

**CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, MAY 21, 2009 AT 3:00 P.M.
CITY COMMISSION MEETING ROOM
CITY HALL**

<u>Board Members</u>	<u>Attendance</u>	Cumulative Attendance 10/08 through 9/09	
		Present	Absent
John Scherer, Chair	P	5	2
John Phillips, Vice Chair	A	5	2
John Barranco [3:23]	P	5	2
Pat Hale	P	6	1
Hector Heguaburo	A	4	3
Joe Holland	P	6	1
Thornie Jarrett	P	7	0
Michael Weymouth	P	4	0

City Staff

Lori Grossfeld, Board Secretary
 Ginger Wald, Assistant City Attorney
 Gerry Smilen, City Building Inspector
 Burt Ford, City Building Inspector
 Brian McKelligett, Administrative Assistant II
 Dee Paris, Administrative Aide
 Lindwell Bradley, Code Enforcement Supervisor
 J. Opperlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

The Board requests that the Building Official attend their next meeting to discuss the Crazy Gregg's issue, as well as to address any other questions the Board may have.

Witnesses and Respondents

CE05121325: Carolyn McIntyre, Owner's wife
 CE07040050: Mike Richel, General Contractor
 CE07021325: Hope Calhoun, Attorney
 CE09032197: Al Jackson, Owner
 CE02030146: Juan Jose Leon, Contractor

CE07050197: Alberto Barboza, Architect; Tamara Peacock,
Architect

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1. CE05121325 Address: Disposition:	Crazy Gregg's Marina LLC 301 Seabreeze Boulevard Extension to the Board's July 16 meeting. Board approved 5-0.	<u>3</u>
2. CE07040050 Address: Disposition:	Stark Equity Group LLC 1340 NW 19 Avenue Extension to the Board's July 16 meeting. Board approved 5-0.	<u>11</u>
3. CE07021325 Address: Disposition:	Jungle Queen Inc 2470 Southwest 21 Street Withdrawn for lack of a quorum.	<u>15</u>
4. CE09032197 Address: Disposition:	Al Preston Jackson 1800 Northwest 3 Court 30-day extension, owner to return with his plans and architect, and to remove debris from the property to the Building Inspector's satisfaction. Board approved 6-0.	<u>17</u>
5. CE09030146 Address: Disposition:	Beaver Cleaning & Maintenance Corp 638 Northwest 15 Avenue Withdrawn by the City.	<u>30</u>
6. CE07050197 Address: Disposition:	Anthony & Ana Marie Catania 1636 NW 5 Avenue 30-day extension, the architect to appear at the time to report that the owner paid the retainer. Board approved 6-0.	<u>42</u>
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The regular meeting of the Unsafe Structures Board
convened at **3:03 p.m.** at the City Commission Meeting Room,

City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

All individuals giving testimony before the Board were sworn in.

Approval of meeting minutes

Motion made by Ms. Hale, seconded by Mr. Jarrett, to approve the minutes of the Board's March 2009 meeting. Board unanimously approved.

Motion made by Ms. Hale, seconded by Mr. Jarrett, to approve the minutes of the Board's April 2009 meeting. Board unanimously approved.

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 at the top. Case CE05121325, the inspector is Gerry Smilen, the address is 301 Seabreeze Boulevard, the owner is Crazy Gregg's Marina LLC. We have service by posting on the property 5/13/09, advertising in the Daily Business Review 5/1/09 and 5/8/09. Certified mail as noted in the agenda, violations as noted in the agenda.

This case was first heard at the 6/19/08 USB hearing. At that time, the Board granted a 30-day extension to the 7/17

USB hearing with the stipulation the respondent return with a letter from his restaurant stating facilities would be made available to the person working in the booth. The respondent must also forward the letter to the Building Inspector for approval.

At the 7/17/08 USB hearing the Board granted a 60-day extension to 9/18/08, with the stipulation the property must be secured. At the 9/18/08 USB hearing the Board granted a 60-day extension to the 11/20/08 USB hearing. At the 11/20/08 USB hearing the Board granted a 90-day extension to the 2/19/09 USB hearing. At the 2/19/09 USB hearing the Board granted a 90-day extension to the 5/21/09 USB hearing.

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City of Fort Lauderdale. That's a tough act to follow. Basically, we're still in the permitting process. We did get the zoning squared away for Crazy Gregg's. We're just having a little bit of an issue with the Plumbing Department, and I guess a handicapped situation. It's an internal thing that I'm going to try to work on.

CHAIR SCHERER: I want to know, just a question, this is a portable building.

INSPECTOR SMILEN: Yes it is.

CHAIR SCHERER: We've built high rises and got permits for high rises faster than this.

INSPECTOR SMILEN: Yes I agree.

CHAIR SCHERER: I mean, is the City inspector, what's happened with the building department? Why can't they, I mean, it's been going on for a year.

MR. JARRETT: Two.

CHAIR SCHERER: Two years.

MR. JARRETT: Two years.

INSPECTOR SMILEN: Well, the major hurdle that we had was the fact that, the zoning, because the zoning had changed we didn't think we could even fit anything on there.

CHAIR SCHERER: Right. But the zoning was fixed, how long ago?

INSPECTOR SMILEN: The zoning thing, yes, they were able to take care of the issue. I spoke to the Chief Plumbing Inspector this morning, and they were requiring bathroom facilities in this little ticket booth, which I told them that well, it's not really applicable because we have permission from The Quarterdeck to use the facilities in that area so -

CHAIR SCHERER: Right, but then go back to the 7/17 Unsafe Structures Board meeting where it says that the respondent returns with a letter with his restaurant stating the facilities would be made available to the person working in the booth. That was submitted, that was like the first step a year ago.

INSPECTOR SMILEN: Yes. Absolutely.

CHAIR SCHERER: So now we're back to that same step

again?

INSPECTOR SMILEN: Well, I can't really speak for the plan review side of the Building Department, but what I can tell you is I will try to enlighten them. I did speak to the plumbing, Chief Plumbing Inspector this morning when I saw that this was still having a problem and I think I can, that that can be straightened out.

CHAIR SCHERER: Does the Chief Building Official know about this issue? It's been going, I mean, I'm sure Crazy Gregg's is just pulling their hair out; I don't know what else to do.

INSPECTOR SMILEN: Well, I can sympathize.

CHAIR SCHERER: City of Ft. Lauderdale, this is embarrassing, seriously embarrassing. For a little portable like this, I'm not saying it's any of your fault at all, but for this to be coming around for a year? Just going through the permitting process? I mean -

INSPECTOR SMILEN: I must say that when I looked at the notes and everything, I thought this thing would have been - once I was told that the zoning had come up with a solution and it was acceptable, I thought we were home free. I'm as surprised about this as you are, and I will see what we can -

CHAIR SCHERER: Again, I'm not directing any of this at you, but it's more towards the Building Department down the street.

INSPECTOR SMILEN: Well, you know -

CHAIR SCHERER: Because it's frustrating, and I'm sure for Crazy Gregg owner, so, so I guess, you represent Crazy Gregg?

MS. MCINTYRE: Yes.

CHAIR SCHERER: Okay.

MS. MCINTYRE: Carolyn McIntyre, Robert's wife. He got pulled away for a meeting so -

CHAIR SCHERER: Okay.

MS. MCINTYRE: I got elected to come. He apologizes for not being here today. He's been working with the City department on one issue that's been holding them up. It's the putting a personal, putting a bathroom in a six, five-by-six bathroom, handicapped bathroom, in a ten-by-twelve stand-alone shack sales center.

The Department has been split; they've been working with several personnel in the Building Department. They finally have a solution. Bertram, the architect, has been taking last, the last instructions and have the, they have the plans and, including all the material needed and the last submittal, and all the letters requested for the Building Department. He's really hoping this will be the last go-around and the plans should be ready next week.

CHAIR SCHERER: I'm sure he is. So -

MS. HALE: He's building the bathroom?

MS. MCINTYRE: No, no, they're fighting that one. I think they're trying to do a handicapped ramp. That's what they're trying to put into the building now.

CHAIR SCHERER: I mean, I'm almost, I'm almost interested in giving a 30-day extension to see if this actually comes back to us again. And the next time, we should ask the Plumbing Inspector, who ever's doing the plan review, to come in and talk to us as well. Or the Chief Building Official, or we'll get him on speakerphone next time, I mean -

MR. JARRETT: You realize, of course, that after they get this bathroom situation taken care of, the next thing that'll come up will be ADA, and there'll be a handicapped ramp required.

MS. MCINTYRE: That's what they're working on now. They're making him do that.

CHAIR SCHERER: Okay I -

MS. MCINTYRE: So that's going to be in the new plans: the handicapped ramp.

CHAIR SCHERER: I don't want to -

MS. HALE: Up to the door, to buy the tickets, is that -

MS. MCINTYRE: No, going, so whoever works there can go into the building.

MS. HALE: Oh.

MS. MCINTYRE: Just in case somebody's handicapped that needs to go into the sales office, they have the ability to.

CHAIR SCHERER: Okay -

MS. MCINTYRE: He requested a 60, 90, 60-day extension
but -

CHAIR SCHERER: Right. I mean, I have no problem giving
you an extension at all.

MR. JARRETT: Want to make a motion?

CHAIR SCHERER: Sure.

MR. JARRETT: I make a motion we give them the 60-day
extension and let me look at my calendar. This is May, June,
July, which color are we?

MR. HOLLAND: Red.

MR. JARRETT: The red?

MR. HOLLAND: Big red.

MR. JARRETT: The big red? July 16th, is that correct?
Okay. Extension to July 16th.

CHAIR SCHERER: Okay, we have a motion; is there a
second?

MS. HALE: I'll second.

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

BOARD MEMBERS: Aye.

CHAIR SCHERER: Those opposed? Your motion passes, so
you've got 60 days, and I would recommend calling the City
commissioners.

MS. MCINTYRE: Okay.

CHAIR SCHERER: And call the Mayor, and call everybody, and they should really know about this kind of issues; they're a new Commission, they're a new Board and they should really know about this.

MS. MCINTYRE: Thank you.

MS. WALD: Ginger Wald, Assistant City Attorney, do you want to have the City Building Official here for the second meeting?

CHAIR SCHERER: I mean, if they don't have a building permit -

MS. WALD: If it hasn't been complied?

CHAIR SCHERER: Yes, then, I would love to speak to him.

MS. WALD: Well, you can also do at the end here, we could do a Good of the City and we can have your complaints voiced because that goes to the City Commission directly in a different notation and they actually read them. They did that at the last meeting, which was Tuesday, they read them aloud. So if you wish to do that at the end, we can do that at the end too [inaudible]

CHAIR SCHERER: It's not that, I mean, I can only imagine how frustrated they are.

MS. WALD: Understand.

CHAIR SCHERER: I mean, we are, on the Board, is kind of, we can't believe this is still here.

MS. WALD: Understand.

CHAIR SCHERER: So, I don't necessarily have to go speak with the commissioners. If I were in your shoes, I would probably do it -

MS. MCINTYRE: Okay.

CHAIR SCHERER: - to let them know what's going on. And I don't know, if, start with maybe the Chief Building Official can get involved and get it done quickly, that may be your first step and then, it's just embarrassing for the City to have to do, for this.

MS. MCINTYRE: Thank you.

CHAIR SCHERER: Thank you.

2. Case: CE07040050

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Stark Equity Group LLC

1340 NW 19 Avenue

MS. PARIS: Our next case will be on page three, it's an old business case. Case CE08040050, the inspector is Wayne Strawn, the address is 1340 Northwest 19th Avenue, the owner is Stark Equity Group LLC.

We have service by posting on the property 5/13/09 advertising in the Daily Business Review 5/1/09 and 5/8/09. We have certified mail as noted in the agenda. Violations as noted in the agenda.

The case was first heard at the 2/19/09 USB hearing. At that time, the USB Board granted a 30-day extension to 3/19/09

USB hearing with the stipulation the owner return with written, detailed proposals from his general contractor and his architect and his engineer with their plan for rehabilitation.

At the 3/19/09 USB hearing the Board granted a 28-day extension to the 4/16/09 USB hearing with the stipulation that the respondent return with written detailed proposals from his general contractor, architect and engineer and with plans ready to be submitted to the City.

At the 4/16/09 USB hearing the Board granted a 30-day extension to the 5/21/09 USB hearing.

CHAIR SCHERER: Alright. Is the respondent here? Oh, okay.

INSPECTOR SMILEN: Is there a respondent?

CHAIR SCHERER: Yes, you want to, you want to -

MR. RICHEL: Yes, Mike Richel; I'm the General Contractor. The plans have been submitted; I checked on them this afternoon, there's two more stops before there are either permits issued or corrections. They were submitted on the 12th; I've got the numbers here if you want them for the records.

And if I have to - I spoke to Gerry because I know Wayne is still out. If I have to bring an engineer over to certify the structure as safe we can do that. It's not an issue. We have no problems with it; we're just trying to get the permit

done so we can get the construction up to speed and we just need more time.

CHAIR SCHERER: When did you submit for permit?

MR. RICHEL: May 12th 2009.

CHAIR SCHERER: And what was, what kind of permit is it?

MR. RICHEL: [inaudible] I've got a building, plumbing, electric, and mechanical applications in.

CHAIR SCHERER: Okay, and that pretty much takes care of everything.

MR. RICHEL: That takes care of everything, unless they come up with some zoning issues, which I don't believe exist, but -

CHAIR SCHERER: Okay, you never know.

MR. RICHEL: If there are, I'm not aware.

CHAIR SCHERER: Okay. And you're asking for an extension?

MR. RICHEL: Yes.

CHAIR SCHERER: How much time do you think you need?

MR. RICHEL: Well, I don't know, I'm not familiar with this process, so I don't know which point I don't have to come back. I'd like to think that I'll have a permit in the next two weeks. It'll probably take four weeks to do the remediation.

CHAIR SCHERER: Once the permit's issued, then you're no longer here.

MR. RICHEL: Oh, well then, well, I don't know, based on the last respondent -

CHAIR SCHERER: I know, yes.

MR. RICHEL: I don't know what to think. I'm hoping I'm not here in a year, but I would think that 30 days would be sufficient. But, if you want to hedge the bet and make it 60 that's fine. I have two stops and corrections usually go pretty quickly with the City.

CHAIR SCHERER: Okay.

MR. RICHEL: Usually.

CHAIR SCHERER: Yes, usually. Is there anybody has a motion?

MR. JARRETT: Can we hear from Gerry first?

MR. HOLLAND: Comment from staff.

CHAIR SCHERER: Oh, sorry Gerry, didn't mean to ignore you back there.

INSPECTOR SMILEN: You ignoring me again?

CHAIR SCHERER: I know, sorry.

INSPECTOR SMILEN: I guess it took the wind out of your sails on the last one, right?

CHAIR SCHERER: Oh, man.

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City of Fort Lauderdale. We have confirmed that on May 12th, permits have been applied for. Obviously they are trying to comply and the City has absolutely no objection to a 60-day

extension.

CHAIR SCHERER: Okay.

MR. HOLLAND: Move to extend 60 days.

MR. JARRETT: Second.

CHAIR SCHERER: Okay, so there's a motion for a 60-day extension to the July 18th?

MR. JARRETT: Sixteen.

CHAIR SCHERER: Sixteen. Oh yes, I was looking at June. July 16th, 2009 hearing. There's a second. Any discussion on the motion? Seeing none, all those in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All those opposed? Motion carries, see you in 60 days.

MR. RICHEL: Thank you.

3. Case: CE07021325

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Jungle Queen Inc

2470 Southwest 21 Street

MS. PARIS: That's okay. Our next case is another old favorite at the bottom of page one. Case CE07021325, the inspector is Wayne Strawn, presented by Gerry Smilen, the address 2470 Southwest 21st Street, the owner is Jungle Queen Inc.

We have service by posting on the property 5/13/09,

advertising in the Daily Business Review 5/1/09 and 5/8/09. We have service by certified mail as noted in the agenda. Do you need me to read all the previous history or can we just say as noted in the agenda?

CHAIR SCHERER: I have to recuse myself from this.

MS. PARIS: Yes, yes, which means we do not have a quorum.

CHAIR SCHERER: So pass it to who -

MR. JARRETT: We won't have a -

CHAIR SCHERER: Second in command, who's here?

MR. JARRETT: We won't have a quorum.

MS. PARIS: We won't have a quorum. Not again? Didn't this happen once before

MR. JARRETT: So therefore, if he can't, then we'll have the move this to next month.

MS. WALD: We'll have to move it to the next one.

MR. JARRETT: So they got a 30-day extension without doing anything.

MS. PARIS: Automatic.

MS. CALHOUN: Thank you.

CHAIR SCHERER: The Jungle Queen gets a discount for that, right?

MR. JARRETT: Unless you just want to tell us about it.

MS. CALHOUN: Good things are happening.

MR. JARRETT: Good, that's all we needed to know.

MS. CALHOUN: Alright. Have a great afternoon.

MR. JARRETT: Bye bye.

MS. PARIS: Bye.

CHAIR SCHERER: Okay, next case.

MS. PARIS: I know you were so looking forward to hearing that one.

CHAIR SCHERER: Is that it?

MS. PARIS: No, I'm just waiting for them to bring the file -

CHAIR SCHERER: I said, there's no way, 17 minutes, that's a record.

MS. PARIS: We're actually almost done.

CHAIR SCHERER: Wow.

4. Case: CE09032197

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Al Preston Jackson

1800 Northwest 3 Court

MS. PARIS: Our next case will be on page eleven, it's a new business case. Case CE09032197, the inspector is Wayne Strawn, presented by Gerry Smilen. The address is 1800 Northwest 3 Court, the owner is Al Preston Jackson.

We have service by posting on the property 4/22/09, advertising in the Daily Business Review 5/1/09 and 5/8/09. Service by certified mail, as noted in the agenda.

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City

of Fort Lauderdale, presenting case CE09032197 at address 1800 Northwest 3rd Court. I'd like to enter into evidence as Exhibit 1, which details all the building code violations as well as the remedial action required. I would also like to enter into evidence the following pictures.

[Inspector Smilen displayed photos of the property]

Okay, here we're showing, this building was fire damaged and we're showing the front, which doesn't look too bad, it has been, has been secured on the front. And as you get in to looking in the back of the building is where the major damage is, as you can see. This, this is the roof.

MR. JARRETT: Gerry -

INSPECTOR SMILEN: Here's the roof structure right here all burnt out. Obviously, there used to be a roof over here. That's all -

MR. JARRETT: Was the roof burned out or was it never put on?

INSPECTOR SMILEN: No, it was burnt out.

MR. JARRETT: Oh, okay.

INSPECTOR SMILEN: As you can see here, they had cut away the rafters over here and you can see the burnout over here. Next, please. More damage as shown by the fire. The building is severely damaged structurally and at this point in time in our opinion there would, you would have to, there would be so much damage in the building that it wouldn't be worth

monetarily to repair it. It would have to be pretty much leveled. And the City is recommending demolition and we're asking the Board to find for the City and grant an order to demolish the building in absence of a demo permit or building permit for repair by the owner in the next 28 days.

CHAIR SCHERER: Gerry, how long ago, when was the fire? How long has this been like, in this condition?

INSPECTOR SMILEN: I - that I couldn't tell you because I had just, I'm just covering for the case for Wayne so I don't have that information at my fingertips.

CHAIR SCHERER: Okay, is there a respondent?

MR. JACKSON: Yes. My name's Al Jackson. The fire was held the Sunday before Thanksgiving last year. At the present I have a, there's an architect's working on the drawings. He should have had it done it by now, but, and he told me any day now he'll finished the drawings, whatever things that I need to get done.

CHAIR SCHERER: What's the name of the architect?

MR. JACKSON: Stoc - say that for me?

MS. PARIS: Scott Connor.

MR. JACKSON: Yes.

CHAIR SCHERER: Scott Connor.

MS. PARIS: Scott Connor.

MR. JACKSON: Scott Connor, architect. And somewhere in here I have his contract.

CHAIR SCHERER: And he thinks the building is repairable?

MR. JACKSON: Yes, uh-huh, it is repairable. At present I'm going to take off all of the existing structure's beams and put in new beams, and the other stuff is basically, it's, it can be done.

CHAIR SCHERER: Okay. And do you have a general contractor that you've hired?

MR. JACKSON: Yes, uh huh.

CHAIR SCHERER: Who is that? Do you have their contract or their name?

MR. JACKSON: Yes. No, I don't have that name, but no.

CHAIR SCHERER: So you intend to fix the building.

MR. JACKSON: Beg pardon?

CHAIR SCHERER: You intend to fix the building, repair it.

MR. JACKSON: Yes, uh-huh.

CHAIR SCHERER: And you've gotten an estimate on how much it costs to fix the building?

MR. JACKSON: Yes. Less than \$100,000.

MR. WEYMOUTH: And the architect will have plans in a couple of weeks, you said?

MR. JACKSON: Yes. They should have, well, they were, actually, he's two weeks late now, so, I talked to him today, he says maybe tomorrow or by Monday he'll have all the plans, completed.

MS. HALE: Is this your personal home?

MR. JACKSON: Yes.

CHAIR SCHERER: How long ago did you hire the architect?

MR. JACKSON: It's been about four weeks now.

CHAIR SCHERER: Okay. Any other questions?

MR. HOLLAND: Have you settled with your insurance company or was it an insurance matter on that?

MR. JACKSON: Almost. They're just, they keep [inaudible] different things, stuff that I have to sign. But as of last week, everything has been supposed to have been signed, the only thing I got to do now is it issued a permit from the City for them.

MR. JARRETT: Is it your intention to immediately move on the reconstruction of the home as soon as you get your plans and everything?

MR. JACKSON: Yes. Yes, actually we've done, we've done a lot of the building, a lot of the cleaning up already.

MR. JARRETT: Demolition?

MR. JACKSON: Yes. Uh-huh.

MR. WEYMOUTH: Is the property secure?

MR. JACKSON: More or less, yes.

MR. WEYMOUTH: From the City's perspective?

CHAIR SCHERER: Gerry is the - do you believe that the property's secure?

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City

of Fort Lauderdale. I have not been out on this property personally myself. However, from the pictures, it would seem that it would be very difficult to be able to secure the whole building because of the damage that was in there, and that is the City's concern.

The other concern of the City, of course, is the timeframe here. If we're looking at, if this fire happened in Thanksgiving, and then four weeks ago, Mr. Jackson had hired an architect, there was a lot of time that lapsed and then of course we need to be concerned about where the funds are coming from. If they're coming from the insurance company, that certainly hasn't been settled either. So that, this just seems like a lot more time that this structure's going to be sitting in its present state, and that's what our concern is.

MR. WEYMOUTH: Any idea what caused the fire?

MR. JACKSON: My, one of my youngest son, he started the fire by mistake. He had a candle and it burned.

MR. JARRETT: If we were to give you an extension, what would you expect as an extension?

MR. JACKSON: I'm looking for maybe three months.

MR. WEYMOUTH: Well, if he's almost done with the plans, I'd almost say let's take a look at the plans next meeting and see if they're ready to be submitted.

CHAIR SCHERER: Do you, do you have a -

MR. WEYMOUTH: If he's almost done.

CHAIR SCHERER: Yes. I agree. I think, do you have a copy of the contract -

MR. JACKSON: Yes.

CHAIR SCHERER: - with your architect? Can we see it for a second?

MS. HALE: Gerry? On those pictures there is a fence showing on the front. Does that add any security to the back area? Does it go around the backyard?

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City of Fort Lauderdale. If that fence could be extended to come into the building, and at least secure that back area, that would definitely be a help, for sure.

MS. HALE: Oh, so it's just a little fence that goes decorative across the front of the house?

INSPECTOR SMILEN: I'm not too sure, could you elaborate on that?

MR. JACKSON: Yes.

MS. HALE: Yes, okay.

MR. JACKSON: Yes. There is a small fence in the front of the house, right now it's down. Once we start, I will put another fence up there. Therefore, the whole front of the house is secure.

MS. HALE: Okay, so in the back, there is no fence.

MR. JACKSON: There is nothing. It's the river behind it.

MS. HALE: Oh, okay.

[Mr. Barranco arrived at 3:23]

MR. HOLLAND: You signed this contract with a July date '09.

MR. JACKSON: Yes, I -

MR. HOLLAND: And it doesn't -

MR. JACKSON: I gave you a bad mistake. He's had it longer, than I just said.

MR. HOLLAND: I can see him signing it as a proposal, but I'm not quite clear if that's an executed contract. Has there been any funds exchanged in this matter?

MR. JACKSON: Yes.

CHAIR SCHERER: How much money have you paid him so far?

MR. JACKSON: Five hundred dollars, I think.

CHAIR SCHERER: Yes, it asks for \$500 up front.

MR. HOLLAND: Yes.

CHAIR SCHERER: The - it's dated, it's dated that you signed it 7/26/09, two months from now.

MR. JACKSON: Okay that's - okay, they got, he got the wrong, he got the wrong date on that.

CHAIR SCHERER: Well, his, it's dated February 24th of '09, so it's -

MR. JACKSON: Is that, [inaudible]

MS. HALE: Maybe that's a two. Instead of a seven, maybe that's a two.

CHAIR SCHERER: What is that date? Maybe we're just reading it wrong.

MR. JARRETT: Looks like July '09 to me.

CHAIR SCHERER: Mr. Jackson, our concern is that it's hurricane season again and if there is a hurricane that comes through our area, you have a lot of loose debris on your house that could be easily picked up and damage other homes around the area.

MR. JACKSON: I know.

CHAIR SCHERER: So it's very urgent that your architect finishes the drawings, you get them submitted, and get it permitted. And it's a lot, to me, I think it's a lot more work than fifteen hundred dollars worth of work from an architect to do a full design and mechanical, electric - you're talking about a complete new design for the house.

MR. JACKSON: Yes. Well here's his, here's his fee right there.

CHAIR SCHERER: Yes, I know. And his exclusions are, he's got - our understanding of this project is to renovate the entire home for the fire damage: enlarge the back bedroom, revise the roof. The basic services include structural, mechanical, plumbing, I mean, he's doing it for the price and you have a contract and it's signed, so there's not much we can say that you're not, that you're not working on it.

MR. JACKSON: He was saying he was giving me a contract

much lower good price because he was, he needed the work.

CHAIR SCHERER: Okay.

MR. JACKSON: Okay.

CHAIR SCHERER: Okay?

MR. JARRETT: Mr. Jackson, if we were just to give you a 30-day extension, would you agree to come back here next week or next month with your architectural plans, perhaps your architect? And would you also agree to clean up the area of debris to the satisfaction of the Building Inspector for the next meeting?

MR. JACKSON: Yes.

MR. JARRETT: So that we can like, you know, we realize that this is your home and you want to rebuild your home, and we respect that, but you have to respect your neighbors. If there was a storm with the season coming along, debris flying from your home could damage their homes, and they may or not be insured at all. So would you agree to something like that if we gave you a 30-day extension?

MR. JACKSON: Yes.

CHAIR SCHERER: So, the motion that you're talking about is a 30-day extension for, to bring your architect with you to the next meeting and the plans.

MR. JACKSON: Well, I should have the permit by then, I hope to.

MR. JARRETT: Well, I don't think you're going to have

the permit by then, but if you show us that you're doing due diligence to obtain the permit, then that would be the right direction.

MR. JACKSON: Okay.

MR. HOLLAND: I'm also inclined to suggest or recommend, how we do it these days, after we find these violations do exist as listed, that we look at some selective demolition on the roof so it isn't a hazard to neighboring properties during early hurricane season here. I think that's within our purview to recommend.

MR. JARRETT: You want to make the motion?

MR. HOLLAND: Not really [inaudible].

CHAIR SCHERER: It's a pretty comprehensive motion that we're about to make.

MR. JARRETT: Okay.

CHAIR SCHERER: There's some conditions that you're going to have to meet by the next meeting in order for us not to make an order for demolition on the property by the next meeting. So, somebody would like to make a - okay.

MR. JARRETT: I'll do it. I make a motion that we give Mr. Jackson a 30-day extension, which is actually to the June-

MS. WALD: Excuse me.

CHAIR SCHERER: Hang on.

MS. WALD: Excuse me Mr. Jackson.

CHAIR SCHERER: Ginger would like to -

MS. WALD: It's a new case. Requesting you do the findings of fact, you do find that the violations exist, you do that first and then the time period you would like. Thank you.

MR. JARRETT: Okay, you want me - okay. Thank you. Okay, I move that we find the violations exist as alleged, is that all I have to say Ginger? And that, okay, I move that we find the violations do exist, but we will grant you a 30-day extension. And the terms of that extension are to include that the next meeting you bring your architect and your plans to show us that - right - to show us that you are proceeding properly with this.

The second condition of it is that you clean up the site of any debris that may be a hazard to your neighbors to the satisfaction of the Building Inspector and contact the Building Inspector for him to check that before the next meeting. Although I'm sure he'll be out there before the next meeting anyway.

CHAIR SCHERER: Okay. I have a motion, is there a second on the motion?

MS. HALE: I'll second.

CHAIR SCHERER: Is there any discussion on the motion?

MR. HOLLAND: Some of that might have sounded order-like it was, I think. Would you agree to a recommendation on that second part? Recommend as opposed to condition?

MR. JARRETT: Sure, what do we say? What did I say the first time?

CHAIR SCHERER: Do we need to recommend, or do we need to order?

MR. HOLLAND: We request, not condition.

MR. JARRETT: I don't think we can order that, we have to recommend it.

MS. WALD: If your order, like we discussed last time, the - Ginger Wald, Assistance City Attorney - your only two things you really have after making the findings of fact, is demolish or provide a period of time and then you can also order to reappear. And that's really all you can do.

Now you say order, and that's fine, but you really don't have the "authority" but obviously if you say you need to come back within 30 days and we're going to hear it in 30 days, that a motion can be made at that period of time.

So, that's why I believe that Mr. Holland and Mr. Jarrett were saying recommending to you because, and then you also said next time it might be some type of demolition.

Now, one thing that Mr. Holland was saying as to partial demolitions, that always can be ordered, because that's part of your authority.

CHAIR SCHERER: That we can order a partial demolition?

MS. WALD: You could order a partial demolition, because that is a demolition and you can order a partial demolition,

it's on whichever part of the findings of fact [inaudible].

CHAIR SCHERER: Okay.

MR. HOLLAND: Actually, in general terms, not specific.

MR. JARRETT: Because it was just a recommendation. Actually that was why I asked the gentleman if he would agree to that before I even made the motion.

CHAIR SCHERER: Okay. So we have a motion and we have a second and the motion's, just so we're, just so you're clear, are you clear what you have to do or did we confuse you too?

MR. JACKSON: No, I understand.

CHAIR SCHERER: Okay. Alright Mr. Jackson. Anymore, no more questions? All those in favor signify by saying aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All those opposed? Your motion passes and you have 30 days Mr. Jackson.

5. Case: CE09030146

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Beaver Cleaning & Maintenance Corp

638 Northwest 15 Avenue

MS. PARIS: Our next case will be on page nine, it's a new business case. Case CE09030146, the inspector is Wayne Strawn, presented by Gerry Smilen. The address is 638 Northwest 15th Avenue, the owner is Beaver Cleaning and Maintenance Corp.

We have service by posting on the property 4/22/09,

advertising in the Daily Business Review 5/1/09 and 5/8/09 and certified mail as noted in the agenda.

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City of Fort Lauderdale, presenting case CE09030146 at address 638 Northwest 15th Avenue. I'd like to enter into evidence the Notice of Violation as Exhibit 1, which details all of the Florida Building Code violations as well as the remedial action required.

Okay, at this point, here, we do have disk with some pictures that I'd like to enter into evidence.

[Inspector Smilen presented photos of the property]

Obviously, here we're showing this roof has been blue tarped and the tarp is, was deteriorating. Some more of the site here showing a vent area there. This is the front of the house, obviously. A lot of deterioration over there, as you can see there's no sheathing on those beams that are exposed. More area here, there was a board up there.

CHAIR SCHERER: Have we ever heard -

INSPECTOR SMILEN: And the area where it's collapsing.

CHAIR SCHERER: Have we heard this Beaver Cleaning before? Have we ever heard this case?

MS. WALD: Yes.

CHAIR SCHERER: This house has been before us.

MS. WALD: Yes.

MR. HOLLAND: It might have been.

CHAIR SCHERER: Yes.

MS. WALD: Good catch. Ginger Wald, Assistant City Attorney, I saw the same thing myself when I looked at the docket. What had happened was this case was previously presented to you, it was back in the CE06081391 case. At that time, the owners went ahead and recorded a notice of commencement and were moving forward with a permit for demolition, but what I was told was, it never happened. So now they have to start a new case, since they closed the old case.

MS. HALE: When was that date, please?

MS. WALD: It was previously an '06 case, but the last time it came in front of you folks was back on November the 15th 2007, November the 15th, 2007 and these are just from my own notes.

MS. HALE: Okay.

CHAIR SCHERER: Okay. So we, so we ordered a - they pulled a permit to demolish the structure, they never did.

MS. WALD: That is correct.

MR. HOLLAND: And we granted an extension and didn't order the demolition, correct?

INSPECTOR SMILEN: Okay, the way, now to give you an update on what's going on with the property: on April 22nd of '09 a demolition permit was applied for and a little farther after that there was a sewer cap permit that was issued.

CHAIR SCHERER: April of '09?

INSPECTOR SMILEN: Yes. So right now, as of today, there was a sewer cap inspection that has been scheduled to happen today. I don't know what the results have been because the inspectors were still out. So they are moving to demolish this building. As soon as the sewer cap inspection is passed, then they will be eligible for the demo permit.

CHAIR SCHERER: Well, we have the respondent here, do you want to -

MS. HALE: Gerry?

MR. LEON: Juan Jose Leon with High Tech Construction. Let me clear something up first. The other permit wasn't a demo permit, it was a permit to rehab the building, but due to the economy, the owner decided to, you know, after one extension, to vacate it because it was going to be too expensive.

So, what we applied for is a demo permit, which is what the inspector has said. We're waiting for sewer cap inspection. The inspector was there this morning, the gentleman says, I guess you're not ready, because we ran behind. He says, I'll be back this afternoon on the way back to the office and I'll check it. And as soon as I get a final on that I can get my demo permit.

CHAIR SCHERER: Okay. I think the Board would probably be inclined just to make sure you do get the demo.

MR. LEON: No, and hopefully if everything goes right I think I'll be able to demolish the building next week. Get rid of it.

CHAIR SCHERER: Okay, good.

MR. LEON: Because this is -

CHAIR SCHERER: Is there anybody want to make a motion or any questions?

MS. HALE: No, I want to make a question to Gerry.

CHAIR SCHERER: Okay. Gerry, we have a question.

MS. HALE: Gerry? He's got a sewer cap and it says there's a septic tank.

MR. LEON: That was a big issue that I had with a plumbing plan reviewer and I told the, he said, well there's, it's connected to the sewer. I said well, I can tell you that when the plans were done there were septic tanks, there was at least one septic tank back there in the back because they had it covered up. He goes, well, it's not going to be the first time that they connect the sewer and don't abandon the tank.

CHAIR SCHERER: Right. Okay.

MR. LEON: And that's what probably happened. So, I'm responsible as the contractor and I want to make sure that, you know, we, I told him, we have abandoned from DOH, we have the abandonment permits too.

CHAIR SCHERER: Okay.

MS. HALE: Alright.

CHAIR SCHERER: Anybody like to make a motion?

INSPECTOR SMILEN: I'm sorry, did he answer your question?

MS. HALE: Yes, I was just curious because he talked about the septic tank and you're talking about a sewer so -

INSPECTOR SMILEN: Okay.

CHAIR SCHERER: Okay, anybody like to make a motion?

MR. JARRETT: Well, actually, I'd like to make a motion but I'd like to make a comment first. Because of a recent case where they thought they had the permit - you remember that one on Mr. Margolis, and it went on for like two months in Victoria Park - I'm inclined to give him a 30-day extension because I know that this has been a problem in the past rather than call for demolition and only give him you know, 30 days to get the permit and so on.

CHAIR SCHERER: Well they're not going to be able to, you think the City would be able to do it quicker than -

MR. JARRETT: No, are you kidding me?

CHAIR SCHERER: I mean, I just, I'm afraid that, I'm afraid what happened last time, they pull the demo permit and never do the demo.

MR. HOLLAND: No, it wasn't.

MR. JARRETT: No, no, no, rehab.

CHAIR SCHERER: SCHERER: Or - I understand that.

MR. LEON: No, that was not - that was a building permit.

CHAIR SCHERER: I understand that.

MR. JARRETT: Yes, he's clarified that.

CHAIR SCHERER: I'm saying if you pull a demo permit, it comes off of our agenda. And if you decide not to demo it, you're off our agenda. So that's why I'm thinking, but -

MR. JARRETT: Just because of the recent fiasco that Mr. Margolis went through, I'm inclined to give the gentleman a 30-day extension and hopefully it'll be straightened out, and if it's -

MR. BARRANCO: Well, I'm inclined to just move for demolition.

MR. JARRETT: I know, that would be my first thought too but -

MR. BARRANCO: Because that's the backup, he's doing it anyway. It'll be in place and we don't have to see this case again so, I don't think it makes a difference the 30-day extension.

MR. JARRETT: Question for the City Attorney.

MS. WALD: Yes.

MR. JARRETT: Again, if we do the demolition, if we order the demolition today -

MS. WALD: Yes.

MR. JARRETT: He's going to have 60, 90 days, in reality to get his demolition permit in order?

MS. WALD: Correct. The first question that I had was -

and it was to staff, and that's what they're kind of talking about right now, was - is it even appropriate for this case to go forward, because there is a notice of commencement showing that it's a demo. My question was, is there a demolition permit?

If there is a demolition permit already, there's no need for this case to even be presented and go forward because it's over. If there is no demolition permit, then it can obviously move forward and you can proceed. To answer your question, yes, it does take a while.

MR. JARRETT: So, my question, and also, when we order these demolition permits in this case, just as a backup, what are we costing the City? Is somebody, is there going to have to be money spent, staff is going to be tied up on this or -

MS. WALD: Basically, what my understanding, and again, this is a [inaudible] asked the same questions a while back, my understanding is when you do order that the property is to be demolished, and if the owner does not demolish the property, the secondary part of your order is for the City to demolish the property.

The City then has to contract with a contractor, normally it's Miami Wrecking, but there's other ones out there, they contract with them, that company is the one that actually pulls the permit, that company is the one who has to make sure the FP&L is cut off, the sewer is capped and do everything

they need to do as part of the permit process.

Once that is all taken care of, then they can move forward with the demolition, prior to the demolition actually occurring, another request is made to our office, to our paralegal who actually does the title searches for every single one of these cases and even that is done prior to the actual demolition. So, when you're saying how much does it cost, it costs a lot of money.

MR. JARRETT: Okay. I'm inclined to give him a 30-day extension rather than cost the City money.

MR. BARRANCO: I've got one more question.

SUPERVISOR BRADLEY: Mr. Chairman, Lindwell Bradley, Supervisor of City -

MR. BARRANCO: I've got one more question.

CHAIR SCHERER: Hang on one second.

SUPERVISOR BRADLEY: Okay.

MR. BARRANCO: Is there a way that the City can recover those costs from the owner?

MS. WALD: Yes. Well, the lien is put in place and in fact, every time there, there are two liens that are done. The first lien's that put in place when you go ahead and you order the demolition and that order is signed. That bill for those amounts and which are administrative costs, the certified mail, everything, hearings, that is actually sent as a bill to the owner. If the owner does not pay that bill

within - is it 30 days?

MR. MCKELLIGETT: 30 days.

MS. WALD: 30 days, I'm trying to remember the ordinance, within 30 days, then we record it as a lien on the property. The next lien that gets recorded as a lien on the property is after the demolition and that's the demolition cost, that's the big bucks. And after the demolition cost, that bill again, is sent to the owner of the property. And after that is not paid for the 30 days then that is filed as a lien on the property. Those then become liens on the property, and we recover those costs whenever the owner is going to pay those liens, or in a foreclosure or something along those lines.

CHAIR SCHERER: Okay.

MR. HOLLAND: In a follow-up to his question, you didn't really separate the actual demolition and the liening of that against the property. The administrative costs, with the paralegal, is that person-days of effort or half or a rough estimate?

MS. WALD: I can't say exactly how much she costs; I would have to know how much she's paid and then I would have to figure it out on the hourly basis. But I can tell you this, most of her time in our office is spent on title searches. Not just on these cases, but a lot of them are on these cases. And if you've really got to know that, I can ask for that to be done by staff.

MR. HOLLAND: Just trying to get ballpark here, but -

MR. JARRETT: I just I just hate to see the City spend money and staff time doing something that the gentleman is proceeding to do.

SUPERVISOR BRADLEY: Yes, Lin Bradley, Community, or Code Enforcement Supervisor with the City. I apologize for the time that you've had here today, but Wayne has been out and we're trying to catch up on this. Okay, since the work has been done, the permit has been applied for, and it looks like it's going to be issued probably today - in fact, the plumbing inspector is out there, I think, as we speak. So we're going to withdraw this case.

CHAIR SCHERER: Oh, okay.

MR. HOLLAND: Okay. Good call.

CHAIR SCHERER: Easy enough.

MR. BARRANCO: And while we're at it, let's just discuss this a little further because the other thing we can't lose sight of is that we're here to keep the City safe and the City's here to keep the City safe and at the end of the day if demoing that building needs to be done and it costs the City money, we're just trying to keep the citizens safe. And I know it costs the City money, and hopefully we recover some of that, but I think we've got to force people's hands in these situations.

MR. JARRETT: Well, I agree that we need to force hands

in some of the situations, but we've got to keep in mind - in addition to that additional cost - I mean, everybody knows that if he goes and gets his own private contractor and he does all the legwork, he's going to pay a very smaller figure than what the bill's going to be from the City. We all know that. And when the people are in a situation like this, I think we ought to give them a little bit of a help because they're in a losing situation having to tear down their structure anyway, and maybe we're adding insult to injury when we force the City on them.

CHAIR SCHERER: I would tend to look at the actual owner of each property and if it was a person's home like the last gentleman, Mr. Jackson, whose home was burnt down. But when it comes to Beaver Cleaning and Maintenance Corp., I'm of a little bit of different opinion with that, because when it's someone's home versus a company's rental property, where they haven't maintained it and haven't taken the time to get the demo permits and do the work versus somebody who is financially unable [sic] to do the work, it's a big difference for me personally. Just, that's kind of my two cents on that issue.

MR. HOLLAND: I agree all these are good points, and I think the guiding principle will be every case on its own merits and we have a lot of flexibility, and we're hearing a lot of our options here, and that's good, we've got to be

cognizant of them all the time.

CHAIR SCHERER: Sir, your case is dismissed and you're on your own.

MR. LEON: Thank you very much.

MR. LEON: Your eye -

MS. PARIS: The case is withdrawn, it's not dismissed.

CHAIR SCHERER: The case is withdrawn, I'm sorry.

MR. LEON: Your eyesore will be gone, hopefully next week.

CHAIR SCHERER: Great.

MR. LEON: Thank you.

6. Case: CE07050197

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Anthony & Ana Marie Catania

1636 NW 5 Avenue

MS. PARIS: Our next case will be on page five at the bottom; this is an old business case. Case CE07050197. The inspector is Wayne Strawn, the address is 1636 Northwest 5th Avenue. The owners are Anthony Catania and Ana Marie Catania, formerly known as D'Aulerio, Ana Marie D'Aulerio.

We have serviced by posting on the property 5/13/06 advertising in the Daily Business Review 5/1/09 and 5/8/09. Certified mail as noted in the agenda.

This case was first heard at the 4/16/09 USB hearing. At that time the Board granted a 30-day extension to the 5/21/09

USB hearing with the stipulation the respondent bring the design professional or his or her agent and the contract the respondent has with the design professional. Violations as noted in the agenda.

MS. PEACOCK: Hi, I'm Tamara Peacock, I'm a local architect in downtown Fort Lauderdale and with me today is the project manager, Alberto Barboza, and he actually spoke with Mr. Catania by telephone, he's in Georgia. I believe the property is an investment property and his wife lives in Coral Springs. So, he's not here today; we are here to speak on his behalf. He has signed our contract. Do we have a copy of the contract with us?

MR. BARBOZA: No.

MS. PEACOCK: We don't have the copy with us but he -

MR. HOLLAND: Do you have an approximate date that was executed?

MS. PEACOCK: Yesterday, right? Yes, I mean he just did it and he is supposed to send us a retainer. It's, the contract is in the amount of \$3,000, the retainer's 1,000. We had done a proposal to do a site plan submittal because he's in RM-15 and we did the acreage on his lot, and it seems - and just from the preliminary research, I haven't looked up everything - but that the unit that he's adding might actually go, be able to be site plan approved.

So we were going to try to submit that first and see if

it actually has to be removed or whether we can make it a legal unit. So that's the first question on the table. Do you want to add any more to that Alberto? And he, we have to do a plans request and put it into AutoCAD and get that submittal in and that will only take us about a week. So we can have progress in thirty days to come back to you however you want us to handle it. I - This is my first time appearing before the Board so I apologize for not necessarily knowing the way that you work.

MR. JARRETT: You have made on-site inspections and you're confident that it can be permitted and so on, so forth?

MS. PEACOCK: We've looked at the plans, it looks, like I said, we did some research, we read the zoning code and did a calculation for the site area based on the property appraiser's website and he has enough acreage for two units.

MR. JARRETT: No. Actually my question was, is, have you seen the construction itself?

MS. PEACOCK: No, no, I personally have not looked at the quality of the construction.

MR. JARRETT: Well, have some of your field people?

CHAIR SCHERER: You have?

MR. BARBOZA: Yes.

CHAIR SCHERER: You have.

MR. BARBOZA: I did.

CHAIR SCHERER: And what's your name again, sorry?

MR. BARBOZA: Alberto Barboza.

CHAIR SCHERER: Alberto. And to you, and are you an architect?

MR. BARBOZA: In my opinion, the property is in, it's not, it's in good conditions. It doesn't look like it's to be, in the range to be demolished. So first what we're going to do is do the plans, the site plan approval. The site, the plans for the [inaudible] for the unit and then we're going to contact the contractor also to get the right information about the way of construction.

MS. PEACOCK: And we plan to pull an after-the-fact permit once we do site plan.

CHAIR SCHERER: There's a lot of information on the mechanical, electrical, plumbing on this particular home. I don't remember, is this the one where the electrical panel's directly over water heater? Do you know if this is the same one?

MR. BARBOZA: No.

MS. PEACOCK: You didn't do that?

MR. BARBOZA: No.

MS. PEACOCK: We don't think [inaudible]

CHAIR SCHERER: I don't remember if that's the same one or not. Do you remember what I'm talking about? The, they put the electrical panel right on top? Is there any MEP work,

mechanical, electrical, plumbing work that will need, engineering that needs to be done?

MR. BARBOZA: In the addition there is no MEP, they are using a [inaudible] unit.

CHAIR SCHERER: Oh, the addition.

MS. PEACOCK: No mechanical.

MR. BARBOZA: No mechanical.

MS. PEACOCK: It's going to be electrical and plumbing.

MR. BARBOZA: Electrical and plumbing, yes. But no mechanical.

CHAIR SCHERER: Mechanical, electrical, plumbing, engineering that's going to be done. And that's part of your proposal?

MR. BARBOZA: Yes.

MR. HOLLAND: Again, I'm sorry, I might have missed something, you're not, you think it may be a recoverable structure. It may be able to be after-the-fact certified.

MR. BARBOZA: Yes.

MR. HOLLAND: And you'll be using a structural engineer to check the foundation on -

MR. BARBOZA: Yes, we're going to use Rupollo Engineering to check out the structures.

MR. HOLLAND: Okay, this could be an interesting -

CHAIR SCHERER: Could we see some of the pictures? Are there any that we can look at?

MS. WALD: Yes, this was from the last hearing.

MS. HALE: Yes.

MS. WALD: And I believe -

CHAIR SCHERER: Yes, you can see the new section on the back.

MS. WALD: This was what was added, here's the picture we have [inaudible] 2005.

MR. JARRETT: Yes, I remember.

CHAIR SCHERER: Oh yes, I remember.

MS. WALD: Do you remember that?

MS. HALE: Yes.

MR. JARRETT: The aerial, yes.

MS. WALD: It basically doubled the size.

CHAIR SCHERER: And these are the only photos that we had of it?

MS. WALD: Yes, we didn't have much. And then show the photos of what it looked like.

MR. HOLLAND: Aerial surveillance.

MS. WALD: Just have these photos [inaudible]

MS. HALE: Yes.

MR. JARRETT: Yes.

CHAIR SCHERER: Oh, yes.

MS. WALD: You said he liked the way it looked, but -

CHAIR SCHERER: Yes, and the new driveway. I remember that one.

MS. HALE: [inaudible] I thought we couldn't get inside.

MS. WALD: Right.

MR. JARRETT: Gerry, do you have a comment?

INSPECTOR SMILEN: Yes. Gerry Smilen, Building Inspector for City of Fort Lauderdale. We, the City doesn't have any objection to them pretty much qualifying that addition to meet the standards of a high velocity hurricane zone. And as the plans go through the permitting process and planning review process, they have to go through us first to make sure that all the violations are addressed. And we will make sure that anything that wasn't existing gets pointed out on the plans and then that will have to be subject to inspection and meet the requirements of the Florida Building Code.

CHAIR SCHERER: Okay. When do you think you'll have the plans ready to submit for permit?

MR. BARBOZA: I think in two weeks we will ready with the plans. So we will submitting at the same time the plan for the house, the addition and for the site plan also.

CHAIR SCHERER: Okay.

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

MR. WEYMOUTH: Are there any rear, side setback violations?

MR. BARBOZA: Not to my knowledge, but we're going to check all the setbacks, all the requirements, side, [inaudible] front.

MR. WEYMOUTH: But you've already given them a proposal to basically do an after-the-fact permit or set of plans for permitting. That can have a drastic impact on your proposal to an owner if you have to go back and re-size.

MR. BARBOZA: Sir, if there is any part of the structure in the back is one like a big porch [inaudible] so if that is violating part of the setbacks, I think we'll have to start talking to the owner or for demolish the part of the section or look for a variance.

MR. WEYMOUTH: So you didn't check into that prior to providing a proposal.

MR. BARBOZA: No.

MR. HOLLAND: They did state that they have zoning issues to investigate as part of the initial schematic study and then I imagine the proposal is based on some assumptions of able to proceed on that basis, and obviously if they can't, they've got a tear down situation and probably a change to the signed contract I would imagine.

CHAIR SCHERER: Okay.

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

CHAIR SCHERER: Sure.

MR. JARRETT: A comment first. I'm going to make a motion for a 30-day extension and I know, the 30 days, you're not going to have a permit, but I'm going to make a motion for a 30-day extension in hopes that when you come back in 30 days

that you can say that you did get your retainer, you are proceeding on, that the zoning's okay, and report back to us, so -

MR. WEYMOUTH: Should have a permit number, maybe not have the permit, but [inaudible] permit.

MR. JARRETT: Exactly, right, application number, right, which becomes the permit number once it's approved, right.

CHAIR SCHERER: I think the most important thing you said is that you have the retainer. Because if you have the retainer, then the owner intends to fix it. If you don't, we know what direction he's going.

MR. WEYMOUTH: Okay, I have one last question for me at least. Is the property occupied right now?

MR. BARBOZA: Yes. The front of the property that was -

MR. WEYMOUTH: What about the rear of the, the area in question?

MR. BARBOZA: - is empty, but the one is was built -

MS. HALE: The front part is.

MR. BARBOZA: Yes, the front part is empty.

MR. WEYMOUTH: The front is empty -

MR. BARBOZA: The rear part.

MR. WEYMOUTH: - but the rear section is occupied?

MR. BARBOZA: Yes.

MS. HALE: Oh.

MR. BARBOZA: With one person.

MR. JARRETT: Well, that's an issue because you're occupying a structure that doesn't have a Certificate of Occupancy.

MS. HALE: Yes.

MR. JARRETT: Does the City want to comment on that?

MR. HOLLAND: No.

MR. JARRETT: Okay.

MS. WALD: Sounds like a complaint has just been rendered.

MR. HOLLAND: Yes.

MR. JARRETT: Okay, so I guess that issue's been addressed, then.

CHAIR SCHERER: We can demo, we can give an extension.

MR. JARRETT: I'm going to make a motion to give, oh, no I'm sorry Ginger, if you have something to say.

MS. WALD: No, you're okay.

MR. JARRETT: I'm going to make a motion that we give the respondents a 30-day extension to our June 18th meeting, and we've already mentioned what we'd like to see when you come back. And that's a suggestion, alright.

CHAIR SCHERER: Alright, we have a motion, is there a second?

MS. HALE: Sure, I'll second.

CHAIR SCHERER: Any discussion? All those in favor, aye?

BOARD MEMBERS: Aye.

CHAIR SCHERER: All those opposed? Motion passes. See you in 30 days.

MS. HALE: Maybe it's the mother-in-law back there.

CHAIR SCHERER: That's what I was trying to -

MR. JARRETT: I have a feeling Code will find out in a few days, I have a feeling Code Enforcement will find out in a few days.

CHAIR SCHERER: That it?

MS. PARIS: Almost. You guys ready?

CHAIR SCHERER: Ready.

MS. PARIS: Both cases on page one have been heard, skip page two; the case on page three has been heard, skip page four; the case on page five has been heard. Page six, case CE08081966 is withdrawn; the demo permit was issued. Page seven, case CE08081974, the demo permit was issued. Page eight, case CE08081993 is withdrawn; the demo permit was issued. Bottom of page eight, case CE08090732 is withdrawn; the demo permit has been issued. Page nine, the case has been heard, skip page 10. Page eleven, the case has been heard, and I believe we have Good of the Order

CHAIR SCHERER: Alright, do I hear a motion to adjourn?

Board Discussion/For the Good of the City

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MS. PARIS: Did you have some Good of the Order?

CHAIR SCHERER: Excuse me?

MS. PARIS: You wanted to bring up about having the Building Official come, any other comments that you wanted.

MR. HOLLAND: Yes, I had an additional comment on that subject.

MS. PARIS: Right, these items will be put at the beginning of the minutes for the City Commission, so now is the time to ask for -

CHAIR SCHERER: Okay.

MR. HOLLAND: Yes, and before considering this message to the Commission I would like to speak on the side of staff that may have to deal with very difficult ADA issues and dotting the i's and crossing the t's. It often isn't their place to show the discretion that sometimes our boards do in allowing certain things to proceed without these technical requirements. That's why there's so many boards and a Board of Adjustments and things of that nature.

But I do think, although that letter with the bathroom requirement elsewhere, hopefully that can get them out of that requirement, but then they did bring in the ADA portion of a ramp and that's a whole 'nother requirement that's very dicey to try and step over without difficult repercussions, whether it's a shack or a hotel.

So, I think in, it's something to consider that staff may be under, in the reviews of these things, those kind of difficulties. And again, that's sometimes this may be the

place for the discretion, but I don't know if they have the ability to always show it under those circumstances, if that makes any sense. Maybe not.

CHAIR SCHERER: My thoughts are this thing just gets - it's a difficult, they don't know what to do with it so it goes on the bottom of the shelf for another month, another month, another month. And somebody at the Building Department needs to know and push this thing; either tell these people it's going to get it or tell them that they're not going to get a permit -

MS. PARIS: So, you're requesting

CHAIR SCHERER: - so they can start working on something different.

MS. PARIS: I'm sorry.

CHAIR SCHERER: So I don't know what we're looking for, but maybe some recognition for, not some recognition, but some, somebody from the Building Department to look into this particular case.

MS. PARIS: For Crazy Gregg's.

MS. HALE: Well maybe this is an inappropriate place because if it's only six-by-seven and a wheelchair takes up probably four square feet, if somebody were handicapped, frankly, that would mean that that Crazy Eddie's attendant would have to go outside to allow the wheelchair to come in. I think that sometimes we've gone a little kind of crazy

because if it's only six-by-seven, there's not going to be a lot of room in there.

MR. HOLLAND: How about our architect? Any comment on that?

MR. JARRETT: The issue was -

MR. BARRANCO: Well, the ADA issues, and I'm not familiar with the issue, but let me just say this, that in the cases of commercial structures - I run into this all the time - and if it's not open to the public, and you have less than five employees in the structure, there is no vertical accessibility issue. Why we're talking about vertical accessibility, here, I don't know. But -

MR. JARRETT: Because it came up before you got here.

CHAIR SCHERER: Yes, they said that -

MS. HALE: Yes, before you got here.

CHAIR SCHERER: They said that they have to do it.

MR. JARRETT: The shed, the attendant shed with Crazy Gregg, that we've heard numerous times?

MR. BARRANCO: That is ridiculous.

MR. JARRETT: They're now wanting to put a ramp on it.

MR. BARRANCO: That's an erroneous comment, and that's something that has to be appealed.

CHAIR SCHERER: This is the problem, is that the -

MS. WALD: You can make - and since we were talking generally, we're talking at the Good of the City portion - you

can make the request - I'm 90% sure that it probably would be honored - for either the acting Building Official or one of the assistants to come and to provide, not just on a specific case, but generally, based upon your questions, as to the process, and why is it taking so long for some of the permits and why are some of these people having so many problems.

Because obviously you have to keep that in consideration as to the time period that you would be willing to provide someone or not provide someone and then you are educated and then you have that information. So, if you make that request, I'm almost sure that it would -

CHAIR SCHERER: I mean, I wouldn't mind having Chris come in here and, have him look into this because it'll probably -

MS. WALD: Yes, the -

CHAIR SCHERER: - probably won't, it'll probably be gone before the next [inaudible] case gets here.

MS. WALD: And it might. But as to generally again, as to any other cases, because, not just this one, there have been comments made by the Board members, not just you folks but the other Board members too, as to some of the issues dealing with the permitting process.

And obviously I can't explain it and neither can specifically the Building Inspectors because they don't have the authority and the qualifications to go ahead and just do the permits themselves.

CHAIR SCHERER: Right.

MS. WALD: So that would be appropriate for this Board if they wanted to do that, to make that request at the next hearing or any other hearing, to have somebody from the Building Department to provide that information to you.

CHAIR SCHERER: On that particular case, not, I mean, in general -

MS. WALD: You could do it, you could do it as to that particular case, as I, what said before, you have the power to do a lot of things outside of that as to the City. But even generally, under the Good of the City, if you ask for something to be presented, that could be done. Other boards have done that. And if that's something that this Board is interested to do, you could make that request and as I said, I'm sure it would be honored by the Building Department

CHAIR SCHERER: Okay, is there some type of motion that has to be made, or -

MS. WALD: No.

MR. JARRETT: No. It's done.

MS. WALD: No. We're, this is in the section called the Good of the City.

CHAIR SCHERER: Okay.

MS. WALD: We normally don't do it with this Board, I know, because this Board is limited, but this is just the Good of the City section [inaudible] you can kind of talk about

whatever you want but you -

CHAIR SCHERER: Okay. I think it would be a good idea to have the new Building Official or the Acting Building Official come in here and just kind of let him know some of our concerns that we see every month here. And some of the concerns, maybe one of the concerns is with the Glenn Wright homes. What are we going to do about the foundations? You know? It's the unsafe issues. I mean, that's -

MR. JARRETT: That's a whole different issue that we need to bring up.

CHAIR SCHERER: Yes, to him. And maybe he has to hear -

MS. HALE: I will tell you Pompano Beach is doing a pretty good job because there's one I pass, and it obviously didn't have the correct permits or something. So the whole site has stopped, but every one of those rods stuck up out of the slab has some sort of a top on it so that at least the sharpness is gone from the rebar that's exposed. So they have caught that.

MR. JARRETT: Well, I personally feel that - and I was going to bring this up after we had this discussion about the issue we were talking about - is that we should request from the City Commission either A) they set a policy or B) they give us some kind of direction on these partially constructed buildings that the building permit has expired because of the economic times.

And I think that this Board needs some guidance or the City Commission needs to make a policy. And I realize the policy can be bent here and there according to the individual cases. But there ought to be a general policy. Is the City going to look at unfinished structures from the standpoint of the value that the unfinished structure has in it, or are they going to look at it from the decreased value of the adjoining properties because of its presence?

I think that's a big issue and we have addressed it in different ways with different cases in the last year on this Board, and that's probably unfair to everyone. The fact that we're not, we don't have a policy, we don't have guidance in that subject.

MR. HOLLAND: We try to keep our flexibility on each case on its own merits, then there was an opening for people to come in and speak and express their complaints or relay them through staff if there is a kind of a visual depreciation of the area. Sometimes it may apply; sometimes it may not and we were looking for fenced off screening of the safety hazards.

So I guess I take the other extreme on that particular issue. But back to John's, the particulars we had on that bathroom situation at Crazy Gregg's, something is odd there, and wrong, but it may be anecdotal, and I don't know how much we need to get it to the Commission as much as, or I guess the idea is to request an explanation. I'd like to see it as

informal as possible, as opposed to formal.

SUPERVISOR BRADLEY: So you would like to have the Assistant Building Official or a representative from the Building Department here at the next meeting, is what I'm hearing I, guess.

MR. HOLLAND: Well, I'm saying it may not be as necessary as that in my opinion, it may be, maybe some particulars relayed through one of you folks on just what the technicalities were of getting that bathroom sign-off for that building, and why the letter from the restaurant can't suffice. And if there's general -

SUPERVISOR BRADLEY: I think we can provide that information for you.

MR. HOLLAND: If, yes, if we want to open up a complete forum on this, a list of sundry issues you might want to get, list them up and get organized and maybe talk amongst ourselves first, because some of us can answer some of our own questions to each other,

SUPERVISOR BRADLEY: Okay, and let me address one of the issues that you're talked about. Mr. Maloney, the manager for Code Enforcement, myself and the building inspectors who come before you have already been talking about this issue of these buildings that are started and are not finished, and we have a number of those throughout the City.

What we have decided to do in the interim, instead of

bringing them maybe to this Board, unless we have to, is that we're recommending they board up those buildings, remove all of the building structures that may be flying debris since were getting close to hurricane season.

But, we are, as a department, already looking at these issues that you're talking about right now because it's money that's going to take to demolish or remove or whatever we have to do. And of course the City is also limited in funds too.

And so, we are already looking at ways and we are working with individuals to try to come up with solutions. We're taking them to maybe, instead of bringing them to the USB, were taking them to the Code Enforcement Board to try to get some things done. So we're already looking at those types of things right now. Anything else?

MR. HOLLAND: And you raise a good point on the sense of liening a dead horse doesn't get much money back for the City if they remove that slab. And we were talking, and hopefully the rainbow's not too far away and the economy will come back and these things will get some restarts. But I think a little time may be in order there.

SUPERVISOR BRADLEY: I would like to be clear on one thing: you do want a building official here or not? That's my question.

CHAIR SCHERER: I would like to talk to a building official about that particular case.

SUPERVISOR BRADLEY: Okay.

MS. WALD: For Crazy Gregg's.

CHAIR SCHERER: For Crazy Gregg's. And they can look at it and they can review it and you know, we can say what is going on here, what are we supposed to do?

MS. WALD: What I will do is send an e-mail request on behalf of the Board as the attorney for the Board to the Acting Building Official and make the request that you would like to have him here on the next date for that case, and then provide him the case information so he can be prepared to explain those to you. [inaudible]

CHAIR SCHERER: Okay.

MS. HALE: And can they be alerted to the fact that we might like to discuss green pools? Because their code amendment last Tuesday was the dumbest thing I ever heard, with floating things in the pool. And can we again go across what we are able to do with these pools that are not up to standard and that create a health hazard for the children of the neighborhoods.

CHAIR SCHERER: That's clear: we can demo it or we can give an extension.

MS. WALD: Right. You can ask the Building Official whenever you want -

MS. HALE: [inaudible]

CHAIR SCHERER: We can talk to him about it but -

MS. WALD: I don't know if he necessarily can answer those questions or not.

MS. HALE: Well, why doesn't he come prepared then, to answer the question in the best way he can, because we are getting more of these, not fewer of them. I mean, this is an ongoing problem. There are more and more foreclosures and the first thing they do is turn off the electric, and if you turn off the electric there's no pool pump.

So you can have a gorgeous home - and I've shown them to people - and there sits this green, stagnant pool out in the backyard and sometimes it's not well protected.

MS. WALD: And as you stated, it did come up on Tuesday for the Commission agenda -

MS. HALE: And it got sent back because there was -

MS. WALD: - for discussion about amending the ordinance. So that is being worked on as we speak, for a new ordinance change. So that is actually -

MS. HALE: [inaudible] Yes, but it was so poorly written that it got sent back again, and -

MS. WALD: Well, it actually, that was a draft; that was not approved, this was just a conference agenda item to discuss it. So that actually will be advertised, it will be written, and then it would have to go for approval in July.

MS. HALE: Well, maybe he could talk about that because I think that, you know -

MS. WALD: Well, that again is something if you're expressing now, and then will be provided to the City Commission as a Good for the City and they're looking at those minutes, as you heard from the meeting.

CHAIR SCHERER: Okay.

MR. WEYMOUTH: Refresh my memory, did we give Crazy Gregg's 30-day extension or 60?

CHAIR SCHERER: We gave him 60.

MS. WALD: Oh, you gave him 60?

CHAIR SCHERER: We gave him 60.

MS. WALD: Okay, so then it's the second one. I look at the minutes [inaudible] so.

MR. WEYMOUTH: I don't know, do we want to bring the City [inaudible]

CHAIR SCHERER: I don't know if Crazy Gregg's necessarily has to be here when we discuss it with the Building Official.

MR. HOLLAND: Right, because if it settles you're not going to see the Building Official the way I saw it, heard it.

CHAIR SCHERER: So no, he doesn't, no, he doesn't have to be here, Crazy Gregg's does not have to be here. We'd like to see him in 30 days not 60 days.

MS. WALD: So, making the request for 30 days and you're going to ask him questions not only just problems with Crazy Gregg's, but whatever problems you have in regards to permits in general and we'll do it as a Good of the City at the end.

CHAIR SCHERER: Yes. And the next time --

MS. WALD: Yes.

CHAIR SCHERER: Yes.

MS. WALD: Okay.

CHAIR SCHERER: Within 60 days, if Crazy Gregg's come back in 60 days we'd like to have the Building Official sitting here right next to him the next time he's here too.

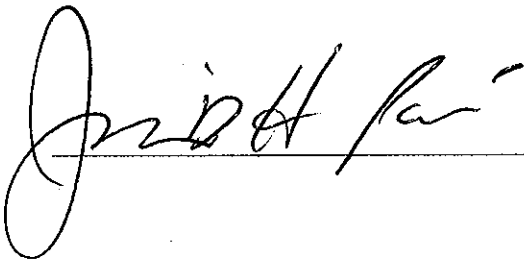
MS. WALD: And then we can tell him that in 30 days.

CHAIR SCHERER: And the next time we'll tell him that too. So is there a motion to an adjourn?

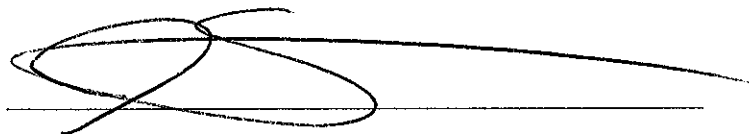
MR. HOLLAND: So moved.

MS. HALE: I second.

[Meeting concluded at 4:15 p.m.]



BOARD CLERK



JOHN SCHERER, CHAIRPERSON

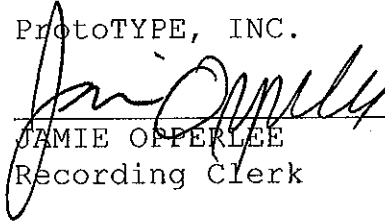
Minutes prepared by: J. Opperlee, Prototype Services

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held May 21, 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 May, 2009.

ProtoTYPE, INC.



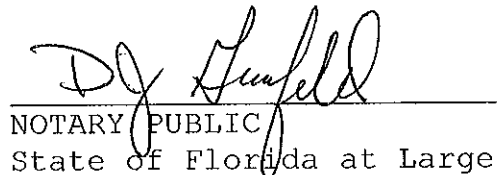
JAMIE OPPERLEE
Recording Clerk

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 May, 2009.



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



NOTARY PUBLIC
State of Florida at Large

Notarial Seal: