder.

CHAIR KERNEY: He's a builder, okay.

MS. HALE: Contractor.

MR. HILLS: Contractor.

INSPECTOR STRAWN: Mr. Young, is that who -

MR. HILLS: Yes, Young, Mr. Young. And I'm going to see can I go by there and see can he go ahead because like I said

I want this thing fixed. I really do. I want it fixed just as bad as anybody else but -

CHAIR KERNEY: So your intentions are to -

MR. HILLS: I am going to fix it up. It's not my intention. I have the money to fix it up, it's just that, like I said there are family things that been holding it up like probate and stuff. And like I say, the last five months was, they've been putting the sewage in through the place there and I haven't been in there, been able to get in there. And like I said, they've been just putting everything just on that place there.

CHAIR KERNEY: I have a question for Wayne. Other than the fact that it's an eyesore for the neighborhood, I'm going to make an assumption from your pictures that it's probably not a hazard per se, there's no -

INSPECTOR STRAWN: We're not in hurricane season right now. So, there's -

CHAIR KERNEY: Okay, in hurricane season there would, it would be a problem?

INSPECTOR STRAWN: These walls are not properly supported; they will probably get pushed down in a storm. But aside from that there isn't any particular, special hazard.

MS. HALE: Did Bobby talk to you? Do you know what the decision was when he went out to look at the property?

INSPECTOR STRAWN: No, I haven't spoke to him.

MS. HALE: Okay.

MR. SCHERER: So, when, so, basically the only thing that's been done is the roof's been taken off, and the existing walls, nothing has been reinforced, it's all -

INSPECTOR STRAWN: That's correct. And the, all of the debris has been removed.

MR. SCHERER: Okay. Is there a tie beam?

INSPECTOR STRAWN: The condition, the wood, all the wood roof structure and the interior partitions and everything have all been culled off from the site.

MR. SCHERER: Is there a tie beam?

MS. HALE: No, must have -

INSPECTOR STRAWN: There is in some areas.

MR. SCHERER: Some areas.

INSPECTOR STRAWN: Yes.

CHAIR KERNEY: In your professional opinion Wayne, is it, the walls that are standing, can they be salvaged?

INSPECTOR STRAWN: Some, most of them, most of them can. There are some, there was some work without permit on the original building which is not built properly but that wasn't included in the repair plan. The repair plan would show that either reinforced or removed and replaced.

CHAIR KERNEY: Alright, okay, thank you.

MR. HILLS: Matter of fact, I went out there and looked at some of this because this is my type of work myself. If I

didn't have a bad back I'd be doing it myself. But I went out there yesterday and before when we was looking at this here, it got some cracks in some of the walls. Some of them, you know, it still could be salvaged. The whole, the exterior walls and stuff like that, it could be salvaged. Everything in there is clean. It's not a hazard to the community or anything.

CHAIR KERNEY: Okay. Wayne, did -

MR. SCHERER: What's your time frame. I mean, we've been seeing you for two years now.

MR. HILLS: I understand that but, yes I understand that. Like I say, I'm going by there to talk to Bob today or this week and see can I get him to do something with the property, fix the property up. But see, I really want I just don't want to throw my money in there and then all of a sudden something happen. It kind of got me stuck in a hard place. Time frame, I'd really like to get this done this year. I'd like to have the house be up this year.

CHAIR KERNEY: Is there any more discussion from the Board?

MR. BARRANCO: What's the next step for you then? Are you -

MR. HILLS: Next step for me is to get Bob Young, me and him to go over there and see how much it going to cost me, and get an architect in there and we go from there.

MR. BARRANCO: So, you think you'll apply for a permit in how many days? For a building permit.

MR. HILLS: A homeowner could apply for a permit?

MR. BARRANCO: Yes, if you own the home, yes. You can.

MR. HILLS: Right. Well, I could do that as soon as possible if -

MR. BARRANCO: You'll still need your drawings.

MR. HILLS: Well, I could build it myself if I could do it with a homeowner's permit.

MR. BARRANCO: Right.

MR. SCHERER: You have to have a set of drawings.

MR. BARRANCO: You have to get the drawings.

MR. HILLS: Yes, I understand that, yes.

MR. BARRANCO: So do you think in 60 days you could hire an architect, get drawings done and apply for a permit?

MR. HILLS: Sure, sure. Within 60 days? Sure. I kind of like [inaudible]; can I get 90 days at least? I don't want to [inaudible], you know, but, I don't want to -

MR. BARRANCO: You're not leaving yourself much room to construct the building by the end of the year if you're giving yourself that much -

MR. HILLS: Well, well, it's what, March now. Ninety days would be what, June. That's six months. I think a house can go up in six months.

MR. SCHERER: I mean, you're willing to put all this effort into this house?

MR. HILLS: Oh, definitely. [inaudible]

MR. SCHERER: Although you're still fighting your siblings for the ownership?

MR. HILLS: Well, I have my brother here right now and he's going to sign a lot over, and my other brother kids, it just that I've been looking for, my other brother passed, I'm just looking for his kids to sign over. And then I would been had it fixed; I've had it fixed up last year , I've had it fixed up last year if I had them sign. I'm just asking for just maybe a little time.

CHAIR KERNEY: Some more discussion from the Board? Would anybody like to make a motion?

MR. BARRANCO: I'll make a motion. Since I'm the newest Board member and I have no idea. I make a motion that we grant a 60-day extension for you to receive a building permit in 60 days, and that's the motion.

CHAIR KERNEY: Okay, I have a motion to extend it to the May 15th meeting, and the stipulation is that a building permit has to be applied for, would you want, would you say applied for?

MR. BARRANCO: Actually, Yes, I should say applied for [inaudible]

CHAIR KERNEY: Applied for.

MR. BARRANCO: You never know with the City.

CHAIR KERNEY: Okay, so I have a motion to extend it to the 15th of May and the stipulation is that you'd have to have a building permit applied for. Do I have a second?

MR. JARRETT: Second.

CHAIR KERNEY: I have a motion and a second, is there discussion on the motion?

MR. SCHERER: I just, I want to say one thing, that you understand that you have to immediately go find an architect in order to get this done?

MR. HILLS: Sure. That's the only way it could get done I think.

MR. SCHERER: Monday morning, you've got to get an architect, and you need to sign him up, you need to bring him out to your house and he needs to start the drawing process.

MR. HILLS: I understand.

MR. SCHERER: And, so that way, within 60 days, because he's got a lot of people that he needs to have -

MR. HILLS: Well, I've got the old -

MR. SCHERER: - do work as well. So within 60 days you've got to have a set of plans going to the City for permit. So, that's what the motion is; that's what we're approving.

MS. HALE: If you're going to go and talk to Bobby, he will help you, he will find people for you if you -
[inaudible]

MR. HILLS: Yes, I'm definitely going, I'm going to see him today, I'm definitely going.

MS. HALE: Okay, you do that tomorrow.

MR. HILLS: Yes.

MS. HALE: Okay.

CHAIR KERNEY: Okay. I have a motion and a second. Further discussion on the motion? If not, all in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? You have 60 days.

MR. HILLS: Thank you sir.

CHAIR KERNEY: Thank you.

MR. HILLS: Thank you Board.

5. Case: CE06102225

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James Poole

1748 Northwest 29 Way

MR. MCKELLIGETT: And that's the last case we have a respondent for, so we will start on page number one. Old business case, Wayne Strawn for CE06102225 at 1748 Northwest 29th Way. James F. Poole is the owner.

This case was first presented to the USB 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 USB 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 a subcontractors hired and permit application filed by that date.

At the 12/20/07 USB hearing the Board granted a 30-day extension to 1/17/08, owner to return with proof of permit application and a letter from his engineer. At the 1/17/08 USB hearing the Board granted a 30-day extension, the owners address comments and resubmit plans by 2/21/08.

At the 2/21/08 USB hearing the Board granted a 30-day extension, to the owner to resubmit plans to the City by 3/20/08. Certified mailings are noted on the agenda.

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector, with regard to 1748 Northwest 29th Way. With regard to:

FBC 117.1.2

AN ATTEMPT HAS BEEN MADE TO CONSTRUCT A LARGE ADDITION ON THE SOUTH SIDE OF THE RESIDENTIAL STRUCTURE. THIS CONSTRUCTION EFFORT HAS BEEN ABANDONED. ONLY THE SLAB AND BLOCK WALLS EXIST. NO VALID PERMIT EXISTS FOR THE CONSTRUCTION. INCOMPLETE STRUCTURES COMMENCED WITHOUT A

PERMIT OR A PERMIT FOR WHICH HAS EXPIRED ARE
PRESUMED AND DEEMED BY THE CODE TO BE UNSAFE.

FBC 117.2.1.3.1

NO VALID PERMIT EXISTS FOR THE INCOMPLETE
ADDITION ATTACHED TO THE SOUTH SIDE OF THE
DWELLING. THE INCOMPLETE CONSTRUCTION IS
PRESUMED AND DEEMED BY THE CODE TO BE UNSAFE.

This is the situation that now faces us today. The City
is asking for a motion to demolish.

CHAIR KERNEY: Okay, so he hasn't applied for his permit.

INSPECTOR STRAWN: He hasn't been able to receive a
permit.

CHAIR KERNEY: Okay, has he resubmitted the plans like we
asked him to at the last meeting, do we know? I guess not.

INSPECTOR STRAWN: I don't know.

CHAIR KERNEY: Okay.

MS. HALE: We don't know whether he resubmitted?

INSPECTOR STRAWN: No, I didn't review the case as far as
resubmittal; he didn't get it issued.

CHAIR KERNEY: Board, last month we granted a 30-day
extension so that the owner can resubmit the plans to the City
and we don't know whether or not that happened, okay? is
their discussion from the Board?

MR. BARRANCO: I have questions just because I'm hearing
it for the first time, but - Did they have inspections or

anything done by anyone? Pictures of what they built out there?

INSPECTOR STRAWN: I can't, the case is so old I can't recall. I expected Mr. Poole to be here today. The -

MR. SCHERER: The guy who's a general contractor?

INSPECTOR STRAWN: Yes, correct.

CHAIR KERNEY: The young guy that's a general contractor, yes.

INSPECTOR STRAWN: Yes, he's a contractor himself and -

MR. SCHERER: And he comes in every time and tells us the same thing and, I remember him.

MR. BARRANCO: How does a GC not pull a permit?

MR. JARRETT: I remember the discussion at the last meeting that we gave him the 30-day.

CHAIR KERNEY: I'm surprised he's not here.

MR. JARRETT: I'm surprised he's not here with the permit in his hand.

CHAIR KERNEY: He's been pretty responsive throughout this process.

MS. HALE: I am really disappointed.

INSPECTOR STRAWN: Yes, if the Board -

MS. HALE: He made such an effort in January to come to the meeting.

INSPECTOR STRAWN: If the Board orders demolition, if he is able to get his permit issued at any time, our process will

stop. It will stop even if six weeks go by and our demo contractor has not yet arrived at his property. It will stop if he gets a permit issued one day before the demo contractor arrives at his property, or the same day; we'll stop the demolition.

MR. SCHERER: I think that's the only thing that's going to hurry him up.

CHAIR KERNEY: I would tend to agree with that.

MR. SCHERER: I mean, seven months of coming in front of us granting 30-day extensions.

CHAIR KERNEY: I'm open for a motion.

MR. JARRETT: Is staff back there checking to make sure that - is that what we're doing?

MS. WALD: That's what we're doing.

MR. JARRETT: Can we hold a second for staff to -

CHAIR KERNEY: I don't have to be into my trust meeting for another hour.

MR. JARRETT: No, I find it hard to believe that -

MS. HALE: I'm sort of disappointed in him.

CHAIR KERNEY: Unless he submitted them and thought he was done and didn't need to be here.

MS. HALE: Yes, I'm disappointed.

CHAIR KERNEY: Is there another committee I could be on the doesn't have all this commotion and stress and -

MS. HALE: Don't volunteer for Code Enforcement, that's four hours.

CHAIR KERNEY: I'm sorry, into the microphone please.

INSPECTOR HRUSCHKA: Jorg Hruschka, Building Inspector, the records indicate that in the notes sections, that as of 1/15/2008 the [inaudible], the plans were sent to the corrections [inaudible] and a card was mailed to inform him but nothing was picked up.

CHAIR KERNEY: He never picked them up.

MR. JARRETT: Since January 15th?

INSPECTOR HRUSCHKA: January 15th.

MS. HALE: Yes, but, no, he was here in February so something must have happened. Because he had to resubmit them and we gave him 30 days and that was in February.

INSPECTOR STRAWN: So he never picked them up and resubmitting.

MS. HALE: Oh, he never picked them up.

CHAIR KERNEY: I think I can help this situation. If I remember correctly there was a lot of discussion about the fact that what was in the ground was never inspected. We didn't think he was going to get it through anyway if I remember correctly.

MR. SCHERER: Yes, it was a slab, he -

CHAIR KERNEY: Yes, he never had -

MR. SCHERER: He said he had a paver permit and then, or something like that. A permit for the pavers, and he poured a slab for the addition.

MS. HALE: Yes.

CHAIR KERNEY: Yes.

MS. HALE: A driveway or something.

CHAIR KERNEY: I'll accept a motion if somebody's willing to make one.

MR. JARRETT: I'll make a motion. I move that we find the violations exist as alleged, and that we order the property owner to demolition, demolish, is that a word?

MS. HALE: Demolish.

MR. JARRETT: No, I mean, did I say a word or create a new word?

MR. MCKELLIGETT: It's the sun.

CHAIR KERNEY: [inaudible]

MR. JARRETT: The structure within 30 days, that we order the City to demolish the structure should the property owner fail to timely demolish - we're going to wear that word out - such demolition is to be accomplished by a licensed demolition contractor pursuant to a City issued licensed demolition permit.

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

MS. HALE: I'll second.

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

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? Rock on.

6. Case: CE07111134

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Rudolph & Tammy Herman

1750 SW 29 Avenue

MR. MCKELLIGETT: Next case, old business case on page number four. Jorg Hruschka for case number CE07111134 at 1750 Southwest 29 Avenue. Rudolph Charles Herman and Tammy Marie Tammy Herman are the owners.

This case was first heard at the 2/21/08 USB. The Board granted a 30-day extension. The mailings are noted on the agenda. In addition, it was posted on the property on 3/5/08 advertised in the Broward Daily Business Review on 2/29/08 and 3/7/08.

INSPECTOR HRUSCHKA: Jorg Hruschka, Building Inspector. I'm kind of surprised that Mr. Herman is not here. He has applied for a sewer cap which has been issued as of today and he has to get that closed out before he can apply for the rest of the demolition permit. However, I stopped by at the property today and it's already flattened anyway.

Still it has, when he was here last, I had an issue with

him last month, if you can see the picture? That was before we had the Board meeting last month, it was already at that time halfway down and two weeks ago was a bit more down. Today is a pile of rubble. So I think the demolition is in progress even though he doesn't have a permit yet.

CHAIR KERNEY: Yes, we should probably guarantee it's going to continue though. Discussion from the Board? If not, I'll entertain a motion.

MR. SCHERER: I move that we find that the violations exist as alleged and that 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 should be accomplished by a licensed demolition contractor pursuant to a City issued demolition permit.

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

MS. HALE: Yes, I'll second.

CHAIR KERNEY: I have a motion and a very emphatic second.

MS. HALE: What? I seconded it.

CHAIR KERNEY: You didn't seem real happy about it.

MS. HALE: Well, I can't understand why you'd do it when he already did it himself, now illegally maybe.

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

discussion on the motion? Hearing none, all in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? Thank you. More?

MR. MCKELLIGETT: And that concludes the agenda for March 20th.

CHAIR KERNEY: Thank you.

MR. MCKELLIGETT: Thank you Board.

Board Discussion

MR. JARRETT: I have something for the Board, if I can bring it up now, that hopefully staff will be able to clarify. That what we discussed about swimming pools today, I think we need a little bit of discussion about that, and here's why. Because I learned something between meetings last month.

I was at a meeting with Commissioner Rodstrom and a whole issue came up about a swimming pool that was open and neglected and so on and it was over on the, in the beach area. And I knew that we had in fact sat in this Board and ordered things to be done to pools, and so I had to do a little research. And I found out through City staff that there is no code that says you have to have your pool fenced in if it was built before what, 1992 and if it was in the City.

These pools that we're ordering to be closed were in annexed areas and brought into the City and in the annexed

areas in the County it's always been a rule that the pool had to be fenced in.

MS. WALD: Yes. Broward County, yes, correct.

MR. JARRETT: So we need clarification from Counsel because we got into this, and I didn't want to bring this up when we were in the middle of it.

MR. BARRANCO: Can I just say one thing as an architect?

MS. WALD: Of course, of course.

MR. BARRANCO: In the old codes, there was nothing in the State of Florida that required you to put a fence around.

MR. JARRETT: Correct.

MR. BARRANCO: Including the City of Fort Lauderdale.

MR. JARRETT: Correct.

MR. BARRANCO: The old zoning code is what controlled in a lot of cities that made you put a fence in and made you put a latch gate in. Matter of fact, when I built my pool I put a fence in just a matter of course, and they asked me to put a latch on it and I said 'No, I'd don't have to because it doesn't say that in our code.' And I ended up doing it anyway.

MR. SCHERER: It's easier.

MR. BARRANCO: But today's building code mandates it.

And for somebody who has vacated, you know a lot of these things are abandoned and they have to be brought up to code; they have to be brought up to the modern code because the

improvement exceeds 50% of the value of the structure and you have to put the fence up. You have to bring it up to the modern code. So that has nothing to do with the zoning code it has more to do with today's building code. That's my, that's my take on it.

MS. WALD: You are correct in regards to Broward County because we've seen them multiple times and I know Brian can also speak to it too. Where with the annexed areas the fence does have to be around the pool and we do not specifically have that in Fort Lauderdale, so you are correct.

And we do cite the annexed areas when they don't have the fencing around the pool as part of our Code Enforcement cases in front of Special Magistrate, so you are correct. Whether the City Commission is going to take that up and bring that forward, that's something obviously they can do. Speaking with Commissioner Rodstrom, that might be something that she addresses in the next conference agenda meeting to bring up as new business. That's something obviously they can bring up.

If as a citizen and also, a Fort Lauderdale Board member you don't necessarily have to be a Board member, if you think that is a problem and a safety hazard, obviously, you can bring that up to the Commissioner or commissioners or the Mayor and address that and that can be done that way.

In a broader or, excuse me, more narrow situation with, since we're just talking about the pools, and I just don't

remember the case, the one you were talking about before -

MS. HALE: Enclave.

MS. WALD: - but you know it.

MS. HALE: I do, because it had just occurred here and several days prior three children had drowned in Margate and Coral Springs, I believe it was.

MS. WALD: Here's the thing: in your power as to ordering, you can order the property owner to secure the property, and you've done it many a times where you've provided extensions and it does make sense because they're coming in here and they're saying to you. 'Hey, I need an extension, I'm going to do all this work.'

But you know you have a potential problem, so you require them to fence it in, or you require, I believe on some of the other ones that were open and abandoned, to have it secured and to move forward. And I remember one lady specifically saying 'We will super secure it' whatever that means. So yes, you can order that.

Now, when you're demolishing the property and you're having an order to demolish and you also add on that - and you can do that, you have the authority to do so - and specifically state that the pool either has to be secured or has to be emptied. The pool is part of the demolish and the order to demolish; you're adding something extra on it.

If they don't do it within that time period, because they

still have to go demolish the property within 30 days anyway, then what, it goes back and your order would require the City to do it.

So if the individual but you've ordered within 24 hours, three days, we're just talking generally, to go ahead and secure the pool, I think: 1. I don't know what necessarily 'secure the pool' means. I think you'd have to talk about specifically what you want them as to pool, empty the pool, fill the pool, put a fence around the pool, whatever that may be. And then 2. Require the City to do it if they don't do it.

Now, then you run into the aspect of when is the City going to do it. Well, the City has the responsibility to do it, from your order after the time period expires. And let's say you gave three days. Now, does the City do it in three days?

Now that's a good question for somebody else that's not in this room. So we're not going to - we're not going to even ask any of these people because then you have monetary concerns too and that's something way beyond all of us here.

But the City also, as part of that order, is to demolish the property. And now the City has two separate bills that would be in place and then it makes it difficult when it comes to the legal process and the legal process is sending, is doing the liens and the liens on the property.

And it just makes it a little difficult when you're ordering as demolish alongside with it. Because it's a protection issue and I understand what you're doing and it makes sense. But it becomes a little bit more difficult when it comes to legal basis and we're liening this property and we're having money being attached to the lien. So, I hope that kind of clarifies what we were talking about.

MS. HALE: Oh it does.

MS. WALD: And for future cases -

MS. HALE: I mean, in fact, for two years the green swamps have been sitting in these vacant properties.

MS. WALD: And you're right.

MS. HALE: That's all they are, and if the child falls in its all over; you couldn't even find the child.

MS. WALD: Yes. And understanding too that, and this is from conversations that I've had with Code, and again, not people in this room, as to the pools and what can be done. And that's why I had stated before what the City is doing is under, moving forward with nuisance under 18-1 as to these pools and having the authority to go in - just like we have the authority to go and cut the grass - having the authority to go in and to do something to correct the problem with these pools.

So that is being handled and I think that started at the beginning of the year, if I remember correctly. End the last

year, beginning of this year. So that is something that is being done and attempting to be a little proactive in that, in that route.

The other problem we have too, you need to understand, is just all of these foreclosure cases.

MS. HALE: I know. I realize that, I'm in the business.

MS. WALD: And bankruptcy cases. And remember, when they're in bankruptcy, there's a stay. Not every single case, it depends on exactly where they are in a case and what happens. But a lot of times you'll have a stay. So as to some of these cases you're like, 'What do you mean, it's been ten months, two years, three months?' If there was a bankruptcy filed, we don't go forward with these cases because it's not going to be enforced.

And so that also happens too. Some of the cases even if it is in bankruptcy, for police powers we can go forward and we can move forward that way. But it's going to be on a case-by-case basis so when those things come up, we'll try to make you aware of them as a Board so you know what has happened in the background that doesn't necessarily have any effect on your ruling and as to the condition of the property. But at least provide you some information. Anything else?

MR. MCKELLIGETT: We have a housekeeping issue. We need to address. We have new Board members and I don't believe we've elected the new Chairman and Vice for the Board so.

MS. HALE: Wait, we have one, one of our Board members has just arrived.

[Mr. Phillips arrived at 4:17]

MR. MCKELLIGETT: You know it happens to the person that comes in last.

MR. JARRETT: I'm confused.

CHAIR KERNEY: We just elected you chairman.

MR. JARRETT: I thought we just elected Patrick at our January or December meeting.

Mr. McKelligett: If we did that -

CHAIR KERNEY: Are you sure? I don't think I was here.

MS. HALE: I think we did elect him.

MR. MCKELLIGETT: We may have done that in January. I was just reminded by Ivette that we -

MR. JARRETT: No, I think we did, in fact.

MR. MCKELLIGETT: Was that before the new Board members joined us?

CHAIR KERNEY: When did the new Board members join us, it was last month, right?

MR. MCKELLIGETT: Well, last month was your first time hear, Jack.

MR. PHILLIPS: Sorry I was late today folks, I get tied up.

MR. MCKELLIGETT: If we elected in January I think we're okay. I just, for future reference, I think we'll wait until

the new Board members start.

CHAIR KERNEY: And when do they typically start?

MR. MCKELLIGETT: February is usually the starting date
on those, yes.

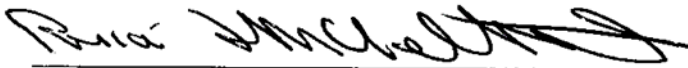
CHAIR KERNEY: February. When are my term limits up?

MR. MCKELLIGETT: You have no term limit. Sorry.

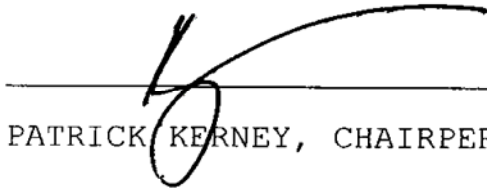
MR. JARRETT: It's a life term. You've been sentenced to
life.

MR. MCKELLIGETT: Thank you Board.

[Meeting concluded at 4:20 p.m.]



BRIAN MCKELLIGETT, BOARD CLERK



PATRICK KERNEY, CHAIRPERSON

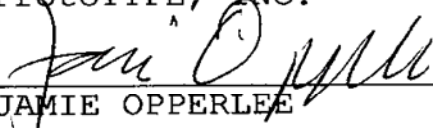
Minutes prepared by: J. Opperlee, Prototype Services

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held March 20, 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 March, 2008.

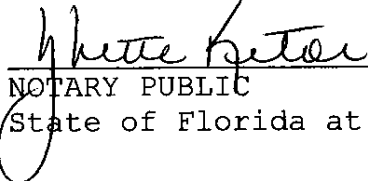
ProtoTYPE, INC.



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 25th day of March, 2008.



NOTARY PUBLIC
State of Florida at Large

Notarial Seal:



YVETTE KETOR
MY COMMISSION # DD 745295
EXPIRES: December 30, 2011
Bonded Thru Budget Notary Services