

CITY OF FORT LAUDERDALE
 UNSAFE STRUCTURES BOARD
 THURSDAY, JULY 17, 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	A	8	2
John Scherer, Vice Chair	P	7	3
John Barranco	P	6	0
Olivia Charlton	P	7	2
Pat Hale	P	9	1
Hector Heguaburo	A	6	4
Joe Holland	P	8	2
Thornie Jarrett	P	9	1
John Phillips [3:08]	P	4	2

City Staff

Yvette Ketor, Board Secretary
 Ginger Wald, Assistant City Attorney
 Bert Ford, City Building Inspector
 Jorg Hruschka, City Building Inspector
 Gerry Smilen, City Building Inspector
 Brian McKelligett, Administrative Assistant II
 Dee Paris, Administrative Aide
 Skip Margerum, Community Inspections Supervisor
 Wayne Strawn, Building Inspector
 J. Opperee, ProtoType Inc. Recording Clerk

Guests

CE05121325: Robert McIntyre, managing owner
 CE08050466: Adi Cohen, owner
 CE08030370: Ray Nyhuis, owner's representative
 CE07021325: Hope Calhoun, attorney
 CE07121155: Karen Black-Barron, bank representative
 CE07052165: Molly Hughes, neighbor

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<u>Case</u>	<u>Respondent</u>	<u>Page</u>
1. CE05121325	Crazy Gregg's Marina LLC	<u>3</u>
Address:	301 Seabreeze Boulevard	
Disposition:	60-day extension, condition to secure	

the unit in the event of a hurricane.
Board unanimously approved with Mr.
Phillips abstaining.

- 2. CE08050466 Adi Cohen [8](#)
 Address: 1405 N Andrews Avenue
 Disposition: 30 days to remove the shed and the
 addition to the nonconforming structure
 or the City will remove. Board
 unanimously approved.
- 3. CE07021325 Jungle Queen [39](#)
 Address: 2470 SW 21 Street
 Disposition: 90-day extension to 10/16/08. Board
 unanimously approved with Mr. Barranco
 and Mr. Scherer abstaining.
- 4. CE08030370 Arch James III & Kay Oliver [44](#)
 Address: 651 N Andrews Avenue
 Disposition: 30-day extension, building must be
 secured to inspector's satisfaction,
 respondent to return next month with the
 final engineering report, all discovery
 to take place within 30 days. Board
 approved 6 - 1 with Mr. Scherer opposed.
- 5. CE07121155 Ricardo Monteiro [59](#)
 Address: 1524 NE 15 Avenue
 Disposition: 30-day extension for the property owner
 to obtain or re-file or reactivate the
 building permit. Board approved 6 - 1
 with Mr. Phillips opposed.
- 6. CE07052165 Charles & Donna Jordan [74](#)
 Address: 716 SW 4 Place
 Disposition: 30 days to demolish the property or the
 City will demolish. Board approved 6 -
 1 with Mr. Phillips opposed.
- 7. CE07081657 Housing Authority of the City of [99](#)
 Fort Lauderdale
 Address: 830 NW 14 Way
 Disposition: 30 days to demolish the property or the
 City will demolish. Board unanimously
 approved with Mr. Scherer abstaining.

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

[This item was taken out of order]

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

Board members introduced themselves in turn.

All individuals giving testimony before the Board were sworn in.

1. Case: CE05121325

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Crazy Gregg's Marina LLC

301 Seabreeze Boulevard

MS. PARIS: Our first case will be an old business case on page one. It's case number CE0512132 - 1 - let me start over. It's CE05121325, the inspector is Gerry Smilen. The case address is 301 Seabreeze Boulevard, the owner is Crazy Gregg's Marina LLC.

We have service by posting on the property 6/25/08 and advertised in the Broward Daily Business Review 6/27/08 and

7/3/08. We have certified mail to the owner, signature illegible. Certified mail John Raymond Jr. registered agent for Crazy Gregg's Marina LLC, signature illegible 6/26/08. We have certified mail to Robert McIntyre, manager, Crazy Gregg's Marina LLC, signature illegible. We have certified mail to Richard T. Watson, manager of Fort Lauderdale and Southern LLC, signature illegible.

We have certified mail to Wachovia Bank, signed by Tom Patton 6/27/08. Certified mail to the Board of Trustees Of Internal Improvement Trust Fund, received by DEP Mail Center 6/27/08, and certified mail to the tenant in possession, signature illegible.

This case was first heard at the 6/19/08 USB hearing. At that time the USB granted a 30-day extension to 7/17/08, to the 7/17/08 USB hearing with the stipulation that the respondent return with a letter from his restaurant stating the facilities will be made available to the person working in the booth. The respondent must also forward the letter to the building inspector for approval. And the violations are as noted in the agenda.

MR. SCHERER: And do we have a respondent?

MR. MCINTYRE: Yes. Hello, my name's Robert McIntyre, managing owner for Crazy Gregg's Marina. Just to update you where we left off, the plans have been turned in to this City for the complete replacement of the shed that's on that

property. Waiting for the City to return permit application, and then the contractor can start. I do have a copy - I brought it with me just so you guys would have it - of the letter from the Quarterdeck Restaurant granting permission to use their facilities.

MR. SCHERER: Yes. Could we, you can put it right there if you want.

[Mr. McIntyre showed the Board a copy of the above letter on the Elmo]

MR. SCHERER: So you've applied for the permit already?

MR. MCINTYRE: Yes.

MR. SCHERER: Okay. When did you apply?

MR. MCINTYRE: It was turned in, I believe yesterday morning.

MR. SCHERER: Okay.

MR. MCINTYRE: The architects and engineers made several visits out to the property. But what took a little bit of time was they had to go out and evaluate the foundation that was already there. They did some [inaudible] excavation to see how deep the concrete structure went down and everything. So, they did all that, did their engineerings and drawings and got me the contractor and then we were able to get them in to you guys.

MR. SCHERER: Okay. And what do you, think you need an extension, obviously?

MR. MCINTYRE: Probably in 30 days, it will be done or 30, 60 days, whatever.

MR. SCHERER: Okay. Is there a motion or any discussion?

MS. HALE: What about Gerry?

MR. JARRETT: I have a question -

MR. HOLLAND: We have staff.

MR. JARRETT: - for the building inspector.

MR. MCINTYRE: Okay.

MR. SCHERER: Okay. Gerry?

INSPECTOR SMILEN: Gerry Smilen, City Building Inspector. The City's happy with the progress that's going on on this case. He has, we have confirmed that all these plans are in, the permits are applied for. We feel that he should get an extension. We wouldn't be opposed to it. I would say minimum 60 or 60 some-odd days, however it works out.

MR. SCHERER: Okay.

MR. JARRETT: I'll make a motion for an extension. First, I'd like to ask Gerry, you said 60 days. Is there some difficulty, you think, in him getting the plans approved within 30 days?

INSPECTOR SMILEN: Well, I wouldn't want to, to me, I think the intentions are very good and in case there's a backlog and the plans don't get approved right away, I don't see that his direction is going to change any. So this way we would, instead of having him come back in 30 days and say

well, the plans are still in the Building Department, I think 60 days would probably make sure that he'd come back here telling us he's got a permit approved and we could be done with this.

MR. JARRETT: Real good. Okay, I make a motion we give the gentleman a 60-day extension to the, is that the September 18th meeting?

MS. HALE: Yes. I'll second.

MR. SCHERER: Okay, I have a motion and a second, is there any discussion on the -

MR. HOLLAND: Yes, I think we're in hurricane season. I don't know if you had conditions last time about securing the structure during a hurricane event. But I would like to suggest an amendment to the motion that things are tied down to deal with the deficiencies during a hurricane event.

MR. SCHERER: Okay, we have an amendment to the motion.

MR. JARRETT: I'll accept that. Would the building inspector like to make a comment on that?

INSPECTOR SMILEN: I guess what we can do is, you can go ahead and the, Crazy Gregg's can go ahead and secure it and call me and I'll come down and look at it, make sure it's secured, I guess with cables, whatever. And then I'll confirm that at our next meeting.

MR. SCHERER: Okay. So the motion is for a 60-day extension and to secure the unit, I guess that's what it's

called, in the instances of hurricane.

MR. MCINTYRE: Okay.

MR. SCHERER: Okay, all those in favor of the motion, signify by saying aye.

BOARD MEMBERS: Aye.

MR. SCHERER: All those opposed?

MR. SCHERER: Motion passes, you have 60 days.

MR. PHILLIPS: I'll refrain since I just walked in.

2. Case: CE08050466

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Adi Cohen

1405 N Andrews Avenue

MS. PARIS: Our next case will be a new business case on page seven. It's case CE08050466, the inspector is Gerry Smilen. The case address is 1405 North Andrews Avenue, the owner is Adi Cohen.

The property is posted on 6/16/08, advertised in the Broward Daily Business Review 6/27/08 and 7/3/08. We have certified mail to the owner, signed by Adi Cohen on 6/17/08. Certified mail to Mortgage Electronic Registration Systems Inc. signed by Sarah T. on 6/18/08. Certified mail to Electronic Data Systems Corp. registered agent for MERS, signed by T. Pearson 6/18/08.

Certified mail to Countrywide Home Loans Inc. doing business as America's Wholesale Lender, signed by Oscar A.

Vasquez Torres 6/18/08. Certified mail to the Prentice-Hall Corp. System Inc. registered agent for Countrywide, signed by Kim Glover on 6/18/08. Certified mail to America's Wholesale Lender, signature illegible, 6/19/08. Certified mail to HSBC Mortgage Corp. USA, signature illegible 6/19/08. Certified mail to CT Corporation System, registered agent for HSBC Mortgage Corp. USA, signed by Fred Singer.

Certified mail to Commonwealth Land Title Insurance Company signed K. McDonald 6/18/08. Certified mail to Richard Geisert, signed by R. Rose. Certified mail to the Chief Financial Officer as registered agent for Commonwealth Land Title, received by Department of Financial Services, L. Sineath, Department Supervisor, 6/18/08. And certified mail to the tenant in possession, no response.

INSPECTOR SMILEN: Good afternoon Board. Got to love the way she reads those things, she's pretty quick, huh?
Inspector Jerry Smilen, City of Fort Lauderdale presenting case number CE08050466. This property was first inspected on 5/7/08, and the following violations were cited:

FBC 117.1.1

THE TWO WOOD FRAME BUILDINGS ON THE PROPERTY ARE UNSAFE. THE BUILDINGS PRESENT AN UNACCEPTABLE WINDSTORM HAZARD. THE BUILDINGS ARE A LARGE BUILDING AT THE REAR OF THE PROPERTY AND A SMALL SHED ON THE NORTH SIDE. NO

PROVISIONS TO RESIST UPLIFT FORCES HAVE BEEN PROVIDED. THE REAR BUILDING IS IN VIOLATION OF THE CITY OF FORT LAUDERDALE'S UNIFIED LAND USE REGULATIONS AND THE MINIMUM HOUSING CODE.

FBC 117.1.2

THE REAR BUILDING IS A GREENHOUSE STRUCTURE THAT HAS BEEN ALTERED/EXPANDED FOR USE AS A DWELLING. NO PERMITS WERE ISSUED. THE ORIGINAL STRUCTURE WAS IN THE REAR YARD SETBACK. IT WAS ALLOWED AS A LEGAL NONCONFORMING STRUCTURE. NO CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED FOR THE BUILDING AS IT NOW EXISTS. NO PERMIT HAS BEEN ISSUED FOR THE WOODEN SHED. BOTH STRUCTURES ARE "PRESUMED AND DEEMED" BY THE CODE TO BE UNSAFE.

FBC 117.2.1.2.1

THE FOLLOWING BUILDING COMPONENTS ARE LOOSE, HANGING LOOSE OR ARE LOOSENING:
ROMEX AND WIRE LATH ON THE EXTERIOR OF THE ALTERED REAR BUILDING.
T-111 SHEATHING ON A WOOD SHED CONSTRUCTED WITHOUT A SLAB.

FBC 117.2.1.3.1

PLUMBING AND ELECTRICAL WORK HAS BEEN INSTALLED IN THE REAR BUILDING. A WASTE LINE HAS BEEN

TAPPED INTO THE SEWER LINE THAT SERVES THE DUPLEX RESIDENCE IN THE FRONT OF THE PROPERTY. NO PERMITS HAVE BEEN ISSUED FOR THE ADDED CIRCUITS AND PLUMBING FACILITIES. THE WORK IS "PRESUMED AND DEEMED" TO BE UNSAFE.

FBC 117.2.1.3.2

THE REAR BUILDING HAS BEEN ALTERED FOR USE AS A DWELLING UNIT. THE BUILDING DOES NOT COMPLY WITH THE MINIMUM HOUSING CODE.

I visited the property a couple of days ago, and everything is status quo and in the same condition.

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

MR. SCHERER: So, someone's living in there?

INSPECTOR SMILEN: Not in the rear, not in the buildings in the rear. They're finished on the outside but they're incomplete on the inside with, we issued a stop work order.

MR. SCHERER: So we're not talking about the wooden shed, or we're talking about the wooden shed and the addition?

INSPECTOR SMILEN: Right. We're talking about the wood -

MR. SCHERER: Can you point to it for us, so we can see exactly what parts of -

INSPECTOR SMILEN: Obviously, this is the -

MR. SCHERER: Yes, the wooden shed obviously is -

INSPECTOR SMILEN: Obviously, that's the wood shed, and

this right here is the addition. Over here -

MR. SCHERER: We can't see that.

INSPECTOR SMILEN: This right here is where the greenhouse was originally, and the roof had been blown off on that, so it was just half a structure with half walls and then this was all built on top of it. This building right here was the original nonconforming building that was originally allowed to be there just as a storage unit and it was specified on the original plans that there weren't to be any plumbing or air conditioning in that building. And this is all joined together.

MR. JARRETT: Was -

INSPECTOR SMILEN: This whole thing here was done without a permit.

MR. JARRETT: That's what I was going to ask, was the permit ever issued for any of this?

INSPECTOR SMILEN: The permit was issued for this storage building, and I believe what this was originally, as a greenhouse with a glass roof on it.

MR. JARRETT: But it was only half that size, it stopped at the door?

INSPECTOR SMILEN: Yes, well this part here didn't exist, this was added in there and this whole thing was built up.

MR. JARRETT: So, there's been no inspections on the slab or electric in the walls or anything like that?

INSPECTOR SMILEN: No. This slab was existing but then again, I would have to say that looking at the age of when this was originally done as a greenhouse and not as a structure, that the slab would probably be inadequate to carry what he has on there now.

MR. JARRETT: And there would be no footer for the wall.

INSPECTOR SMILEN: Well, as far as we know it, no.

MR. JARRETT: Thank you.

MR. PHILLIPS: How are those two buildings connected, at a right angle?

INSPECTOR SMILEN: Yes. This joins -

MR. PHILLIPS: It isn't really depicted in the photo, but I'm just trying to figure out how they're - and it looks like the hip roof, does that end and then there's a flat roof in front of it?

INSPECTOR SMILEN: Yes, this whole flat roof comes swinging right around here. So it dies into the back here and then comes up front.

MR. PHILLIPS: and there's no, nothing tying down that hip roof from being blown up in the -

INSPECTOR SMILEN: This roof here you're talking about?

MR. HOLLAND: [inaudible]

INSPECTOR SMILEN: Well, yes, these are all hand rafters, they're not manufactured trusses and then these are nailed together, but there's not adequate strapping or requirements

again for any uplift that's required in a high velocity hurricane zone.

MS. HALE: Is there running water in this, including that shed?

INSPECTOR SMILEN: There was water. There is plumbing that was in progress, indoor plumbing being done in there and piping and we caught that and we stopped it as, before it was able to be sheet rocked and sealed up. So all the whole insides of these buildings are open with stud walls. So nothing's sealed up so you can see everything.

MR. JARRETT: Did you all go to the job at the time workmen were actually working?

INSPECTOR SMILEN: Yes.

MR. SCHERER: And how long ago was that? When did you red tag it?

INSPECTOR SMILEN: I believe we put a stop - actually it was probably April, but the case got turned over to me. It was originally Code Enforcement, got turned over to me 30 days.

MR. PHILLIPS: Why would, what was the criteria to go from Code Enforcement Board to Unsafe Structure? Is it the level of disrepair or life safety?

INSPECTOR SMILEN: Well, it depends. Originally, when Code Enforcement gets the case it's not, they don't really cover building violations. So there's usually something that

kicks it off: trash, overgrowth, things of that nature. And then of course, as things are discovered they hold the case for 30 days, unless it's a life safety issue. And then from there, it gets, the building violations get turned over to us.

MR. PHILLIPS: Thirty?

INSPECTOR SMILEN: Yes, usually a minimum of 30 days.

MR. PHILLIPS: Is this a foreclosure?

INSPECTOR SMILEN: No, not at this point.

MR. SCHERER: Is there a respondent here for this?

MR. COHEN: Yes.

INSPECTOR SMILEN: Yes.

MR. SCHERER: Okay. Why don't we hear from the respondent.

MR. PHILLIPS: Oh, I thought it was in foreclosure.

MR. SCHERER: Were you sworn in?

MR. COHEN: Hi, My name is Adi Cohen -

MR. SCHERER: Were you sworn in earlier?

MR. COHEN: Yes.

MR. SCHERER: Okay.

MR. COHEN: My name is Adi Cohen, I'm the owner of the property.

MR. SCHERER: Okay.

MR. COHEN: That structure was there and I was told by a general contractor that everything is going to be just fine because it's under grandfathered in. So I was a little bit

under assumption that it will be just fine. As far as the construction, if I can ask 60 days to have time to decide what I need to do. I need to consult with architect, engineer, and whoever that I can get help. The property is - actually I am facing some financial difficulties, and I'm behind the mortgage.

MR. PHILLIPS: Is this actually in foreclosure Mr. Cohen?

MR. COHEN: It's not in foreclosure yet.

MR. PHILLIPS: How come you had so many notices sent to the title company?

MR. COHEN: I have no idea.

MS. PARIS: Dee Paris for City of Fort Lauderdale. With an Unsafe Structures Board case, we do a title search and everyone that comes up in the title search that might have an interest in the property is noticed of the hearing.

MR. PHILLIPS: How would the title company have any interest?

MS. PARIS: Well, whatever comes up in our title search that comes from the City Attorney's office. Sometimes it's mortgage, sometimes it's title company, sometimes it's people who may have another lien from somewhere else, and they're all considered to have an interest in the property. So we go ahead and notify them as a - just as a courtesy.

MR. PHILLIPS: Did the title company, was there a recent sale, the title company didn't pick this up, the stop order?

MS. PARIS: I can check the file while you're speaking with the respondent.

MR. SCHERER: When did you buy the property?

MR. COHEN: In June 2007.

MR. SCHERER: June 2007.

MR. PHILLIPS: Who's your contractor?

MR. COHEN: His name is Jeff Beach.

MR. PHILLIPS: Jeff Beach?

MR. COHEN: Yes.

MR. PHILLIPS: Is he a licensed general contractor?

MR. COHEN: I don't know if he is licensed. He used to live here, but I don't know where I can find him now. And when I got the property maybe it was, the structure was there and I thought that's -

MR. SCHERER: When you bought the property that structure was there?

MR. COHEN: Absolutely. It was -

MR. SCHERER: The roof was on it and -

MR. COHEN: The roof was not on it.

MR. SCHERER: The roof was not on it.

MR. COHEN: Right. That's the [inaudible]

MR. SCHERER: The walls were, were the walls up when you bought it?

MR. COHEN: We just put the wall higher and put the roof and enclosed it.

MR. PHILLIPS: How about tying to the sewer to the front of the house, who did that?

MR. COHEN: That was by same person.

MR. PHILLIPS: Mr. Beach?

MR. COHEN: Yes.

MR. PHILLIPS: Are there people renting from you in that little back part?

MR. COHEN: No, I don't rent it, it's only storage.

MR. SCHERER: It's storage?

MR. COHEN: It served as a storage. It is a storage, and I, that's what I'm, I would like to keep it as a storage if it's possible.

MR. JARRETT: Did you believe that all this work that was being done did not require a building permit?

MR. COHEN: Absolutely. It does. And I was talked into it, to get it done and do the permit afterwards. But if I knew that I would get into this position I would have not started.

MR. JARRETT: Someone told you that you didn't have to get the building permit until after the work was done?

MR. COHEN: Yes.

MR. JARRETT: This general contractor you're dealing with? Okay.

MR. SCHERER: Gerry, I think, Gerry, go ahead. You want to say something?

INSPECTOR SMILEN: Basically, the City, Gerry Smilen, City Building Inspector. The City looks at this case, and there's basically two ways to go about it. The buildings that are there right now can't stay. It's, you have a building, the original building that was there as a storage building was a nonconforming building. It's in the side and the rear setbacks of the property.

It's allowed to stay there because it was there originally from many years ago. Now that this has been altered and modified, the building loses that grandfather clause to be able to stay there. So now it's in violation of the setbacks that are required of today.

MR. SCHERER: That's the flat roof part, right?

INSPECTOR SMILEN: That's the whole, well the whole thing.

MR. SCHERER: The whole thing.

INSPECTOR SMILEN: Because it's all one building now, and including the original building that was there. Mr. Cohen basically has two options: he can either tear down everything and put everything back to the original condition that it was, and then that building will fall back into its original nonconforming condition, or it all has to come down. But the way it stands right now, it can't stay there.

MR. SCHERER: He can't fix that or he can't get engineer drawings and get a permit because he's not going to get a

permit to fix the [inaudible]

INSPECTOR SMILEN: He won't because of the zoning.

MR. SCHERER: It's not going to work for zoning. Do you understand that Mr. Cohen?

INSPECTOR SMILEN: I explained this to Mr. Cohen and Mr. Cohen had indicated that he wanted to go for a zoning variance, which, that's his option if he wants to do that.

I did explain to him that the odds of him getting that zoning variance is going to be, were slim to none and he would be really rolling the dice on that. I think he needs to concentrate on what would be the proper thing, especially since we are in hurricane season, and he does have a structure there that is very questionable as far as what it can meet as far as wind resistance.

MR. SCHERER: Okay.

MR. HOLLAND: That's well stated; there's two issues: there's zoning and there's quality of construction, that's two strikes. I think that, I have a question about responsiveness during the Building Department phase. Was he responsive to stopping work or did you have to come back several times, red tag or - was he cooperative during the building -

INSPECTOR SMILEN: No, once we put the stop work order there, he was fine. Nothing has progressed since then so we're pretty much at a standstill. But of course as time goes on, it doesn't get any better and we are concerned because we

are in the middle of hurricane season.

MS. HALE: Are there loose building materials on the property? I don't see any from the picture, but -

INSPECTOR SMILEN: There is trash on the property as of two days ago.

MS. HALE: Okay.

INSPECTOR SMILEN: I don't have all the pictures, we did - I don't have, I don't know where they are.

MS. HALE: That picture shows trash.

INSPECTOR SMILEN: Yes, okay, there we go, right there. There's also other materials that are being stored behind the building. There's sheets of lath, wire lath and pipes and some other material, lumber material there that could be a hazard as well.

MR. COHEN: All that can be stored as of today.

MS. HALE: I'm sorry, can be what?

MR. COHEN: I said, all the loose items that he mentioned, they can be stored, and not being outside.

MS. HALE: I think he's worried about the roof going off the shed where you're going to store the items, am I right Gerry?

MR. COHEN: The shed, the wooden shed?

MS. HALE: Well, either that or -

MR. COHEN: The wood shed I can -

MS. HALE: - the roof which doesn't appear to be tied down

properly.

MR. COHEN: The wooden shed, I will have, I'm going to either remove it or I'll just pull permit and tie it and bring it up to code. But I'm more intent to remove it. And the roof that has been built -

MR. SCHERER: Gerry, go ahead, Gerry wanted to, excuse us for a second.

INSPECTOR SMILEN: As far as the woodshed goes, it is a homemade structure, there is no slab underneath it. And right now for him to be able to get a permit on that shed he would have to have a slab in place and then he would have to have an architect or engineer certify and tell him how it needs to be built so it doesn't fall under anything. It would need to come down. And the cost to have an engineer draw up plans for that shed and the slab and everything would be pretty prohibitive cost-wise, but that wouldn't be my call it could be done.

MS. HALE: Because that isn't a "Ted's Shed" that got -

INSPECTOR SMILEN: No it is not, no.

MS. HALE: - covered or something with that roof.

INSPECTOR SMILEN: It is not a prefab shed whatsoever, it has no engineering at all.

MR. SCHERER: Well Mr. Cohen, if, it -

MR. COHEN: I'm going to take it down.

MR. SCHERER: It's very unfortunate that this has

happened to you, that you had a general contractor. If your general contractor has an insurance company, I would contact them. And I would get in touch with the Department of Better Business Bureau if this is actually a true, certified general contractor who did the work for you. But it's -

MR. COHEN: He seem to me very knowledgeable and said it to meet that he knows what he's doing for many years.

MR. SCHERER: It's, you needed a permit for this and you wouldn't have probably received a permit, but, is there any more discussion or a motion on the -

MR. JARRETT: I'm ready to make a motion.

MR. SCHERER: Okay. [inaudible] motion.

MR. JARRETT: I move that we find the violations exist as alleged -

MS. HALE: Oh, wait.

MR. JARRETT: I'm sorry.

MS. HALE: Stop. Gerry's got his hand up.

MR. JARRETT: Did you have another question? Okay, I'm sorry.

MS. HALE: He was just speaking to Ginger.

INSPECTOR SMILEN: I was really good at school raising my hand for questions. I just wanted to make sure before you make your motion - I'm sorry to interrupt you - that you make sure that the motion is for the two structures which would be the woodshed and then the building that we're discussing.

Both of those are in violation and that's what we're discussing, so if that's specified, that's all I wanted to make sure. Thank you.

MR. JARRETT: Thank you. Okay? I move that we find the violations exist as alleged on both structures, 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 accomplished - I don't have my glasses on - by a licensed demolition contractor pursuant to a City issued demolition permit.

MR. HOLLAND: Second. Oh, sorry.

MR. SCHERER: I have a motion and a second. I have a motion and a second, is there discussion?

MR. JARRETT: I just want to make one comment. You know that this action that we're about to take is going to take 30 to 60 days to take, the City process. So, if you are genuine about going to an architect or seeking any other relief, you have time to do something if you immediately do it, okay?

MR. COHEN: I just don't have the funds.

MR. JARRETT: But If you don't immediately do it, then the City will take the action because as has been demonstrated here -

MR. COHEN: Well, I was going to do it but I got myself in financially in the hole and I don't want to lose the

property. I may lose the property if I just -

MR. JARRETT: Well, we have to worry about the citizens that live in the homes near your house.

MR. COHEN: Nobody's, nobody living there and I'd be willing to take down the shed, the wooden shed within the 30 days, but I would need 60 days for the other structure.

MR. JARRETT: Well, you'll have to get a building permit, a contractor and a building permit in order to stay any of this order that we're about to enter.

MR. HOLLAND: And a variance, I believe.

MR. JARRETT: And a variance. So you've got quite a bit of work to do, but you could do it if you're serious about doing it.

MR. COHEN: But I need time for that.

MR. SCHERER: So there's a motion and a second, any more discussion?

MR. PHILLIPS: Mr. Chairman? If he's truly victimized by this unscrupulous contractor, I don't think we should take him out in the woodshed and work him over, so to speak. But I don't think 30 days is enough. Maybe we should grant him like a 60 or 90-day extension.

MR. SCHERER: Well, it has nothing to do with whether or not we're -

MR. PHILLIPS: To get -

MR. SCHERER: - taking him out to the woodshed, bur it's

whether or not

MR. PHILLIPS: That was a -

MR. SCHERER: - he can even do it. And I, we don't even think it's possible to get a variance or anything so it's going to be coming down whether we give him a 60-day or a 90-day extension.

MR. PHILLIPS: Wouldn't it be worthwhile though to see if he could get with an architect and a contractor, maybe to explore his options? Taking down that back piece and then bring in the front part of it to the way it had been?

MR. HOLLAND: We talked about this and these things can occur concurrently,

MR. PHILLIPS: They can.

MR. HOLLAND: If he shows any sign or glimmer of hope of applying for a variance, first and foremost, as well as being able to do what we don't think can be done is make whole this improperly built structure, several of them.

MR. PHILLIPS: What happens if he comes back in August?

MR. HOLLAND: We could see some signs if he came back, but I think we need to protect the life safety of others considering how this was done. I mean, we're a nation of laws. Unfortunately, you have to know them and several have been violated here.

MR. PHILLIPS: Well, if we could -

MR. HOLLAND: And it's a problem to - especially this

time of year - it's a threat to others, so I think the motion as presented is just. And he's, that doesn't eliminate the possibilities of him pursuing these other options and presenting it back to us.

MR. PHILLIPS: So if he comes back next month and let's say the former greenhouse was removed -

MR. HOLLAND: Well, we don't need to commit to anything specific. Let's see what happens. There's a lot that could happen. I think it's hearsay about this, the contractor. I mean, I think the main thing is we've got to have some action on this structure to make it safe for everyone.

MR. PHILLIPS: But the motion, is it directed towards the back part that was illegally added or the whole -

MR. SCHERER: The motion is directed at both buildings.

MS. HALE: The whole, two buildings.

MR. PHILLIPS: See, that was the problem I had because Gerry mentioned that if he got rid of the old one, the greenhouse that was done, and brought it back to the nonconforming level, that might mean -

MR. SCHERER: It, my, I understand.

MR. PHILLIPS: - that he wouldn't have to demolish both.

MR. HOLLAND: That's part of the selective demolition permit I imagine he'll pull and he can stipulate it in that vehicle.

MR. SCHERER: Go ahead Gerry.

INSPECTOR SMILEN: Could I elaborate? I don't know if you're understanding, but basically when we're talking about the two structures, we're talking about one structure, this whole structure here, which would include the original storage building that was a nonconforming building. That's one structure and then the woodshed is the other structure.

So yes, if he took the woodshed down, and if he demolished the other one, brought it right back to just that original, nonconforming building, then he would be good to go. He could do that.

MR. PHILLIPS: That was my concern, because I think the motion might be a little bit too broadly worded. If we tell him, if they might amend it, the person who made the motion might amend it to say get rid of that smaller shed, and then remove the greenhouse area of the other structure, then I think that might more adequately reflect what we want to, what Gerry is suggesting.

MR. BARRANCO: And I'm also having a hard time understanding the way all this is put together. Gerry, would you mind just very simply drawing a sketch of what structures are legal, nonconforming, illegal, and just - well maybe just, just simple line diagram on the back. Draw me three boxes, show me what should stay and what should go. Because we're talking about this, we don't, from a picture we can't determine what stays and what goes.

[Inspector Smilen drew a diagram of the buildings and showed it on the Elmo.]

INSPECTOR SMILEN: Okay, obviously this is the shed. This needs to go. This right here, this area here was all added on, and this would be the original nonconforming building right here. This whole thing was added on from here. So basically, this whole thing would have to go.

MR. BARRANCO: And which -

MS. HALE: And the shed.

INSPECTOR SMILEN: And the shed, of course.

MR. BARRANCO: And which structure were you referring to that was existing, nonconforming, deemed to comply?

INSPECTOR SMILEN: That one right there.

MR. BARRANCO: Oh, it is that structure.

INSPECTOR SMILEN: This, what he did was, he added onto it.

MR. BARRANCO: Okay, so that one doesn't comply, but it was grandfathered in.

INSPECTOR SMILEN: Right. If this was removed and this would be restored back to its original condition then it would comply.

MR. BARRANCO: And there's no other structures on the site, this is it?

INSPECTOR SMILEN: Well, then there's a duplex in the front, which is another case.

MR. BARRANCO: So we're not touching the duplex, we're not touching this other structure. It's just the attachment and the shed.

INSPECTOR SMILEN: Yes. The Unsafe Structures is just covering these right now.

MR. BARRANCO: Okay.

MS. HALE: But Gerry, do you have to take the roof off that nonconforming building and make it a greenhouse again?

INSPECTOR SMILEN: No, the nonconforming building was not the greenhouse. The actual greenhouse was right here.

MS. HALE: Oh, okay.

INSPECTOR SMILEN: And he - what he did was, he built on top of that.

MS. HALE: Yes, I see, okay. So that doesn't affect it at all, okay.

INSPECTOR SMILEN: No.

MR. COHEN: May I, may I correct?

MR. SCHERER: I'm sorry?

MR. COHEN: The nonconforming building, it's right here.

[Mr. Cohen indicated on Inspector Smilen's diagram]

It's the whole building here, that's the nonconforming. What has been added just from here to here.

MR. SCHERER: Okay.

MR. PHILLIPS: Is that right, Gerry?

MS. HALE: Gerry?

INSPECTOR SMILEN: Gerry Smilen, City Building Inspector. I would have to confirm that. I'm just going, because I don't have the file with me, but he could be correct on that.

MR. SCHERER: So the motion to demolish is to demolish the shed and the addition to the nonconforming structure.

INSPECTOR SMILEN: Correct.

MR. SCHERER: Okay, and that's what you guys are looking for as well, and I think that's what the motion says, because the original motion, I think said to take it all down?

MR. PHILLIPS: It just said one building, and it was a little one.

MR. SCHERER: So what we're going to be demolishing is the shed and the addition to the nonconforming structure.

INSPECTOR SMILEN: Yes. The original order called for the two buildings, but right now at this point we just have two structures back there. If it stays the way it is, then they all have to come down.

MR. SCHERER: Okay.

INSPECTOR SMILEN: If we demolish that part there, then of course, then it changes.

MR. SCHERER: So maybe, whoever made the motion, maybe want to clarify -

MR. COHEN: May I? May I say one more thing before?

MR. SCHERER: Hang on, we're about to revise the motion I think.

MR. COHEN: Before you're revising, can I?

MR. JARRETT: Because of discussion, we can revise the motion to be the shed, correct?

MS. HALE: Yes.

MR. JARRETT: And the portion of the new construction addition to the nonconforming building that has recently been added. Did I say that correctly? Okay.

MS. HALE: Do we also have to add though -

MR. SCHERER: Okay. I have a motion, I have a motion, hang on, I have a motion and a second. Do I have a second?

MS. HALE: I'll second it, but I'd like to make an - does he have to take the part of the building that is left and put it back the way it was originally? Is that also part of it?

INSPECTOR SMILEN: Okay, are we talking about -

MS. HALE: The part that's left, this thing that's going up and down. Does he have -

MR. PHILLIPS: [inaudible] the nonconforming greenhouse structure.

MS. HALE: Does he have to put that back?

INSPECTOR SMILEN: No. This -

MS. HALE: No, that's going, this part.

INSPECTOR SMILEN: Okay, but this was where the original greenhouse was right here. This was just a covered, complete storage building. That's all that was. That needs to be by itself into its original condition and these need to be

removed. This could be actually left as it was, a slab with some low walls on there. That's the way it was originally. He just added wood framed walls on top of the existing part and created that building.

MR. PHILLIPS: Why would you want walls?

MR. JARRETT: When it was a greenhouse.

INSPECTOR SMILEN: No, it was -

MR. HOLLAND: You know, if we do design work here as a Board, we're going to be here for quite a long time.

MR. SCHERER: Okay, we have a -

MR. HOLLAND: I really would suggest, hey John, excuse me, I was -

MR. BARRANCO: It's okay.

MR. HOLLAND: I really think we can trust staff to [inaudible] to deal with the scope of work, of the demolition permit and the terms thereof, to get us where we need to be. And I think there's a lot that they can do and our job is generally deal with the motions and the issues, but I think -

MR. SCHERER: Is there any more discussion on the issue before we vote?

MR. PHILLIPS: Well the only thing I'm going to say is this Board has extraordinary powers to knock things down. There are one out of a hundred horror stories, where the bob - where the backhoe demolishes a building, and someone at the City says, well I thought this was that and I made a mistake

on that.

So I think we should err in favor of exactitude and Gerry, in all due respect, he didn't know that part of the building was already there until Mr. Cohen allegedly corrected it. So, we don't have the plans in front of us, we don't have the microfilm in front of us. I don't know if the walls, the half walls were legal in the first place. My thought is, why let half walls at all if they were illegal. Bring it down to the slab. But I, correct me, I'm not an engineer, a builder or an architect, but I do think that we need to be as specific as possible before we're knocking something down in 30 days.

INSPECTOR STRAWN: Wayne Strawn, can I just, Mr. Chairman?

MR. SCHERER: Go on.

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector. I reviewed the microfilm and handed this case off to Gerry originally, and Jack is right. As the original greenhouse is not a building anymore, it was a ruin, and it wouldn't meet the minimum housing code.

So there's no, there isn't, and it would have no value as a greenhouse, unless that was your hobby. So that wouldn't be practical to try to bring - it had a glass top on it, it was a slat building that allowed light to come through. It was an unusual type thing built many, many years ago.

The storage building was there. But I think what the

Board is trying to do is solve Mr. Cohen's problem. It is one building now, the way it's joined up. If Mr. Cohen so chooses to save the storage building, I don't remember exactly, it may have been a garage turned into a, with a permit turned into a storage building. If he so desires to save that, as Mr. Holland brought out, staff would allow him to get a permit, which shows demolition of this part, restoration of this part. And that would solve his problem. So I don't know if the Board is trying to solve Mr. Cohen's problem for him, but it's simple to me that we just need to go with the original motion by Mr. Jarrett.

MR. SCHERER: I think that the current motion that stands is: remove the shed and the addition to the nonconforming structure. So we have a motion and a second. Is there any more discussion from anybody? Mr. Cohen, you said that you wanted to -

MR. COHEN: Yes. The reason why I was bought into building that on top of the greenhouse is because the setback is exactly set in line of the storage. That what convinced me that is protected. That is would not be araising any issue of erecting that into additional storage space.

MR. SCHERER: And that's where an architect would have been able to tell you that that's not correct.

MR. COHEN: Right, but -

MR. SCHERER: So, unfortunately you didn't do that so -

MR. COHEN: I did not. Yes, that's my fault and I regret that. However, that storage was there with its own dimensions with the same set back.

MR. SCHERER: So, what the motion is, is basically you have to remove the shed and what you've added onto the original structure.

MR. COHEN: I would need -

MR. SCHERER: That's what we're directing you to, or that's what the motion, the current motion is.

MR. COHEN: Right. I understand.

MR. SCHERER: Okay? So, we have a motion and a second. All those in favor of the motion passing, signify by saying aye.

BOARD MEMBERS: Aye.

MR. SCHERER: All those opposed? Okay, so the motion passes. So now we've ordered you to demolish the shed and the addition to the existing structure.

MR. COHEN: Can I ask 60 days or 90 days?

MR. SCHERER: We've ordered you to do it, just like the motion says, within 30 days, and that if you don't do it, then we shall ordered the City to demolish it.

MR. HOLLAND: You can apply to the Board of Variances and apply for your demolition permit, probably be a good idea, concurrently with this action.

MR. COHEN: All I would - my problem is financial.

MR. HOLLAND: But it all -

MR. COHEN: And I, just, I would need just your understanding. We are in a very difficult economy right now.

MR. HOLLAND: Understood.

MR. COHEN: People are losing their houses. I'm trying to protect, I'm trying to improve the neighborhood too.

MR. HOLLAND: Right, but we have codes to do that sir.

MR. COHEN: I want, right, and I will [inaudible]

MR. HOLLAND: And we've got to protect your other neighbors too.

MR. COHEN: I have no problem with it, just I need time, that's all. I need 60 days if I may.

MR. SCHERER: Well, you have 30 days to demolish the structures and if not, the City will do for you. So.

MR. COHEN: I'm have to get permit for that?

MR. SCHERER: A demolition permit? Does he need a -

MR. COHEN: I can have. I can [inaudible]

MR. SCHERER: Gerry, I would think you do, but maybe Gerry -

MR. COHEN: Because that I know I can do it even myself.

MR. SCHERER: Gerry, maybe you can answer the question. Does he, is he going to need a demolition permit for this nonconforming?

INSPECTOR SMILEN: Seeing as the building did not have a permit to, his construction, there were no permits pulled for

that. So it's really not necessary for him to pull a demolition permit. He can just knock it down.

MR. SCHERER: So you can do yourself apparently.

MR. COHEN: Okay.

MR. SCHERER: Okay? Next case.

MS. HALE: Ginger?

MS. WALD: Yes?

MS. HALE: I have a question.

MS. WALD: Yes ma'am.

MS. HALE: I don't think the gentleman understood, but I happen to know that everybody sat down and he walked in. I suppose he had been at the bathroom or something. And so, when somebody does not take the oath does that have any effect?

MS. WALD: Who did not take the oath? Ginger Wald, Assistant City Attorney. Who didn't?

MS. HALE: The last gentleman.

MS. WALD: I don't know.

MR. MCKELLIGETT: Brian McKelligett, Code Supervisor. We have a code supervisor currently not sitting there, but has been sitting in the back of the room. And what he does is anybody that comes in after the oath has been administered, he swears those people in and sends them up front to be, to sign in.

MS. HALE: Okay.

3. Case: CE07021325

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Jungle Queen

2470 SW 21 Street

MS. PARIS: Our next case is an old business case on page two. It's case CE07021325, Inspector Wayne Strawn. Case address is 2470 Southwest 21st Street. The owner is Jungle Queen Inc.

The property was posted on 4/25/08, advertised in the Broward Daily Business Review 6/27/08 and 7/3/08. Certified mail to the owner signed by Traci Geckler 4/28/08. Certified mail to Ruden McCloskey, attention Hope Calhoun, signed by C. Theiman 4/28/08. Certified mail to Allan Kozich and Associates, signed by J. Liebman 4/28/08. Certified mail to Jerome Faber, registered agent for Jungle Queen Inc. signed by Traci Geckler 4/28/08.

Certified mail to Bank of America, signature illegible 4/28/08. Certified mail to Ameri-Con Enterprises Inc. returned unable to forward. Certified mail to Randi Boven registered agent for Ameri-Con Enterprises, signed by Sharon Deitz 4/28/08. Certified mail to AA Construction Company, signature illegible 4/26/08. Certified mail to Gary Ansley registered agent for AA Construction Company, signature illegible 4/26/08. Certified mail to John Cumper, signature illegible.

This case was first heard by the USB on 6/21/07. At that hearing the Board granted a 90-day extension with staff's continued weekly monitoring. At the 9/20/07 USB hearing the Board granted a 90-day extension to 12/20/07. At the 12/20/07 USB hearing, the case was continued to the 1/17/08 USB hearing, we did not have a quorum.

At the 1/17/08 USB hearing the Board granted a 90-day extension to the 4/17/08 USB hearing. At the 4/17/08 USB hearing, the Board granted a 90-day extension to the 7/17/08 USB hearing and the violations are as noted in the agenda.

MS. CALHOUN: Good afternoon Board, Hope Calhere, Hope -

MS. WALD: Her name is Hope Calhoun.

MS. CALHOUN: Thank you Ginger. Here on behalf of the applicant. So everyone has been noticed and we have been here before, we appreciate the Board's patience and staff's patience with us, and we are very close.

The last time we were here we were in to the Department of Hotels. We have pretty much received approval from them, we need to make a few minor modifications, but then we're going on to EPD, and then to the City so we can get permits for all outstanding items.

So I'm asking for 90 days for this client because we're hoping that by then at the very least, we will be in to the City. As requested and required, we have provided those updates to Wayne. As a matter of fact, Wayne told me that

they had a meeting recently with our staff, and he'll probably tell you a bit more about that. I'm hoping that we can get the 90 days and again, by then we'll at the very least be in to the City. Considering the violations, we've come a long way and we have a little bit more to go but with your patience and indulgence I'd ask again for 90 more days. Thank you.

MR. SCHERER: Wayne?

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector. Last month we had a meeting at the site with the owner, the building official, Curtis Craig, the Fire Marshal, Steve Kastner, the Fire Inspector for that area, also myself, Allan Kozich, the fire protection engineer, and Joseph Chaiban. And they discussed the progress toward resolving all the issues.

Mr. Chaiban is continuing to give us weekly reports, engineering reports that there's nothing changed or become worse or deteriorated so that the public uses this facility, so that we are assured that there isn't any immediate danger to life safety. At any such time as we feel that there's a breakdown in the progress toward compliance, then we would have to, of course, oppose any continuance. At this point in time we do not oppose a continuance of the case.

MR. PHILLIPS: I move we grant a 90-day continuance of this matter.

MR. JARRETT: I second.

MR. SCHERER: I'm abstaining from voting on this one.

MR. HOLLAND: How are we for hurricane season; is any of these items at risk to other properties?

INSPECTOR STRAWN: Well, it does not conform to the Florida Building Code and it hasn't conformed, in some cases, some of the structures were built before there was any building code in effect out in the County. So, there are issues, but Mr. Chaiban is addressing those, reinforcing things as it might seem, so that he can reach a comfortable, as a structural engineer, comfortable to give them enough time to stay open until they get all the issues resolved.

MR. HOLLAND: Yes, I would recommend in the motion, well just thinking of contingencies for storm season if need be, but -

MR. SCHERER: Okay, so we have a motion and a second.

MR. MCKELLIGETT: Just a point of law. If we could amend that motion to make it a 90-day extension and not a 90-day continuance please.

MR. SCHERER: Okay.

MR. PHILLIPS: I'd like to amend the motion to read as a 90-day extension of time -

MR. SCHERER: To the -

MR. PHILLIPS: - come into compliance or -

MR. SCHERER: Is that the October meeting?

MS. HALE: Yes.

MR. SCHERER: The October 16 meeting.

MR. PHILLIPS: October.

MR. SCHERER: Yes, the October 16, right?

MS. HALE: Yes.

MR. SCHERER: Okay, I have a motion.

MR. JARRETT: And a second.

MR. SCHERER: And a second. Wayne? Okay. All those in favor signify by saying aye.

BOARD MEMBERS: Aye.

MR. SCHERER: All those opposed?

MR. BARRANCO: I have to abstain.

MR. SCHERER: I've abstained, yes.

INSPECTOR STRAWN: Mr. Chairman, may I address the Board?

MR. SCHERER: Sure.

INSPECTOR STRAWN: With regard to Jack Phillips' concern about demo-ing the wrong building, administration now has policy, the demo contractors that are, work for the City, that the field inspector who wrote the case has to meet them on the day of demolition to avoid any such problems as you mentioned. I just wanted to get that on the record.

MR. SCHERER: That's good to hear.

MS. CALHOUN: Thank you.

MR. PHILLIPS: Do those demo contractors also carry a lot of insurance?

4. Case: CE08030370

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Arch James III & Kay Oliver

651 N Andrews Avenue

MS. PARIS: Our next case is an old business case on page four at the bottom. It's CE08030370, Inspector Gerry Smilen. The case address is 651 North Andrews Avenue. The owners are Arch James Oliver III and Kay C. Oliver. Property was posted 6/25/08, advertised in the Broward Daily Business Review 6/27/08 and 7/3/08.

We have certified mail to the owner signed by A. Oliver, 6/28/08. Certified mail to Kay C. Oliver signed by A. Oliver 6/28/08. Certified mail to Theodore Fulton Jr., no response. Certified mail to Stephen J. Simmons esquire, returned. Certified mail to John Jones Plumbing, signature illegible, 6/26/08. Certified mail to Raymond Nyhuis, no response. Certified mail is continued on the next page. Certified mail to John Jones, registered agent for John Jones Plumbing, signature illegible, 6/26/08.

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 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.

At the 6/19/08 USB hearing the Board granted a 30-day extension to 7/17/08 with the stipulation that the respondent return with a final report from a structural engineer.

Violations are as noted in the agenda.

MR. NYHUIS: Hi, Ray Nyhuis again. How are you?

MR. SCHERER: Good, how are you?

MR. NYHUIS: Okay, I have a letter from the engineer once again. When we removed everything that was below and everything that was hanging loose, the drywall and everything, there was a, all sorts of flat 6 x 1 boards over the trusses that hold up the roof, the roof deck. So he wants to have those removed also so he can inspect the roof deck to make sure that the heat didn't go past those and damage the roof deck and then he says he'll give me a final thing. So he would ask more time, if you could, please.

MR. SCHERER: Okay.

MR. NYHUIS: I gave a copy of a letter to her [indicating Ms. Ketor] and would you like one? I got another one too. Got it?

MR. HOLLAND: I can't see it.

MR. JARRETT: What's the, when was the inspection made by the engineer?

MR. NYHUIS: Monday.

MR. JARRETT: This past Monday?

MR. NYHUIS: Yes.

MR. JARRETT: And this was after you had done some removal of some structure for him to view, is that my memory correct?

MR. NYHUIS: Remember, we spoke of removing anything and all stuff that was hanging loose from the fire: drywall, the metal stuff that the - see when it's an old building, they put another ceiling below the wood that was on, holding up the old one. So when I took off the drywall that was on there with those metal strips that the remodeling in '89, there were still a lot of these like 6 inch wide by this big, going between the trusses where they had put whatever the ceiling was before the one that was put below it.

So when he got in there he couldn't see up to the actual roof deck. So now he wants me to take off the ones that are below there so that he can see the actual roof deck and do the final report.

MR. JARRETT: I have a question for the Inspector. Did you, were you there at the time some of this work was done, wasn't that part of the motion we made last month?

INSPECTOR SMILEN: Gerry Smilen, City Building Inspector. No, I was not present or notified of this. My concern is, now that we're keep removing things from here, he did mention in here about shoring up or shoring up the roof deck and removing damaged studs. I don't know, I can't tell you because I

haven't seen the building since he removed the drywall.

However, it would seem to me, maybe a better way to go about this would be to just cut some holes into the secondary ceiling that he was talking about without destroying anything more structural just so you could look up in there and see what's going on instead of having to keep removing things, because now I'm starting to worrying about a liability factor here.

MR. JARRETT: Also, I recall there was some security issue. Did they address that to your satisfaction?

INSPECTOR SMILEN: At this point, the building still remains in the same situation as I, Mr. Nyhouse [sic] had said that he had put a piece of plywood behind the door that was secure with just a 2 x 4 at the header, which I did see, but the plywood that covers the back, smaller windows that were glass block originally is still, you could still knock that down if you decided to. That needs to be done -

MR. PHILLIPS: Wasn't there water coming out that some of the homeless were showering in?

MR. NYHUIS: No, that, they pulled the meter like a day after we came here.

INSPECTOR SMILEN: Yes, there's no water in that building now.

MR. NYHUIS: No water, no electric connected to the building.

MR. SCHERER: Didn't, this was an issue in the last letter, I thought. It was -

MS. HALE: I don't think so. Because I think we remembered talking about the wall and he had to take off the drywall -

MR. BARRANCO: Right, right.

MS. HALE: - and it was the wall.

MR. HOLLAND: Yes, but he -

MS. HALE: And I didn't hear anything about the ceiling. I think this is something else.

MR. NYHUIS: The plywood on the back is a real problem because the only thing that holds up against it is something outside. And when you put some - I don't know why people try to break into a burned-out building, but no matter what you do they break it, they kick it, they try to go in.

So the only time that I got it was right after that inspection, they were nailed in with a board across the back and a bolt going through and they proceeded to break that off. I don't know why they're breaking in, so I left that off. It's now nailed again from the inside. And if it's been kicked in again since yesterday there's nothing I can do but go over there and nail it again. [inaudible]

MS. HALE: Is it Gerry, today? Was it gone today?

INSPECTOR SMILEN: No.

MS. HALE: Oh, okay.

INSPECTOR SMILEN: I haven't been back to the property.
I was by there a couple of days ago.

MS. HALE: Alright, well, it's there for one day anyway

MR. NYHUIS: It abuts the railroad track, right -

MS. HALE: Is it kids that do it?

MR. NYHUIS: Well no, it's the people that, the homeless people that sleep underneath there, under there's like three trees are go along that back wall for about a quarter of a mile and they just live back there. And they chase them out and they go and grab everything and anything they can, to get anything they can, I guess.

MR. JARRETT: If this Board was to - oh, I'm sorry. Were you finished?

MS. HALE: No.

MR. JARRETT: Oh, all right, I thought you were. If this Board was to grant you another 30-day extension for this, you would, would you agree to securing the building, calling the building inspector within the next, today is Thursday, by Monday, to verify that everything is secure and not to wait until a few days before the next hearing for the engineer?

MR. NYHUIS: I didn't wait, it was the engineer.

MR. JARRETT: Because -

MR. NYHUIS: I have been on his case like 100%.

MR. JARRETT: If we were to give you an extension now, we would not want to hear about another set of boards that has to

be removed.

MR. NYHUIS: If there were a set of boards above that set of boards we'd be in the land of Oz because there just can't be anything above that.

MR. JARRETT: Because as you have sat here in this hearing, you know that our concern is we're in hurricane season. You have a building that doesn't meet the building code -

MR. NYHUIS: Okay. What I want you to understand is, I have gone and hired this engineer to do these things and he is telling me that he will not give me his seal of approval, stamp those paperwork as being inspected by him unless he is absolutely sure. I can assure you 100% that that, that there is no damage up there for myself but I'm not an engineer.

MR. JARRETT: His statement -

MR. NYHUIS: He won't do it.

MR. JARRETT: His statement is why we take that as being correct.

MR. NYHUIS: Yes, so, I mean, I'm doing exactly what [inaudible]

MR. HOLLAND: Some of us.

MR. SCHERER: It's been three months, hasn't it?

MR. HOLLAND: Yes. I have some -

MR. SCHERER: Ninety days to get an inspection?

MR. JARRETT: Well, no, I mean, he won't, what I'm saying

Joe is that he won't, he won't sign anything unless it's correct. Well that's precisely why we want you to have it done. I'm sorry Joe.

MR. NYHUIS: And it's not me.

MR. SCHERER: Go ahead Joe.

MR. NYHUIS: I have been on his case 100% calling him every three days and so forth [inaudible]

MR. SCHERER: Didn't, wasn't we, didn't we also ask for him to be here?

MR. NYHUIS: Hm? No, in case I couldn't show up, because I had surgery on my jaw.

MR. SCHERER: Oh, that's right, that's right.

MR. NYHUIS: I came in instead [inaudible]

MR. SCHERER: Joe, did you have a comment?

MR. HOLLAND: Last time, I had concerns with the letter written, as you recall.

MR. SCHERER: Is that [inaudible]

MR. HOLLAND: It's not just tearing out drywall. And by the way, in the minutes that we didn't approve, the "inaudible" was drywall. Yes, that made sense. But what the letter said was tearing out charred members with more than a quarter inch of char, which is standard procedure for replacement, not necessarily tear out to observe extent of damage.

Now we get a letter referencing studs in the way, but the

respondent's describing 1 x 6 planking or bridging up in the ceiling that there's a - stud is a technical term from an engineer.

MR. NYHUIS: Well, I don't know what, I don't know the difference between a stud or a 2 x 4.

MR. HOLLAND: Excuse me sir, this is from an, signed by an engineer, registered engineer, and the terms ought to be correct. And I, quite frankly, I don't think we're getting a straight shoot here, were getting, we're buying time with these letters, we're not getting engineering here.

I don't understand the difference between these 1 x 6's and a stud. They're technically different. And last time I had a problem with removing charred members, structural members, to get access to determine the scope of the damaged wood. So there's two letters in a row here I think are of grave concern and quite frankly, I think we're buying time with them and not much else.

MR. JARRETT: Can you read the one that's here now, Joe? I'm having difficulty reading it.

MS. HALE: You can read mine.

MR. HOLLAND: Yes, barely.

MR. NYHUIS: You want this one.

MS. HALE: You can read mine.

MR. HOLLAND: But it refers to, remove damaged studs.

MR. SCHERER: I think both letters said something about

shoring up. That was the one thing I remember from the last one, I thought. The last one said shore up -

MR. HOLLAND: I'm not clear. What are these 1 x 6's again?

MR. NYHUIS: Okay.

MR. HOLLAND: Are they roof planks, or do they, are they on top of the trusses?

MR. NYHUIS: From the beginning of his inspection he wanted me to do nothing without him approving it -

MR. HOLLAND: No, I got that, I asked you a specific question sir: what are those 1 x 6's?

MR. NYHUIS: So that every one of his - huh?

MR. HOLLAND: What are those 1 x 6's that you referred to?

MR. NYHUIS: They're the old - I don't know the technical terms for it. This drop ceiling here is, holds up these tiles. There was one of those for drywall. Underneath, what used to be an old ceiling from the former construction. On that, in order to fasten it to the beams that go across, they would put in 4-foot, 2-foot, whatever they needed, pieces of wood on that, nailed onto that so that they could nail whatever the material was up to that.

There are so many of them in some of the areas that he can't see the original roof deck, so I told him - and it's very dark, it's a very small building, and it's very dark. We

brought in a construction light we looked up there, he says, I can't even take pictures of this because of all these little things in the way. I removed everything he told me to remove when he was there, so that he could come and do the next inspection. He came back and told me, I'm sorry I can't see - in certain areas I cannot see the roof deck - and I cannot give you a clear report until I see that roof deck. I can understand that. I don't know if you can understand it, but I can understand that.

MS. HALE: Yes.

MR. NYHUIS: It's very clear.

MR. PHILLIPS: Are we dealing with maybe a newer drop ceiling with the panels put in. And then prior to that they had the old, older ceilings that were put in there -

MR. NYHUIS: And they're all at a very close proximity.

MR. PHILLIPS: - attached to the tongue in groove. Is that what they're referring to?

MR. NYHUIS: Would you like me to draw you a little sketch? [inaudible]

MR. PHILLIPS: Yes, it would be nice to have a picture. Nice to have Mr. Poole show us.

MR. HOLLAND: This letter's dated July 17, I -

MR. NYHUIS: Okay. But it's not some kind of a scam to buy time; there's really no reason to buy any time. Once this is over and you get the report, which I'm trying to get him to

do and I want him to do as fast as possible, and I have been pressing him, but he told me in no uncertain terms, am I going to go and give you a report that says this is structurally safe until I have seen the areas that I want to see.

MR. SCHERER: Is that the last, the first letter?

MS. PARIS: Yes.

MR. SCHERER: Can you put that up there just for a second?

MR. NYHUIS: And I'm not asking for more time, the architect is asking, the engineer is asking for more time. I would love to get in there and have somebody here see it and say look, common sense. But he has been appointed to be the person that tells you whether it's structurally safe or not.

MR. SCHERER: "Caution must be taken to shore up the roof." That's what I was -

MR. HOLLAND: We just need to move forward on this. I think it would be a good idea if the engineer's there, having a contractor there to take out what he needs to get it, get the job done and get us secure for hurricane season at least.

MR. JARRETT: Comment I have is that obviously, as demonstrated by all this testimony that it's not proceeding like we would like to see it proceed. But the fact of the matter is, this gentleman has done, or attempted to do what we have in fact instructed him to do.

I'm inclined to suggest that we give him another 30-day

extension, but you have to understand that we just can't keep doing this -

MR. NYHUIS: Absolutely.

MR. JARRETT: - and you're going to have to make your engineer understand that regardless of how busy he is, and if he's too busy then you need to get someone else.

MR. NYHUIS: Totally understood. I'm not bringing [inaudible] from my engineer, I am bringing you what this man says. And I've hired him, I've paid him. He's been paid for the job. He's, he has to complete it and it's his decision to do all these. I am saying look, you can see these parts. I mean, he says, "I'm not going to give it until I'm totally satisfied." And I guess that's his right as a licensed engineer. I can't take it away from him.

MR. JARRETT: No, and that's what we would expect from an engineer too.

MS. HALE: Absolutely.

MR. SCHERER: I'm kind of - what's the next step after he gets the inspection done?

MR. NYHUIS: Then it's it; the building's safe, and it sits until it's remodeled. There's, as long as it's not unsafe and it's not -

MR. SCHERER: So this is all we're, all we're asking is that the structural engineer reviews it and makes sure it's safe.

MR. NYHUIS: Makes sure it's not going to fall down, that nothing structural [inaudible]

MR. SCHERER: And this has taken 90 days to do this, that's -

MR. NYHUIS: No, I only need like 30 days. Honestly, I can get on him, but I need him to get this done. And frankly, I myself with all my experience in buildings in Fort Lauderdale for 20 years have never seen such a drawn out process on such a piddly little thing. I have seen buildings falling over sideways half in the ditch that have gotten less attention than my little fire.

MR. JARRETT: Well, we're not here to discuss that.

MR. NYHUIS: I'm sorry, and it's not your fault and it's not my fault, it's not the engineer's. It just seems to me that we're being, you know, we're being too darn over-cautious when I know, he knows, and everybody, and then we have to bury everything and bury everything. It's just jumping through hoops when I can assure you that this building is not going to fall down. That building is so securely built -

MR. SCHERER: Well, unfortunately, your structural engineer doesn't agree with you.

MS. HALE: [inaudible] That's not quite it.

MR. NYHUIS: He can't give that. He does agree, but he cannot give his report 'til he sees everything.

MR. JARRETT: Can I make a motion?

MR. NYHUIS: Please.

MR. BARRANCO: Please.

MR. JARRETT: I make a motion that we give the gentleman another 30-day extension that conditions of that 30-day extension is in fact that he does secure the building to the satisfaction of our building inspector. And that the building inspector does in fact go out there and verify that. And I'm sure that you two can get together and get phone numbers and work all that out. And that this is, well we can't say this is our final extension, but that's my motion.

MR. HOLLAND: Second.

MR. SCHERER: Okay, so we have a motion and a second. Any discussion?

MS. HALE: Now, the last time, we rather limited him by saying he could take the drywall off, which was some of the problem. Now, are we limiting this structural engineer this time?

MR. JARRETT: No. And let me amend my extension then to say that whatever work has to be done by the engineer, whatever discovery has to be performed by the engineer that it be done within the next 30 days, and that you return with the final letter from the engineer.

MR. SCHERER: Motion and a second. Is there a second?

MR. HOLLAND: I'll second that also.

MS. HALE: I will.

MR. SCHERER: Alright, no more discussion. All those in favor, signify by saying aye.

MR. BARRANCO, MS. CHARLTON, MS. HALE, MR. HOLLAND, MR. JARRETT, MR. PHILLIPS: Aye.

MR. SCHERER: All those opposed? Nay. I'm a nay.

MS. KETOR: Can you repeat that motion, please?

MR. SCHERER: Can I repeat the motion? Are you kidding? Is this a joke?

MR. JARRETT: Okay, 30-day extension for the gentleman, condition of the motion is that the building be secured to the satisfaction of the building inspector and the building inspector inspect that. Secondly, he also returns next month with the final engineering report, and then there was also a note made that any and all discovery needs to be done within the next 30 days.

MR. SCHERER: Okay, alright, 30 days.

MR. NYHUIS: Cool.

5. Case: CE70121155

[INDEX](#)

Ricardo Monteiro

1524 NE 15 Avenue

MS. PARIS: Our next case is an old business case on the same page, page four at the top. It's CE07121155. The inspector is Jorg Hruschka. The case address is 1524 Northeast 15th Avenue. The owner is Ricardo Monteiro.

Property was posted 5/23/08, advertised in the Broward Daily Business Review 6/27/08 and 7/3/08. Certified mail to Karen Black, Law office David Stern PA, signature illegible 5/28/08. Certified mail owner returned unclaimed. Certified mail Aames Funding Corp., signature illegible. Certified mail Meyerson, CEO Aames Funding Corp., received by RCS Inc. Certified mail Gary Judas, president of Aames Home Loan of America returned, attempted, not known.

Certified mail to Deutsche Bank, no response. Certified mail to Deutsche Bank, care of CT Corporation, signed by Fred Singer 5/27/08. Certified mail to tenant in possession returned unclaimed. Certified mail to CT Corp. System, registered agent for Deutsche Bank, Fred Singer 5/22/08.

This case was first heard at the 3/20/08 USB hearing. At that time the Board granted a 60-day extension to the 5/15/08 USB hearing. At the 5/15/08 USB hearing, the Board granted a 60-day extension to the 7/17/08 USB hearing. And the violations are as noted in the agenda.

MR. SCHERER: Okay.

MS. BLACK: Good morning to everyone, I'm Karen Black Barron, on behalf of the bank. Attorney Karen Black Barron representative of attorney David Stern's office representing the bank, Countrywide. We have an interest in this property at 1524 Northeast 15th Avenue.

It is our understanding, it was our understanding, our

last understanding that the borrower was working, the owner was working with Inspector Jorg here. We've just gotten word that over the last week or so, you haven't had any contact, or when?

INSPECTOR HRUSCHKA: I'm sorry?

MS. BLACK: When was your last contact?

INSPECTOR HRUSCHKA: Last week.

MS. BLACK: Since last week he hasn't had contact with them. We're requesting on behalf of the bank an additional extension in this matter, so we can look into it and find out what's really going on here. We don't know if it's an economic situation or what. We don't want any part of the property be demolished at this standpoint. And we request an additional 60-day extension.

MR. SCHERER: Okay. Jorg?

INSPECTOR HRUSCHKA: Good afternoon Board, Jorg Hruschka, building inspector. I had talked to Mrs. Monteiro. I was under the assumption or under the belief that they're working on redrawing the addition to convert it into a porch, which was confirmed by the GC at the time. However, in the last two months I had very little conversation besides one last week when they said that the cost was going to be about \$25,000 to do that which at this particular time, they don't have.

The calls to the GC were unanswered, and they were going to let me know what they were going to do by today. And they

were aware that they're supposed to be here, they weren't here the last time, they're not here today. I don't know what they're really going to do. I would tend to support the bank's position for 30 days but, 60 days, but also with the caveat that we do want to have the property removed, it is just a shell right now with a tie beam and block wall which shouldn't really be a life safety issue.

MR. SCHERER: Okay, any discussion?

MR. JARRETT: Did you say specifically there is no life safety issues?

INSPECTOR HRUSCHKA: Yes.

MR. JARRETT: Okay.

MR. HOLLAND: How about -

MS. HALE: Does anybody live there?

INSPECTOR HRUSCHKA: Yes, it's a home, but -

MS. BLACK: They live in the house, but not the addition.

MS. HALE: Oh, okay.

INSPECTOR HRUSCHKA: There is a home there, the addition's totally separate from it. It's concrete block with the tie beams all tied together, there's no loose materials.

MS. HALE: Okay.

MR. HOLLAND: Are there complaints from the neighborhood?

INSPECTOR HRUSCHKA: Side complaints from the next-door, yes.

MR. SCHERER: [inaudible]

MR. JARRETT: Is that because the structure's not complete?

INSPECTOR HRUSCHKA: It just doesn't look good. So, I don't know -

MR. JARRETT: But it is sound and everything that was done to this point has been inspected and approved.

INSPECTOR HRUSCHKA: It is sound. Yes.

MR. SCHERER: So work started in 2004 on this?

INSPECTOR HRUSCHKA: I'm not quite sure, just to refresh your memory.

MR. SCHERER: The permit was issued on 8/24/04.

INSPECTOR HRUSCHKA: I don't have it in front of me, so I'm sorry.

MR. SCHERER: Okay, No, I'm just reading what the permit, when the permit was issued.

INSPECTOR HRUSCHKA: Right.

MR. SCHERER: So there's, the neighbors have been looking at this thing for four years.

INSPECTOR HRUSCHKA: Yes, unfortunately that's why we brought it forth to do something with it so that either complete it or demolish it, one or the other.

MR. SCHERER: And how -

INSPECTOR HRUSCHKA: Would you like to see the pictures again to refresh your memory?

MR. SCHERER: Sure.

INSPECTOR HRUSCHKA: Okay.

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

INSPECTOR HRUSCHKA: Over there is the front, that's the structure we're talking about, and it's just a long-shot picture right there. Again, that is the structure we're looking at right now from a life safety issue.

MS. HALE: Is that a garage?

INSPECTOR HRUSCHKA: It's an addition that is in the space of a garage. It's not a garage itself, it's elevated about 6 inches. I don't know what they were going to put in there.

MR. SCHERER: Did the bank provide financing for this addition is that why -

MS. BLACK: I'm not privy to that. I don't know if they provide - I'm sorry - I'm not privy to that aspect of it, whether or not, I know they have the -

MR. SCHERER: So why would the bank -

MS. BLACK: - the primary mortgage on the structure itself. So, I'm not privy to whether or not they provided the funds for the addition.

MR. SCHERER: I'm just wondering why the bank would care whether or not this is, unless you had a pecuniary interest in that.

MS. BLACK: Well, they have a major interest in the house

and it's still -

MR. SCHERER: We're not tearing the house down, though.
Correct Jorg? We're just hearing the block addition out.

MS. BLACK: The concern is the addition would be technically part of the house, whether or not they provided the funds for the addition. I'm not privy to that.

MR. HOLLAND: They're protecting the equity of this partial structure, that's for sure.

MR. PHILLIPS: Is this in foreclosure?

MS. BLACK: No.

MR. PHILLIPS: It's not?

MS. BLACK: No. Not at this point.

MS. HALE: Not at this point?

MR. PHILLIPS: [inaudible] David Stern's Office?

MS. BLACK: Yes.

MS. HALE: She says not yet, not at this point.

MR. PHILLIPS: I could see the bank, if they -

MS. HALE: Not at this point.

MR. PHILLIPS: I could see if they're the successful bidder at auction, they'd have a better time selling it to a new purchaser and saying, "But you're going to have to get after-the-fact permits." And this has value, what's been done so far.

MR. HOLLAND: Right, but we don't have a respondent/owner.

MR. SCHERER: There's no - Yes, that's the problem, no respondent.

MR. HOLLAND: And there's a, sounds like a hardship case that doesn't see any hope of being resolved.

MR. SCHERER: So even if we do give you 60 days, there's still, unless the bank is going to pay for it.

MS. HALE: No, it just goes on and on and on.

MR. SCHERER: It's just going to keep going on, and it's been going on for four years for the neighbors.

MS. HALE: Yes.

MS. BLACK: But we're just asking for one more extension, additional extension so we can [inaudible]

MR. JARRETT: What if we do a 30-day extension?

MS. BLACK: My voice generally carries. We're just asking for one more additional extension [inaudible]

MR. HOLLAND: And what's going to happen with your, what are you going to do during the 30 days, again?

MS. BLACK: We're going to look into the matter a little closer, because we thought the owner was working with the code enforcement officer. That was the last impression that we had.

MR. SCHERER: You just heard the responses, they don't have the money.

MS. BLACK: Well, we'll well, hopefully -

MR. SCHERER: So is the bank going to pay for it?

MS. BLACK: - something will come through within the next 60 days. We're hoping something will come through for them in the next 60 days.

MS. HALE: So you have been aware of this problem for some time.

MS. BLACK: We've been, we were, when we were here at the last hearing, that's when we became aware of the situation. So that's when we were brought into the case and the situation.

MS. HALE: How did you find out about it?

MS. BLACK: Our client brought us into the case. So, because they received notice.

MR. PHILLIPS: Maybe you should lower the interest rate on one of those sub-prime mortgages.

MS. BLACK: So, um -

MR. PHILLIPS: Do a little advance equity loan, construction.

MR. SCHERER: I don't know what 30 or 60 or 90 days is going to do. If the homeowner can't afford to finish the addition and unless it goes into foreclosure and the bank takes over the property, we're still going to be, 90 days isn't going to be anything, it's going to be a year before anything gets done.

MS. BLACK: Well, avert to the fact that it's not a life-threatening issue, that's why we're requesting one more

extension and after the next period of time we'll understand your position regarding the addition.

MR. SCHERER: How many extensions have we granted on this one?

MS. BLACK: I've only been here -

MR. SCHERER: When did its first come in front of the Unsafe Structures?

MS. PARIS: In March. It first came in front of the Unsafe Structures March 20th.

MR. SCHERER: March 20th.

MS. PARIS: And mailings have been going out since around January, February.

MR. SCHERER: Okay.

MS. BLACK: And that, during that process, up to this process, the owner had been in communication.

MR. SCHERER: The only issue I have is that, the main issue is that, the neighbors. It's been going on for four years for them, and it's been in front of us for five months. And this is the first time we've heard from the bank.

MS. BLACK: No, no, no, I was here at the last hearing.

MS. HALE: Yes she was. I remember, yes.

MR. JARRETT: She was here.

MR. BARRANCO: Does anybody want to make a motion?

MR. HOLLAND: Well, yes.

MR. SCHERER: Make a motion somebody.

MR. HOLLAND: I think, in the process of making the motion, I think, I'm wondering if it's proper to offer that all respondents, including the lenders, consider the cost of finishing the structure to an aesthetic quality that would be normally acceptable.

Because the reason for these permits to expire is just for this very occurrence. One reason, we can't have unfinished structures out there ruining, affecting other people's property values. So, I don't, I guess we could consider it being finished in that time as part of the motion but maybe not, what do you guys think?

MR. PHILLIPS: I think that's a great idea, you know why? Because the bank is obviously interested, they have a heart- they have a lawyer here. They've asked some relief on our part. So they got a dog in this hunt. So you know what? Maybe condition provided however, the landowner doesn't, that the bank will commit to funding enough of the completion of the construction -

MR. SCHERER: I think that might be illegal.

MS. BLACK: I can't do that.

MR. PHILLIPS: - they can amend their mortgage -

MR. HOLLAND: Ma'am, we're not asking you to do it now.

MS. BLACK: I can't, we can't do that.

MR. PHILLIPS: They can amend their mortgage to still maintain.

MS. BLACK: That can't be ordered and you can't do that.

MR. HOLLAND: No, but our motion can just address the improvement and if no effort has been made to file permits for this then within the 30 days, then I guess we come back, and condemn.

MR. JARRETT: What's your motion?

MR. SCHERER: So why don't we make a motion -

MR. HOLLAND: Who's good at that?

MS. BLACK: What is the motion?

MR. SCHERER: We're not sure yet, we're still -

MS. HALE: Is this property owner-occupied still?

INSPECTOR HRUSCHKA: It's not owner-occupied it's occupied.

MR. PHILLIPS: Oh.

MS. HALE: Well, who occupies it?

INSPECTOR HRUSCHKA: They had vacated it briefly, and then she told me that there was vagrants in the property and they had a friend stay there for a while.

MS. HALE: Oh, so in other words, the owners no longer live in the property.

INSPECTOR HRUSCHKA: They don't live there now.

MS. HALE: And they don't have, evidently, rent paying tenants?

INSPECTOR HRUSCHKA: I can't make a statement, just that she has someone staying there that seems to be a friend. I

don't know if they're paying rent or not.

MS. HALE: Oh, but not a vagrant.

INSPECTOR HRUSCHKA: No, not a vagrant. That's why I
said -

MR. PHILLIPS: Well, I have friends that are vagrants.
Most of my customers -

MS. HALE: That's sweet of you Jack.

MR. PHILLIPS: I make a motion we grant a 30-day
extension of time.

MR. JARRETT: With no conditions?

MR. SCHERER: Is there any condition on the motion?
Other than providing 0% financing?

MR. PHILLIPS: With the condition that the bank come back
and verify that people are living there.

MS. BLACK: We can't do that.

MR. PHILLIPS: Okay, I'll just make it 30-day extension,
30-day extension of time.

MR. HOLLAND: The permit.

MS. BLACK: Thank you. We appreciate a 30-day extension
of time.

MR. SCHERER: Okay, we have a motion. Is there a second
on the motion?

MS. CHARLTON: I second.

MR. HOLLAND: Could you amend the motion to include a
conscientious effort to obtain a permit to finish the

property?

MS. HALE: From who?

MR. HOLLAND: From anybody. I don't care. It's a structure we're dealing with, all these people cited, we don't really care.

INSPECTOR HRUSCHKA: That's one of the things I did talk to them about; if they just renew it, we don't have a case here. And they opted to go for the revision instead.

MR. JARRETT: That's the homeowner's only resolution to begin with, is to pull the permit, or actually, just to reactivate the permit, correct?

INSPECTOR HRUSCHKA: Right, right.

MR. JARRETT: So that's what we're asking them to do, correct?

MR. SCHERER: So, we have an amending the motion to require the homeowner to obtain the building permit.

MR. PHILLIPS: [inaudible] an extension of time to comply with the prior order, which required them to do that. Just to clarify I'll amend the motion: 30-day extension of time for the property owner to obtain or re-file or reactivate the building permit.

MR. SCHERER: Okay. Motion, is there a second?

MR. HOLLAND: Second.

MR. SCHERER: Okay.

MS. BLACK: Thank you.

MR. SCHERER: Any discussion on the motion? All those in favor, signify by saying aye.

MR. BARRANCO, MS. CHARLTON, MS. HALE, MR. HOLLAND, MR. JARRETT, MR. SCHERER: Aye.

MR. SCHERER: Opposed, no.

MR. PHILLIPS: No.

MR. SCHERER: Motion passes.

MR. PHILLIPS: We have one 'no' over here.

MR. SCHERER: One 'no.'

MS. HALE: What? Oh.

MS. BLACK: Thank you.

MR. PHILLIPS: Thank you. Mr. Chairman, can I just ask a question of Mr. Hruschka, Jorg?

MR. SCHERER: Sure.

MR. PHILLIPS: Once a permit's, let's say re-issued -

INSPECTOR HRUSCHKA: Yes.

MR. PHILLIPS: Then they have what, six months to complete work on it?

INSPECTOR HRUSCHKA: No, it's three months because the work already started. So it would be just progressing, and it's also -

MR. PHILLIPS: And after that period, would it go to Code Board or come back to us?

INSPECTOR HRUSCHKA: Since there is no concerted effort to complete it, I brought it in front of the Unsafe Structures

Board under 117 not 105. Just because they're not, didn't show any intent so far to complete it, therefore the remedial action is to take it down, according to 105.

MR. PHILLIPS: Get rid of it, okay. Alright, thank you.

MR. SCHERER: Thank you. Okay?

MR. PHILLIPS: Nice house too.

MS. PARIS: Almost done.

MR. SCHERER: Is, real quick, is there any way we could put the minute, or the -

MS. HALE: We don't have that.

MR. SCHERER: - the prior Board action of what we had before. We used to have it on the side -

MS. HALE: We used to have it on the side.

MR. SCHERER: - on the margins of what - okay.

MS. HALE: {inaudible} dates. Huh?

MS. WALD: I agree.

MR. SCHERER: Perfect.

MS. HALE: Oh, Ginger agrees too.

MR. HOLLAND: Next time.

6. Case: CE7052165

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Charles & Donna Jordan

716 SW 4 Place

MS. PARIS: We're almost done, we're up to page five. We have a new business case. CE07052165, Inspector George

Hruschka. The case address is 716 Southwest 4th Place. The owners are Charles M. and Donna Jordan.

Property was posted 6/30/08, advertised in the Broward Daily Business Review 6/27/08 and 7/3/08. We have certified mail to the owner returned. Certified mail to Donna Jordan returned. Certified mail to ARC Equity Funding, LLC, signature illegible 5/27/08. Certified mail to Eduardo J. Garcia, registered agent for ARC Equity Funding, signature illegible 5/27/08, and certified mail to the tenant in possession returned unclaimed.

INSPECTOR HRUSCHKA: Good afternoon. Jorg Hruschka, City Building Inspector. Case number CE07052165, address is 716 Southwest 4th Place. The violations are as follows:

FBC 117.1.1

THIS SINGLE FAMILY STORY BUILT IN 1939 HAS BEEN LIFTED FROM ITS FOUNDATION, RAISED ON 4-5' TALL SUPPORT STRUCTURES AND HAS BEEN PREPARED TO BE MOVED. ALL UTILITIES HAVE BEEN DISCONNECTED AND THERE ARE NO TIE DOWNS TO KEEP THE STRUCTURE SAFELY SECURED TO THE GROUND. THE BUILDING HAS BECOME UNSAFE AND PRESENTS A FIRE AND WINDSTORM HAZARD.

FBC 117.2.1.2.1

THE ENTIRE BUILDING HAS BEEN RAISED OFF ITS FOUNDATION AND IS HANGING LOOSE. THERE ARE NO

STRUCTURAL CONNECTIONS TO THE GROUND.

FBC 117.2.1.3.1

PERMIT 06041178 TO REMOVE THE STRUCTURE FROM
ITS FOUNDATION AND RELOCATE IT TO A DIFFERENT
LOCATION HAS EXPIRED PRIOR TO COMPLETION.

I have a couple of pictures just to illustrate, its basically straightforward.

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

It is in the historical district. It's a very attractive building. However, it's been completely raised up and has been sitting there for a few years now too. And we just would like to see something done with it. It is a windstorm hazard. It's not located or secured to the foundation like it's supposed to be. So we're asking for a demolition order on that one.

MR. SCHERER: So, is this a historic structure?

INSPECTOR HRUSCHKA: Yes. In the historic district too.

MR. SCHERER: So, can you do, can we even do that?

INSPECTOR HRUSCHKA: Well the thing is -

MR. SCHERER: Outside, just kind of more for my knowledge, but can you demolish a historic structure?

MR. JARRETT: Question is, do we want to demolish a historic structure?

MR. PHILLIPS: It's an end run about getting rid of

something they want to get rid of, not, so they can build on the old site?

MR. BARRANCO: Right.

MR. PHILLIPS: Hey, can we order them to put it back where it came from? There's probably -

MS. WALD: Okay, okay, okay.

MR. PHILLIPS: Probably townhouses on this site.

MR. SCHERER: Ginger, go ahead.

MS. WALD: Ginger Wald, Assistant City Attorney. To try to answer the questions in sequential order: first of all, you can order if you want to demolish; that's question number one. Number two, to obtain the demolition permit the owners are going to have to go through the Historic Preservation Board because this is in the Sailboat Bend area, the historic area. So they would have to do that first to be able to get the permit to demolish this structure. So I think that answers number two.

MS. HALE: Yes.

MS. WALD: And your question, Jack?

MR. BARRANCO: The end run.

MR. PHILLIPS: If this came from a site and the developer bought it, said were going to move it, we're going to give it for five bucks to some guy six blocks away, and they have the space available now to build new townhouses or something. And how would you verify or find out if this wasn't some ruse to

ultimately demolish something that the Historic Board would never have approved of if they knew this?

MR. SCHERER: Is there, is there a respondent here?

MS. HALE: Yes.

INSPECTOR HRUSCHKA: We don't have a respondent, but there's a neighbor would like to speak on behalf of the neighborhood maybe.

MR. SCHERER: Okay, sure.

INSPECTOR HRUSCHKA: However, in response to Mr. Phillips's comment here, it's only a residential zoned. And unfortunately I did not look at all the details, but it's my understanding, and it was confirmed in the Building Department that the structure will not be removed. It's going to be relocated on the existing. There were alterations made to it.

There was original concern of flooding this, because it's right next to the river and the elevation was very low. So I don't think there was a redevelopment plan in place here. It's something to incorporate the existing with something new that would be compatible and I think that was part of the HPB approval. However, it's also my understanding that the USB and the HPB are two independent boards of equal status. So where do we start?

MS. HALE: How long has this thing been like this?

INSPECTOR HRUSCHKA: Several years.

MR. HOLLAND: This is -

MS. HALE: What's several year? I mean, 2000 and -

MR. SCHERER: I know exactly where it is, it's right off, right, is this right by the performing arts center?

INSPECTOR HRUSCHKA: I'm sorry?

MR. SCHERER: Is this the one right by the performing arts center?

INSPECTOR HRUSCHKA: Yes. But there's two of them. There's one around the, this one is on the river, the other one is right across the street from the performing arts center.

MR. HOLLAND: Okay. So this is a financial hardship and can you elaborate on the, do we have any information on the financial hardship plea?

MS. WALD: Ginger Wald, Assistant City Attorney. I can tell you that a lis pendens has been recently filed in regards to this property. When we did the -

MR. HOLLAND: I'm sorry, a what?

MS. WALD: A lis pendens has been recently filed, which is getting ready to go ahead and foreclose on the property by the bank. I can provide you that information. They were, they were noticed for this hearing.

MR. PHILLIPS: So, what was what actually is the lawsuit, then?

MS. WALD: Say that again?

MR. PHILLIPS: What actually is the lawsuit?

MS. WALD: The lis pendens has been filed and I haven't been served with the mortgage, excuse me, with the foreclosure action because I don't think the City is a party. But if I'm served with it, then the City would be a party. But when we do go ahead and we do the search of the public records in Broward County this lis pendens did show up.

MR. SCHERER: Okay. We have a -

MS. WALD: So I hope that answers your question.

MR. SCHERER: I think we have a, somebody wanted to speak?

MS. HUGHES: My name is Molly Hughes, I'm a resident, next-door neighbor to the immediate west. My address is 728 Southwest 4th Place. I wanted to, I don't disagree with anything that's been said but I can elaborate a little bit. I understand it's hearsay, but for the benefit of connecting the dots.

The owner went to HPB a couple of years ago after demolishing the inside of the home, showed a plan to remodel the home, expand the home and indicated he planned to live in the home. He told that same story to many, many people many times, over many months and I personally believe that was his intention. Not that intention's direct to you, but I believe that was his intention.

The home has been moved. There is this one confusing part for everyone. Usually when you go to this expense, you're

moving the home to another location. The gentleman pulled a permit to disconnect everything, he moved the house to the front of a lot, excavated underneath where the house now sits and compacted in sufficient way that he believed he would be able to get a permit to build a second floor and move the home back.

It's now about four feet further south than it was when he first moved it to the front of the house. So what you're seeing here is not the preparation to move a home. It has been moved to the front of the lot, moved back approximately the same location with the intention of setting it down, renovating it and eventually building a second floor. So that just is offered by background. He's not here; he would've told you that if he was.

My purpose in speaking is on behalf of myself and several neighbors. I did not bring a signed affidavit on their part, but it won't be a stretch of your imagination to know that we too have been looking at this for four years.

Gentleman bought the house, closed on it over the weekend of July 4th, 2004. The only thing he's done since then is pull demolition permits. So whatever condition the house was in when he purchased it, it's been somewhat demolished ever since. Never a permit pulled and no work to improve it.

A couple of other things, I think it's important for me to communicate to you, just so you know. It is being used for

storage. I think he closed his construction office and brought all the things over and is storing it in there which would really be neither here or there, but it's not secure. Doors are gone, windows are missing and so in the event of a hurricane - and by the way it was in a similar condition last season and we were quite concerned - in the event of any kind of pressure on this building, it wouldn't just be concrete block. There are things piled high in there, and an inspector would not have been able to see that, but from my vantage point, or from the river you can see that.

Number two, probably not really evident from these pictures and perhaps not known to the inspector if he didn't go on the premises. A large amount of excavation has been piled up along the river. If you ever did go along river to look at the home, you can only see the top part of the home because there's about a 8-foot or so mound of dirt along the sea wall, so large and so heavy that it is pushing the sea wall into the river. I personally am very saddened by that because the previous owner of my home and this owner built the sea wall together. The underlying sea walls are one. So, that's not a good thing for us.

And the third thing I wanted to point out is during the excavation, underneath what is now underneath the home when the home was at the front of the lot, the ground level was not brought back up to the surrounding ground level, his own

surrounding ground level, so it's now ponding. And I don't know if the inspector's ever been there after a rain, but for a day or so after an afternoon rain, it's, it's a mosquito pond.

For the last two Marches, the last two Marches, we had alligators mating under there for two and three weeks at a time. I'm not a naturalist, but everybody knows that as a native Floridian, what it sounds like when the alligators are doing their mating call. We called to have alligators removed, but that is quite a difficult process so we had a chain-link fence put up to make it comfortable, somewhat comfortable for us to be on that side of the house because they were there. And this is repeated, so it's not a fluke.

I'm going to wrap up here by saying -

MR. PHILLIPS: Sure it wasn't near Himmarshee? Could have been another type of mating sound.

MS. HUGHES: I got my flashlight out to make sure before I called the second year. There were three of them under there.

MR. PHILLIPS: What did they look like?

MS. HUGHES: They're substantial size. I mean it's funny, but it's scary for my family.

MR. PHILLIPS: [inaudible]

MS. HUGHES: So, I think my purpose in being here is not to give anyone a hard time. The gentleman has stated to a

number of people the same story and that is that he does not have the money to finish the job. That was probably supported by the attorney's comment. What we are most concerned about is the current appearance. The current rats and mosquitoes, and the seasonal alligator mating. That kind of a rodent or whatever you want to call it issue. And our biggest fear is that you will grant an extraordinary amount of time on top of the four years that we've already looked at this, lived with this.

So I think what we are hoping will happen, our neighbor, street on our, the neighbors on my street are hoping, that actions will be taken so that whatever the outcome is, it can be done.

That's number one. Number two, if actions can't be taken relatively soon, something be done to make it a little bit less atrocious, in terms of its appearance. Kind of an understatement to say it's bringing the neighborhood down.

And then thirdly, and this has nothing specific to do with this site. We strongly believe that the City code needs some sort of a change that requires a permit holder, a demolition permit holder to bond in the same way that many other applicants have to bond for the improvements to bring the facility back to code.

This is not something that exists in the code right now. But if, when someone pulls a major demolition permit and they

show whatever their plans are, or should show whatever their plans are to bring it back into compliance with any set of City codes. If they were required to bond for 125% of that, then, then this couldn't happen because the bond would be available to complete the renovations or whatever, bring it back.

MR. SCHERER: Yes. Unfortunately we can't do anything about that one, but the first two we can, so.

MS. HUGHES: But, I have put on the record our request.

MR. SCHERER: Thank you, yes.

MS. HUGHES: Thank you very much.

MR. JARRETT: I have a question for Molly before she takes off. Are you saying that, you realize of course this Board can only order to demolish.

MS. HUGHES: I do.

MR. JARRETT: And we can't make any other orders.

MS. HUGHES: I do.

MR. JARRETT: Perhaps Historic Preservation Board can do something, hopefully. Obviously, the building should be saved, but not at your expense. Do you feel that, are you saying that you and your neighbors would ask us to demolish this building?

MS. HUGHES: We would not have four years ago or three years ago, but we would today because it's in ruins. It's in ruins. I think that the reason that we would take that

position is because the alternative is to have the owner make some improvements and the owner cannot, the owner cannot. And if the bank takes it over, they will not. So the better option for us is to have it cleared, have it sodded and have a vacant lot next to us that's maintained or mowed or something until somebody wants to build on it.

MR. JARRETT: You don't feel that if the bank took it over they would find a buyer who would restore the property, and your neighbors, you and your neighbors feel that you don't want to go through that length of time.

MS. HUGHES: That's one consideration, and I wouldn't say that except it's on top of four years. So we're kind of used up on the time. But here's the other thing: the home is about an 1800 square foot home. The mortgage on the property is \$900,000. The Historic Preservation Board is going to let them restore the home.

I don't know where the bank will find a buyer in any close to that range for a 1700 square foot home with small rooms, and you get my picture. I don't have a lot of confidence that there would be an outcome, otherwise I would apply more patience.

MR. PHILLIPS: What's the lot size? A hundred by a hundred?

MS. HUGHES: It's about a third of an acre, 75 feet by about 185 feet.

MR. PHILLIPS: So, 185 on the water?

MS. HUGHES: 75 feet on the water and about 185 to the street.

MR. PHILLIPS: Oh, it's narrow.

MS. HUGHES: 75 feet on the water, 185 or so to the street.

MR. SCHERER: Okay. Is there any way to determine whether or not the owner tried to pull a demolition permit and wasn't able to?

INSPECTOR HRUSCHKA: The demolition permit, actually, I looked it up now [inaudible] I didn't have the information available before hand. We had demolition, actually foundation relocation permit, 06041178 was issued July 12th 2006, almost exactly 2 years ago. Last inspection on that was on 2/17/2007, so it might have been two years prior that the property was purchased but it's just two years under the permit issue. Which is now the third season that we're going into for the hurricanes so that's where we're here today.

MR. SCHERER: So, the City's asking for a motion to demolish.

INSPECTOR HRUSCHKA: Yes.

MR. SCHERER: Okay.

MR. JARRETT: Can I ask Counsel a question? If we give this order to demolish, you're going to have to go to Historic Preservation Board, is that the way it works?

MS. WALD: Not me.

MR. JARRETT: Okay.

MS. WALD: The owner himself, to get the permit, is going to have to go in front of the Historic Preservation Board.

MR. JARRETT: Okay, and assuming the owner doesn't show up at that hearing like he hasn't shown up at this hearing, then you would have to -

MS. WALD: The City, the City would -

MR. JARRETT: - the following month do so, correct?

MS. WALD: The City would then have to do that. That is correct.

MR. JARRETT: Okay, so basically, we would just be handing this off to the Historic Preservation Board.

MR. SCHERER: Potentially. But it's not really our job to determine whether or not it gets saved or not, it's -

MR. JARRETT: Right. Exactly, that's what I'm saying.

MS. WALD: And that is correct.

MR. JARRETT: In other words, the Historic Preservation Board is going to have the final say on this.

MR. SCHERER: I don't think so.

MS. WALD: Well, not the final say. And keep this in mind too: there's different criteria that they have. And so your decision today is based upon your own criteria and making the decision whether, per the City's request, to order demolition of this property or not.

MR. JARRETT: Okay.

MS. WALD: To keep it simple for you.

MR. JARRETT: Just a comment to the Board. The reason I'm asking these questions is because it is obviously a historic building. And we look at it strictly through hazards and the issues that we address. So what I'm saying is that the Historic Preservation - if we have any reservations about demolishing this building we shouldn't, because the Historic Preservation Board is the proper authority that if it has this historic value they'll stop it. So.

MR. PHILLIPS: Can I ask a question of the City? If, let's say after six months you'd have gone to the Code Enforcement Board. It's not homesteaded because it's, no one's living there and it's beyond a half an acre within the municipality. No, it's a third of an acre, she said?

But, let's say it wasn't homesteaded, if you had gone to Code Board, aggressively pursued it, had it auctioned off in favor of the City, over four years financially then, even with the, there's a bank involved, then you would have, the City would have at least gotten title or had it auctioned off to the public who could have made a business decision. At least there would have been a chance rather than demolishing it.

MS. WALD: I don't -

MR. PHILLIPS: I'm just wondering why the City mightn't consider that route.

MR. SCHERER: The City doesn't -

MS. WALD: First of all, yes, first of all -

MR. PHILLIPS: No, if they foreclose a Code Enforcement
lien -

MS. WALD: Okay, but there is -

MR. PHILLIPS: Then it would be auctioned off, and the
City -

MR. SCHERER: There is one, right?

MR. PHILLIPS: - the City could get -

MR. SCHERER: Is there a code enforcement lien?

MS. WALD: There is no code enforcement lien on this
property, and so you're -

MR. PHILLIPS: How come? How come?

MS. WALD: - you're asking a question with presupposition
and presupposition and presupposition, which I can't answer.

MR. PHILLIPS: I'm just saying, instead of going to the
Unsafe Structure Board for a historic, relocated property that
no one wants to knock down, if the avenue had been the Code
Board where you can impose a lien in favor of the City,
auction it off, put it out to the public who could make a
decision then to buy it and then continue it, that might be a
much more effective way of seeing a result without knocking it
down.

MR. SCHERER: Someone owns the property though, so it's
not -

MR. HOLLAND: I think, I think we have issues of just how historic and just how significant. There's -

MR. PHILLIPS: Well that's the effect of [inaudible]

MR. SCHERER: Here, hang on, the fact that it's historic is irrelevant. We can think about it in the back of our mind and whether or not you want to tear it down, but the issue that's in front of the Board has nothing to do with whether or not it's historic. It's a house that's on blocks -

MR. HOLLAND: - dead & buried.

MR. SCHERER: - whether it's historic or not, it's a house on blocks.

MR. HOLLAND: And one way I think we can look at what we do is, we are prerequisite to providing a service for unfortunately demolition when owners can't do it themselves, and it serves other neighbors to do so. It's, there's many structures that are historic and can't be saved. It's like having referendums without the price tag on it.

MR. SCHERER: Not to mention there are certain people that don't necessarily agree with the Historic Board all the time.

MR. HOLLAND: Exactly, and that -

MR. SCHERER: That don't necessarily agree that certain structures are historic.

MR. HOLLAND: Yes, our motion begins a process that can be stopped if something miraculous happens and I don't think

we need to speculate about that, we've heard a lot about how that can happen, but it provides the service needed to the community in case as we think is going to happen here, there are insufficient funds to salvage the structure. So, I'd be inclined to move it for demolition.

MR. PHILLIPS: The only reason I mention that is, you keep things, you look, you keep, you consider our role in pare materia, or in reference to other boards, and what's, what's the City as a whole? We have the Historic Board, we want to preserve things, buildings like this for whatever reason, or we wouldn't have a Historic Board.

And maybe as a condition of the City or the Historic Board rendering a decision in the past was based on the promise that this building would be kept or they wouldn't have allowed it to move in the first place. So rather than us just be take our decision out of a, in a vacuum, we consider the Historic Board. I'm just suggesting from a management standpoint, there might have been another way of doing this, rather than leaving us be the heavies to knock down what I think is a historically significant building.

MR. SCHERER: I tend to agree with what you said, but if the -

MR. PHILLIPS: What if it's the Stranahan house?

MR. SCHERER: If the Historic Board was that concerned about this property they should be here talking to us.

MR. PHILLIPS: But I could see how this, I could see how this could be orchestrated.

MR. HOLLAND: Well, John raises a good point about respondents here, including the Historic Preservation Board. I think they're very, their role is to designate these things. I don't think they deal with fiduciary matters too much and what we have is a hardship case that is spreading to other properties. And we're in a very down economy right now, I don't think things are going to get better fast. We're going to see a lot more of these coming up, and I just -

MR. PHILLIPS: Well, the only two enforcement arms the board, City really has, the quasi-judicial boards, is the US, is Unsafe Structure Board and the Code Enforcement Board. We can't order a property be liened. We can't impose a lien and have it auctioned off. The Code Enforcement Board can do that though. And that, you can have a lien [inaudible] -

MR. SCHERER: Ginger, would you like to respond to that?

MR. PHILLIPS: - which could be auctioned off, and then -

MR. HOLLAND: We have a response from the Counsel.

MR. PHILLIPS: I'm not saying not now, there is no board right now. I'm just saying in the beginning - there is no Code Board case - but I'm saying in the beginning, rather come to us, if it had gone to the Code Board three, four years ago, this might have been a moot point by now.

MR. SCHERER: Well, unfortunately it's not. So would

somebody like to make a motion and then we can

MR. HOLLAND: Yes, I'll -

MR. SCHERER: - have a second on the motion and then have a discussion on that motion.

MR. HOLLAND: Yes. 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.

MR. SCHERER: Okay, we have a motion, do we have a second?

MS. HALE: Second.

MR. JARRETT: Second.

MR. SCHERER: Okay, any discussion on the motion?

MR. PHILLIPS: I wish we would defer this in an effort to save this beautiful building, and consider our brothers and sisters on the Historic Preservation Board. Maybe have the City consider another enforcement alternative. Because no one - it's fenced in - no one's going to get hurt by it, the hurricane's not going to lift it up like the Wizard of Oz so I don't really think there's life safety. Granted there's granted, there's -

MS. HALE: I don't think that's -

MR. PHILLIPS: [inaudible] mating alligators.

MS. HALE: I don't think that's a problem because Molly has just explained that the contractor put all of his junk on the inside of the house and one good storm, because it appears in the picture we saw, there's no windows, no doors, and it is a distinct liability when the winds start. And it's only sitting there on pilings of some sort.

MR. HOLLAND: And we've had a lack of respondents.

MS. HALE: Yes.

MR. HOLLAND: I think some, hypothetically, some people just throw in the towel and the City provides a service here.

MR. PHILLIPS: I know, but with the foreclosure maybe someone would come up and preserve it if we don't demolish it.

MS. HALE: Well, I think that Molly has spent four years with it and now she's a little worried for her safety. With the junk that the contractor stuck on the inside, and I have a lot of sympathy for you. I have sympathy for a whole neighborhood that's probably sitting in the historical district - you probably have a house of an equal age and so do all your neighbors - but unfortunately just because you're built in 1939 and now you're being used as a storage room. It is a shame, but that's the way it goes.

MR. HOLLAND: I empathize with Jack that we are playing the heavies but if that's what it takes to spur somebody to action to rescue the place, I'll take that role.

There was one great structure, Monticello, that almost deteriorated and died, and somebody came at the last minute and resurrected it and thank God they did. So, miracles can happen. But in this case, I think we need to play the heavy and trust the City has gone through the due processes and various boards and entities have had their chance. But your point's well taken Jack.

MR. JARRETT: Also, we have to keep in mind that Counsel has advised us that if this has gone to Historic Preservation Board, they're the board appointed to determine whether or not this is -

MS. HALE: I don't want to go there unless they step up to the plate and they haven't done it so far.

MS. WALD: Ginger Wald, Assistant City Attorney, when the permit is applied for they're going to force, before they give a permit, to go to the Historic Preservation Board, whether it's the owner, whether it's somebody else.

MS. HALE: Okay.

MS. WALD: And so that's how it works. They must go, because of where this property is located, they must go in front of the Historic Preservation Board before a permit will be issued.

MR. JARRETT: Including the City, correct?

MS. WALD: Including the City. And I don't represent the Historic Preservation Board, so I really can't speak as to

their criteria.

MR. SCHERER: So our motion or our action from this Board could be vetoed by the -

MS. HALE: Oh, it probably will be.

MR. SCHERER: Historic Preservation Board.

MS. WALD: It can't, veto is not really, because you're two separate boards with two separate purposes and criteria to make decisions. I hesitate to use the word veto. They're either going to grant the permit or not grant the permit and then it's going to go through the next step, wherever that may be. And again, I am very, very hesitant to speak about that because I am not the attorney for the Historic Preservation Board.

MS. HALE: Is it in foreclosure right now? You said there had been -

MS. WALD: All I know is from doing the research in the public records of Broward County, is that a lis pendens has been filed, which is basically saying it's a legal, it's a legal document that's basically saying hey, there's a title issue here, there's a problem. And I'm assuming, based upon who the parties are in the lis pendens that there probably is a mortgage complaint filed. But no -

MR. PHILLIPS: Well, there has to be, has to be.

MS. HALE: Against the owner -

MS. WALD: That is correct.

MS. HALE: It's not a tax lien or -

MS. WALD: No, no, no, it wasn't -

MR. PHILLIPS: There has to be a lawsuit if there's a lis pendens.

MS. WALD: It was filed -

MR. PHILLIPS: You don't have a lis pendens unless there's a lawsuit.

Hale: Let me hear from Ginger please.

MS. WALD: It was filed by the mortgage company; that is correct. And the lis pendens, actually to give you some more additional information, the mortgage was attaching to two properties by this owner, and so the lis pendens is based upon probably this mortgage because it's actually been filed as to two properties and recorded as the same.

MS. HALE: Right, okay.

MS. WALD: Just so you have a full understanding.

MR. SCHERER: Okay, so we have a motion and a second on the motion to demolish this structure. Is there any more discussion? Okay, seeing none, all those in favor, signify by saying aye.

MR. BARRANCO, MS. CHARLTON, MS. HALE, MR. HOLLAND, MR. JARRETT, MR. SCHERER: Aye.

MR. SCHERER: All those opposed?

MR. PHILLIPS: No.

MR. SCHERER: Okay, motion passes.

7. Case: CE7081657

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**Housing Authority of the City of
Fort Lauderdale
830 NW 14 Way**

MS. PARIS: Our next case on page six is a new business case. CE07081657, Inspector Gerry Smilen. Case address 830 Northwest 14 Way. The owner is Housing Authority of the City of Fort Lauderdale.

The property was posted on 5/14/08 and advertised in the Broward Daily Business Review 6/27/08 and 7/3/08. We have certified mail to the Housing Authority of the City of Fort Lauderdale signed by M. Brown 5/16/08. And certified mail to Tam English, registered agent for the Housing Authority of the City of Fort Lauderdale signed by M. Brown 5/16/08. And certified mail to the tenant in possession returned vacant.

MR. SCHERER: So we're going to demo one of our own buildings.

INSPECTOR SMILEN: Good evening Board. Gerry Smilen.

MR. PHILLIPS: Who has jurisdiction over this one? Why don't we defer to Lauderdale by the Sea?

MS. PARIS: Dee Paris for the City. This is not the City of Fort Lauderdale; this is a private entity that deals with grants for the government for Section 8 and for HUD and so on and so forth. And they own 25 or 30 properties in the City.

MR. SCHERER: So this is a private developer -

MS. PARIS: This is a private company, yes.

MR. SCHERER: - who develops affordable housing.

MS. PARIS: Yes, that's correct.

MR. SCHERER: For Broward County or for Fort Lauderdale?

MS. PARIS: They, they're in Fort Lauderdale, but they work with the government with grants. If you go to their website they have a list of -

MR. SCHERER: I don't know if I'm -

MS. PARIS: - community programs.

MR. SCHERER: I'm on the -

MS. PARIS: But they're private company.

MR. SCHERER: I'm on the Broward Board of, Affordable Housing Board; does that conflict me out of this?

MS. WALD: Depending on where the fund - excuse me - Ginger Wald, Assistant City Attorney. Depending on where the funding came from for this property. So if you feel, since we have plenty of board members -

MR. SCHERER: Yes, I'll just, yes.

MS. WALD: - out of an abundance of caution, that it could actually have been the funding for this property, then obviously you can go ahead and recuse yourself and fill out the conflict form.

MR. SCHERER: Okay.

INSPECTOR SMILEN: Gerry Smilen, City Building Inspector,

Fort Lauderdale, presenting case number CE07081657. Property was first inspected on 8/24/07 for the following violations:

FBC 117.1.1

THE DUPLEX BUILDING HAS BEEN SUBSTANTIALLY DAMAGED DUE TO FIRE. THE ROOF IS OPEN AND EXPOSED TO THE ELEMENTS. THE BUILDING HAS BECOME A WINDSTORM AND FIRE HAZARD AND DOESN'T MEET THE MINIMUM HOUSING CODE.

FBC 117.2.1.1.1

THE BUILDING REMAINS VACANT, UNGUARDED, AND OPEN.

FBC 117.2.1.2.1

THE FOLLOWING MATERIALS ARE HANGING LOOSE AND LOOSENING:

SHINGLES

ROOF SHEATHING

TAR PAPER

FASCIA BOARD

TRUSSES

DRYWALL

INSULATION

FBC 117.2.1.2.2

THE ROOF AND TRUSS SYSTEM HAS BEEN DETERIORATED AND DAMAGED BY FIRE.

FBC 117.2.1.2.3

THE FIRE HAS PARTIALLY DESTROYED THE ROOF ON
THE SOUTH SIDE OF THE BUILDING.

FBC 117.2.1.2.5

THE ELECTRICAL PREMISE WIRING HAS BEEN DAMAGED
BY FIRE AND REMAINS A HAZARDOUS CONDITION WHEN
REENERGIZED.

FBC 117.2.1.2.4

THE ROOF ON THE SOUTH END OF THE BUILDING IS
SAGGING BECAUSE THE BURNT OUT TRUSSES ARE
OVERSTRESSED.

Obviously, we're looking at the result of a fire burn out
and the City looks at it and moves for a motion of demolition.

MR. SCHERER: Is there a respondent?

INSPECTOR SMILEN: I might add, that as of July 9th there
was a, as of July 9th a demolition permit has been applied for
with the City. So they are looking to demolish.

MR. SCHERER: Okay.

MS. HALE: So what does he want us to do?

MR. HOLLAND: I'll move the item.

MS. HALE: What did you want us to do?

INSPECTOR SMILEN: Well, obviously this case was already
on the agenda before -

MS. HALE: I see, okay.

INSPECTOR SMILEN: - before we. They, obviously they got
the notice and that was their reaction. They figured they'll

just go ahead and demolish it and apply for the permit, so.

MS. HALE: Okay.

INSPECTOR SMILEN: If you -

INSPECTOR SMILEN: Can we table this for a month and see if it's moot?

MR. SCHERER: We can make the motion, and they've already applied for the permit, so that way it doesn't come back in front of us again.

MR. HOLLAND: Right.

MR. SCHERER: Within the 30 days they'll achieve their demolition permit and will have their own.

MR. HOLLAND: Yes, we'll be a safety net in case of.

MR. SCHERER: In case they decide not to pull the permit.

MS. HALE: You want me to read this?

MR. SCHERER: If you'd like to make the motion.

MS. HALE: Okay. It's August 21st.

MS. WALD: Wait, wait, wait, wait. Hold on.

MR. SCHERER: Hang on, hang on, Ginger's got something for us.

MS. WALD: Can you hold on one second, please?

MR. SCHERER: Sure.

MS. WALD: Okay.

MR. PHILLIPS: Doesn't the City appoint members to the Housing Authority?

MR. SCHERER: The County.

MS. HALE: Yes.

MR. PHILLIPS: No, I mean this: the Housing Authority for the City of Fort Lauderdale.

MR. SCHERER: For the City of Fort Lauderdale, yes, but I'm on the Broward County.

MR. PHILLIPS: No, I'm saying this entity, doesn't the City appoint the members to it?

MR. SCHERER: I don't know.

MS. HALE: I thought it was private.

MR. PHILLIPS: The City's involved somehow. Maybe that's why they're in executive huddle.

MS. HALE: I thought they just said it was private.

MS. WALD: Thank you, I needed to check some notes.

Ginger Wald, Assistant City Attorney. We have an indication that on 4/22/08, in a telephone conversation with Tam English, the Executive Director of the Housing Authority of the City of Fort Lauderdale, who we were going to hope was going to be here today, indicated they need a notice requesting demolition from the City in order to tear down the subject property damaged by fire. He said the Housing Authority will assume all costs involved. He wants to get the demolition under way prior to the hurricane season.

MR. SCHERER: So he wants us to give him -

MR. HOLLAND: Yes, I'll move the item.

MS. WALD: Thank you.

MR. PHILLIPS: Why can't he just get a demo permit?

MS. WALD: I can't answer that question, all I'm doing is reading from the notes of the phone call.

MR. HOLLAND: We may be providing a service.

MR. SCHERER: [inaudible] to him anyways. Sounds like it.

MR. PHILLIPS: I move we find the violations exist as alleged and that we order the property owner to demolish the structure within 30 days, that we order the City of Fort Lauderdale, as opposed to the Housing Authority of the City of Fort Lauderdale, to demolish the structures if the property owner, the Housing Authority of the City of Fort Lauderdale, fail to timely demolish it. Such demolition to be accomplished by a licensed demolition contractor pursuant to a City issued demolition permit.

MR. SCHERER: Okay. We have a motion. Is there a second?

MR. HOLLAND: Second.

MR. SCHERER: Okay. Any discussion? None? All those in favor signify by saying aye.

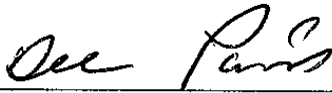
BOARD MEMBERS: Aye.

MR. SCHERER: All those opposed? Motion passes.

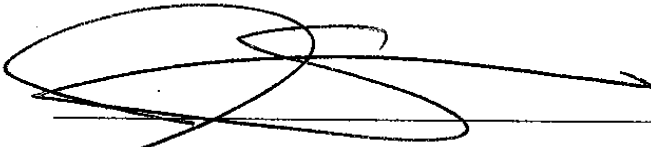
MS. PARIS: Our last case on page eight is a new business, correction, it is a new business case. CE08052049

is complied.

[Meeting concluded at 4:59 p.m.]



BOARD CLERK



JOHN SCHERER, VICE CHAIRPERSON

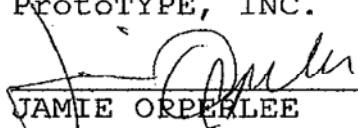
Minutes prepared by: J. Opperlee, Prototype Services

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held July 17, 2008, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.

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