

CITY OF FORT LAUDERDALE  
 UNSAFE STRUCTURES BOARD  
 THURSDAY, JANUARY 15, 2009 AT 3:00 P.M.  
 CITY COMMISSION MEETING ROOM  
 CITY HALL

Board Member	Attendance	Cumulative Attendance 10/08 through 9/09	
		Present	Absent
John Scherer, Chair	A	1	2
John Phillips, Vice Chair	A	2	1
John Barranco	P	2	1
Olivia Charlton	A	0	3
Pat Hale	P	3	0
Hector Huguaburo	P	2	1
Joe Holland	P	3	0
Thornie Jarrett	P	3	0

**City Staff**

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

**Witnesses and Respondents**

CE08081966: Alan Margolis, Partner; Gary Blanchette, neighbor  
 CE07021325: Allan Kozich, Engineer; Jordana Jarjura, Attorney  
 CE08101034: John Brown, owner; Ken Stevens, neighbor; Bruce Bromley, Structural Engineer  
 CE08010743: Karen Black-Barron, Attorney  
 CE08092242: Jana Gray-Williams, owner; Leroy J. Williams, Owner

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<u>Case</u>	<u>Respondent</u>	<u>Page</u>
1. CE07021325 Address: 2470 SW 21 Street Disposition: Case was deferred to February due to lack of a quorum.	<b>Jungle Queen Inc.</b>	<a href="#"><u>4</u></a>
2. CE08101034 Address: 50 Isle Of Venice Disposition: 60-day extension, owner to return to inform the Board of his intentions and plans for the property; in the meantime, no work will be done on property without permit. Board approved 5-0.	<b>50 Isle Of Venice LLC</b>	<a href="#"><u>6</u></a>
3. CE08010743 Address: 1210 SW 29 St Disposition: 60-day extension, owner to return to inform the Board of the plans for the property; property must be secured within 5 days to Inspector Smilen's satisfaction. Order to be recorded. Board approved 4-1 with Mr. Huguaburo opposed.	<b>Timothy Gonyer</b>	<a href="#"><u>27</u></a>
4. CE08081966 Address: 825 NE 17 Terrace Disposition: 30-day extension. Board approved 5-0.	<b>Great States Development LLC</b>	<a href="#"><u>40</u></a>
CE08081974 Address: 835 NE 17 Terrace Disposition: 30-day extension. Board approved 5-0.	<b>Great States Development LLC</b>	
CE08081993 Address: 833 NE 17 Terrace Disposition: 30-day extension. Board approved 5-0.	<b>Great States Development LLC</b>	
CE08090732 Address: 821 NE 17 Terrace Disposition: 30-day extension. Board approved 5-0.	<b>Great States Development LLC</b>	
5. CE08092242 Address: 512 NW 22 Avenue Disposition: 90-day extension, owner to return with an update on her discussions with the insurance company and the City. Board	<b>Jana Gray-Williams</b>	<a href="#"><u>53</u></a>

approved 5-0.

6. CE08101372      **CVM I REO LLC**

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Address: 215 SW 7 Avenue

Disposition: 30 days to demolish the property or the  
City will demolish. Board approved 5-0.

The regular meeting of the Unsafe Structures Board convened at 3:10 p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

Mr. Jarrett nominated Mr. Barranco to act as Chair for this meeting. Ms. Hale seconded and the motion was approved unanimously by voice vote.

The Board agreed to accept the violations as stated in the agenda in lieu of inspectors' reading them into the record.

### **Approval of meeting minutes**

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

**All individuals giving testimony before the Board were sworn in.**

**1. Case: CE07021325**

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**Jungle Queen Inc.**

**2470 SW 21 Street**

MS. PARIS: Our first case will be on page one. This is an old business case, case CE07021325, the inspector is Wayne Strawn, the address is 2470 Southwest 21st Street, the owner is Jungle Queen Inc.

We have service by posting on the property 1/12/09, advertised in the Daily Business Review 12/26/08 and 1/2/09.

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 1/17 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 hearing. And at the 7/17 hearing the Board granted a 90-day extension to the 10/16 hearing. Board members John Scherer and John Barranco abstained from voting.

And on the 10/16 USB hearing, there was a 60-day extension to 12/18. 12/28 USB hearing was cancelled, the case has been rescheduled. Violations as noted in the agenda,

certified mail as noted in the agenda.

MR. BARRANCO: Okay do we - you're the applicant?

MS. JARJURA: Yes, I'm Jordana Jarjura on behalf of the Jungle Queen. Hope had her baby, so I'm filling in for her while she's on maternity leave. Basically, we've been before you -

MS. WALD: Sorry, one second, excuse me. Ginger Wald, Assistant City Attorney. John, I'm assuming that you're abstaining today from the case and voting.

MR. BARRANCO: Yes.

MS. WALD: Okay, thank you.

MR. BARRANCO: Thank you.

MR. MCKELLIGETT: We don't have a quorum.

MS. WALD: We need, we're not going to have a quorum on the case.

MS. JARJURA: Well, that makes it easy.

MS. WALD: So that's - so we're not going to be able to hear this case. So this case is going to have to be moved to the next month.

MR. BARRANCO: So they're good for another month.

MS. WALD: Yes.

MR. BARRANCO: Okay.

MS. JARJURA: Thank you.

MS. PARIS: It's a good thing Ginger's here, huh? Thank you.

MR. HOLLAND: That moves it along.

**2. Case: CE08101034**

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**50 Isle Of Venice LLC**

**50 Isle Of Venice**

MS. PARIS: Okay, our next case will be on page 18; this is a new business case. Case CE08101034, the inspector is Burt Ford. The case address is 50 Isle of Venice; the owner is 50 Isle of Venice LLC.

We have service by posting on the property 12/12/08, and advertised in the Daily Business Review 12/26/08 and 1/2/08 [sic] and certified mail as noted in the agenda.

INSPECTOR FORD: Good afternoon Board. Burt Ford, Building Inspector, City of Fort Lauderdale, presenting case CE08101034. I'd like to enter into the evidence the Notice of Violations, which details all of the Florida Building Code violations for this property. Oh, I don't have it.

I first inspected this property on 10/14 of '08. At that time, the violations that are cited in the NAB were done. We were prompted to go to the property due to a fire that had occurred there and were asked by the Fire Department to show up.

I first heard from the owner, Mr. John Brown, who is in attendance today, on 12/18/08 and on a return call, we went over what the violations were and he wanted to meet. So we ended up having a meeting the day before Christmas, went over

everything and I do believe he has a game plan for what he wants to do with the property, which he'll go over later.

I would like to show pictures that detail what's going on, submit them into evidence.

[Inspector Ford displayed photos of the property using the Elmo]

This is just an exterior picture of the building. The fire occurred pretty much on the west end of the building mostly in the top floor, but did hit some of the first floor as well. And - next pictures - I'm just going to show you some pictures of the charred trusses and joists.

MS. HALE: When was this fire? When was this -

INSPECTOR FORD: December of last year.

MS. HALE: You mean '07?

MR. HOLLAND: No, '08.

MR. BARRANCO: '08.

MS. HALE: Oh, it was just?

INSPECTOR FORD: Yes, just a month ago. That one [inaudible] keep that one. So that pretty, is pretty typical of the joists and the trusses on the top are very charred and charred most of the way through in some places.

Also what's happened here is that, it appears that they started to do work on it and never had any permits as well. There's been new doors installed; there's been, all the interior's been demoed. The cabinets are out, the plumbing's

out. The bathrooms are still intact but the kitchens are, have been pulled out, what not. Work's been done on some of the truss areas where they've been scabbed and whatnot. So work has been going on, but none of it had any permit so it's deemed to be unsafe by the Florida Building Code.

That's just more charring. I'm not going to show any more of those. A lot of the windows were busted out so we have casual entry. Anybody can get in there. As of today I went by, they have boarded up all of the windows and whatnot. One of the violations on the NOV was for the pool, was unguarded, was green. They have since gone there, boarded it up, or they've put a wood frame over it, with metal fencing; nobody's going to go through it, and they've thrown chlorine in it, so it's cleaning up there.

That's what it looked like originally and that's what it looks like now so at least we have an attempt there to protect anybody from falling in. I keep that.

MR. HEGUABURO: Is the pool empty? Or it still has water in it?

INSPECTOR FORD: I keep that. Pardon me?

MR. HEGUABURO: Is the pool empty, or it still has water?

INSPECTOR FORD: No, it still has, it still has water in it, but I went by and it's cleared up, so it's not as green as it was and as long as they keep continuing to do that they're able to pour the chemicals in because it's not covered. So as

long as they continue to do that, that's fine.

The next pictures are just going to be some of the work that was being done without permits. And you can see where they've done a lot of the demo already in the building. And then there's just some pictures of some new doors that they've installed. Working on some decking. Electrical room that's exposed.

MS. HALE: How many apartments were in this building? Oh just a rough number. I mean, is it a four-unit building?

INSPECTOR FORD: How many units?

MR. BROWN: Four units and it could have had six units [inaudible].

MS. HALE: Okay.

INSPECTOR FORD: Yes, okay.

MR. JARRETT: Was all of this work done after the fire?

INSPECTOR FORD: Before.

MR. JARRETT: Oh, the work was done before the fire, then the, and the fire -

INSPECTOR FORD: Yes. I think it was an attempt to do some work there, but no permits were pulled and then the fire occurred after that.

MR. JARRETT: Okay, and the fire was a month ago or so?

INSPECTOR FORD: Exactly.

MR. JARRETT: And no record of any permits in recent past to cover any of this work?

INSPECTOR FORD: No.

MR. JARRETT: Okay.

INSPECTOR FORD: The City is asking for the Board to find for the City and grant an order to demolish the property in the absence of a demo permit or building permit for repair by the owner in the next 30 days.

MR. BARRANCO: Okay. Can we hear from the owner? Please state your name.

MR. BROWN: My name's John Brown. Good afternoon. I would like to give you, first of all, I have my structural engineer here. We have a stamped report on the building, he's gone through the entire building just recently and has looked at the condition of it to deem if it's structurally sound or not and what's - I employed him, so I would have a person to give me an idea of really what, from a structural standpoint, where we stand, so he's here and he will testify to, as to the condition of the building.

What's happened with this building, I've owned this building since 1988. And then I operated it, had no problems until Wilma. When Wilma came along, it tore off the roof and did some damage to it. It has not been occupied since Wilma.

At the time that Wilma happened I had went to the City, and I wanted to build a five-story building, which is, it's zoned R-5, or R-3 ,it's permitted to do 55-foot building and the City said well, go ahead and do your plans or whatever,

but we're kind of more looking at townhouses. And I said well, all up and down Hendricks Isle and right next to me, there's a four-story building. I don't think I can make any economic sense out of building townhouses.

Right now, if you drove down that street there's probably 15 or 20 townhouses in foreclosure. There's another set of townhouses that are about 25% up, just the block wall's up. They've stopped construction completely.

So, here we are at this stage, what the inspector said was not really totally accurate. And I have evidence to show that. Back in April of last year there was a building permit pulled to put a brand-new roof on the building. That means that - here's a copy of it - it was, the roof was torn off completely, all the roof joists were replaced.

And I showed that to the inspector. When this roof was being put on during the summer months, the inspector came out and he looked at the building. I was there, it was a City inspector, he signed the permit. He looked at, the only thing that we did without a permit from when the hurricane happened is to shore up the floor joists on the second floor so we could work on the roof.

And then we put the doors in because it was, they were rotten. And that's all, and we were in the process of, before the fire happened, and I would like to also admit to evidence, this is a arson report, somebody - I just got this from the

detective - here's the arson report, that started a fire in three places in the building. Got in, pried one of the doors open and it appears that they investigated me. I have no, I had no insurance on the property, so there was no motivator for me. I just spent thousands of dollars putting a new roof on and was going to renovate it.

And so, actually, when the detective came to my house - I live a block away on Fiesta Way, I've lived there for almost 25, 20 years - he said, did you know that there was a fire [inaudible]? I said, no, I had no idea. So then I went over and looked, and I was flabbergasted.

The report, you will read, I talked to the detective yesterday or day before when I picked up the report and he said it's obviously, probably some of the people in the neighborhood that didn't want to see the building, that's what we're thinking because it wasn't a homeless situation. It wasn't cold, and they started it in three different places.

So it's under investigation now, and that's that - I just received the report two days ago so they're still, it's under ongoing investigation.

So, I brought some pictures to show that after I talked to the building inspector I, we made sure that the property was fenced off, tightened up the fence. We covered up the swimming pool so nobody could get in. This is a picture from that. This is the fencing.

[Mr. Brown displayed his own photos of the property on the Elmo]

So, it's fenced off, no trespassing as it was before. The allegations of new windows, there were new windows in the front, in the water, but they were done 20 years ago, in 1990.

MR. HEGUABURO: What are your intentions with the building; what do you want to do?

MR. BROWN: Okay, here's my intentions right now. I would be open to build, if the City would permit me to build a five-story building like the zoning is permitted under R-3. You have to go through a long process, I would build that building. I don't need the financing for it; I could build it without, financing is not an issue here. I don't owe anything on this building.

But I want, I don't want to end up in foreclosure and it doesn't seem to me that it's best for the City to have a vacant piece of property sitting there. It either needs to get renovated and put back into meeting all the codes or build a new building there. And I'm willing to do either one of them.

If the City is open to let me build a five-story building like they're all the way up and down those streets, I would go ahead and proceed immediately to do that and build a five-story building, eight apartments; that's what my zoning gives me.

If they were going to fight me like they did with the person on 1 Isle of Venice, and caused him to spend three, four hundred thousand in architectural fees, and then tell him that he couldn't build it because it wasn't compatible with the look the Planning Commissioner wanted and said I have to build townhouses, then my, I'm going to just renovate this building.

MR. HOLLAND: Well, the five-story, you require waivers or is that a build right for this zoning?

MR. BROWN: Yes, no, doesn't require any waivers.

MR. HOLLAND: It's a build right, you can do it just pulling a permit.

MR. BROWN: We could, you have to get, go through the different organizations like the Coastal Board, but I have the zoning. Its legal under R-3.

MS. HALE: So, have you started to proceed to do so?

MR. BROWN: Pardon?

MS. HALE: Sir, have you started to proceed to do so with your plans?

MR. BROWN: I did two years ago and I ran into a dead-end street, ma'am. Then, so I didn't proceed because he had said in so many words, the Planning Commissioner, I'm not going to allow it. I don't think it looks nice.

MR. HOLLAND: I don't think they can really do that. Again, would you have to go to Planning, was it your

understanding -

MR. BROWN: I wouldn't have to go for the -

MR. HOLLAND: - you would have to go to DRC and Planning and Zoning or no?

MR. BROWN: Yes. I have to go to, I don't have to go through anybody if I wanted to build a town house.

MR. HOLLAND: I understand that.

MR. BROWN: But to build a bigger building, yes, I, you have to go through the different committees.

MR. HOLLAND: Right, so you don't, that's not necessarily a right. You have the right to ask for that, but it's not a right to get it and receive it. Yet, you need community input and approvals of these various boards to do it. So, I just want to be clear on that.

MR. BROWN: But if they approve 15 or 20 others, it seems reasonable.

MR. HOLLAND: Well, it doesn't work that way. I mean, you can, that is a point in your favor in arguing your case for it, but it's not an absolute. I just wanted to be clear between what you have the right to do and what you have the right to ask for.

MR. BROWN: I understand.

MR. BARRANCO: And, Mr. Brown, if your intent is to redevelop the property and do the high-rise, you would obviously have to produce those drawings and go through the

process. So that's going to be a hard decision for you to make, but it's a decision and it's a risk you're going to have to make and it's not for us to decide whether it's going to be allowed. Our Board only decides whether the building's safe -

MR. BROWN: Okay.

MR. BARRANCO: - and whether it has to be torn down or not. We're here to help you as an owner get what you want in the long run, but you really have to make the decision. And it doesn't sound like you've made the decision and my tendency would be to give you some time to make a decision.

But I think you need to come back before this Board and decide what your intent is in a reasonable time. I think a month to think about it is plenty. And decide which way you're going to go. Either renovate that existing building, which, it looks like a really nice building, and it's got potential, or go for it and roll the dice and see what happens. And in that case, we'll ask you to demolish the building.

MR. BROWN: See, in this economic times, I think that's unfair. I think that you only have to look at what's happening in the state of Florida and people trying to market these units to stuff that's in foreclosure. I think 30 days is just totally unfair.

I brought a, I went to the length of getting a structural engineer that's going to give you a stamped report that the

building is not structurally unsafe. I respectfully disagree with what the inspector wrote, in terms of, I don't think the inspector's a structural engineer.

I think that having the firm, structural engineering firm go through the building to deem if one of the walls was going to fall down or it deems unsafe, I'll take it down. But if it's deemed safe, I think that it's reasonable to ask for a little more than 30 days.

MR. BARRANCO: Okay.

MR. BROWN: And here's, this is, I would like to put this into evidence. This is the structural engineering report.

MR. HOLLAND: By the way, I took John's comment as, to bring, to come forward with a plan, I don't think you, that's how I took what he said, I don't think he was -

MR. BROWN: She said I'd tear it down if I don't [inaudible]

MR. BARRANCO: What we would do is -

MS. HALE: No, that's an alternative, sir.

MR. BARRANCO: - allow you to come before us again in a month, and at that point, you would come before us and you'd say okay, this is what I've decided to do, I've decided I'd like to renovate it or I've decided I'm going to move forward with the, with the approval of the big building.

MR. BROWN: That's fair. That's fair. That's fair. As long as he doesn't tell me to tear it down in a month, when I

start the process.

MR. HOLLAND: No, no, no.

MR. BARRANCO: And I'm only one vote anyway, I was just sharing with you my opinion on a possible scenario. Somebody else may suggest, let's give him six months. I don't know. And we'll all vote on it and see where you go from here. We're trying to understand your situation, so we can make a decision -

MR. BROWN: I just want a fair shake. That's all.

MR. BARRANCO: - to help you and we want to help everybody in the neighborhood too. We don't want anybody hurt.

MR. BROWN: Okay, I understand.

MR. BARRANCO: No.

MR. HOLLAND: But again, regarding the zoning, I think that's where, as I said earlier, we need to be very clear on that and being respectful of the City and the functions they do, they can't really say you can't do this, we want you to do that. I mean, maybe there's preferences, but it's a very legal matter. And again, you have your options to go one way or the other. And as John stated, by next month you can clarify that direction. And believe me, they, you'll be allowed to do what you have the right to do

MR. BROWN: Okay. I would like to have my structural engineer testify -

MR. BARRANCO: Yes, we'd like to hear from him too, just so we don't have to all read through this. Just give us the abbreviated version.

MR. BROMLEY: Good afternoon ladies and gentlemen, my name is Bruce Bromley with Bromley Cook Engineering; we're a structural engineering firm. The reason that Mr. Brown had asked me to put a site visit, do an inspection, is because of the Unsafe Structure Board findings from the City inspector here.

The basis for the fire, and as far as the alternative, there is, as far as the structure, the structural shell, the fire occurred at the west end like the inspector made mention, so there is roof issues that that roof, that part of the roof on the west end of the building must be demolished and replaced with new.

The floor at the second-floor level is a wood floor; that floor must be, 75% of it must be demolished and replaced with new. The entire floor, again, we're only in the west end of the building. So, I believe that the structural aspect of the shell, and as far as the option for Mr. Brown, is that, and like what you said Mr. Barranco, is that he does have the ability to renovate the existing structure.

And that's basically what this report is alluding to: that it doesn't necessarily need to be totally demolished, but it needs to be renovated to make the fire damage repairs new

and whole and upgrade the building.

MR. HOLLAND: Okay, and your contract was an hourly basis to render that opinion?

MR. BROMLEY: That is correct.

MR. HOLLAND: Is there any other contract matter to do the required engineering to bring this up, by you and your firm?

MR. BROMLEY: Well, absolutely. In other words, what we would have to do to suffice for the City would be to draw the necessary roof, floor, all the interior, any bearings so -

MR. HOLLAND: Understood. And that's in progress? you're under contract for that?

MR. BROMLEY: That's why this meeting here, you've kind of given him a little bit more of an option from what I just heard as opposed to demolishing the building. That's why we're standing here.

MR. HOLLAND: Right, yes, please understand, the inspectors, my understanding is they're obligated by State Code with the findings that they have. And it's, and as he said, as Burt said, there is a game plan, and we're hearing it and I think that's the real intent is to comply with the law, all of us.

MR. BROMLEY: Sure.

MR. HOLLAND: And I think were moving in the right direction. I'm inclined to grant some time to have you make

your decision in the 30 days and maybe even offer 60 days to come in with either.

MR. BARRANCO: Sounds like the owner's obviously made some very good decisions. You've got a structural engineer involved, you've secured the property, and you've been very cooperative. So I would support that motion, if there would be a motion made.

MS. HALE: You want me to make a motion?

MR. BARRANCO: Only if you want to.

MS. HALE: We're going to ask the owner to return in 60 days, which will be March 19<sup>th</sup> meeting, with a game plan for the building. And that implies that you will have made your decision whether to go ahead for the extension of extra floors, extra height, or whether renovation of the current building, or, at the end of the day, demolition of the existing building. In the meantime, no work is to be done on that building without a permit, nothing.

MR. BARRANCO: Got a motion; do we have a second?

MR. STEVENS: I'd like to speak before you rule.

MR. BARRANCO: We've got a motion on the floor.

MS. HALE: We've got a motion, sorry.

MR. JARRETT: You can speak in a moment.

MR. BARRANCO: Do we have a second?

MR. HEGUABURO: I second the motion.

MR. BARRANCO: We've got a motion, we've got a second.

Discussion?

MS. PARIS: I believe we have.

MR. JARRETT: Yes.

MS. PARIS: We have another gentleman who'd like to give testimony.

MR. BARRANCO: Okay. Stand up, state your name for the record.

MR. STEVENS: My name is Kenneth G. Stevens and I reside at 76 Isle of Venice. I have been going by this building now for three years and it's been the worst eyesore on the island. The owner obviously has made no attempt to take care of this building or to do anything with it until just recently, when they put up a new fence yesterday.

But it's been a total disaster on our island, and it seems to me after Wilma destroyed it and at the time that Wilma hit in October, I think it was in '05 or '06, I forgot just what year.

MS. HALE: '05.

MR. STEVENS: '05. Here we are, three, over three years later, he's made no attempt to do anything with that building. And I just suspect that this is going to continue. And as a resident on that street with rental property and property I'm trying to sell as well, I would like to have the time periods shortened considerably to get some decision to either get that building out of there or get it under construction. But

anybody in his right mind, if they went out and took a look at that building, you'd have to be out of their mind to try to renovate it. It's over a 55-year-old building. It's not worth trying to renovate. He ought to tear it down and build something decent there. Thank you.

MR. BARRANCO: Thank you. That was a -

MS. HALE: Sir, may I ask you a question, while you're still up here?

MR. STEVENS: You may.

MS. HALE: When did you make your first complaint to the Code Department about the condition of the building?

MR. STEVENS: I'm sorry, I couldn't -

MS. HALE: When did you make, the neighbors, you or your neighbors, make the first complaint to the Code Department about the condition of the building?

MR. STEVENS: I haven't made a complaint to anybody about it in the, prior to today.

MS. HALE: Well, I realize it's very difficult to complain about your neighbors and the neighborhood and buildings and homes, whatever, that don't really come up to the standard of a neighborhood. But these things, the Code Department is inundated; they don't go out and hunt for dilapidated buildings. Something has to come to the fore so that they will go out and look at it. And sometimes it is the neighbors and it's the neighbors through their neighborhood

associations that have to do it.

MR. STEVENS: I understand that. I was under the impression and had been told that our homeowners association had filed a complaint about it.

MS. HALE: I don't know.

MR. STEVENS: I don't have any personal knowledge of that.

MS. HALE: You have to use the law and the government the same way the other people use it for their favors.

MR. STEVENS: I understand that.

MR. JARRETT: You may be concerned about the time period that you've already waited, but keep in mind that the issue is now in the system. So it will be resolved. You're not going to wait three more years looking at the building like that. Either the gentleman is going to renovate the building with a, he's going to come in here with a set of plans in 60 days, or the building's going to be demolished for a new building.

It's not going to stretch out for another two years. You don't have to worry about that. Once it's in the system, it has to be taken care of; it has to be dealt with.

MR. STEVENS: I just want it to move along and not have delay and continuances continually occurring. I want to get, somebody needs to get this thing either removed or get it under construction, one or the other.

MR. HOLLAND: Thank you.

MR. BARRANCO: Okay, thank you. Any other discussion?

MR. HOLLAND: The motion was rather long, and I guess with subsequent testimony -

MR. BARRANCO: We have to call it to vote.

MS. WALD: You've got to, yes, excuse me.

MR. HOLLAND: We're having discussion.

MR. BARRANCO: Well, we have the, well, we can keep it a discussion, but we can't modify -

MS. WALD: The motion.

MR. BARRANCO: The motion.

MR. HOLLAND: Right.

MS. WALD: The motion has already been seconded as the way it is, and -

MR. HOLLAND: And I'm having discussion that hopefully will affect that vote.

MR. BARRANCO: Okay.

MR. HOLLAND: But if that's not appropriate -

MR. BARRANCO: That's fine.

MS. WALD: But, that's only to affect the vote. So, that actually has, this motion actually has to be voted on first to see what happens.

MR. HOLLAND: Without further discussion.

MR. JARRETT: Well, you could -

MS. WALD: You can talk about it all you want, but it still has to be voted on.

MR. JARRETT: And your discussion could include a request from the person who made a motion to alter the motion.

MR. HOLLAND: No, I understand there's a lot, there's several legal options here.

MR. BARRANCO: Or we could quash it and restate -

MR. HOLLAND: I understand and we've been through these [inaudible] but -

MR. BARRANCO: Let's see what [inaudible]

MR. HOLLAND: I wanted to be clear about, are we comfortable with, I heard presenting a game plan, is there anything more stringent that we want to see within that time period, like an application to DRC, to Building Department? No?

MR. BARRANCO: I don't think that's realistic because he has to engage a design professional. He probably wants to talk to people down at the City and have some sort of game plan. We're coming up on an election here; we don't know which way things are going to go. He may have favor with a new Commission and get what he wants, who knows?

There's a lot that can happen in the next two months and I think in two months when he comes back he can let us know, well, this is what I've done so far. And if we think he's done enough and he's headed in the right direction either way, we don't know what it is yet, then at that point, I think we're going to help him make a decision.

MR. HOLLAND: Okay. Point well taken.

MR. BARRANCO: Okay, so, we're ready to vote and we had a motion, we had a second. All those in favor?

BOARD MEMBERS: Aye.

MR. BARRANCO: None opposed. Next case.

### **3. Case: CE08010743**

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**Timothy Gonyer**

**1210 SW 29 ST**

MS. PARIS: Our next case will be on page three. This is an old business case, it's Case CE08010743, the inspector is Gerry Smilen. The address is 1210 Southwest 29<sup>th</sup> Street, the owner is Timothy Gonyer.

This case was first heard at the 11/20/08 USB hearing. At the time, the Board granted a 30-day extension to the December 18<sup>th</sup> '08 hearing. The December 18<sup>th</sup> '08 hearing was cancelled. This case was rescheduled for today's hearing.

We have service by posting on the property 12/17/08, advertised in the Daily Business Review 12/26/08 and 1/2/08 [sic].

Certified mail as noted in the agenda and violations also as noted in the agenda.

MS. BLACK-BARRON: Good afternoon Board, Karen Black-Barron on behalf of the bank. We're here today as a party in interest and what has happened is at the last hearing, it was

requested that we made sure the property was secure. Well we have re-secured the front portion of the property. The back portion is still occupied. This property is in foreclosure. We have a present schedule for the motions for summary judgment for February 24<sup>th</sup>, 2009. So we are about to take possession soon after that. So we can move forward with it, because we don't want to demolish. They do, they are aware that once they take possession they have to bring it up to code.

MS. WALD: I have an order.

MS. BLACK-BARRON: You got a order?

MS. WALD: I got a final judgment.

MS. BLACK-BARRON: Well she misread it then. We're going to take possession sooner than that, then.

MS. WALD: Just read it in, just to clarify. Ginger Wald, Assistant City Attorney. We do the title searches before you actually have the hearings. Our office handles those and we provide that information to the clerk's office over at Code Enforcement to go ahead and send out the notices.

In the foreclosure action of US Bank National Association, Trustee versus Timothy Gonyer, et al, there is a Final Judgment, a Summary Final Judgment of Foreclosure. That was actually entered into, in favor of the bank, excuse me, that was actually entered into on the 10th day of June, 2008 by Judge Rothschild. It states also with that, that there

shall not be a sale before February the 19th 2009.

MS. BLACK-BARRON: Well then that must be the sale date.

MS. HALE: Well, does she represent the bank? I'm a little -

MS. BLACK-BARRON: I do the, I don't do foreclosure; I do Code Enforcement, so maybe it's the sale date that's set for that, I mean the sale date set for that time.

MS. HALE: Do we, Ginger, do we not have a representative then from the bank?

MS. BLACK-BARRON: I am the bank.

MS. HALE: That owns it? You are the bank.

MS. BLACK-BARRON: [inaudible] Code Enforcement.

MR. HEGUABURO: But, can we hear what the -

MS. WALD: I'm going to go ahead and provide to the Board this information so you have it. But, what's your question?

MS. HALE: She is the bank.

MS. WALD: Yes.

MS. HALE: She represents them.

MS. WALD: She represents the bank. Ms. Black represents the bank.

MS. HALE: So, they do own it and have owned it since June?

MS. BLACK-BARRON: No, they don't own it yet, no they don't own it yet.

MS. WALD: No ma'am.

MS. HALE: The judgment -

MS. BLACK-BARRON: February 19<sup>th</sup>, the sale is going to take place February 19<sup>th</sup>.

MS. WALD: What a final -

MS. BLACK-BARRON: They don't own it yet.

MS. WALD: What a Final Judgment in Foreclosure is, it's just based on the complaint. And it's that the bank was successful in their complaint to foreclose on the property. So this place is now on the bank that they have won.

What occurs after that, is it actually goes to a sale of the property, and whoever is the highest bidder, bidding higher than the amount that was actually placed in the final judgment, that person would end up owning the property through a certificate of title that's issued by the Clerk of Court.

In the present status, right now legally the present status, the owner of the property is still the same owner that you had before. It is not the bank yet, but the bank does have the Judgment of Foreclosure, and that's all the Final Summary Judgment means.

MR. HEGUABURO: Right, but we as a Board are interested in finding out whether the property is safe or not.

MS. WALD: That's correct.

MR. HEGUABURO: That's all we -

MS. WALD: Your position really has absolutely nothing to do with the foreclosure action. I just wanted to clarify

because I believe it was a misstatement because there actually was a Final Summary Judgment. I just, Ms. Black may not have been aware of it, but I wanted that to be clarified.

But no, as to what happens in the foreclosure action itself, that really doesn't matter as to your decision. Your decision rests properly within the confines of whether this property is an unsafe structure, pursuant to the Code or not.

MS. HALE: And the bank is responsible, is the person -

MS. BLACK-BARRON: Not yet.

MS. WALD: They're asking me the questions, so let me finish the answer. Thank you.

MS. HALE: Who's, who are we bringing this action then against to make the -

MS. WALD: This case, this case is not against the bank; this case is against the original property owner.

MR. HEGUABURO: Okay.

MS. HALE: Who was Timothy -

MS. WALD: Goyner [sic].

MS. HALE: Goyner.

MS. WALD: That is correct. This case is not against the bank, but as you know, when we do the properties searches, the title searches on each property that goes in front of you, we actually provide notice to anyone that is interested in the property that has recorded such in the Broward County property records.

That's why we do those searches, and that's why you'll see people show up, such as representative of the bank or maybe any other representative that may have a loan on the property or an interest, any kind of lien. They can come and they can say, I have an interest; here it is. But no, the bank at this juncture is not the homeowner as of yet.

MR. BARRANCO: Okay.

MR. HEGUABURO: Okay.

MS. HALE: But somebody else may buy it on the 19th of February.

MS. WALD: It's possible, but again, that really, it doesn't matter as to the decision you have to make. It's just a part of what's going on with the property and the title.

MR. BARRANCO: Can we hear from Wayne now?

MS. WALD: Yes.

INSPECTOR SMILEN: Gerry.

MR. BARRANCO: Gerry. Sorry Gerry.

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City of Fort Lauderdale. I guess we go back, first of all, welcome back Board. It's been a couple of months here.

MR. HEGUABURO: Thank you; it's nice to be back.

INSPECTOR SMILEN: We go back to November, the last Board meeting, I was told to do a couple things. First, ask the Chief Building Official if he would cut the power, agree to cut the power off because there was a person residing in the

accessory building in the rear of the property. That was denied.

So I did go to the property, and I did speak to the gentleman and I explained to him what was going on, that he would have to vacate. I also cut the power off to the main, the front building where we have the unsafe situation. At that point in November, the building was still unsecured. I went, visited the property this past Tuesday the 13th and the doors were still in the same situation they were, unsecured.

I did speak to Ms. Black here and she did tell me that they, I guess they came, supposedly came the day after I was there on Wednesday, and that they secured, put new locks on the doors. So it should be secured. I will have to pretty much confirm that tomorrow. I'll take a drive by.

MS. HALE: Is that man still in the back?

MS. BLACK-BARRON: Yes.

INSPECTOR SMILEN: Yes he is. I mean, I knocked on the door, nobody answered. But the door was locked and everything looked in exactly the exact same state it was two months ago.

MR. HEGUABURO: What's your recommendation to the Board?

INSPECTOR SMILEN: Well, at this point, my recommendation is, until I can find, if the building is secured, it's not an immediate danger. They did make the attempt to cut the lawn in the back. It's not an eyesore. It certainly has a lot of violations in it. I would probably support another extension,

just to see if somebody's willing to do something with the building. And if not, then I would, from there I would recommend demolition.

MS. HALE: Well, if we go until the 19th that's only the day when she takes possession.

MS. BLACK-BARRON: Excuse me. The sale, according to that court order, is February 24<sup>th</sup>.

MS. HALE: Twenty-fourth. Oh well, then -

MS. BLACK-BARRON: It was the sale for that day.

MS. HALE: Okay.

MR. HEGUABURO: So, explain to me again, you're the bank.

MS. BLACK-BARRON: Right.

MR. HEGUABURO: Okay, and -

MS. BLACK-BARRON: But I don't do foreclosure; I do Code Enforcement.

MS. HALE: Yes, and so somebody else will take over the foreclosures.

MS. BLACK-BARRON: Somebody else has the foreclosure action in our office.

MS. HALE: Right. So we won't see her again; somebody else will come, right?

MS. BLACK-BARRON: No, no, no, no. I do Code Enforcement. Somebody else in the office deals with the foreclosure issues.

MS. HALE: Oh, okay.

MS. BLACK-BARRON: So the sale is going to take place February 24<sup>th</sup>. Nine times out of ten the bank repurchases the property. That's nine times out of ten. So when they get certificate of title, they'll be, which will be soon after that, they'll be in a position to do what they need to do. That's why we're requesting an extension.

MS. HALE: And on March 19<sup>th</sup>, are you going to have a plan for this piece of property?

MS. BLACK-BARRON: I will need it to be after February 19<sup>th</sup>.

MS. HALE: No, we're talking March 19<sup>th</sup>.

MS. BLACK-BARRON: March 19<sup>th</sup>. March 19<sup>th</sup>, I should have something for you, March 19<sup>th</sup>.

MS. HALE: You will have a, you will have a game plan for us.

MS. BLACK-BARRON: I should have a game plan by March 19<sup>th</sup>. Okay.

MS. HALE: We're going to have a lot of game plans coming, but I'd like to make a -

MR. BARRANCO: Lot of game plans. I've got a question regarding the foreclosure. So, if somebody buys this at the courtroom steps, and now we have a new owner involved, are they going to be pretty surprised when we enter a motion?

MS. BLACK-BARRON: No, because when, if there are Code violations, [inaudible]

MR. BARRANCO: That question wasn't for you. I'm sorry.

MS. BLACK-BARRON: Oh, okay.

MS. WALD: Well, let's put it this way: probably yes. And the reason why it's going to be yes, if they don't do their own search to determine as to whether there is an Unsafe Structure Board case, which will be contacting the City of Fort Lauderdale and if it's not disclosed then, which normally it wouldn't be, because obviously the owner, as you know, hasn't shown up for anything. It would be his responsibility and nothing's been recorded because an order has not been recorded. Even though there is an open case.

It's possible that person, possible, that person could be completely taken by surprise. But then again, as you know, buyer beware when you buy from those type of sales. But then again, if they do their homework, and if they're professional they do their homework to see exactly what's going on with the piece of property, then they would become aware of this Unsafe Structure Board case that's open.

MR. BARRANCO: Okay.

MR. HEGUABURO: Also, the 60-day, I think it might be a better, we don't know whether the property's safe or not. You're going to go over tomorrow -

MR. BARRANCO: It sounds like Wayne said it.

MS. BLACK-BARRON: He -

MS. HALE: Well, Gerry said the, you don't know.

MR. BARRANCO: I'm sorry, I keep calling him Wayne. I'm sorry Gerry.

MR. HEGUABURO: So, I -

INSPECTOR SMILEN: I could only be worthy of that name.

MR. HEGUABURO: Before we offer the 60 days, we need to make sure that the property's safe.

MS. WALD: Brian just asked me a question that I think was leaning into what you were asking. If you actually want an order recorded, you can always order that the order is recorded.

MR. BARRANCO: Say that again.

MS. WALD: I know that sounds [inaudible]. Your order of today, whatever it may be, whatever you decide when you have a motion and your second and you vote, you can actually make that part of the order, that it be recorded in the public records. So if you wish to do that, you can do that.

Normally we don't with the USB cases, but if you wish to have that done that can be done also. It is normally done under Court Enforcement Board cases, I know Ms. Hale was going to say that, with foreclosure cases.

MS. HALE: Yes, but Ginger, when we recorded it, then we often lost any power to have the case come back to us at Code Enforcement. If we record this at USB, we can still continue, even if it is recorded, correct?

MS. WALD: Yes. The only thing that's going to be

recorded is your order of today. And for instance, and I'm not telling you how to vote, please don't take this out of context, if you order today to give, to grant the time period of 63 days or whatever the amount is, and you wanted that as an order, and specific requirements: secure the property, secure this, and that was part of your order today, you could also say that you want that order recorded in the public records of Broward County.

That's all that happens, it just gets recorded. It costs the City an extra \$10, but it can be recorded in public records of Broward County. It does not take the case out of your hands; the case remains in your hands.

MS. HALE: Okay.

MR. BARRANCO: Anything else from the Board? Anyone else from the public? Okay, would anybody like to make a motion?

MS. HALE: You're looking at me. Okay, I will say 60 days, March 19<sup>th</sup>, we would like you to come back as hopefully the owner of this property, and we would like a game plan for the property. In the meantime, we're going to give you - when can you go back out and check the property, Gerry? If I said five days, would that be fair enough?

INSPECTOR SMILEN: Yes, I'll do it tomorrow.

MS. HALE: Okay. To check the boarding up of the property. If it's not done -

MS. BLACK-BARRON: It doesn't need to be boarded up.

INSPECTOR SMILEN: Well, it wouldn't be boarded up, it would just be -

MS. HALE: Secured, is that the word?

INSPECTOR SMILEN: - to confirm that the, yes, they're secured with the new locks on the doors so nobody could just go in with a screwdriver. That's all.

MS. HALE: Okay, so, that the property is secured.

MS. BLACK-BARRON: Right.

MS. HALE: And that should be done within five days to Gerry's satisfaction. We'll see you on the 19th and this order will be recorded.

MS. BLACK-BARRON: No problem. Did you vote, there's the motion?

MS. PARIS: Is that a motion?

MS. HALE: Yes.

MR. BARRANCO: Hold on.

MS. PARIS: Okay, so, could -

MR. BARRANCO: We have a motion.

MS. PARIS: Right, and before we go on, could we clarify the motion, because it, so I understand it.

MS. HALE: Five days to see that the unit is secured to Gerry's satisfaction.

MS. PARIS: And return in 60 days.

MS. HALE: And 60 days, she will return on the 19<sup>th</sup> of March with a game plan for this property, and this order will

be recorded. And I think it's a good idea when we know it's a foreclosure property, at least, buyer beware is one thing, but it might catch somebody who thought they had a bargain.

MR. BARRANCO: Okay, we've got a clarification on the motion, so we have a motion. Do we have a second?

MR. JARRETT: Second the motion.

MR. BARRANCO: Okay, any other discussion? Got a motion and a second, let's call it to vote. All in favor?

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

MR. BARRANCO: All opposed?

MR. HEGUABURO: Nay.

MR. BARRANCO: Next case.

#### **4. Case: CE08081966**

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##### **Great States Development LLC**

##### **825 NE 17 Terrace**

MS. PARIS: Our next case will be on page 13; there are actually four cases with the same owner, but we'll go ahead and we'll start with the one on page 13. These will all be new business cases. It's Case, on page 13, Case CE08081966, the inspector is Burt Ford. The address, the first address is 825 Northeast 17th Terrace; the owner is Great States Development LLC.

We have service by posting on the property 12/17/08, advertising in the Daily Business Review 12/26/08 and 1/2/09 and certified mail as noted in the agenda.

INSPECTOR FORD: Board, Burt Ford, Building Inspector, City of Fort Lauderdale, presenting Case CE08081966.

I first inspected the property back September 8<sup>th</sup> of last year, and comprised a notice of violation, which I would like to submit into the record detailing the violations.

MR. HEGUABURO: Thank you Burt.

INSPECTOR FORD: After researching the case a little bit, I, looking up on Sun Biz, I got the name of a, I believe it was a registered agent on file, Neil Kalis. I did speak to Mr. Kalis on two occasions. Left a message on 9/8. He returned my call on the 11<sup>th</sup>; I spoke to him again a couple of weeks later and then the last time I was just able to leave a message.

After that, and that was all in September of last year, after that I really didn't have the opportunity to speak to anyone again. He did tell me that the owner, he was going to tell the owner to give me a call and I never did receive a call. But I do believe the owner's here today. It was scheduled for the USB a month ago, which was canceled, and we're here today.

The buildings have been fenced off. Looks like with the intent to maybe demo and do some work there as a lot of

properties were done. It has gone through, whether it was done by the owner or not, I don't know, there's been a selective demolition that has occurred. All of the windows have been removed; all of the doors have been removed; a lot of the piping in the buildings have been removed.

Each lot - there's four lots - each has a building on the front and the building in the rear. So, a partial demolition has occurred. Again, I don't know if it was the owner or if it was just people taking stuff. But it's clear -

MR. HEGUABURO: Has a permit been pulled on -

INSPECTOR FORD: I'm sorry?

MR. HEGUABURO: Has a permit been pulled on this yet?

INSPECTOR FORD: No, no permit has been pulled for any of the demolition and the fence that's around it, no permit was ever pulled to secure it with the fence as well. So, as it stands it's completely open and affords casual entry and is deemed to be unsafe.

MR. HEGUABURO: Okay, so - sorry.

MR. HOLLAND: You have photos and what's the zoning for this district, do you know?

INSPECTOR FORD: It's a residential area, multifamily.

MR. HOLLAND: Multifamily.

MR. HEGUABURO: Your recommendation to the Board.

INSPECTOR FORD: Recommendation is that we're asking for the Board to grant the order to demolish the property in the

absence of a demo permit or a building permit for either repair or for new structure by the owner in the next 30 days.

MS. HALE: I realized you said they took off the doors and everything, but it says tenant in possession? I don't know that was just -

MS. PARIS: We always send mail to the tenant in possession whenever it's an apartment or -.

MS. HALE: Oh, even though it was empty.

MS. PARIS: Yes.

MS. HALE: Oh, okay.

[Inspector Ford displayed photos of properties using the Elmo]

INSPECTOR FORD: And I've just got a couple of pictures of this property. 821, I have a few more others that are similar to all the properties but this is just an exterior picture. But it shows that the -

MS. HALE: Do they all look alike?

INSPECTOR FORD: Yes, similar as far as being windowless and doorless and having selective demolition done. With that one you can see that the front windows are missing. And like I said, I do believe that the property owner's here.

MR. MARGOLIS: Good afternoon Board. My name is Alan Margolis and I am a 35% owner of Great States Development. My game plan is in play. We purchased this property prior to Wilma with anticipation of redeveloping it, initially with

town homes. The homeowners association said we don't want to see any more town homes, we really want to see something pretty, a condo, we don't want to see garage doors.

So we went through the process; we started design; we started plans. We began to not, we did not renew anybody's leases in hopes of terminating all the leases and getting everybody out so we can develop the property.

Wilma came, and it still stayed; the building held up. I would say about eight months later, after Wilma, we got our last tenant out. Things were starting to fall apart in the economy, but we still had plans to go. These are, this is a rendering of what was proposed, the three elevations, what was proposed for the site.

[Mr. Margolis displayed renderings of the project using the Elmo]

We have, we realize at this point that there is no hope. We went through the process, we hired engineers to see what can we do now to make these buildings habitable. So we brought in structural engineers and civil engineers and the City of Fort Lauderdale. And they said well, it's going to cost a lot of money to do this, it's probably not worth it.

The - I like the word selective demolition - it was vandals. The City of Fort Lauderdale, their tactical team, as well as their canine team have used the property with our permission on several occasions for training. The property

has, they've had, we've had a methamphetamine lab that they found there; they had, we had an escort service, several crack houses where the Police Department said, after we secured every door, plywooded them up and they were still broken into, they said you're much better off not having any doors or any windows. This way they can't hide out in there, there's [inaudible] secure.

So at that point we had, we didn't have to do anything; the Police Department removed a lot of it and the vandals removed the rest. We've had the electricity terminated at the poles for Florida Power and Light. Somehow, they found, as I said, a business operating in one of the units that had electricity as well as Comcast that they were able to steal from the neighboring property.

We have, I'm not sure what Mr. Ford said about the fence, but the fence that seals off the property is through a fence rental company. I'm not sure if he said there's no permit for that but if there isn't that's, I paid them to, I pay them every month for the fence rental so they should have had a permit.

At this point, I have 10 bids from demolition companies ranging from 30 to \$60,000. I'm trying to work out something with my partners and the present lender on the property to go ahead and get the funds to demo this thing.

MS. HALE: How long do you think that will take, sir?

MR. MARGOLIS: Well, I would say we could probably, I don't know how long it takes to get the permit once they apply for it, but I say that we should make, be able to make a decision and hopefully be able to fund it in the next 30 to 45 days. So once we do that, we'll give the contract out to one of these contractors and however long it takes them to do it. I don't know.

MS. HALE: Alright. We were getting hand signals. How long is it? How long is it to -

INSPECTOR FORD: Burt Ford, Building Inspector. In the time frame that he said, 30 to 45 days should be, within 30 days easily after the permit's been submitted.

MS. HALE: Alright.

MR. MARGOLIS: If you like, you can have copies of [inaudible] proposals [inaudible]

MR. BARRANCO: We just need the permit anyway; it all dies with the permit.

MS. HALE: Does - okay.

MR. BARRANCO: Is there anybody else here who wants to speak on this matter? Could you please come up and state your name?

MR. BLANCHETTE: Hi, my name's Gary Blanchette; I own the four properties directly behind this property. I don't want to step on Alan's toes and not get something done on the property, but we've been putting up with this for a long time.

I have people that come over my fence to get to this property. They continually fix my fence. They do that so nobody notices them coming from the front of the property.

There is a lot of debris, trash; it's quite an eyesore. It needs to be cleaned up and the fence needs to be secured fairly quickly. I'd like to see something done and if they're going to do it within 30, 45 days I'm happy with that.

MS. HALE: Do you think demolition is the way to go?

MR. BLANCHETTE: Yes, probably so. There's no saving this property, but immediately I'd like to see the fence secured because you can walk in and out of the property at will, and there is people in there constantly; you can't keep them away. Otherwise, I'll continue to fix my fence and hopefully stop them from coming in the back way, but the rest of the fence needs to be taken care of.

MS. HALE: I have a feeling that probably for the next 45 days you'll be mending your fences. But until then, and then after it's demolished there won't be any reason to go across your fence.

MR. BLANCHETTE: There's quite a bit of trash that's up against my property. That's -

MS. HALE: Up against your fence or your house?

MR. BLANCHETTE: These are properties that I own.

MS. HALE: Okay.

MR. BLANCHETTE: There's, I have an eight-unit building,

I have a -

MS. HALE: And the trash has been blown against your building?

MR. BLANCHETTE: There's trash [inaudible]. Absolutely. And there's also quite a beehive that's going on in the building. So we're having to deal with the excessive bees in the area, and that would be nice -

MS. HALE: I'm sure the demolition company has examined the bees and -

MR. BLANCHETTE: They will find them.

MR. MARGOLIS: They actually didn't say anything. Which fence is not -

MR. BARRANCO: Mr. Margolis, could you come up and -

MR. MARGOLIS: Which fence is not secure?

MR. BLANCHETTE: My fence is the one that they're tearing down to get over to my property, and they're using it as an egress onto your property.

MR. MARGOLIS: Oh, okay so -

MR. BLANCHETTE: But your fence is not secure.

MR. MARGOLIS: The chain-link?

MR. BLANCHETTE: The chain-link is not secure; you can walk in and out two, three different places onto your property.

MR. MARGOLIS: Okay.

MR. BARRANCO: Mr. Margolis, would you be willing to

clean up the debris that's left on the site and work with your neighbor and get that fence mended?

MR. MARGOLIS: I have no problem with that. I guess what my problem is, even when I get violations from, Ursula is it?

MR. JARRETT: Yes, Ursula Thime.

MR. MARGOLIS: She tells me about all the stuff that people dump in the front of my property so, you'd really, you're really in the back.

MR. BLANCHETTE: Right.

MR. MARGOLIS: Okay. So we don't even know it's there, and she probably doesn't even go on-site. So I'll have my maintenance guys go down there and I'll have them clean it up. And I'll have them take - where's the beehive?

MR. BLANCHETTE: Oh, you can't miss it; it's on [inaudible]

MR. MARGOLIS: Alright. I have no problem with that.

MS. HALE: Okay.

MR. MARGOLIS: This is my business, and I don't want to be a bad neighbor. This has been more of a headache for me and everybody else, so -

MS. HALE: Okay.

MR. MARGOLIS: I have no problem. I'll take care of that.

MS. HALE: Is that all right with you sir?

INSPECTOR FORD: The beehive is on the south side of the

building and it's right inside the wall.

MR. BARRANCO: And Burt, could you follow up and just be sure these guys are getting along and go out there and confirm that they cleaned it up and -

INSPECTOR FORD: Certainly, as long as I, we get permission. We'll go out there and I'll go in when he can give me a call and tell me that they've cleaned up. The fence securing is a problem, because what's there now is a temporary fence that's not in the ground and can be pulled off the risers that hold it in place, which is what it is, two of them are open in the front currently and just pull it off and just slide it open. So there's no way to secure that type of fence unfortunately. But if he's moving to do what he wants to do within the next 30, 45 days it doesn't really matter.

MR. BARRANCO: Yes.

MS. HALE: Yes.

MR. JARRETT: I move, I would be inclined to give the gentleman a 30-day extension, because realistically you're going to come back in 30 days and hopefully you're going to say that you've decided on your demo contractor. And then, even if we give an order at that point to demo, you still got 30 days to go pull the permit. So you still have, so effectively, that will give you 60 days to do this.

MS. HALE: Yes.

MR. JARRETT: But actually, I live three blocks from

this, I pass it every morning, and have for years since Wilma and I would like to get it cleaned up better than, more than anybody. But I realize that it will be even an additional financial burden on you if the City demos the property. It will cost you more money. I'm sure you want to get your own contractor, but you do need to respect the other neighbors and clean up and correct the fence and all those issues.

And I'll make a motion. I make a motion that we give the gentleman a 30 -

MR. BARRANCO: Before you make the motion, is there anybody else from the public that wants to speak on this? No? Okay. I'll entertain a motion.

MR. JARRETT: I make a motion that we give the gentleman, a 30-day extension, and that takes it to the, what February, what color are we?

MR. HOLLAND: Nineteen.

MS. HALE: Nineteenth.

MR. JARRETT: Nineteen meeting, okay?

MR. BARRANCO: Okay. [inaudible]

MS. HALE: I'll second that.

MR. BARRANCO: And we've got a second. Let's call it to vote. All those in favor?

BOARD MEMBERS: Aye.

MR. BARRANCO: All opposed? None. And the other three cases, I'm sure we could all agree that it's going to be the

same comments [inaudible]

MS. PARIS: Right, but I do need to read them very quickly into the record.

MR. BARRANCO: So, you can read all three of them in.

**Case: CE08081974**

**Great States Development LLC**

**835 NE 17 Terrace**

**Case: CE08081993**

**Great States Development LLC**

**833 NE 17 Terrace**

**Case: CE08090732**

**Great States Development LLC**

**821 NE 17 Terrace**

MS. PARIS: Case CE08081974, Inspector Burt Ford, case address 835 Northeast 17th Terrace and CE08081993, 833 Northeast 17th Terrace and CE08090732, address, 821 Northeast 17th Terrace will also be under the same order.

All set?

MR. MARGOLIS: Yes.

MS. PARIS: That's it.

MR. MARGOLIS: Okay thank you.

MS. PARIS: You're done.

MR. BARRANCO: Okay, we don't have to make a motion on

those last three?

MR. MCKELLIGETT: I would say make a motion -

MR. BARRANCO: I think we should.

MR. JARRETT: To include -

MS. PARIS: You can make a motion for all three of them.

MR. MCKELLIGETT: That the same order with the -

MR. BARRANCO: Let's go ahead and make a separate motion for the last, was that three or four cases?

MS. PARIS: That those three properties have the same order as 825.

MR. BARRANCO: Would somebody like to make a motion?

MS. HALE: Thornie, go ahead.

MR. JARRETT: Okay, I make a motion that we extend that last order to the appropriate cases just presented.

MS. HALE: I'll second that.

MR. BARRANCO: Okay, let's call it to vote. All in favor?

BOARD MEMBERS: Aye.

MR. BARRANCO: All opposed? None. Okay, next case.

## **5. Case: CE08092242**

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**Jana Gray-Williams**

**512 NW 22 Avenue**

MS. PARIS: Our next case will be on page 17; this is also a new business case. It's Case CE08092242, the inspector is

Wayne Strawn. The address is 512 Northwest 22 Avenue; the owner is Jana Gray-Williams.

We have service by posting on the property 12/17/08, advertised in the Daily Business Review 12/26/08 and 1/2/09. And certified mail as noted in the agenda.

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector. We have the Notice of Violation to present to the Board. The violations exist as stated on the Notice of Violation, and I have the photographs to show to the Board with regard to the property.

[Inspector Strawn displayed photos of the property using the Elmo]

That's a front view of the property. This is the, what used to be a roof. The tarp is gone and all the roofing material has been removed by the hurricane. There's a hole in, the structural damage underneath that low spot in the roof where the water's been setting for quite some time.

This is a portion that was enclosed. It used to be a carport, you see the carport beams still sticking out of the wall. And we have fascia board missing. The other side of the roof is in not quite as bad shape, but it's on its way. That just shows the tarp falling off. The deteriorated and falling apart conduit, more conduit falling apart, falling off the building.

The building is presently secured by means of hurricane

shutters. You can see here, and also there.

MS. HALE: Is this occupied?

INSPECTOR STRAWN: Beg your pardon?

MS. HALE: Is this occupied currently?

INSPECTOR STRAWN: No, no, this isn't occupied.

MS. HALE: Okay.

INSPECTOR STRAWN: The City's asking for a motion to demolish. I believe the folks are here today and they have information with regard to working with Economic Development to get a replacement home.

MS. GRAY-WILLIAMS: Good afternoon, my name is Jana Gray-Williams and we reside at the address 512 Northwest 22<sup>nd</sup> Avenue. However, we do not occupy the home in the front; we occupy an efficiency that is in the back. Unfortunately, it's just one room, but thank God we have a roof over our head.

As a result, in speaking with Wayne, and I thank God that this is our first time appearing before you, not that I want to be here. I see how things are done, how things go, so I want to make sure I keep it short and to the point.

We have been working with our insurance company, going back and forth and this has been a long, tedious process and it's sad that in their midst of all that we've gone through that individuals have told us it's better if we did not have any insurance than to have had insurance, because FEMA would have helped us out a long time ago.

But we're still going back and forth with our insurance company, because as you know, they only give you so much to work with and you have to go back and forth. We've hired adjustors; we've had to dismiss adjustors, and it's been a long process. So as a result, I applied for the City of Fort Lauderdale Economic Development for a replacement home, as well as to get assistance with being relocated and the process and the whole nine yards through the City of Fort Lauderdale.

In the mean time, our insurance company is working with our now public adjuster and they're saying that they need up to 75 days before they are able to rule on this case as far as, we're at the final steps finally. And in this 75 - 65 to 75 days is what they told us - in that timeframe they're going to make one or two decisions.

One is to either go before a, I believe it's called an umpire? Okay, to go before an umpire, and then they make that decision where the two parties come together and rule, or for them to give us an offer, a settlement offer.

And that's where we stand now. So we went this route, so we won't be homeless, through the City. And we're still working with the insurance company at the same time. So basically we're in limbo but our game plan is to rebuild and to be back in our home that we had been in for 15 years prior to Hurricane Wilma. And as a result, it's been 38 months since we've been enduring this pain.

MS. HALE: In the 75 days, when did you receive this letter?

MS. GRAY-WILLIAMS: You said within 75 days, when did I receive this? No -

MS. HALE: 75 days from what?

MS. GRAY-WILLIAMS: From now.

MS. HALE: From today?

MS. GRAY-WILLIAMS: Right, 75, I spoke with our public adjuster day before yesterday -

MS. HALE: Oh, okay.

MS. GRAY-WILLIAMS: - and I had a meeting yesterday with the City of Fort Lauderdale Economic Development and as a result -

MS. HALE: 75 from that.

MS. GRAY-WILLIAMS: That's where we stand now.

MS. HALE: Okay.

MS. GRAY-WILLIAMS: Yes ma'am.

MR. HOLLAND: Have you been in contact with the umpire yet, or been offered options?

MS. GRAY-WILLIAMS: No we haven't. The public adjuster spoke with the attorney on the case for the insurance company, and this was Wednesday, no I'm sorry, Tuesday, two days ago. And as a result, they informed him that they were going to be sending me an appointment in the mail for, I believe it's a statement under oath. Okay, that's -

MR. HOLLAND: Examination under oath.

MS. GRAY-WILLIAMS: There you go. Thank you, Mr. Joe. An examination under oath. And once we get that appointment I'm supposed to show up to give a testimony and from there, that's when everything else starts.

MR. HEGUABURO: Have you -

MR. BARRANCO: Anybody else? Go ahead.

MR. HEGUABURO: I have a question. Have you gotten any quotes to fix what's -

MS. GRAY-WILLIAMS: Yes, well. Over a period of the time frame we've had several quotes because you can understand that at the beginning of this process the costs that it would have taken when it, when the hurricane first happened is a different cost now.

So we've had to reassess and get other contractors over a period of time and it's unfortunate that we've had money set aside from the insurance company initially that was sent directly to our mortgage company and the mortgage company is like \$16,000 right now.

And you can see the damages of the house, and no, we've went through the phone book; we've contacted various contractors. No contractors were willing to accept the job because they want to know where's the rest of their money at the end of their work.

And that's what our problem has been up until this point

in trying to prevent further damage. Because I understand that mitigation is a necessity once a hurricane hits, and with that mitigation, we've tarped the house and tarped the house until it became unsafe to go back up there and continue to retarp it, so we're trying to find someone that is willing to help us.

In the mean time, until either all the monies come from the insurance to do a total package of the house, or we are at the expense of the community to help us out here.

MR. HOLLAND: Is part of your plan, there's some noted portions of the building that are additions added on, not subject to permits. Have you thought about those areas and how the new configuration would be and compliant with Code?

MS. GRAY-WILLIAMS: Well, it's funny that I was reading all the violations and when I was reading over the violations, we've been in our house since 1993, and when we purchased the house, there was nothing mentioned. Because we purchased the house as is. We went, we came to the City and got the necessary permits, yes we -

MR. HOLLAND: For anything else.

MS. GRAY-WILLIAMS: Right. We got the necessary permits because we had to do a roof replacement when we purchased the house. We had to put in new plumbing, and we had to also do a total new electrical system. And so we were under the impression that we complied because inspectors came out, back

and forth, red tagged, back and forth, so we thought that everything was fine.

We were instructed at the time that there was a gentleman that lived there back in the 50s, who purchased the house and he started out with two kids and a wife, and it was a two bedroom one bath. Well, as his wife continued to have kids, he ended up with like 10 or 12 kids, he kept adding on two rooms, two rooms, another bathroom, so the house is actually a six-bedroom, two-bath house.

So this was something that we incorporated and received in 1993, but I thought it was under the permits and everything you know, the plan, the footprint plan and everything at that time that we were in compliance.

MR. HOLLAND: So, do you somewhat realize that due to the monetary settlement with the insurance company, there may be only so much to do with this property. You don't expect to get back to the six bedroom condition do you, or -

MS. GRAY-WILLIAMS: Well, at this point, sir -

MR. HOLLAND: Hope?

MS. GRAY-WILLIAMS: After staying in an efficiency that's not even 390 feet, for my husband and my two children. We just want stability again. My daughter said, and I apologize for getting emotional, but my daughter's in the 10<sup>th</sup> grade, and she's in high school and in the inefficiency where we are, we have two beds, my husband, myself, my son and my daughter, and

she said Ma, it doesn't even matter if we ever have a six-bedroom house again. I just want to be able to enjoy my own bedroom before I go off to college.

And right now, the space doesn't even matter. We just want to be stable again and have some type of lifestyle where I can call home, and that's what we're looking at. And through the Community Development, we talked about that. They said the best they can do is a four-bedroom two-bath, and it doesn't matter.

Sometimes we go through things in life and don't understand why they happen. This has truly been a blessing in disguise, because it's pulled our family together. You know, you get so busy and so caught up in working that you neglect the people that mean the most to you for working, trying to make a decent living.

And we finally made middle-class citizens and since then we've gone back to poverty. And I thought we were a whole step ahead of that. And that just goes to show you that you can never count yourself out, just like many people who's lost all these millions of dollars. At least now we know how to handle being where we are. And I pray that from here, we can just go forward and not have to look behind at where we've come from, but to gain all we can. I'm at your mercy.

MR. BARRANCO: Thank you. I have one more question. Would you, if we granted you an extension to get you beyond

that 75 days so you could figure out where you're at, and you could come back to us in, say 90 days, would that be fair?

MS. GRAY-WILLIAMS: Yes sir. Yes sir.

MR. BARRANCO: Okay.

MS. GRAY-WILLIAMS: Whatever timeframe that you give me, I'm working tediously to try to get this matter resolved. And that's quick as possible.

MR. BARRANCO: Okay, anybody else from the public?

MR. HEGUABURO: I've got a question for Wayne.

MR. BARRANCO: Wayne, one question.

MR. HEGUABURO: Wayne, I have a question for you. In this property is there anything that you feel it's an imminent danger for the family right now?

INSPECTOR STRAWN: No, because it's unoccupied and no one would have any reason to go in there. There will be considerable difficulty because of the records I've found, and I think this is something that when they bought the property in '93 they were unaware of.

It started out as a small wood-frame cottage with wooden sills and then masonry additions were added to it. I have a case where a large addition was put in. I have a set of plans, I have no record of a permit, I have no record of inspections. So this could be an application that was thrown into microfilm. It could be an after-the-fact set of plans that was submitted.

Really as from the Building Department's point of view, they've got an unknown; the building is an unknown from that perspective. And as I put together the plans - this is the original set of plans with pads and a sill and a porch in the front. None of that - porch has been enclosed and you can't find it on the building now.

This is a set of plans that I found without any permit or inspections connected to it that added on to the rear. But you notice that there was another addition over here, we have no record at all from an addition onto the original wood frame.

And then I have a notation with regard to the carport. The field inspectors said this carport's in the front yard setback and the owner agreed, I won't build it I'll just pour a slab. But it is built and the back end is enclosed.

So the record - see I don't know if they have an engineer look at this building, what they're going to find because the records are so sketchy about the legal construction, and how it's constructed and the lack of inspections.

MR. BARRANCO: Do you understand what Wayne's telling you? That even after we give you this extension, you're going to get your settlement from the insurance company and the City of Fort Lauderdale that you're inquiring about getting assistance, they may be able to help you as well, but at the end of the day you may be faced with having to tear down that

structure to make it safe for you and your family. And you might have to start new, and you might have to build something a little bit smaller, but you are aware of that?

MS. GRAY-WILLIAMS: Yes I am.

MR. BARRANCO: Okay.

MS. GRAY-WILLIAMS: I know when we spoke with them, they said that the first thing that they would have to do is to demolition the house, and that they will place us in, I guess a temporary structure for the time being. And then once the house is replaced, then we will be able to move back in.

And they said if the insurance company gave us enough money to work with then they would advise us to do the same, to demolition the house, and to start over again. Because my son is asthmatic and he's nine. So I know, it's like, you know, after water damage and mold and mildew and everything I wouldn't dare subject him to having to inhale the poisons and the toxins.

So I know, since we first were there, just going back and forth, taking people in to inspect, I've had pneumonia three times. And I don't want to have to subject myself back to that as well. So I want to do whatever I have to do in order to make sure that we're in a stable environment and a healthy environment again.

MS. HALE: Well, are we ready for motion?

MR. BARRANCO: Anything else from the Board or the

public? Would you like to make a motion?

MS. HALE: Yes. I'll make a motion for the 90-day extension, I guess. For you to then come back and give us the update as to how the insurance went and your negotiations with the City of Fort Lauderdale. And that would be April the 16<sup>th</sup>.

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

MR. HEGUABURO: Second.

MR. HOLLAND: Second. Oh, sorry.

MR. HEGUABURO: I second that.

MR. BARRANCO: We've got a second. All those in favor?

BOARD MEMBERS: Aye.

MR. BARRANCO: None opposed. Thank you, we'll see you in 90 days. Good luck.

MS. GRAY-WILLIAMS: Thank you so much. We appreciate it

MS. HALE: Thank you. You're going to need it.

MS. GRAY-WILLIAMS: Oh, yes. And I ask your prayers for the Williams family because it has been an ordeal, but I know that He's working things out. Thank you so much, God bless you.

MR. BARRANCO: You too, thanks.

MS. PARIS: That concludes our cases with respondents; we'll very quickly go through this. Case on page one was reset. Page 3 has already been heard. Page 6, Case

CE07101527 is withdrawn. Page 8 Case CE06071984 is complied. Page 10, Case CE08060890 is withdrawn. Page 11, case CE08061548 is withdrawn. Page 12, Case CE08061887 is withdrawn. Pages 13, 14, 15, and 16 have been heard. Page 17, we just heard. Page 18 at the bottom we heard. Page 20, Case CE08101142 is complied.

**6. Case: CE08101372**

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**CVM I REO LLC**

**215 SW 7 Avenue**

MS. PARIS: Bottom of page 20, new business case. Case CE08101372, Inspector Jerry Smilen, will be presented by Inspector Wayne Strawn. The address is 215 Southwest 7<sup>th</sup> Avenue. The owner is CVM I REO LLC, not what's listed in your agenda.

We have service by posting on the property 12/1/08, advertised in Daily Business Review 12/26/08 and 1/2/09, and certified mail as noted in the agenda.

INSPECTOR STRAWN: Wayne Strawn, City Building Inspector with regard to 215 Southwest 7<sup>th</sup> Avenue. This is the building located in the historic district, and I'd like to first submit this Notice of Violation with all the violations listed as evidence. And I have some photographs. Some of these photographs are from some time ago before the front porch fell off.

[Inspector Strawn displayed photos of the property using the Elmo]

The story behind this building was it was originally sold for \$10 to a person who was going to move it a few blocks away in the historic district. The contract between the two men required the person who owned the home to actually pay for the moving and he got the building jacked up, I think he told me he spent \$18,000, and the I beams from the moving company are still underneath it.

MR. HEGUABURO: Is that the two blocks east of Broward on seventh?

INSPECTOR STRAWN: Yes. That's been up, jacked up there for a long time. And then he didn't have any more funds, and in fact, the entire property went into foreclosure and now he doesn't own it anymore. And the bank has no more relationship as far as selling the home to the other gentleman who wanted to set it up on his property.

So we've got a property that's jacked up in the air; it's not actually fastened to the ground in any way and not only that but it's in bad condition.

This is the porch before it fell off. The date on that photograph is March of 2007. This is the picture of the aerial photograph of the home. This is what it looks like more recent history.

MR. HEGUABURO: So, the property's in foreclosure now?

INSPECTOR STRAWN: No, it's owned now by a bank, I guess. Would you like to testify to that?

MS. WALD: Yes. This was a, we actually had a lien on this property and so the City was a defendant. This was a foreclosure action, it was actually brought by the second mortgage company. They foreclosed on the property.

The first one also foreclosed on the property; it went to a sale and is now owned by this independent company, this CVM I LLC.

INSPECTOR STRAWN: Yes, there used to be a -

MS. HALE: But they're not a foreclosure, I mean they're a company, they bought it, okay.

INSPECTOR STRAWN: There used to be a stairway on the south side of the property. It's now a stairway, that first step's a killer. It's not there anymore, so that steps out into the air. We got inside, and someone tried to re-drywall the walls and so forth inside, but -

MR. HEGUABURO: Wayne, I think we're ready to make a motion on this.

INSPECTOR STRAWN: Alright.

MR. BARRANCO: Is there anybody else here to speak on this case, anybody? Seeing none, I'll entertain a motion.

MR. HEGUABURO: I move that we find that the violations exist as alleged and we order the property owner to demolish the structure within 30 days and that we order the City to

demolish the structure should the property owner fail on a timely demolish. Such demolition is to be accomplished by a licensed demolition contractor pursuant to a City issued demolition permit.

MR. BARRANCO: We have a motion, do we have a second?

MS. HALE: I'll second.

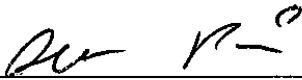
MR. BARRANCO: Okay, let's call it to vote. All those in favor?

BOARD MEMBERS: Aye.

MR. BARRANCO: None opposed.

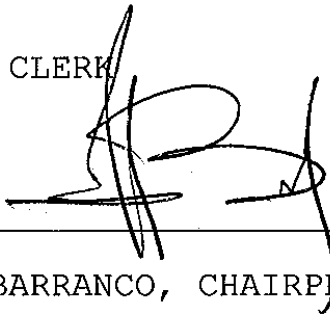
MS. PARIS: That concludes our agenda, thank you.

[Meeting concluded at **4:41** p.m.]



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BOARD CLERK



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JOHN BARRANCO, CHAIRPERSON

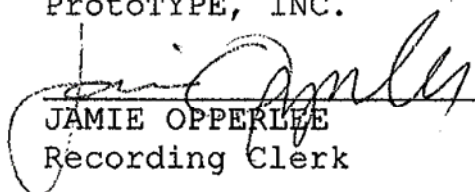
Minutes prepared by: J. Opperee, Prototype Services

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held January 15, 2009, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.

Dated at Ft. Lauderdale, Broward County, Florida, this 25 day of January, 2009.

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 25 day of January, 2009.

  
NOTARY PUBLIC  
State of Florida at Large

Notarial Seal:



D.J. GROSSFELD  
MY COMMISSION # DD 667809  
EXPIRES: April 26, 2011  
Bonded Thru Budget Notary Services