

CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, JUNE 19, 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	8	1
John Scherer, Vice Chair	P	6	3
John Barranco	P	5	0
Olivia Charlton	P	6	2
Pat Hale	P	8	1
Hector Heguaburo	A	6	3
Joe Holland	P	7	2
Thornie Jarrett	P	8	1
John Phillips	A	3	2

City Staff

Yvette Ketor, Board Secretary
Ginger Wald, Assistant City Attorney
Wayne Strawn, City Building Inspector
Jorg Hruschka, City Building Inspector
Gerry Smilen, City Building Inspector
Brian McKelligett, Administrative Assistant II
Dee Paris, Administrative Aide
J. Opperlee, ProtoType Inc. Recording Clerk

Guests

CE05121325: Robert McIntyre, managing owner
CE08020243: Diana Centorino, owner's attorney; Katherine Dely, attorney; Mary Russ, estate representative
CE08030370: Leonard Nyhuis, partner
CE06011118: Irene Crum, owner; Alexander Robinson, contractor

Index

Case

Respondent

Page

1. CE05121325	Crazy Gregg's Marina LLC	<u>2</u>
Address:	301 Seabreeze Boulevard	
Disposition:	30-day extension to 7/17/08, Inspector Smilen to confirm restroom facility	

June 19, 2008

agreement with nearby restaurant. Board unanimously approved.

2. **CE08020243 Tansy Avant Estate** [21](#)

Address: 628 NW 22 Road

Disposition: 60-day extension to 8/21/08 to obtain a permit, the property to remain boarded and secure. Board unanimously approved.

3. **CE08030370 Arch James III & Kay Oliver** [35](#)

Address: 651 N. Andrews Avenue

Disposition: 30-day extension to 7/17/08, respondent or his structural engineer to appear with the engineer's report. Board unanimously approved.

The regular meeting of the Unsafe Structures Board convened at 3:02 p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

Approval of meeting minutes

Motion made by Ms. Hale, seconded by Mr. Jarrett, to approve the minutes of the Board's May 2008 meeting. Board unanimously approved.

Board members introduced themselves in turn.

All individuals giving testimony before the Board were sworn in.

1. **Case: CE05121325** [INDEX](#)

Crazy Gregg's Marina LLC

301 Seabreeze Boulevard

MS. PARIS: Our first case will be on page six:

June 19, 2008

CE05121325. The inspector is Gerry Smilen. The case address is 301 Seabreeze Boulevard, the owner is Crazy Gregg's Marina LLC. The property was posted on 4/18/08, advertised in the Broward Daily Business Review 5/30/08 and 6/6/08.

We had certified mail to the owner, returned "unclaimed." Certified mail to John J. Raymond Jr., as registered agent for Crazy Gregg's Marina LLC signed by Eileen Fairbanks on 4/18/08.

We had certified mail to Robert McIntyre, manager of Crazy Gregg's Marina LLC, returned "unclaimed." Certified mail to Richard T. Watson, manager of Fort Lauderdale & Southern LLC, signed by Janet Cali 4/21/08. And certified mail to Wachovia Bank, signature eligible 4/21/08.

Certified mail to the Board of Trustees of the Internal Improvement Trust Fund, received by Dep Mail Center 4/21/08, and certified mail to the tenant in possession, returned "unclaimed."

CHAIR KERNEY: Thank you. Is this a new case?

MS. PARIS: Yes.

CHAIR KERNEY: We need it read into the record.

MS. PARIS: Yes, this is a new business case.

INSPECTOR SMILEN: Good afternoon Board. Gerry Smilen, City of Fort Lauderdale Building Inspector. Case number CE05121325. Violations:

FBC 117.1.1

June 19, 2008

THE MANUFACTURED TICKET BOOTH STRUCTURE IS A
WINDSTORM AND A HEALTH HAZARD.

[FBC 117.1.2]

THE BUILDING HAS BEEN REBUILT AFTER HURRICANE
WILMA. NO PERMITS WERE OBTAINED FOR THE
PROJECT. NO CERTIFICATE OF OCCUPANCY WAS
OBTAINED. THE REBUILDING PROJECT IS "PRESUMED
AND DEEMED" BY THE FLORIDA BUILDING CODE TO BE
UNSAFE.

FBC 117.2.1.2.6

AN UNSANITARY CONDITION EXISTS BECAUSE THE
REQUIRED SANITARY FACILITIES ARE NOT PROVIDED.

FBC 117.2.1.3.1

THE ROOF STRUCTURE WAS REPLACED WITHOUT
OBTAINING THE REQUIRED PERMITS. AIR
CONDITIONING WAS INSTALLED WITHOUT OBTAINING
THE REQUIRED PERMIT. THE CONSTRUCTION OF THE
ROOF AND THE INSTALLATION OF THE EQUIPMENT IS
"PRESUMED AND DEEMED" TO BE UNSAFE BY THE
FLORIDA BUILDING CODE.

I have some pictures that I can show.

CHAIR KERNEY: Okay, and what's the City recommending?

INSPECTOR SMILEN: The City is recommending demolition.

CHAIR KERNEY: Okay, thank you.

[Inspector Smilen showed photos of the property on the

Elmo]

INSPECTOR SMILEN: I have the original plans here for the pre-engineered and manufactured unit. As you can see, the roof structure, basically it's a mansard façade that's going around it with a type of an arched or arced type of a roof similar to a mobile home. Right here, this is and this is the façades right here. Okay. Thank you.

CHAIR KERNEY: Do you have actual pictures of the existing conditions?

INSPECTOR SMILEN: Here is a picture right here of what's there as it was being repaired. You can see, this is a straight gable roof now. You can see the open sides to the trusses that were put on there, and here's the open gable end, not anything like what the pre-engineered structure was like.

This right here is, you can see where the wood was done underneath the overhangs as it was still under construction. We're showing some more stuff in here; there were some windows and some electrical that was done in here as well. Not on the original, not as on the original building.

CHAIR KERNEY: Did the City stop them in the middle of this renovation, or were they able to complete it?

INSPECTOR SMILEN: Well, I believe that, this was done in '05 and I wasn't under employment at the time, but there was a stop work order that was issued on there. The building was completed, though, and it is to its condition that it is now.

CHAIR KERNEY: Okay.

INSPECTOR SMILEN: Here's a unit, obviously an air-conditioning unit that was cut into the pre-engineered and pre-manufactured structure. No permit for that. And here's a rear door and window in there. Some of the electrical work, that of course is not going to pass code the way it is. Here is a picture of the completed structure as it stands right now. Another picture of it. And that was the posting right there of the inspection report.

CHAIR KERNEY: Thank you. Do we have a respondent? Step forward and state your name for us please.

MR. MCINTYRE: Hello, my name is Robert McIntyre; I'm the managing owner of the property.

CHAIR KERNEY: What do you got for us, Robert?

MR. MCINTYRE: I am working diligently. Sorry we have to meet here, take up your time. I didn't know about the problem until the beginning of the year here. I had a tenant that did the work. I was under the impression that the permits were required. I did see an electrical permit, so I figured he had done the rest.

I have already gone, I've got a contractor and an architect and engineer. I probably would've been done already and had the permits in, but running into a small problem, difficulty with the foundation that's out there. It's elevated. Its not, it's an aluminum building. I'm looking to

replace the building. I already know it's got to go away. I'm looking to replace it.

In doing so I've got to put it back in the same spot, in the same exact footprint that's going in. But it is elevated and those buildings typically when they come from the manufacturer, they are anchored in, and I'm afraid of anchoring down there in that spot.

You guys could send out utilities people ten times, but if they started drilling in that spot down on the corner of Las Olas and AlA, I don't think I'd want to be around because there are so many things down there: utilities and water and everything else. I'd like to redo -

MR. SCHERER: I think you already answered our question, you said you were going to get rid of it.

MR. MCINTYRE: Yes sir.

MR. SCHERER: That's all they're asking.

MR. MCINTYRE: Yes, I would like to request 60 days because I've already got somebody doing the drawings and everything else, and doing the mechanical engineering, but I need a little more time to get it in to the City.

CHAIR KERNEY: Are you trying to use the structure until you get the new structure, is that the intent?

MR. MCINTYRE: Yes, sir.

CHAIR KERNEY: I see. Who's your engineer?

MR. MCINTYRE: It's going to be, I've got John Magowan,

is the contractor, and Bertram Lorarz [phonetic].

CHAIR KERNEY: You have these people under contract?

MR. MCINTYRE: Yes sir.

CHAIR KERNEY: Do you have a copy of that contract with you?

MR. MCINTYRE: Yes I do.

MR. JARRETT: Didn't you say you're going to put it exactly in the same footprint?

MR. MCINTYRE: [inaudible]

MR. JARRETT: So there is at least some period of time that the old building's going to be gone before the new building's built.

MR. MCINTYRE: I'd like to make it so it's maybe within a week.

MR. SCHERER: Here's the - if we wait 60 days and then you submit for a permit -

MR. MCINTYRE: No, I want to submit for a permit probably, maybe sometime next week.

MR. SCHERER: And it's a new building, and you haven't, the design's not complete?

MR. MCINTYRE: Yes, it's actually going to be a new aluminum building.

MR. SCHERER: Pre-manufactured?

MR. MCINTYRE: Yes.

MR. BARRANCO: I've got a question.

MR. MCINTYRE: I've already got a deposit on that too.

MR. BARRANCO: So you all have a business there operating now?

MR. MCINTYRE: Yes.

MR. BARRANCO: So you need to operate in the existing building until the new building is constructed?

MR. MCINTYRE: Yes, this is the sales booth for the entire marina. It's where everybody comes up to sign up for water sports -

MR. BARRANCO: I think that's what he's getting at.

MS. HALE: Where is the contract? Do you have it?

MR. MCINTYRE: Yes ma'am.

CHAIR KERNEY: You're going to have to pass that up here, my eyes aren't that good.

MR. MCINTYRE: No problem.

[Mr. McIntyre presented the contract to the Board members to inspect]

MR. SCHERER: The problem is that we're in hurricane season. I think that's the main issue with, and -

MR. MCINTYRE: I already have this building -

MR. SCHERER: - and this is dated today.

MR. MCINTYRE: I've been working with him for three weeks, but I told him I'd probably need something when I'm in here with you guys. The building's already being built, the replacement building, so I need to have everything done as

soon as I can to get it put right in place.

MR. JARRETT: It's another pre-manufactured building to just sit in the same spot?

MR. MCINTYRE: Yes sir.

MR. JARRETT: And your anchoring was your only question there?

MR. MCINTYRE: Well, yes. They typically, come, and they anchor down the corners. That's not how the building is right now. It's sitting on a foundation that's a little raised up. They're going to do a little bit to the foundation to make it [inaudible].

CHAIR KERNEY: So you're going to do like a Ted's Shed or something along those lines, I see.

MR. MCINTYRE: Yes sir, that's exactly who it is.

CHAIR KERNEY: Well, as far as anchoring it through the ground, what, before you can do any drilling, you have to get the utility contractors, you've got to call Sunshine and have them come out and - it's still called Sunshine, right?

MR. MCINTYRE: Yes sir, yes.

CHAIR KERNEY: And identify and locate your utilities and your, with some degree of certainty, you know you're not going to drill through something. But, I think the resistance from the Board is that you're actually occupying a building that the City deems to be unsafe. That's the problem.

MR. MCINTYRE: Yes, just so you understand the use of the

building: Somebody comes in at nine o'clock and leaves at five. There are no facilities. It's just there for basically, someone coming in to meet tourists and everything else and let them know about the things that are on the beach that they can do.

MR. BARRANCO: How long has that building then there?

MR. MCINTYRE: 1986.

MR. BARRANCO: 1986? And I remember that building. It's been there forever, through every hurricane season, up 'til now and the day they put it in it was unsafe probably, and it met code.

MR. SCHERER: Yes, but the roof blew off, didn't it?

MR. MCINTYRE: No, nothing came off. It just, he did some, the tenant put the decorative work on there. There was a flat, basically a flat roof. He wanted to make it more elevated and I thought everything was done the way it was supposed to be done, but apparently it wasn't. Or we wouldn't be here.

MS. HALE: Is that's all they did after Wilma? The building has been rebuilt after hurricane Wilma.

MR. MCINTYRE: It was right after hurricane Wilma.

MS. HALE: You rebuilt the project.

MR. MCINTYRE: My tenant did.

MS. HALE: Yes.

INSPECTOR SMILEN: The roof structure itself was

replaced.

MS. HALE: So, not the whole structure, just the roof.

INSPECTOR SMILEN: Yes, it was the roof. The roof had blown off and I believe there was some windows that were replaced in there. So basically what you had is, you had a pre-manufactured building that was really exempt from the building code and therefore it was relying on the engineer's specifications and how he constructed that particular building.

As soon as anything structural was done to this building, it made it exempt from it and then it has to fall into the Florida building code, which now it does not.

CHAIR KERNEY: Could I ask you, just a little common sense, a little horse sense today.

INSPECTOR SMILEN: Okay.

CHAIR KERNEY: Understanding that it wasn't permitted and then you had a manufactured structure that has now been changed, obviously you, the City has to deem it unsafe.

INSPECTOR SMILEN: Correct.

CHAIR KERNEY: In your professional opinion, the repairs, are they of good quality or are we talking about something that was just thrown together. Not holding you into anything of course.

INSPECTOR SMILEN: Well, I got a couple problems with that. Number one, I was not employed with the City at the

time. From the pictures and everything I've seen, it looks okay but there were no inspections done on it, so the City could never really say that anything was done in a proper manner according to what the standards are today.

The guy went in there, he had to get his business up and running after hurricane Wilma, and he did what he thought he had to do. Unfortunately he didn't follow the right roads to get there.

CHAIR KERNEY: Right. Mr. McIntyre, you think you can get this thing done in 30 days?

MR. BARRANCO: And when you say 'get this thing done', you mean bring us a permit, or bring us an application for permit?

CHAIR KERNEY: Yes, he's going out to Ted's Shed or somebody like that -

MR. MCINTYRE: I've already done that.

CHAIR KERNEY: You have?

MR. MCINTYRE: Yes.

CHAIR KERNEY: Then why do you need 60 days, I'm confused.

MR. MCINTYRE: I'm just worried about when it gets in to the City for the foundation, if there's any snags there in permitting or anything -

CHAIR KERNEY: Eliminate the foundation.

MR. JARRETT: Do you have your contractor, your foundation man, your general contractor to set the building?

MR. MCINTYRE: Yes, that, the general contractor is John McGowan.

MR. JARRETT: And you have him under contract already?

MR. MCINTYRE: Yes.

MR. JARRETT: Oh, okay.

MR. BARRANCO: I've got a question for the Chair.

Typically, when we grant an extension - let's say it's a 30-day extension - and the applicant comes in here 30 days later and he has a permit -

CHAIR KERNEY: It goes away.

MR. BARRANCO: The demolition order goes away.

CHAIR KERNEY: That's correct.

MR. BARRANCO: And you proceed with what you're doing and get your permit, do your construction and you continue to do business. And as long as things continue to go, I don't think the City will bother you anymore, unless something is not done, in which case you'll be back here again with another demolition order from the City.

CHAIR KERNEY: Yes.

INSPECTOR SMILEN: Gerry Smilen, City Building Inspector. Another concern that the City has are, we need to see some sort of agreement with somebody to furnish bathroom facilities in the vicinity for this shed. At this point, the original building was using bathroom facilities with the Holiday Inn but Holiday Inn isn't there anymore. So we would also, we

were concerned about that aspect of it as well.

CHAIR KERNEY: Okay, Mr. McIntyre, you know how you're going to jump that hurdle?

MR. MCINTYRE: Yes sir, one of my partners on the property is Paul Flanagan from the Quarter Deck restaurant catty corner, and he can furnish me with a letter.

CHAIR KERNEY: Okay. All right, does the Board have anything else?

MR. HOLLAND: Yes, one question, may be related. Is this the southwest corner of Seabreeze and Las Olas?

MR. MCINTYRE: Yes sir.

MR. HOLLAND: The right turn lane east bound was eliminated recently in the City's project. Was land, right of way augmented to your parcel there in that process?

MR. MCINTYRE: No it wasn't. The City stayed on, they didn't need any more of our property.

MR. HOLLAND: Right, because they were giving it up. And none of it reverted to you there?

MR. MCINTYRE: No sir.

MR. HOLLAND: Okay. Yes, most of your problem there is going to be the foundation to hold down this thing. Most of these buildings need anchoring and again as spoken, you can get by the utilities, it's a reality that's going to have to be met by an engineer or a contractor searching for those utilities with the No Cuts operation. Do you know if any

straps were used on that roof there to tie it down to the walls, either of you?

MR. MCINTYRE: I don't.

INSPECTOR SMILEN: No, there wasn't. After hurricane Wilma there was nothing, it's just attached to the building. The foundation, from what I saw from the plans, originally showed pads with little piers, concrete piers, and that's what this building is tied to. If he was able to get an engineer to certify that he could use the pads and the piers to attach the new building, that would work.

MR. HOLLAND: I understand. My question was about, I think you said new trusses were put on.

INSPECTOR SMILEN: Yes, right. There were no -

MR. HOLLAND: No straps?

INSPECTOR SMILEN: You're referring to a mobile home type of installation. Is that what you're talking about?

MR. HOLLAND: Any kind of strap that would be visible, whether it's code or not. Any kind of strapping?

INSPECTOR SMILEN: No.

MR. HOLLAND: Okay, because it is a hazard. I think the motion ought to be conditional. If measures need to be taken if a storm comes, extraordinary measures.

MR. SCHERER: What's the time frame on actually demolishing a structure? From the time that we give the order to the time that the City actually goes out there and

demolishes the structure, what is the typical time frame?

CHAIR KERNEY: I don't know.

MR. MCINTYRE: I think with this type of a unit it's just-

MR. SCHERER: No, I mean, not for you, on the City's side, what is the -

MS. WALD: Well, first of all, sorry, Ginger Wald, Assistant City Attorney. First of all, you would order to provide the owner the 30 days to go ahead and demolish the property if you deem so, or give him more time than that.

After that period of time, if in your order you go ahead and order the City to then demolish the property, then what the City has to do, number one, we have to do another title search on the property. Number two after that is, we would have to contract with a contractor, City contractor, to go ahead and take the steps to apply for the permits.

Once the permits were applied for and that was taken care of, then they can proceed with the demolition of the property. That can vary as to a time period that the City would have to go ahead and get that.

MR. SCHERER: Thirty to sixty days from the time that the actual order was done?

MS. WALD: I would say a minimum of 60 days.

MR. SCHERER: Minimum of 60 days. So you're getting your 60 days, even if we tell you to demolish it. And if we don't

tell you to demolish it, we're not really doing our job. Because a hurricane comes, the roof blows off, hits a car, hits somebody. Somebody walks up to your building, taps, touches that electrical that's not safe. That was the one thing that I was more concerned with than the roof. So -

MR. MCINTYRE: I believe the electric, are you sure the electric wasn't pulled?

MR. JARRETT: Can I make a comment?

CHAIR KERNEY: Yes, sure.

MR. JARRETT: I would just like to say to the Board instead, this person does look like he is prepared to do the right thing and then if we were to give, if we would do the demolition permit, yes it would, I mean, process, start the process, yes, he would have the time to do, it but we'd also be putting City staff through, jumping through hurdles and stuff that really may not be necessary. I'm inclined to give the gentleman a 30-day extension, and he can see the attitude of the Board.

MR. MCINTYRE: Yes sir.

MR. JARRETT: That he doesn't want to come back next month with excuses; he wants to have his building permit and be done with it.

CHAIR KERNEY: Would you like to put that in the form of a motion?

MR. JARRETT: Yes. I'd like to make a motion to give the

gentleman a 30-day extension to our July 17th meeting.

MR. BARRANCO: Second.

CHAIR KERNEY: I have a motion for a 30-day extension and a second. Is there any questions on the motion?

MS. HALE: Do we want to ask him to bring a letter from his restaurant indicating there will be facilities available for the person who is manning this booth? Because that seemed to Gerry to be an issue [inaudible]

MR. SCHERER: That's going to be a requirement of the permit.

MR. JARRETT: I would -

CHAIR KERNEY: That's going to be a requirement of the permit.

MR. JARRETT: Yes, I would accept that as a friendly motion. And how about we direct Gerry, the Building Inspector, to receive that letter and approve that?

CHAIR KERNEY: Okay, so, does the maker, the second on the motion accept the addendum for the motion? Who made the second?

MR. BARRANCO: Yes.

CHAIR KERNEY: Oh, I'm sorry. Looking the wrong way. Okay. So I have a motion, I have a second, is there any more discussion on the motion? Hearing none, all in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? Thirty days, thanks.

MS. PARIS: And there was a finding of fact in this case, correct? It's a new business case.

CHAIR KERNEY: I'm sorry?

MS. PARIS: There is a finding of fact in this case for the City? It is a new business case.

CHAIR KERNEY: Say that one more time, I'm confused.

MS. PARIS: Okay, has there been a finding of fact for the City on these violations as a new business case. I know you granted an extension.

CHAIR KERNEY: A finding of - we've granted a 30-day extension -

MS. PARIS: Okay.

CHAIR KERNEY: What was the rest of -

MR. MCKELLIGETT: The question is, the Board find a violation does exist?

CHAIR KERNEY: Oh, I'm sorry, yes, yes. You gotta, you can't use those legal terms with a plumber, you've got to be more -

MS. PARIS: I had another hearing this morning; that's the term we use.

CHAIR KERNEY: Okay. Finding of fact.

MS. PARIS: Yes sir.

CHAIR KERNEY: We've got a guy that's not here today, uses words that he has to give me a dictionary to figure out

what they are.

MS. HALE: You should have brought his book.

CHAIR KERNEY: Yes, we need his dictionary. Finding of fact, yes, there was a finding of fact, now that I know what a finding of fact is.

MS. PARIS: Just wanted to make sure. So you did find that the violation exists, right?

MS. HALE: Yes we did find the fact that the violations exist.

MS. PARIS: Well, this is just my question, it's a good question.

MR. JARRETT: You were put up to it though.

MS. PARIS: Well that's true, very true. I'm embarrassed again. Our next case will be on page four -

MR. MCKELLIGETT: It won't be the last time.

MS. PARIS: That's true also, very true.

2. Case: CE08020243

[INDEX](#)

Tansy Avant Estate

628 NW 22 Road

MS. PARIS: This will be an old business case on the bottom of page four: CE08020243. The inspector is Gerry Smilen. The address is 628 Northwest 22nd Road, the owner is Tansy Avant Estate. The property was posted on 5/21/08 and advertised the in Broward Daily Business Review 5/30/06 [sic]

June 19, 2008

and 6/6/08.

This case was first heard at the 5/15/08 USB hearing. At that time the Board granted a 30-day extension to the 6/19/08 hearing with the stipulation that the property is boarded up, the property must be secure and the roof must be repaired.

We had certified mail to the estate of Tansy Avant returned, "Gone, no forward." Certified mail to the Law office of Katherine S. Dely, signed by Kathy Dely, 5/22/08. Certified mail to Mary Russ, personal representative of the estate of Tansy Avant, deceased. Certified mail to Diana Waterous Centorino Esq., signed by P. Sitty, on 5/22/08. and certified mail to the tenant in possession returned, "Vacant, no mail receptacle." And the violations as are already listed in the agenda.

CHAIR KERNEY: Okay, thank you. We have any new information, Gerry?

INSPECTOR SMILEN: Gerry Smilen, City Building Inspector. I went by the property a couple days ago and they have indeed put a lot of effort into boarding up all the openings. I showed them a couple of things. They also put a roof coating or material on the roof to try to help prevent any more deterioration from the rain.

I have one picture here, showing that they did a little reconstruction, where this whole area was rotted out, and they just replaced things in a temporary manner, just so they could

support what was going on.

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

So they are making a very good effort to try to save the building.

CHAIR KERNEY: Okay. Do we have a respondent today?

MS. DELY: Hi, yes, I'm Katherine Dely, the attorney for the personal representative of the estate. This is -

MS. RUSS: Mary Russ, personal representative, hearing-impaired.

MS. CENTORINO: And I'm Diana Centorino, I'm the attorney for the other portion of the beneficiaries of the estate. You'll recall that there was litigation, we settled and we're working together now.

CHAIR KERNEY: When I saw you all come up together, I remembered. It all came flooding back to me. So what's different this month?

MS. DELY: Okay, so, basically we're asking for, we tried to make everything safe so that the City wouldn't have that concern anymore. We've done some investigation as to speak to different realtors in the area to try to get an idea of the value of the property, and what other properties are selling for and that sort of thing.

That raised several concerns. We, since I am handling two of the beneficiaries under my half, they're willing to do

what's necessary to be able to save the structure, even if, because there's really essentially no money in the estate, no liquid assets. We just have two pieces of property which we're trying to sell the other property and that would give us some more money to put into this property.

But from our research, it appears that the lot is small, and if it was to be torn down - now this is just what we've learned recently - if it was to be torn down, apparently nothing would be able to be built on it. Because of the lot being small.

And apparently there was an issue with, we may, we were grandfathered in, apparently with a parking lot, and then because it's been vacant for so long, apparently there is 180 days. Now, we've received no notice for that and we've just learned of this, that we may have lost the grandfather clause as far as the parking lot. So really, if the building was torn down, no one would be able to build something on it. They'd have to buy the lot next door or a lot around them in order to be able to build.

So are our concern is representing, protecting the beneficiaries' interests. We want to do what we could to save the building so we're asking from you, we have with us today, some proposed, Mary Russ, the personal representative, has, I got a proposal from a construction company, Fluker Adams Roofing, and they did a proposal/estimates of the Interior

demolition and as far as putting the new roof on. And I have that paperwork here with me today that I can provide you to look at.

But essentially, what we would like is to be able to, we need direction from you, as, from my understanding, and I spoke with Wayne Strawn, I didn't get to speak with Mr. Smiley but, what Wayne told me was that pretty much, if the only way to save the building at this point would be to go ahead and bring it back up to code, and that sort of do what's necessary to protect and bring it back up to the condition it should be in. That would be the only way to save the building, and so our concern is, we would, we would like to do that, if possible.

Diana's clients may not have the money to put into it but my client is willing to do it as long as she gets the money back at some point, to be able to just save the building so that it is marketable and we could sell it down the road once it's brought back up to a normal condition.

So we would at least like some direction, if that's the case, I mean, we just have the concern if it is demolished apparently it's, it's not something we can sell. Someone would have to buy the lot next door and from our investigation of that apparently that property is in an estate. And they just after two years apparently just got someone appointed as personal representative. There was some fighting in that

estate and apparently there's still some conflict involved so we don't really even know what's going on there or how long that property's going to be tied up. Which, their lot is small too so they have kind of the same conditions we have.

CHAIR KERNEY: Well, I can give you some advice on how to help yourselves here.

MS. DELY: We appreciate that.

CHAIR KERNEY: If you are client's willing to spend some money then my suggestion is, go out and spend the money on the design fees, get the permits turned in to the City and get a permit for this thing, and that way gets it off of our agenda-

MS. DELY: Right.

CHAIR KERNEY: - and then you don't have to deal with us anymore.

MS. DELY: Right, we have the design plan, so the last thing we haven't done is pull the permit.

MS. RUSS: I had the paperwork, the plans drawn up last month when I was here for the hearing and also the roofer's letter stating what they would do regarding trying to save the property, but we didn't take that initiative because we didn't know where we would stand as far as the City was concerned with the demolition. But we are willing to take whatever necessary measures it deem, anything that's necessary to retain the proper measures of this property. [inaudible] no problem.

CHAIR KERNEY: Well if, if you turn those in for review and they're approved, then the process with us stops. And I would believe that, and I don't want to speak for the Board, they would probably be inclined, if you were to tell them today that in fact, I'm going to go put these plans in for a permit, to give you the extension and eliminate this from the Unsafe Structures Board.

MS. RUSS: Yes, that's exactly what I talked to both Mr. Smiley and Mr. Wayne Strawn about on two days ago when we were out at the property. I told them that I had this information before, but the hearing was still scheduled so -

CHAIR KERNEY: Okay, are you -

MS. RUSS: I have no problem with submitting it. In fact, that's what this letter was for from the roofing company. This was on April 11th of 2008.

CHAIR KERNEY: Okay. So you're asking the Board today for an extension to give you time to put your plans in and receive a permit.

MS. RUSS: Yes sir, yes sir.

CHAIR KERNEY: Okay. Wayne, do you have something to add? You've looked at these drawings?

INSPECTOR STRAWN: No I haven't seen the drawings. I just question whether or not the roofing company has a contractor's license. Because the roofing license won't be good enough.

CHAIR KERNEY: Right.

MS. RUSS: [inaudible] License [inaudible] company these are all their proposals, [inaudible] everything's right here, everything's legit.

MR. SCHERER: That would be a general contractor's license, not a roofing license.

INSPECTOR STRAWN: Fluker Roofing Incorporated.

MR. SCHERER: Is it a CGC?

MS. RUSS: I'm sorry? This is the roofing company here.

INSPECTOR STRAWN: I don't see a CGC number on it.

MR. SCHERER: Should be under the signature.

INSPECTOR STRAWN: Yes, if this is only a roofing -

MS. RUSS: They're first rate, they're legitimate, they can be, they do work all around the, rehab the entire Broward County area and the community where that property is located. They have a building that's located just south of my building there.

INSPECTOR STRAWN: Well, he's in violation of the, he is supposed to have his contractor number on any kind of a document like this.

MS. RUSS: I'm sorry?

INSPECTOR STRAWN: He is supposed to have a contractor number and that would determine if he was the proper kind of contractor.

MS. RUSS: Mr. Strawn, I went there this morning on June

19, because when I spoke to you two days ago, I didn't know that I had to have a contract. So therefore I tried to take the initiative, do the right thing and go there this morning [inaudible]

INSPECTOR STRAWN: I understand, I understand your efforts, but I understand. What I'm concerned about is Fluker Roofing doesn't have a building or a contractor's license, then he's not qualified to do the job.

CHAIR KERNEY: Right. And that's fine.

MS. CHARLTON: Let me just say something. I'm familiar with Fluker, and he do have all the credentials.

INSPECTOR STRAWN: Alright, I -

MS. CHARLTON: He's done several jobs for me, so he is -

INSPECTOR STRAWN: Good, very good.

CHAIR KERNEY: Is he a general contractor?

MS. CHARLTON: Yes he is.

INSPECTOR STRAWN: Yes, He's got RC and GC.

CHAIR KERNEY: Well, I was going to suggest, it really doesn't matter to this Board. What we're going to do is grant the time to go do it hopefully and -

INSPECTOR STRAWN: What I was concerned about also, I explained to the folks, is that the building hasn't been in use for more than six months. It enjoyed or did enjoy some legal nonconforming status with regard to the parking lot. It only has two or three places to park in front of the building.

If the Zoning Department enforces their old code, which says they have lost their grandfather, their legal nonconforming status, then they may have to actually alter the building and make it smaller to provide the required parking. So I don't know what, whether or not they, before they spend a lot of money on architectural plans, they should probably have their design professional go into the Zoning Department and find out whether or not this is going to fly.

CHAIR KERNEY: Okay, thank you Wayne.

MS. CENTORINO: Can I ask just one question because I'm the one who ran around and got listing agreements. At this point we're just not going to be able to sell this property, would have to either agree to have it demolished or rehabilitate it somehow? There's no way we can just sell it.

MR. SCHERER: Nope.

MS. CENTORINO: Okay.

MR. SCHERER: It's a cloud on the title.

MS. CENTORINO: Pardon me?

MR. SCHERER: It's a cloud on the title.

MS. CENTORINO: Okay, okay, got it.

MR. SCHERER: You can sell it, but it's going to be [inaudible] so the next guy's going to have to deal with us.

MS. WALD: Mr. Scherer, I'm sure, is not giving legal advice to you.

CHAIR KERNEY: No, I'm sure he's not.

MR. SCHERER: I'm not giving legal advice. That's what the City Attorney is here for.

CHAIR KERNEY: The problem is, if we get into us waiting for you to sell it and it drags on and then the new owners are going to want to come in. They're going to want some time to correct and things like that. Your best course of action is to come and ask this Board for 60 days to put your plans in. Once you pull a permit you're done with us.

MS. CENTORINO: Okay, that's what we're asking for.

CHAIR KERNEY: Okay. Alright, is there any additional questions from the Board? Do I - I'll entertain a motion from the Board.

MR. JARRETT: I'll make the motion. I make a motion that the Board give the lady a extension - I'm looking for the date here - to 60 days to the August 21st, did I get that right?

MS. HALE: Yes.

CHAIR KERNEY: You did.

MR. JARRETT: To the August 21st meeting. And let me ask to confirm. Gerry, you said it is boarded up, is that correct? That's not a problem? I would say that this extension does include a condition that it continue to be boarded up, and that that boarding's maintained for the safety of the neighborhood.

INSPECTOR SMILEN: Yes. They have, they were putting the effort in there and they were working on it. There was maybe

one opening that needed to be completed and I haven't been back there since. But I'll go by there and make sure.

MR. JARRETT: Very good, thank you.

CHAIR KERNEY: Okay, so if I understand the motion correctly, it's an extension to the 8/21/08 meeting. The conditions of that extension are that the property remain boarded up and secure and that they come back with a permit, which actually, you wouldn't even come back if you ended up with one.

MS. RUSS: Mr. Kerney, I have some -

CHAIR KERNEY: I've got an open motion, give me one second.

MS. HALE: I'll second that.

CHAIR KERNEY: Okay, I've got a motion and a second, go ahead.

MS. RUSS: Okay. I have some concerns about the procedure of this matter taking place. I know I have to take care of the roof. The electrical, due to the write up of the complaints of the electrical, that apparently has to be completely redone. So my concern is, do I need to take charge of the Interior demolition of the building first so that I can therefore get an electrical licensed contractor out there to take care of that electrical matter first, and then after that-

CHAIR KERNEY: No, what you need, what you're going to

need is a full blown set of drawings that show plumbing, electric, mechanical -

MS. RUSS: I have that.

CHAIR KERNEY: Okay. Assuming that you do, then your general contractor, whether it be this roofing contractor or somebody else, will pull a permit based on those plans. And then I would think that that general contractor would work getting these disciplines in order to get the work done.

But as far as we're concerned, and what you're trying to do with us, you don't need to get sub-contractors involved; you need to get a general contractor involved.

MR. HOLLAND: [inaudible]

MS. RUSS: Right, that's the general contractor.

CHAIR KERNEY: That's the general contractor.

MS. RUSS: Right, yes.

MR. HOLLAND: I heard some good advice earlier about a design professional. I'm concerned about the zoning issue. As she intimated herself, all is lost, possibly if the zoning issue, I think it would be very wise to find the right design professional to resolve that zoning issue in conjunction with the submittals and general contractors. It's really the horse before the cart.

CHAIR KERNEY: Right. Great advice, we don't want to get involved with it, we just want it off of our plate. I'm sorry, did you have something else?

MR. JARRETT: Yes, I just have one comment because she spoke of the electrical contractor. Let me point out to you so that you don't get the wrong impression of what you may have to do, and your design professional will explain this to you.

You're dealing with a commercial building. A residence has certain basic requirements that you would have to go in and upgrade to that. This is a commercial building. There are no basic requirements other than the light bulb in the room. Your electrician can go in there and remove the hazards; he doesn't have to replace the wiring. He just takes out the hazards.

And if you do it this way, likewise with the plumbing, the air-conditioning, you're doing, you have, you don't have to go in there and make this the Taj Mahal. You just go in and make it the minimum.

MS. RUSS: Well thank you, that was very fruitful.

CHAIR KERNEY: Okay, so I've got a motion and a second. Is there any more discussion on the motion? Hearing none, all those in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? You have sixty days. Thank you.

3. Case: CE08030370

[INDEX](#)

Arch James III & Kay Oliver

651 North Andrews Avenue

MS. PARIS: Our next case is on page five. This is an old business case: CE08030370. The inspector is Gerry Smilen. The address is 651 North Andrews Avenue. The owner is Kay and James Arch Oliver III.

The property was posted on 5/21/08, advertised in the Broward Daily Business Review 5/30/08 and 6/6/08. Certified mail to the owner, signature illegible. Certified mail to Kay C. Oliver, signature eligible. Certified mail to Theodore Fulton Jr. returned "unknown."

Certified mail to Stephen J. Simmons, Esquire, returned. Certified mail to John Jones Plumbing returned, "unable to forward." Certified mail John Jones, as registered agent for John Jones Plumbing, returned, "unable to forward." Certified mail to tenant in possession returned "vacant." Certified mail to Raymond Nyhuis, signed by Carrier, 6/4/08.

This case was first heard at the 5/15/08 USB hearing. At that time, the Board granted a 30-day extension to the 6/19 hearing, with the stipulation that the property must be boarded up and secured, the water must be turned off, the City inspector must verify that the board up is done correctly, the respondent must return with an engineer's report, and the

respondent must return with proof from the property owner authorizing him to act on his behalf.

CHAIR KERNEY: Thank you. You again Gerry? You've been busy this month.

INSPECTOR SMILEN: Again, who else? Gerry Smilen, City Building Inspector. I went by the property two days ago, and unfortunately the board up looks really good except again in the back. There is two rectangular windows. The plywood appears to be just leaning up against there, and there's still a 2 x 4 just nailed across the top header of the door that's holding in place that was not changed. So there's two, there's three areas on the building that I'm still concerned about as far as security.

CHAIR KERNEY: Okay, thank you. Do we have a respondent? Good afternoon. State your name for the record.

MR. NYHUIS: Raymond Nyhuis.

CHAIR KERNEY: What do you have for us today. What's different since -

MR. NYHUIS: Almost everything you wanted.

CHAIR KERNEY: Almost everything I wanted; there's a stretch.

MR. NYHUIS: Well, I didn't get back with him because I didn't have enough time, and I neglected to get back with him to get the inspection, [inaudible] but I guess you went by anyway, right?

INSPECTOR SMILEN: Yes.

MR. NYHUIS: Okay.

CHAIR KERNEY: Was this the fire?

MR. NYHUIS: Yes.

CHAIR KERNEY: Okay, now I remember.

MR. NYHUIS: Okay. I'll just take them in order as we go down the sheet. Board up and maintain the property: Just prior to coming here, we had to take off the boards on the back again to let the engineer in and do the inspection. And once again after I put them up, I can't get the screws to go in correctly and people just keep pushing them in and breaking in. I don't know why you want to go in a burnt up building. Tell me why anybody wants to go in a burned up building. There's nothing there to go in for, okay? So you understand that's why that is.

The door: the bar that goes across is just an extra safety precaution to stop them from jimmy-ing the door because the plywood behind it is covering the hole.

CHAIR KERNEY: Okay.

MR. NYHUIS: So, but the door is just not useful, and I'll have to get a permit to replace that or repair it anyways. Turn off water to the property: the meter was pulled two days later, I was just waiting for the City to do that. The City inspect the board up: Well, you heard the concerns about the board up.

Return with an engineer's report: I returned with a letter from ARP Engineering Corporation. He would like me to do something else to the property so that he can continue and complete his inspection. He wants me to remove anything, drywall, hanging wires, anything that's not going to be kept there. So he can do a structural inspection deeper than what he can do now.

Two reasons are stopping him: because of that stuff is there and because it's too dark inside without taking off the board up of the front with no lights and everything. He just couldn't get a good inspection done. So I have that letter, do you want to see it or do you want me to put up there, or -

CHAIR KERNEY: Sure, put it up there. That'd be fine.

MR. NYHUIS: Can you see it?

MS. HALE: Uh-huh [affirmative]

MR. NYHUIS: But I told him I would do that before this hearing and he said do not touch anything until you go to the hearing and make sure that's okay with them. He said, I will give you the letter to go into the hearing with so that they know that you're not goofing around, but he would like me to rip out more of the garbage so he can do a better structural inspection.

CHAIR KERNEY: Okay.

MR. NYHUIS: I didn't think that sounded unreasonable, I don't - And then, the respondent return with the property

owner authorizing him to act on behalf of the owner: I gave that to the City Attorney and she's handed it to them.

CHAIR KERNEY: Okay.

MR. NYHUIS: I think I did most everything.

CHAIR KERNEY: Sounds like it.

MS. HALE: Yes.

CHAIR KERNEY: Sounds like we got close. I have a question for Gerry. This additional demo that the engineer is requiring, is that something that he can do without a demo permit? I mean, he's not going in demo-ing the whole structure or a great portion of it, just certain areas that this -

MR. NYHUIS: Nothing structural.

CHAIR KERNEY: Nothing structural. Is that something he can do without -

MR. NYHUIS: [inaudible] drywall, loose-hanging wires lights -

CHAIR KERNEY: - without coming to the City and getting permission? Considering the circumstances.

INSPECTOR SMILEN: Well, I, as long as, if we're just talking about drywall to uncover structural areas, I don't think the City would object to that.

MR. NYHUIS: And that, what do you call that, insulation? The, all it is, that fiberglass insulation with the paper on the back?

INSPECTOR SMILEN: Yes, the bad insulation.

MR. NYHUIS: [inaudible] that off so he can see the beams underneath.

INSPECTOR SMILEN: Well, what I would like, I would like to be notified when this is going to happen. And I'd like to come by and see it myself, probably would be a good idea.

MR. NYHUIS: You want to see it as it's happening or after it's happened?

INSPECTOR SMILEN: Well, I want to see, first of all, I want to go there before you do anything and I want to see exactly what areas you're going to be pulling the drywall off, and the insulation -

MR. NYHUIS: Okay.

INSPECTOR SMILEN: - and then go from there.

MR. SCHERER: Who's going to do the -

INSPECTOR SMILEN: I just want to make sure, I understand that it was a fire, there was an investigation. Fires require a lot of things removed so I certainly don't want to hold anybody to task, but in the same respect I want to make sure that we're not touching anything that's structural that could be a problem later on.

CHAIR KERNEY: Alright, you wouldn't have a problem with that, would you?

MR. NYHUIS: I don't know. I figured the engineer could take responsibility for that. If he wants to come and do it

it's fine. He was going to come in and look at it afterwards and so forth, but whatever he wants to do is fine.

CHAIR KERNEY: He's offering, you might as well accept his generosity.

MR. NYHUIS: Absolutely.

MR. JARRETT: I think the City Attorney wants to speak.

MR. NYHUIS: [inaudible]

INSPECTOR SMILEN: Excuse me, I'm not looking to pick up a hammer or get dirty or anything. I'm just going to look at this. That's okay.

MR. NYHUIS: [inaudible] it off.

INSPECTOR SMILEN: I'll assume the supervisory stance there.

CHAIR KERNEY: Would you like to offer legal advice while you're standing there?

MR. NYHUIS: [inaudible] a lot of that today.

MR. SCHERER: I think I can do that for him.

MR. NYHUIS: But I just wanted you to see that I did try to complete each and every thing that you wanted and that we're working on it and it's just, it's just, it's a nightmare.

CHAIR KERNEY: We have a question from the Board?

MR. SCHERER: One of the things that your engineer says is that you have to shore up the roof before anything is removed.

MR. NYHUIS: He added that in there to make sure that when there were, when the beams were exposed, if there was anything more than a quarter inch taken off of any rafter or beam or anything, for my safety, that I put something underneath it to shore it up. Just so that -

MR. SCHERER: Are you doing the work yourself?

MR. NYHUIS: Yes. I can't afford to have anybody do this work except for volunteers from the City. No, seriously -

MR. SCHERER: I mean, because if it's -

MR. NYHUIS: There's nothing -

MR. SCHERER: - shoring up a roof is a lot more than just putting a piece of 2 x 4 sitting up there. So I think our structural engineer will tell you that.

MR. NYHUIS: The engineer will instruct me as we go, on what needs to be done. If he sees something that's unsafe he's going to tell me. But, he's, we went through the building, he said there were certain areas right where the electrical panel was, that we didn't take down the drywall. He wants to make sure above there that nothing went through the drywall.

Also there's places where the insulation was up there, and the rafters underneath got soot on them. He wants to make sure that none of the flames went above the insulation melting it, or whatever it does to it. He wants it all down so he can take pictures and give an inspection/engineering report. So

he's basically just saying he wants to see more behind all the material that's hanging up there in the way.

MR. BARRANCO: Got a question. Have you ever had an asbestos report done on the building?

MR. NYHUIS: A what?

MR. BARRANCO: An asbestos report?

MR. NYHUIS: There's no asbestos. It was remodeled in 1989, there's no asbestos in the entire building.

MR. BARRANCO: Was there a demolition -

MR. NYHUIS: And there's no lead paint either.

MR. BARRANCO: Has there ever been a demolition permit pulled on that building?

MR. NYHUIS: That I can't tell you. You didn't ask for that last time. I would have looked for it, I promise.

MR. BARRANCO: How do you know there's no asbestos in the building, was my question. I'm just, you said there's not and I'm just -

MR. NYHUIS: Wouldn't they not have required it when the building was remodeled in 1989 before they gave any kind of permits whatsoever, being it was an old building?

MR. BARRANCO: Yes, they would have. If you pulled a demolition permit, you would be required to go to EPD.

MR. NYHUIS: Then I can probably, 85 to 90% assure you that it was done then, but I would have to ask.

MR. BARRANCO: Because you guys, you do realize, if we,

June 19, 2008

it almost seems like we're approving demolition without a demolition permit. And that's something that's usually triggered when you go to get a demolition permit is that you do get an asbestos survey. So anybody walking in there is not exposed to asbestos, including you and you. And that's just the proper avenues, and that's the way things are done and I'm-

MR. NYHUIS: Did you see anything that might be asbestos?

MR. BARRANCO: We're almost issuing a, proposing to issue a demo permit -

INSPECTOR SMILEN: Gerry Smilen, City Building, I wouldn't know asbestos if it hit me in the face. Basically, what I can tell you as far as the demolition goes, the building is partially demolished as it is due to the fire and the condition of it. The City, at this point, does not have an objection to exposing some areas of structural significance to make sure that the building is sound. We don't have a problem with that and we're not looking at it as a complete demolition of the building.

As far as the asbestos thing, I'm sorry, I can't help you there, I don't know.

CHAIR KERNEY: I'm of the opinion that this is a little, we've got to be a little flexible here. This isn't a property that somebody just let go to pot and now they're looking for some leeway. This is certainly not of this gentleman's doing.

MR. BARRANCO: I'm not suggesting we don't give anybody leeway. Why can't we ask for -

MR. NYHUIS: Would you like [inaudible] you can ask him.

MR. BARRANCO: Can I finish?

MR. NYHUIS: Yes, go ahead, I'm sorry.

MR. BARRANCO: Why can't we ask them to get a partial demolition permit, just so they go through the ropes? I'm not suggesting we demolish the entire structure. I'm just saying, just for everybody safety, it almost seems like we're taking the authority to say, oh yes, do a partial demolition.

Every partial demolition project I've ever done, you've got to go to the County, you got to talk to EPD, and you've got to show them that you're doing things the right way and you're not going to harm the people who are in there doing the work or anybody else for that matter, so.

INSPECTOR SMILEN: I would not oppose that motion.

MR. JARRETT: Can I and make a comment?

CHAIR KERNEY: Yes.

MR. JARRETT: I'm familiar with the building, I've seen it for years.

MR. NYHUIS: I know, you've seen the first fire.

MR. JARRETT: I saw the first fire, right. It was a little filling station. My experience has been with asbestos - the few times that I've run into it - has been limited to, like major sized buildings that were quite old over on the

June 19, 2008

beach. In fact, I've never even run into it in a building in the City at all. And a building like that, I don't, I can't even conceive that there would be any asbestos -

MR. BARRANCO: What year was it originally built?

MR. NYHUIS: I don't know the original date it was built, but it was remodeled in 1989, so, fully remodeled and added on.

MR. JARRETT: Oh, it was old, it's old, the original building is old.

MR. BARRANCO: I just remodeled a building which was a small residential structure, and it had two places where it had asbestos in it.

MR. JARRETT: What, on the AC duct or something?

MR. BARRANCO: No, in the tile, and it had it under the sink, which looks like a black mastic and everybody scratches it and plays with it and it's asbestos. I didn't think it'd be there, but -

MR. JARRETT: But I think that asbestos that you're -

MR. NYHUIS: The floor's concrete, and the roof is wood, and there's no other materials in the building other than drywall, concrete and wood.

MR. SCHERER: I'm ready to make a motion. Anybody else -

CHAIR KERNEY: Go ahead.

MR. SCHERER: [inaudible] discussion? Make a motion for a 30-day extension. Within that 30 days, I guess we have to

pull, ask for a permit, you have to -

CHAIR KERNEY: A demo, partial demolition?

MR. SCHERER: You have to have a partial demolition permit and return with a report from your structural engineer.

CHAIR KERNEY: Okay. So I have a motion for an extension to the July 17 meeting with the stipulation that a partial demolition permit will be pulled and that your engineer has completed his work by the time you return on the 17th. Is that correct?

MR. SCHERER: Yes.

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

MS. HALE: I'll second.

CHAIR KERNEY: I have a motion and a second. Is there any discussion on the motion?

MR. NYHUIS: Just one: can the Board approved the demolition with Mr. Smilen supervising being brought there instead of pulling a permit?

MR. SCHERER: No.

CHAIR KERNEY: That's not what the motion says.

MR. NYHUIS: Okay. Well, I was discussing.

CHAIR KERNEY: Okay.

MR. NYHUIS: Pulling a permit takes a long time nowadays.

CHAIR KERNEY: Any more discussion on the motion?

MR. JARRETT: Yes, I had discussion. I question the

necessity for a demolition permit, because I have personally gone on these -

MR. NYHUIS: Thank you.

MR. JARRETT: - type of things after a fire and so on, many times in the past and we never had to pull a demolition permit to expose things for the engineer to check.

CHAIR KERNEY: I agree. I don't think this engineer is asking for a huge amount of things to be torn down, just for some things to be exposed.

MR. HOLLAND: Actually, I have some concerns with that. In the letter, I could see pulling some sheet rock and cosmetics, ceilings, insulation, but the letter specifically says to pull structural members out that have more than a quarter inch thick burn on them. That's normally not done, to my understanding -

MR. JARRETT: No, I think that would be after -

MR. NYHUIS: No, it says to obtain a structural wood, a demolition permit to remove any structural wood frame. In other words, if I have to do that, I have to get a permit through him to remove anything that's structural. I'm not removing anything structural.

MR. HOLLAND: Oh, okay. I couldn't see the whole -

MR. SCHERER: Can you put that back up?

MR. HOLLAND: Is this a general contractor, ARP Engineering?

MR. NYHUIS: General contractor, engineering, both him and his wife are for a long time now.

MR. HOLLAND: And he's a PE, okay. And their inspection wasn't completed, but to determine the full extent of the damage we recommended that the owner or his rep obtain the demolition permit to remove any structural wood framed interior areas that have more than one inch thick, oh, okay.

This is to determine the full extent of the damage. Do the, demolition of structural members, that's a way different than taking off [inaudible]

MR. NYHUIS: Okay, what the letter is stating - and if you have to have it rewritten, I will bring it back and have it rewrite - he wants me to make sure that I don't remove anything structural. I'm using general terms, I'm talking beams, trusses, anything that is structural. He wants a permit pulled to remove or repair.

MR. SCHERER: Right, but he's saying in his letter that he can't to do a complete inspection until that's done.

MR. NYHUIS: No, if I do have to do that for him to see anything else, he wants a permit.

MR. HOLLAND: Okay, I -

MR. NYHUIS: The letter is [inaudible]

MR. HOLLAND: - we can't give you any legal advice, but I think the permit process may help in this. This is just unusual for me, but -

MR. NYHUIS: If you would like -

MR. HOLLAND: - again, we can't give out legal advice on a contract matter but, I personally feel that the permit process might be warranted here. This is, you've got to be very careful in the investigation portion of these things pulling structural members to do more, and I don't see in the letter where he's taking the responsibility. He's taking -

CHAIR KERNEY: You're not going to get a structural guy [inaudible] to take responsibility for [inaudible] that's just not going to happen.

MR. HOLLAND: I think, I personally would get, be able to do the investigation without pulling the charred member, structural members to do an evaluation.

CHAIR KERNEY: Yes, go ahead, Gerry.

INSPECTOR SMILEN: Gerry Smilen, City Building Inspector. This is supposed to be a fact-finding mission, this is not supposed to be removal of any structural anything. We're supposed to examine what's there and then it's supposed to be determined what has to be replaced, repaired or whatever.

So removal of any structural members is not something - unless he wants to get that written on his demolition permit if he wants to go that route - but this is a fact-finding mission here. So I don't know how we got into removing structural members.

MR. HOLLAND: It says so in the letter, Mr. Smiley, is

June 19, 2008

what I'm referring to directly. And I appreciate your opinion, but that letter is very clear about to do further investigation removing charred structural members.

INSPECTOR SMILEN: Well, I think that might be the key there, the further inspection. I think right now he's saying that he can't inspect what's there until it's uncovered. Then once it's uncovered, if he sees that something's very charred or damaged, that would be a further inspection -

MR. HOLLAND: I understand the logic of the process; I'm just concerned with the letter and how this may be gone about. That's why I was speaking to the issue of perhaps a demolition permit may assist in the process, because I'm concerned about that letter.

INSPECTOR SMILEN: Well, the thing is, he can't remove anything structural without specifying that he's going to do it.

MR. SCHERER: So I'll amend my motion, okay? I'll amend the motion to say within 30 days your structural engineer has a report completed on the assessment of your property.

CHAIR KERNEY: So, all we're doing is removing the portion about the demolition permit.

MR. NYHUIS: We're not removing any structural -

CHAIR KERNEY: I think he's giving you what you want, sir.

MR. SCHERER: Your structural engineer [inaudible] report

to us.

CHAIR KERNEY: Okay.

MR. NYHUIS: Absolutely.

CHAIR KERNEY: Who made the second?

MS. HALE: I did.

CHAIR KERNEY: You did. And will you accept that amendment?

MS. HALE: I accept the second, on the new amendment.

CHAIR KERNEY: Okay, the motion is going to be for a 30-day extension to the July 17th meeting at which time he has to return with the final report from the structural engineer. Is that correct?

MR. SCHERER: Yes, that is correct.

CHAIR KERNEY: Okay, and that's how you understand the second as well? Okay. Are there any -

MS. HALE: Is that a problem?

MR. NYHUIS: I'm going in the hospital on, I'm going to be in the hospital having an operation on that week and I don't know if I can make it.

MR. SCHERER: Can your structural engineer be here?

MR. NYHUIS: If I want to pay him \$350 an hour, he can be here. I mean, this is -

CHAIR KERNEY: Well, how about if we see him first?

MR. NYHUIS: Huh? I'm just, like I said I just, I know the date and I have to go into the hospital so -

MR. SCHERER: How about, have your structural engineer here? How about that?

MR. NYHUIS: Okay, either that or have someone authorized to represent be here to explain what's gone on and give you the documentation?

MR. SCHERER: I would say have your structural engineer here.

MR. NYHUIS: I'll try.

MR. SCHERER: I know you don't want to have him here, however -

MR. NYHUIS: No, I would love to have him here but it's very expensive.

CHAIR KERNEY: Is it possible to have the letter put into evidence here if there's nobody to present it?

MS. WALD: Yes, if the letter is provided to the clerk prior to the date, then it can be provided to all the Board members as evidence.

MR. SCHERER: My problem with doing that is that if we have a question, one question about anything on the letter, nobody's here to answer it. And then what happens if nobody's here to answer it, we read this paragraph that says we demolish your property. That's typically what happens. So you need to have somebody here that can answer the questions.

MR. NYHUIS: Okay.

MR. SCHERER: Whether it's you, whether it's probably

June 19, 2008

your structural engineer should be here.

MR. NYHUIS: Okay.

CHAIR KERNEY: Okay, so I have a motion and a second. Do I have any discussion on the motion? Seeing none, all in favor, signify by saying aye.

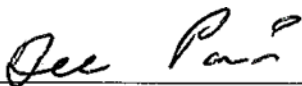
BOARD MEMBERS: Aye.

CHAIR KERNEY: All opposed? You know what you've got to do, right? Thank you.

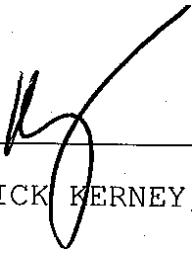
MS. PARIS: And that concludes the portion of our hearing with respondents attending. Start with page one. It's an old business case, CE06011118, case is withdrawn. Page two, it's an old business case, CE07051061, that case is withdrawn. Skip page three, go to page four, CE08020243 has been heard. Page five, CE08030370 has been heard. Page six, CE05121325 has been heard. Page seven, CE07120984 is withdrawn. And at the bottom of the page, CE08030624 is also withdrawn. That concludes our agenda for today's hearing. Thank you.

CHAIR KERNEY: Thank you.

[Meeting concluded at 4:00 p.m.]

A handwritten signature in cursive script, appearing to read "Dee Paris", is written above a horizontal line.

BOARD CLERK



PATRICK KERNEY, CHAIRPERSON

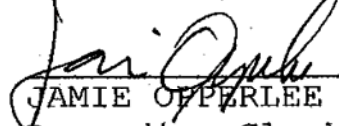
Minutes prepared by: J. Opperlee, Prototype Services

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held June 19, 2008, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.

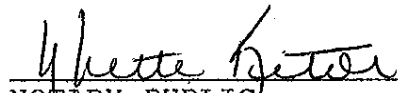
Dated at Ft. Lauderdale, Broward County, Florida, this 25 day of June, 2008.

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 June, 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