

CITY OF FORT LAUDERDALE
 UNSAFE STRUCTURES BOARD
 THURSDAY, September 17, 2009 AT 3:00 P.M.
 CITY COMMISSION MEETING ROOM
 CITY HALL

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance 10/08 through 9/09</u>	
		<u>Present</u>	<u>Absent</u>
John Scherer, Chair	P	9	2
John Phillips, Vice Chair arrived [3:21]	P	8	3
John Barranco	P	8	3
Joe Crognale	P	3	1
Pat Hale	P	10	1
Hector Heguaburo	P	6	5
Joe Holland	P	10	1
Thornie Jarrett	P	11	0
Michael Weymouth	P	8	0

City Staff

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

Communication to the City Commission

None

Witnesses and Respondents

Eric Carbonell, Agent for the General Contractor

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2. CE05121325 Address: Disposition:	Crazy Gregg's Marina LLC 301 Seabreeze Blvd. Withdrawn from the agenda by Inspector Smilen.	<u>15</u>
3. CE07050197 Address: Disposition:	Anthony and Ana Marie Catania, formerly known as Ana Marie D'Aulerio 1636 NW 5 Ave. 30 days to demolish or the City will demolish. Board approved 9-0.	<u>21</u>
Board Discussion/ For the Good of the City		<u>35</u>

The regular meeting of the Unsafe Structures Board convened at 3:04 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 Mr. Holland, seconded by Mr. Weymouth, to approve the minutes of the Board's August 2009 meeting. Board unanimously approved.

1.

Case: CE09062328

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Edewaard Development Co., LLC

544 NE 14 Avenue

MS. PARIS: Our first case will be a new business case on page three, Case CE09062328, the inspector is Gerry Smilen, the address is 544 Northeast 14th Avenue, the owner is Edewaard Development Company LLC.

We have service via posting on the property 8/13/09, advertising in the Daily Business Review 8/28/09 and 9/4/09. Certified mail as noted in the agenda.

INSPECTOR SMILEN: Good afternoon Board, it's nice to see all of you in a standing room only crowd here. Gerry Smilen, Building Inspector at the City of Fort Lauderdale, presenting Case CE09062328. I first inspected the property on July 2nd of '09, at that time, the following violations were cited:

FBC 115.1.1

THE BUILDING HAS BEEN SUBSTANTIALLY DAMAGED BY
THE ELEMENTS, HAS BECOME A WINDSTORM HAZARD.
IT DOES NOT MEET THE REQUIREMENTS OF THE

MINIMUM HOUSING CODE.

FBC 115.2.1.1.1

THE BUILDING IS VACANT AND UNGUARDED. THE BUILDING IS OPEN TO ACCESS AS THE FRONT DOOR HAS BEEN KICKED IN AND DESTROYED AND THE JALOUSIE WINDOWS ARE MISSING GLASS PANES.

FBC 115.2.1.1.2

THE STRUCTURE IS FILLED WITH FURNITURE AND SOME DEBRIS OF A COMBUSTIBLE NATURE.

FBC 115.2.1.2.1

THE FOLLOWING BUILDING COMPONENTS ARE LOOSENING AND FAILING:

ROOF RAFTERS

ROOF PLANKING

LEDGER BOARDS

EXTERIOR DOORS

STUCCO AND DRYWALL

FBC 115.2.1.2.2

THE ROOF RAFTERS, BEAMS, SHEATHING AND LEDGER BOARDS HAVE ROTTED AND DETERIORATED BEYOND THEIR USEFULNESS.

FBC 115.2.1.2.3

THE CARPORT ROOF AREAS OF THE ROOF OVER THE LIVING SPACE ARE PARTIALLY DESTROYED.

FBC 115.2.1.2.4

THE ROOF BEAMS AND LEDGER BOARDS ARE SAGGING
AND FALLING DOWN AS THE RESULT OF DETERIORATION
AND OVERSTRESSING.

FBC 115.2.1.2.5

THE ELECTRICAL SYSTEM OF THE BUILDING HAS BEEN
SO SEVERELY DAMAGED BY THE ELEMENTS THAT IF IT
WERE ENERGIZED IT WOULD BECOME A LIFE SAFETY
ISSUE.

This particular property was purchased by C. Craig Edewaards, which is a well-know developer and builder in the City of Fort Lauderdale. I believe the property was bought originally to demolish and then a new structure, more of a modern-type structure was going to be built in its place to show, I guess, for sale.

Evidently, because of the economic times, this hasn't happened, and so this building that's there now, which looks to me like it's built in the 1940's, is just completely deteriorating and rotting away as you can see from some of the pictures here.

It is just, it's to the point where it's just falling apart. And we had some complaints about it - a person who owns property near this, he has rental property and what was happening, vagrants were living inside this structure and every time, of course, that hurt what he was trying to do by

renting his property nearby.

And we had to, the City, I had spoken, or left messages for the Edewaards office there asking them to do some sort of a board-up to at least prevent any type of entry and that went for about ten days with no response, no nothing. We eventually had to do an emergency, partial board-up just to get it to where people weren't going in and out.

Of course, that still can happen because there are, not the whole thing wasn't boarded up, glass can be broken and entry can be brought right through the building again. So this is where we're standing right now.

CHAIR SCHERER: The City's asking for a motion to demolish?

INSPECTOR SMILEN: Yes, the City is asking the Board to find for the City and grant an order for demolition of this property and in the absence of a demo permit or a building permit for repair by the owner in the next 30 days.

CHAIR SCHERER: Okay. I guess we have a respondent.

MS. HALE: Gerry, was this old age that created this or was this Wilma? Just deterioration.

INSPECTOR SMILEN: Well, I would say that Wilma probably had a little bit of a hand in it, but it's just the lack of maintenance. The building evidently sat there for a long period of time with nothing done to it. It - I couldn't tell you the last time it had a new roof on it.

MS. HALE: Okay.

CHAIR SCHERER: How are you doing?

MR. CARBONELL: Good afternoon, my name is Eric Carbonell, I work for the architectural firm: Gustavo Carbonell. And I have a letter here stating that an agreement has been made between Edewaard Development to provide architectural and engineering plans to repair the damaged structure.

The repairs will consist of replacing portion of the roof and other portions as needed. The office says it will produce plans with all necessary repairs. They estimate it would, 60 days will be necessary to draw plans and obtain permits. If all goes planned, an 60 days to complete the repairs after that. This is pretty - yes, this is a letter from the architect.

[Mr. Carbonell displayed the architect's letter on the Elmo]

CHAIR SCHERER: What's the date on the letter?

MR. CARBONELL: On the letter?

MR. WEYMOUTH: September 14th.

CHAIR SCHERER: Okay, any questions about this particular property?

MR. WEYMOUTH: The proposal says to repair the roof or portions of roof; are you going to take into account the electrical system and all the items that are on the -

MR. CARBONELL: Yes, the architect took a field trip and he says that it's stuff that they can be repaired. I don't think they want to demolish it for the time being and get it to rent it out again because they're not going to build anything there for a little.

MS. HALE: Gerry, can I just ask you a question? Do you want this place boarded up? I mean, we're talking about months before work is done on the roof - did you need it boarded up until such time as the repairs are done?

INSPECTOR SMILEN: Well, what I'll do is, I'll set up to go by the property next week as another inspection. I went by this week to make sure that it is still secure. We would like a little cooperation from Craig Edewaards, instead of us having to go and go through the expense and the paperwork to assign another board-up over there, we would like a little cooperation from Craig Edewaards.

CHAIR SCHERER: Do you have any response to why they didn't respond to the initial board-up? Why would we be willing to give you an extension when you didn't even board it up?

MR. CARBONELL: I saw Craig come into my father's office this week and discuss all this; that's his office, I'm not really sure. My dad was going to come today but he had an emergency that he had to travel for, so he asked me to come and just -

CHAIR SCHERER: And Craig doesn't deem it important enough for, Mr. Craig Edewaard doesn't deem it important enough to come down and talk to us.

MR. CARBONELL: Well, he found, he knows I'm a permit expediter also, I deal with the City and all the permits he's hired me to do. If we need a board-up permit, I mean, I'm sure he would do that before the roof is done, you guys, if that's something you request.

CHAIR SCHERER: No, the question was is that the City called him initially and asked him to board it up and he didn't respond to them -

MR. CARBONELL: I can't answer.

CHAIR SCHERER: - so the City actually had to go out and board it up.

MR. CARBONELL: That I'll have to ask him, himself, I mean, I wasn't aware of that. I was just -

MR. BARRANCO: Is there a contract attached to that letter?

MR. CARBONELL: No sire, nope. Just, I mean, my dad and Craig go back 30 years so -

CHAIR SCHERER: What's behind that? What is attached to this, just all the Notice of Violations?

MR. CARBONELL: Yes, just the violations. That's it, just the copy of -

CHAIR SCHERER: And the letter indicates that it's going

to fix all the code-deficient items? Or it just says it's the roof?

MR. CARBONELL: It says basically, the roof. I mean, there is going to be engineer drawings and everything so, and-

MR. CROGNALE: 'Portion of the flat roof and other portions as needed.' It stipulates to the roof, but no other repairs. It's [inaudible] by -

CHAIR SCHERER: Do they have a contractor hired, to do anything?

MR. CARBONELL: Craig is the contractor.

CHAIR SCHERER: Oh yes, he is the contractor. So, back to my initial question, I guess.

MR. BARRANCO: I'd just like to say one thing. I know Gus pretty well, I think a lot of you do. I can't imagine Gus ever writing a letter like that without really trusting that things are going to go through smoothly and properly. And I wouldn't perceive it as a delay tactic or anything like that. So I would probably give a 30-day extension, contingent on the owner boarding it up and we'd like to see somebody back here in 30 days with some serious plans.

MR. CARBONELL: Okay.

MR. BARRANCO: So, that's the motion [inaudible] make if I were going to make a motion right now.

CHAIR SCHERER: Okay.

MR. JARRETT: I would concur. I know Gus too, and I

respect him. And I do know we have a problem in that neighborhood about vagrants going into buildings and spending the night and the Police are running around, quite often running people out.

And I also realize the problem of the neighbors who are trying to rent apartments, and you're causing a hardship on those people. And now we hear that also the City is having a hard time getting it boarded up. So the most I would be inclined to be in favor of is, as you just said, a 30-day extension, and I would think that Gus needs to bring down a full set of plans and we need to know that everything's being done properly before we would, I would agree to give him any more than 30 days.

CHAIR SCHERER: Gerry? You wanted to say something?

INSPECTOR SMILEN: The City is concerned about commitment here. And that's the thing that's bothering the City and myself. I don't see anybody from Craig Edewaards' office here saying that they are going to rehabilitate this building. I think it's all well and - I can concur with everybody about Gus Carbonell as his integrity, and every time I've been involved with him in a project he had taken care of it in a very good manner.

But my problem, again, is with the letter showing a lack of commitment other than just getting it structurally ready. Is this building going to have a good roof? Is it going to

be, still look like a garbage dump inside? And is it going to sit there, or is the building going to be rehabilitated to where it can be occupied.

MR. HOLLAND: Which leads me, as usual, to bring up a question, and - I'm sorry - thank you - leads me to a question I usually have and I apologize if it's a repeat - but I would like to suggest that they, that they're a way, a consideration for partial demolition.

I know you feel a concern about rafters holding things up, but I think most of the construction we see is tie-beam or bond-beam masonry construction, somewhat self-supporting for the walls and the masonry. Obviously all the wood materials of the roof and other components are gone and need to be secured for peak hurricane season we're in, whether el nino holds out or not. I think we would, I would like to suggest that we see some diligence towards that.

You have the AE capabilities to know what to partially demolish and what not to. We can't order you to do that, that's beyond our purview here, but I would highly suggest it, and it could have a bearing if you do come back here. And with that, I would also support the 30-day extension.

MR. WEYMOUTH: Gerry, is the electrical, is the electric meter still active at the property? Have they pulled the meter?

INSPECTOR SMILEN: There's no electrical service to the

building at this point.

CHAIR SCHERER: Gerry, has anything changed since the pictures were taken, other than the fact that the City boarded some of it up?

INSPECTOR SMILEN: No, that's it. Just, we -

CHAIR SCHERER: So, there's been no attempt by the developer to go in and fix anything?

INSPECTOR SMILEN: No, the developer is not - that's my concern is the lack -

CHAIR SCHERER: And you notified him how long ago?

INSPECTOR SMILEN: This is July. Because it was handed to me as an emergency because of the complaint that we got about vagrants living in there. Then when I went over there, nobody should be living in there, not even rats should be living in there right now.

CHAIR SCHERER: And there hasn't been - they haven't moved any of the furniture out or tried to clean it up at all.

INSPECTOR SMILEN: At this point, everything's status quo jus like you saw, except it's not open to casual entry at this point but that could also change too.

CHAIR SCHERER: Right. Be nice if someone was, from the Edewaard Development Company was here.

MR. WEYMOUTH: The 30-day motion, was that including the board-up?

CHAIR SCHERER: It was recommended that they board it up.

There hasn't been a motion yet.

MS. WALD: Yes, there wasn't a motion yet, it actually was just discussion between Mr. Jarrett and Mr. Barranco were talking about it. If they were going to make a motion, that's what they were thinking about.

MR. BARRANCO: If the Chair's ready to hear a motion, I'm prepared to make a motion.

CHAIR SCHERER: Sure, if there's no other discussion, let's hear a motion.

MR. BARRANCO: I'll make a motion that we grant an extension of one month to the October 15th date. We ask that the owner show some progress at that meeting. The alternative is that we give an order to demo at that meeting. So it's really voluntary on the owner's part to go out there and board it up and show good faith and come here with a plan moving forward. So the motion is for 30 days.

CHAIR SCHERER: We have a motion for 30 days, is there a second on the motion?

MR. WEYMOUTH: Can we include on that motion that the board-up -

CHAIR SCHERER: Let's do the first, [inaudible] second.

MS. HALE: [inaudible] board-up. Yes. I'll second it.

CHAIR SCHERER: Okay, so now you want to add something to it?

MR. WEYMOUTH: If we can include that they board up the

structure and remove the combustible matter from inside the house.

CHAIR SCHERER: So these are recommendations to you. We can't require it, but we're just giving an extension of 30 days and if it's not done, we'll kind of know where the developer stands.

MR. CARBONELL: Thank you.

MR. BARRANCO: I'll accept that amendment,

MR. CARBONELL: And I'll put pressure.

CHAIR SCHERER: Okay. A motion and a second, is there any discussion? Seeing none, all those in favor say aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All those opposed? Motion passes.

MR. CARBONELL: Thank you Board, and I'll stress this out to them and make sure that they know how serious this is.

CHAIR SCHERER: Okay, thank you. Thanks.

2. Case: CE05121325

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Crazy Gregg's Marina LLC

301 Seabreeze Boulevard

MS. PARIS: Our next case is on page one. This is an old business case. 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 8/31/09, we've

advertised in the Daily Business Review 8/28/09 and 9/4/09.
Certified mail and violations as noted in the agenda.

Do you want me to read -

CHAIR SCHERER: Can we waive the reading of all this?

MS. PARIS: Right, well, I'm just, and I'll note that the
history on this -

CHAIR SCHERER: Give us maybe the last one?

MS. PARIS: There's actually two, history on this is also
noted in the agenda. And I believe Inspector Smilen has some
information for you.

CHAIR SCHERER: Maybe at the last meeting we gave a 30-
day extension, stipulation that the respondent come back with
his architect, general contractor and attorney, of he retains
one, along with a set of plans, plan review number and
receipts.

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City
of Fort Lauderdale. Don't shoot me, but - actually, I wish I
had a case of champagne with me. The permit has been
approved; they just haven't picked it up yet.

CHAIR SCHERER: What? Wow.

INSPECTOR SMILEN: Just -

MR. HOLLAND: I told you he was close, didn't I?

INSPECTOR SMILEN: Of course, the architect showed up and
did more work in the last two days than he has in the last
year on this project, but it is ready to be picked up. I - we

had a meeting yesterday with the architect and the plan reviewer, Glen Osborne, and they pretty much got it all together.

CHAIR SCHERER: So now that the permit, has it been issued yet or no?

INSPECTOR SMILEN: No, because they haven't paid for it. It just, it just, it's ready now.

CHAIR SCHERER: Okay, so they're not complying with it yet.

INSPECTOR SMILEN: No.

CHAIR SCHERER: So we still have to make an order, or a motion to an extension, because it's not removed. And the fact that nobody's here, they think they're going, I guess, taken off the agenda. So I would suggest that somebody make a motion to demolish if they don't -

MR. HOLLAND: What day was it, what day again was it -

INSPECTOR SMILEN: Today.

MR. HOLLAND: Today.

MS. WALD: When were they notified?

MS. PARIS: Today.

MS. WALD: They were notified today?

INSPECTOR SMILEN: Technically, they haven't had the proper notification because the way the process works, once the approval of the permit is done, then they get sent an approval or a denial card and then they react from that. So

you would figure a couple days through the mail. But they're aware of what's going on - I'm kind of surprised that they're not here.

MR. WEYMOUTH: I was going to say, you would think they would be here to defend their position being that they're this close.

MR. HOLLAND: Yes, did anybody try phone calling him, or is that out of line?

MR. WEYMOUTH: [inaudible] have an incentive to go pick it up.

CHAIR SCHERER: I mean, here's, yes, exactly, here's the problem, because then now that the permit's been issued, if it's been withdrawn, they don't have to pay for it and it could sit there and the permit's been issued, it's not going to come before us again.

MR. CROGNALE: They still have 180 days.

MR. WEYMOUTH: Exactly.

INSPECTOR SMILEN: Okay, if the Board would please allow this to sit in my hands, what I would like to do is, I'd like to withdraw this from this particular agenda and from there I will see that the permit gets issued. If the permit does not get issued, then I'll put it in the next agenda and then it'll be a different story.

MR. WEYMOUTH: We can, we can - go ahead.

MR. PHILLIPS: I thought, was the permit issued here?

INSPECTOR SMILEN: No, it was not issued. The permit is ready. It's approved and ready to be picked up.

CHAIR SCHERER: Why do -

MR. HOLLAND: Payment creates execution of that permit final -

MS. HALE: If you pay, how much is it?

MR. HOLLAND: Payment at the pick-up.

INSPECTOR SMILEN: I wouldn't have any idea, but it's -

MS. HALE: I mean, are we talking hundreds of dollars or we talking thousands of dollars, I don't know.

INSPECTOR SMILEN: Probably hundreds. I'm not sure; that's really a little out of my scope of work. But, whatever it is, he's gone this far, I'm sure he can have the money to do that.

MR. PHILLIPS: Can we do something like -

MS. WALD: Wait a second.

MR. PHILLIPS: - extend it for 30 days -

MR. HOLLAND: He's yanked it.

MS. WALD: Wait a second.

CHAIR SCHERER: Ginger, hang on.

MR. HOLLAND: He's pulling it off the agenda.

MS. WALD: One second. Ginger Wald, Assistant City Attorney, what I've actually just heard from the City is they are withdrawing this from the agenda. So even though we've had some discussions, it's being withdrawn from the agenda, so

no other additional discussions need to be had unless there are specific questions.

CHAIR SCHERER: Okay.

MR. HOLLAND: I would request, if we could do some redundancy with phone calls and other matters, it sure would be appreciated by certain members of this Board.

MS. WALD: Yes. I think we're all kind of surprised. I know I am.

MR. CROGNALE: Nolo contendere?

MS. WALD: Okay, next case.

CHAIR SCHERER: Okay. Next case.

MR. BARRANCO: I've got one more thing. In the future, could we make less fun of architects, maybe pull some engineers, contractors, attorneys into it.

MS. WALD: Sure.

MR. BARRANCO: You guys are always picking on the architect.

MS. HALE: Well.

MR. HOLLAND: I think we jumped the gun with the attorney request.

MS. WALD: I have never picked on an architect.

MR. JARRETT: Except for the one that built your house, right?

3. Case: CE07050197

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Anthony and Ana Marie Catania, formerly known as Ana Marie D'Aulerio
1636 NW 5 Ave.

MS. PARIS: Our last case will be on page two. This is an old business case. Case CE07050197, the inspector is Gerry Smilen, the address is 1636 Northwest 5th Avenue, the owners are Anthony Catania and Ana Marie Catania, formerly known as Ana Marie D'Aulerio.

We have service via posting on the property 8/31/09, advertising in the Daily Business Review 8/28/09 and 9/4/09. Violations and certified mail as noted in the agenda. History as noted in the agenda. At the 7/16/09 USB hearing, the Board granted a 63-day extension to the 9/17/09 USB hearing with the stipulation the plans are submitted for a permit and have all structural requirements of the structural engineer completed, and a survey.

INSPECTOR SMILEN: Gerry Smilen, building inspector, City of Fort Lauderdale, I regret to inform the Board that there has been no permit activity whatsoever, as of today.

CHAIR SCHERER: And no respondent. Okay.

MR. JARRETT: Down they go. Time to demo, do you want a motion?

CHAIR SCHERER: The Chair will entertain any motions.

MR. JARRETT: I'll make a motion, as soon as I finds the paper I'm supposed to read.

MS. HALE: Oh, here, here.

MR. HOLLAND: Two pages before the calendar.

MR. JARRETT: Yes. I don't think it was in, oh, maybe it was.

MS. HALE: Yes.

MR. JARRETT: I move that we find the violations exist as alleged and that we order the property owner to demolish the structure within 30 days and that we order the City to demolish the structure should the property owner fail to timely demolish. Such demolition is to be accomplished by a licensed demolition contractor pursuant to a City issued demolition permit.

CHAIR SCHERER: There's a motion, is there a second?

MR. WEYMOUTH: I'll second.

CHAIR SCHERER: Motion and a second. Any discussion?

MR. WEYMOUTH: I have a question. I don't know if [inaudible] discussion.

CHAIR SCHERER: Sure.

MR. WEYMOUTH: The demolition that has just been ordered, is that a partial demolition of just the part that's been added on, or is that the entire structure?

CHAIR SCHERER: It is, I believe -

MR. JARRETT: I would think it would be that back - it's

two separate buildings, only one building is illegal, right?

CHAIR SCHERER: No, this is the addition on the back.

INSPECTOR SMILEN: I'm sorry, the question?

MR. HOLLAND: The question was, is this a partial demolition of one structure on the site, detached, or does it get the whole?

INSPECTOR SMILEN: The City is not really equipped to have a contractor come in with concrete saws and cut this off and do this and do that. There's a liability factor because if you cut off part of a structure, you try cutting the slab, then you break it off, then it breaks another part, it's -

MR. WEYMOUTH: So it's an entire demolition.

INSPECTOR SMILEN: It would be an entire demolition for sure.

MR. WEYMOUTH: Wow.

MR. HOLLAND: Gives them an incentive to respond.

MR. CROGNALE: Very motivating.

CHAIR SCHERER: 60 days, or 90, whatever it takes.

MR. JARRETT: Gerry, can we see a picture of that again, because I thought that the structure that we're, before the Board was actually in a detached structure in the back of the place.

CHAIR SCHERER: No, this is where they added on to the back. Where they had the separate tenant with the separate meter.

MS. HALE: No. It's attached.

MS. PARIS: Right, this is where they doubled the size of the house by adding on that huge addition in the back.

MR. WEYMOUTH: Right.

MR. JARRETT: And it's attached to the main house.

MS. PARIS: Correct. Yes.

MR. WEYMOUTH: Yes.

MR. BARRANCO: Is this the one in Melrose Park? Is it in Melrose?

CHAIR SCHERER: No, this is -

MR. HEGUABURO: Is that the young couple?

CHAIR SCHERER: Yes.

MS. PARIS: Yes, that's correct.

MR. BARRANCO: That they hired a contractor that they didn't know he wasn't a contractor.

CHAIR SCHERER: And he was in Atlanta and - yes.

MR. BARRANCO: Yes, I remember them.

MR. CROGNALE: Was any of the main portion of the house previously permitted, Gerry? Any of the main structure of the house previously permitted, other than the addition?

INSPECTOR SMILEN: I'm sorry, I didn't -

MR. CROGNALE: Did they ever have a permit for the main structure other than the addition that we're concerned about right now.

MR. WEYMOUTH: They would have had to.

MS. HALE: Yes.

INSPECTOR SMILEN: Yes, there was, for the original house, but not things that were added on. And the problem is too, when you remove pieces of a structure that are attached, then you have areas that are not finished and there, it becomes very complicated, and we just-

MR. BARRANCO: Not only that, Gerry, but even the code would require that if you did that large an addition to a building, that the existing building has to be brought up to code too. So there's a while other thing that you're looking at. That existing building should really come up to speed [inaudible]

INSPECTOR SMILEN: You would need a complete CO too.

MR. BARRANCO: Right, so.

MR. WEYMOUTH: Can I ask a question from the other side of the coin then. If the owner were to elect to demolish, they would be able to demolish just the portion that was built without the permit.

INSPECTOR SMILEN: Yes, that's correct.

MR. WEYMOUTH: So it would be in their best interest to do the demolition because they can do a partial, where we would do a complete.

INSPECTOR SMILEN: That's absolutely correct. It would be in their best interest to do that, and they would have to restore the house to its original state before they did

unpermitted work on the house.

MR. WEYMOUTH: Does that get conveyed to the owners now that, well I know we haven't voted on it, but if the vote is -

INSPECTOR SMILEN: It should be in the corrective actions.

CHAIR SCHERER: Yes, it's here.

INSPECTOR SMILEN: Should be in there.

MR. MCKELLIGETT: What you're looking at is what it looks like now. This is what it was before. So, as you can see.

[Mr. McKelligett presented before and after aerial photos of the house]

CHAIR SCHERER: The square footage has been doubled, pretty much.

MR. MCKELLIGETT: Exactly.

INSPECTOR SMILEN: Yes, that's -

CHAIR SCHERER: Wow. Okay. What are we looking for? Okay.

MR. JARRETT: The whole thing, half of the legal structure is going to be open, so this might be an incentive for them to do something. I can't believe they're not here.

MS. WALD: Here Gerry, read this into the record. [inaudible] corrective action.

[Inspector Smilen read from the Notice of Violation]

INSPECTOR SMILEN: To answer your question, the corrective on that would be: Engage the services of a licensed

demolition contractor to obtain a permit to demolish the addition built without permits. After the permit is issued, the addition must be demolished and all debris removed from the property.

CHAIR SCHERER: Okay.

INSPECTOR SMILEN: So, they all just go, yes. Okay, so he's basically being told that he needs to demolish what he added on.

MS. WALD: And that's all that's been cited, so that's all the motion should be.

MR. WEYMOUTH: But they'll be, the owner will be aware that if we do the, if the City does the demolition, it will be a complete demolition, not a partial. He can do a partial demolition; we can only do a complete demolition.

INSPECTOR SMILEN: That's correct.

CHAIR SCHERER: Wait. Are you sure?

MR. JARRETT: Would the City notify the owner of such?

CHAIR SCHERER: Hang on, we're getting a 'no' answer from Ginger.

MR. JARRETT: Yes, Ginger?

MS. WALD: The violation, excuse me, Ginger Wald, Assistant City Attorney, based upon the violation that has been found by this Board previously to have existed and it's, from the motion, is being found that still exists, and the corrective action is demolition of the addition -

MS. HALE: Not the house. Not the [inaudible]

MS. WALD: That is all that is being requested and that's all the findings that were made. Therefore, as to this case, that's all that can be demolished. Now, if the owner goes ahead, or fails to do so, and you order the City to do so within 30 days or 60 days, whatever your time period you choose, then the City will have to go out and will have to demolish the addition.

Now, the questions that you had to Gerry were, well, wait a second, if you demolish the addition, aren't there going, isn't there going to be damage and potential some structural problems as to the rest of the house? That would be for an expert to answer. Maybe yes, maybe no. If that occurs, then we may have another type case in front of you.

CHAIR SCHERER: Okay.

MR. JARRETT: So that would be a subsequent case.

MS. WALD: Potentially. Potentially.

MR. JARRETT: If the owner didn't go in at that point and seal up the back walls and make that structure sound from the demolition. But the City wouldn't go out there immediately and demo the whole structure.

MS. WALD: No. Because technically, all the City can do is what has been ordered, and that has to come from the violations that you have found to exist. And they are limited to, in this case, the actual addition.

Now, if the case was brought - now let's step away from this case, for instance - if the case was brought for a demolition for the entire structure because there was another Florida Building Code violation that made the main structure, then that could also be included. But that was not done in this case.

So as to this case, and as it is in front of you, I have to state that the only authority that you have is either demolish - if that's where you're going to go with your motion as I've heard - that addition.

MR. WEYMOUTH: If I recall correctly and I'm not getting my cases confused, I believe there were some windows that were changed out in the original structure on this property as well.

MS. WALD: I can't answer that. I do not know.

MR. WEYMOUTH: My recollection, but regardless - I mean, when the City retains a demolition contractor, do they automatically go to a wildcat contractor who shows up with the heavy-duty machinery and that's how they do the demolition? Or in this case, you're going to have to have somebody that gets in there at a lot more labor-intensive cost to do the demolition?

INSPECTOR SMILEN: The City hasn't done, has not done that in the past, so this is an interesting -

MS. HALE: Done what?

MR. WEYMOUTH: Selective demolition [inaudible]

INSPECTOR SMILEN: As far as going in there and just demolishing a little piece of something -

MS. HALE: That's what they have not done in the past.

INSPECTOR SMILEN: Like you're saying, you would take the northwest section or you'd take the east section, you do this, you do that. I don't believe the City is equipped to do that. And that's what I was saying.

MS. HALE: Well in, when you went out there and looked at it, are the roofs connected, do the beams go across? I mean, if you start slicing off the back, is the front going to collapse as well?

INSPECTOR SMILEN: I'm, I'm not -

MS. HALE: I remember you said something about the ground. We talked a lot about how it was built and whether it was on a good foundation, but what about the roofline?

INSPECTOR SMILEN: Well, you see, that's the whole thing. When something is done without permits and there's no plans, there's no engineering, there's no inspections, we really don't know what we're getting into there at all. There's, we have no idea.

So that's a very hard question to answer because if it was, if it was done with a permit and it was done, it was inspected, then we would know. We'd be able to look at the plans, we would be able to follow an engineer, or our design

professional's -

MS. HALE: right, but we wouldn't be demolishing it.

INSPECTOR SMILEN: Right, exactly. But I'm just saying, we have no, I have no idea what they've done there at all.

CHAIR SCHERER: Gerry, I can appreciate the Board's concern for this homeowner, but look in the audience; there's no homeowner here to defend themselves. And they, there's obviously not enough concern for them to come in here and ask the questions that the Board is asking: how much of my house are you going to demolish?

This is a conversation between the City of Fort Lauderdale and the homeowner at this point. We've made a motion that the violations exist as the Code Enforcement Office stated.

MS. HALE: But that's on the addition.

CHAIR SCHERER: That's the addition. So these are questions that the City of Fort Lauderdale's going to have to talk to the homeowner about because we're ordering the homeowner to do the demolition, and if they don't, then the City's going to do it.

MS. HALE: Have you spoken to the homeowner over the last 30 days?

INSPECTOR SMILEN: He called me yesterday, and he actually thought the hearing was yesterday, and I told him it was today.

MR. HOLLAND: That's usually [inaudible]

INSPECTOR SMILEN: And I haven't seen him, obviously we all haven't seen him.

CHAIR SCHERER: So, there's a motion and a second.

MR. HOLLAND: Okay, we have a motion and a second, we had a discussion that was mostly hypothetical but was a good question that did apply to this and brought clarity to the matter and are we ready to call the roll?

INSPECTOR SMILEN: Could I just add one thing?

MR. HOLLAND: Yes.

INSPECTOR SMILEN: Excuse me for one second. Also, you have to understand too, when you're adding on to a house and you're putting an addition on there, you're opening up the existing house to enter into that addition. So we don't, again, we don't know how that was done. There were probably openings cut in the exterior walls to have access to here. And again, without any engineering or any design, that's another area of concern and if you demolish that part, you would have all of it open to the outside.

MR. PHILLIPS: [inaudible] Chair? What if we said something like we give them 90 days,

CHAIR SCHERER: Well the -

MR. PHILLIPS: [inaudible] 90 days, we wanted that the homeowner come in within 30 days to get a permit to restore the building as it had been and failing to do so, the entire

structure could be demolished in 90 days.

INSPECTOR SMILEN: Mr. Phillips, I would say that might be a nice idea, but with all due respect, I think we're looking at a money issue here -

MR. HOLLAND: Yes.

INSPECTOR SMILEN: - with the homeowner and I don't think anything's going to change in 90 days. I still think we're going to be looking at this situation as it stands and -

MR. PHILLIPS: Well, consider it from the City's point of view. I mean, you come in with a backhoe and some concrete saws and cut, then you're going to have to cut electrical wires and there might be gas lines and [inaudible]

CHAIR SCHERER: So I'm -

MR. HOLLAND: If I may -

MR. PHILLIPS: How are you going to slice off a piece with the connection [inaudible] open.

MR. HOLLAND: I think, make a long story short, as the engineer on this Board, I think it's understood that when a permit's issued either to the applicant or the City to do a demolition, that it's going to be done under an observed, inspected situation and the ways and means to that are theirs, similar to a lot of construction issues.

And I think, if you're able to build things or demolish them you have a good feel for addressing these very relevant matters like openings that you mentioned. They would be

boarded up or headered off or shored as part of that demolition operation.

And I think we can leave that to those who profess in demolition to do such things under the direction and guidance of the City. And I do think that there's also the cost burden to the City in doing it themselves that we ought to - just concern with the structure at hand. Let the demolition guys do what demolition guys do, permitted and observed by the City. Safed up, I trust they'll make it safe. And then if the issue continues to the main structure, we'll deal with it then.

CHAIR SCHERER: I'm ready to call a vote.

MR. CROGNALE: My concern, for discussion, my concern is, are we, as a Board, overstepping our bounds by indicating a total demolition when the only issue at hand is the addition.

CHAIR SCHERER: We're not indicating a total demolition. We're indicating that the violations exist as alleged.

MR. CROGNALE: Okay, we're not going in to [inaudible] demolition.

CHAIR SCHERER: No, just the violations exist as Code Enforcement stated.

MR. HOLLAND: And the order for demolition is only on the addition.

CHAIR SCHERER: And it's for the owner to do it themselves.

MR. HOLLAND: With the caveat of these concerns of open entries and what have you being addressed.

MR. CROGNALE: Question answered.

CHAIR SCHERER: Alright, all those in favor say aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All those opposed? Motion carries.

For the Good of the City

MS. PARIS: We have two more issues before everybody jumps up and runs out. Our first issue is, Mr. McKelligett would like to speak with you about [inaudible]

MR. MCKELLIGETT: Hello Board. Last year in December we had to cancel the USB hearing for lack of a quorum. The year before that we had a bear quorum; we had five members but we had several respondents that asked for continuances as they were unable to attend. The USB hearing in December would be on the 17th.

I'm just trying to get an idea - I know this is only September, but I'm trying to get an idea from the Board as to whether we think we'll have a quorum. The Assistant City Attorney informs me that there's, we have no legal requirement to have a hearing every month, so if you, if the decision of the Board is that we should not have a December Hearing, that is fine. As you well know, the Code Enforcement Board does not hear in the month, hear the hearing in the month of

December. So, you want to discuss it or come get back to us
or -

MR. HOLLAND: Question, what was that date on the other -

MR. MCKELLIGETT: December 17th.

MR. HOLLAND: No, this is coming, how about the last
year, you mentioned that we had some problems?

MR. MCKELLIGETT: Last year we had, was on December 18th,
we had to, cancel the hearing because there was no quorum.

MR. HOLLAND: It was the 18th okay.

MR. MCKELLIGETT: And the year before that, we only had a
bear minimum. We had five -

MR. HOLLAND: And the date of that was?

MR. MCKELLIGETT: And there was two respondents. I think
that was the 19th I believe.

MR. HOLLAND: Because that's a week ahead, but it sounds
like there's a pattern.

MR. MCKELLIGETT: Just a couple days, it's a, we're
talking about a couple days.

MR. HOLLAND: Yes, I -

MR. MCKELLIGETT: I'm just, I was going through the
minutes and I said, you know, I thought this is the time that
maybe we should discuss it or you should discuss it.

CHAIR SCHERER: Okay.

MR. HOLLAND: Sounds like a pattern to me.

CHAIR SCHERER: Is there a motion that needs to be made?

MR. PHILLIPS: Do you need, do you think you'll need a
[inaudible]

MR. MCKELLIGETT: based on the number of cases we have
right now, no.

MR. WEYMOUTH: Do we have to make the decision now Brian,
or can we do it in November?

MR. MCKELLIGETT: No, and that's why I'm bringing it to
you now.

CHAIR SCHERER: Okay.

MR. WEYMOUTH: Can we do it in November?

MR. MCKELLIGETT: You can make the decision next month.

MR. WEYMOUTH: Next month?

MR. MCKELLIGETT: Uh, hm, or we can -

MR. HOLLAND: I'm yes -

MR. PHILLIPS: What would you prefer?

MR. MCKELLIGETT: To me it doesn't matter, I'm working.

MR. PHILLIPS: What would your office prefer, [inaudible]
catch up on other things?

MR. MCKELLIGETT: Let me tell you, as you know we, the
hearings are on the third Thursday, I have Special Magistrate
in the morning like I did this morning. We will have bare
minimal number of Special Magistrate cases because we have so
many people that have already starting to notify us they're
not going to be able to attend.

CHAIR SCHERER: Okay.

MR. MCKELLIGETT: So we will have a Special Magistrate, we have two, two a month.

CHAIR SCHERER: So maybe everybody can check their calendar before next meeting and then maybe make a discussion next time.

MR. MCKELLIGETT: Basically, what we're saying is, if you feel like we should cancel December, we're fine with it.

CHAIR SCHERER: Okay. There was one other matter?

MS. PARIS: Right, our last issue is, any Communication to the City Commission?

MR. HOLLAND: No, but I would like to bring up another quick item, if I may, after we wait to hear [inaudible]

MS. PARIS: Yes Sir.

MR. BARRANCO: And I'd like to bring one up after that.

CHAIR SCHERER: If it's about Bahia Cabana [inaudible]

MR. HOLLAND: Oh, were you watching?

MR. BARRANCO: Yes, let's stay here 'til one in the morning [inaudible].

MR. HOLLAND: You were watching? No, I was contacted by a local newspaper regarding some of our cases, a case on this Board and was asked to describe how our procedures are conducted towards demolishing a historic structure. I did not respond; I directed the individual to Ginger and Brian and Lori.

And I don't know if you were contacted but, I just want

to let everybody, I ask if anybody else was contacted and also would recommend that you do the same because I have, my understanding is that it continued up to a higher level and since this is quasi-judicial or whatever, that it was best to keep a lid on it and let it go through staff because they know the proper ways to describe what we do here.

But just want to let everybody know there's quite a brouhaha and I think it was discussed at the last Commission meeting -

MR. MCKELLIGETT: It was.

MR. HOLLAND: - about said historic structure that we ordered a demolition on. I think we fared pretty well in the discussion because I think they came to the same dilemma as we did. But I just want to let you know that can happen and that, you know, I hope I made the right move in deferring it to our most qualified staff.

MR. MCKELLIGETT: I would think that any time you're contacted, if you defer it to staff it's probably a wise move. And I'll always defer to Ginger, so.

MR. HOLLAND: I mentioned her first.

CHAIR SCHERER: You should talk to my attorney, right?

MR. JARRETT: I have a question about that too, what Joe was just talking about. I watched that on the Commission meeting too but I think I was like out of the room at the time they actually decided something. What was decided about that

case?

MS. WALD: Nothing.

MR. JARRETT: Oh, it's still up in the air?

MS. WALD: It was deferred to the second meeting in October for a public hearing. To address the general concern, regardless of whatever the case is. If it's a specific case and it's in front of you, then my advice always is to any Board member, any Commissioner, it's best not to, not discuss this case.

I mean, you can always do that, but you can put yourself in a situation where you're now uncomfortable and have the appearance of a conflict of interest even though you don't have one. And that's just common sense advice.

As to a case that's over, you don't have to talk about it. If you want to, you can. You can also tell them, if you want the record, you want the file, you want copies of everything we said, Dee Paris has those records and can provide those to you at a low, low cost.

And it'll speak for itself because everything you said, again, that's just some advice off the cuff, but anything that you said in that meeting or any documents that were introduced as evidence in the meeting that you obviously took into consideration for your decision process, is going to be in that record and is going to be in that file. And that's usually the best way to handle those type of things.

But, just to answer your question in regards to what happened as to - and remember, this is in front of the City commission not as an appeal of the Unsafe Structure Board - your order was done back in January of this year and was not appealed by the owner. It had to go to, or it went to, not say had to go, it went in front of the Historic Preservation Board because the owner went ahead and followed your order and applied for the Certificate of Appropriateness to demolish the building because the building, the house was technically in the Sailboat Bend Historic District.

The appeal that's in front of the City Commission, again, just for your knowledge, is the appeal from that decision from the Historic Preservation Board. A lot of discussion you may have heard or read in the paper in regards to that matter is we have a problem in the sense that they following their law, you're following your law and what you have to do - and you didn't do anything improper, my own personal opinion - and what occurs is a gap and something has to happen.

And what has to happen has to come from the City Commission because they are the legislators; they are the policy makers. And so, even though a lot of discussion was as to appeal, it's that second level, which is, what do you want us to do, Commissioners. And you might have heard a couple of the Commissioners, it might have been the Mayor and one of the Commissioners say we need a new ordinance.

MR. CROGNALE: Has there been occasion -

MS. WALD: So, and that's basically what has happened in that case, and of course, you may or may not remember there's another one too.

MR. CROGNALE: Has there been a case when the press actually shows up at these meetings?

MS. WALD: Yes. We have it on a fairly regular occasion for Special Magistrate, we'll have somebody come up from the press, and in fact, we just had it last week, didn't someone come, Channel 7?

MR. MCKELLIGETT: Last one, we had a film crew, yes.

MS. WALD: Film crew, yes. It's not as sexy here at the Unsafe Structure Board, I'm so - not that you're not all sexy.

MS. HALE: Wow.

MS. WALD: No, because, because you are limited, because - I'm going to get in trouble for that one. Take that out, strike that. Because, because you are limited, because you are limited in what you can do and what you can order and not order.

Just for, you do know because you have met him and a few times now he's come, Chris Augustin, and he and I have looked at the Code Ordinance because the Florida Building Code changed from the 2004 to the 2007 and you may look at your agenda and you'll sometimes see in parentheses 2007, and you'll have one number and then you'll have another number.

So Chris and I have looked at that, we discussed that was the best way to present it, first of all to the Board so they knew exactly what type of case they were looking at.

There were very small changes from the 117 to the 115 of the Florida Building Code for Unsafe Structures, but there were some. And additionally with that we are looking at our ordinance, which has created this Board, which hasn't been touched for many, many years and in fact calls the Board a different name than we actually call it.

And so, there may be some small adjustments and amendments to that too, but we're only in discussion. That would have to go in front of the City Commission in conference item to see if they wanted the ordinance, our ordinance to be amended and to be in line with the Florida Building Code because that is where we have the power of this Board in regards to structures and ordering demolition or ordering that the structure itself be brought up to code. So that's kind of being discussed right now.

MR. BARRANCO: And Ginger, that's a great caveat into what I wanted to talk about.

MS. WALD: Okay.

MR. BARRANCO: And we just discussed our last case, and Gerry, if you could listen in too, I've got a question for you and Ginger.

That last case presented to us was a partial demolition.

When you look at the existing building code and look at those existing structures and unsafe structures, when you effectively have a building that you've added that much onto, the existing building has to be brought up as well.

Also, you look at egress issues out of that existing building, you've obviously obstructed that. You have light and ventilation issues with those bedrooms, if there are bedrooms on the back that they don't meet the old code or the new code now.

So, in effect, when you write that violation, would Gerry be able to write the violation for the entire structure in the future in order to demolish the entire structure right off the bat?

MS. WALD: Yes. In fact, Gerry and I were just talking about that right beforehand. So I'll let Gerry go ahead.

MR. BARRANCO: Okay.

INSPECTOR SMILEN: Yes. We definitely would do that. Because there's also some other issues too, because when you, if you, if you cut an opening in an exterior wall that's not designed to have an opening, then you've weakened that structure. I mean it's, the structure, the main structure right now, the way it stands is, we would, if we ran into a legal problem with this we would probably bring another case for the overall structure is what we would do.

And I think in the future - you bring up a good point - I

think that's what we're going to do; we're going to go ahead and just cover the whole thing because it's just not practical. I mean, if we, if we just cut off a back part of an addition, then we'd have to go back and stucco and refinish and do this and do - it just doesn't make any sense to, especially when the integrity of the structural, structural parts of the original building have been compromised from this.

MR. PHILLIPS: Well if that's the problem, then couldn't you withdraw this -

MR. BARRANCO: No, you can't withdraw it.

MR. PHILLIPS: - start the whole thing over. It's only 30 days, because they know all about the issues and simplify it rather than opening a second case.

MR. BARRANCO: The ax has already dropped.

MS. WALD: Legal question, so I'll answer that for you. First of all, they can't just withdraw. They would have to come back, the City would have to come back in front of you and they would ask for you to vacate the order. Then they would have to open a new case. That could occur and those items could be placed as to a new case as have been discussed - if they are violations - let's keep that in check. And then the case would be a new case brought in front of you.

So, is that an option? Yes. That is an option. But that's what would have to happen in any case that has already

gone forward in front of you. You have to come back to you. And that would be my legal advice: that they would have to come back to you because you've already have an order that says you have to demolish.

MR. PHILLIPS: I would think they're concerned that you demolish the back half, there's going to be blue tarp or it's going to be plywooded up, and it's going to sit there and have new notice and then they come back and it's going to be a possible health safety issue to the neighborhood. I mean, is there anyone living in the front?

MS. HALE: Yes. That was the, no, that was the problem, wasn't it?

MR. CROGNALE: They had a tenant, they had a tenant if I remember right. They had a tenant, they were renting it out.

MR. PHILLIPS: They were renting it out.

MS. HALE: Yes, but that was in the back.

MR. JARRETT: I think that tenant was, I agree -

MR. HOLLAND: The builder -

MR. JARRETT: - I think it was in the back, the part that was illegal, wasn't it?

MR. HOLLAND: He built the addition.

MS. HALE: Yes. Right. The tenant built it and he was living in it.

MR. PHILLIPS: Anyway, that's for another -

MR. MCKELLIGETT: There wasn't a paying, I mean, the

testimony he gave at the last hearing -

MR. HOLLAND: Oh yes.

MS. WALD: Let's not talk about the case anymore since that's already been resolved. We were just talking in general.

MR. HOLLAND: Yes, but.

MS. WALD: General, go ahead.

MR. HOLLAND: If that -

MR. WEYMOUTH: Are we experiencing a temporary lull in cases or is this where we're going with this?

MS. WALD: You want me to answer or you want to answer? I think you should answer, you're [inaudible]

INSPECTOR SMILEN: Well, given the economic times that we're going through right now, we're trying to give the people and work with them and give them every effort to try to save their property and obviously when we come here it's the last resort.

And I don't know if everybody here realizes, but it takes quite a few months to get, to work up a case. Unless it's an emergency, for instance, like the new case you heard today, that was an emergency thing that needed action right away.

But as far as everything else, we're just trying to really work with the people because you know, we want, obviously we want houses restored, we want people in living in there, we want people paying taxes. It's, you know, that's

what it's about.

MR. WEYMOUTH: Can you educate me or us, the timeline, you know, you're driving down, first of all, are you driving down the street or is it the Fire Department that calls you, or is it, probably a variety of ways you find out about a building that is unsafe. But you go out and you identify and you take pictures. What happens from there?

INSPECTOR SMILEN: Well, from there, we have to go through a notification process and we have to give, we try to seek out the owner and then from there we try to see what the intentions are. And we have to give them a reasonable amount of time, which might be 30, 60 days, depending on the situation and how bad it is.

And then, of course, as time goes on, it depends how, on what the origination is. As far as the way the case started, it's all of the above of what you were saying. Yes, if I'm going down the street in my area and I see something that looks as horrendous as the new case we had today, yes, I'm going to definitely bring that up right away. AS far as other things, it's usually Fire Department or if it's a fire, for instance, that's another emergency situation. Or complaints, usually. That's how it originates.

But we try to give the people as much time to, you know, and we can't hold it forever, we try to work with them and we're really trying to work with them like I said, in light of

the economic situation there. We want the best result for the City and for the citizens.

MS. HALE: How much cooperation are you getting on the banks when you're into the foreclosures and short sales, etcetera?

MR. HOLLAND: No, AIG.

MS. HALE: Well, I'm thinking on the basis that eventually people give up, and I know that some of these foreclosure firms are coming in, they're cleaning it up and selling the property. On the other hand, some of them are out of state and they sit there for a long time because the original lender, he's gone under too.

MR. MCKELLIGETT: I - to answer your question, really the foreclosure issue is not impacting what you see that much. It's more for Code Enforcement Board and Special Magistrate. Most of these properties are older properties, many of them have been owned by the same entity for many, many years so there probably isn't even a mortgage on the property. Very few of the Unsafe Structure Board hearing cases we're bringing forward are the properties really in foreclosure unless they've refinanced or some reason, so -

And to answer the question in another direction, we are actually seeing more and more cooperation from banks than we've ever seen before on Code Board and Special Magistrate cases because they realize what impact having a lien on a

property has. If we lien a property owned by XYZ Bank, that actually encumbers every property they own in Broward County under that name, so they're very, they're very motivated not to have a lien on them as the bank. And they're very motivated to correct that lien and get it off them. So we're seeing a lot of cooperation now as opposed to a year ago where we were seeing absolutely none.

MS. HALE: right.

MR. PHILLIPS: That would be a lien against the property the bank has [inaudible]

MR. MCKELLIGETT: Has taken over, that's correct. But really, as I said, it doesn't really impact what you see. Most of these properties are, have been in families for a long, long time and we do have the rare one that somebody just buys.

MR. PHILLIPS: Do you file new Code Board cases against a bank?

MR. MCKELLIGETT: Absolutely we do, yes. If the property conveys titles, the bank assumes the responsibility and we do, we go after them, absolutely.

MS. HALE: And so therefore, you lien every property that they own?

MR. MCKELLIGETT: I have many cases, I have many properties on Special Magistrate and Code Enforcement Board that the violation is against the bank. We have recorded a

number of lines against banks. Probably had four this morning in Special Magistrate where the lien was actually against the bank as the current owner of the property.

MR. JARRETT: Do we know who the contractor was that built that house that we were talking about? And are we going to, we don't know?

CHAIR SCHERER: We don't.

MS. HALE: The tenant.

MR. MCKELLIGETT: We don't know. I don't know.

MS. HALE: I thought it was the tenant.

MR. JARRETT: Well, the tenant was supposed to be a general contractor.

MR. JARRETT: I was just curious -

CHAIR SCHERER: No, He's gone. He's gone.

MR. JARRETT: - are we going to turn the -

MR. HOLLAND: Too specific.

MR. JARRETT: - are we going to turn that contractor in? Do we turn contractors in to the State for this illegal -

MR. MCKELLIGETT: We do. I believe Gerry's left. But he will routinely, if there's a situation like that -

MR. JARRETT: Can we pursue that?

MR. MCKELLIGETT: - he will routinely turn that in, absolutely.

MR. JARRETT: To stop them from doing something like this in the future?

MR. MCKELLIGETT: Oh, absolutely we do. We've done it many times.

MR. JARRETT: Okay.

MS. WALD: And arrest them.

MR. MCKELLIGETT: Yes, matter of fact, we had a case very similar where the contractor came in, did some work, didn't get the final permit and we actually have, we have a detective assigned to our division that actually went out and arrested the guy and forced him to get the final permit. So we routinely do that, yes.

MR. JARRETT: Okay, good, very good.

CHAIR SCHERER: Okay, any motion to dismiss?

MS. PARIS: No, but I do believe we had -

CHAIR SCHERER: Oh, one more?

MS. PARIS: - you said you had one more comment?

MR. BARRANCO: No. It was followed up on Ginger.

MS. PARIS: No, you're done? Oh, that was it?

CHAIR SCHERER: I think he said I'm going to motion to dismiss.

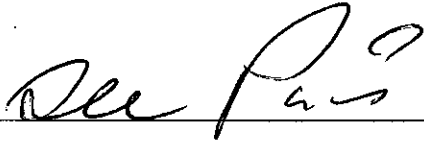
MS. PARIS: I just, I didn't want somebody to feel left out.

CHAIR SCHERER: That's what it was.

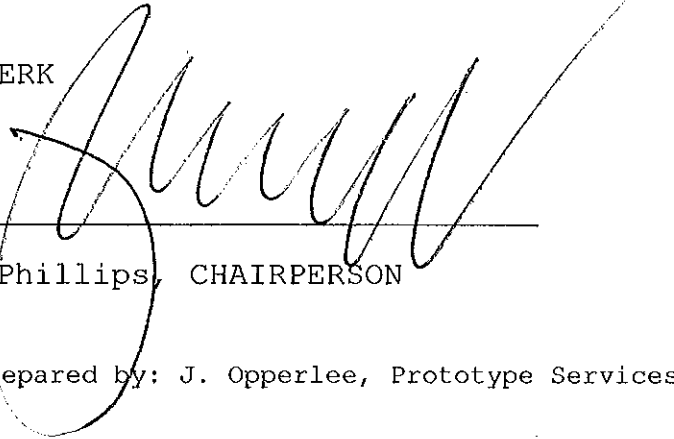
MS. HALE: I heard a motion to dismiss.

CHAIR SCHERER: Alright, dismissed.

[Meeting concluded at 4:01 pm.]



BOARD CLERK



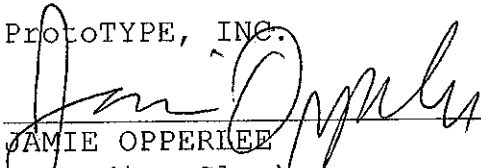
John F. Phillips, CHAIRPERSON

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 September 17, 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 September, 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 September, 2009.



D.J. GROSSFELD
MY COMMISSION # DD 667000
EXPIRES: April 26, 2011
Bonded Thru Budget Notary Services



NOTARY PUBLIC
State of Florida at Large

Notarial Seal: