

CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, NOVEMBER 19, 2009 AT 3:00 P.M.
CITY COMMISSION MEETING ROOM
CITY HALL

<u>Board Members</u>	Attendance	Cumulative Attendance 10/09 through 9/10	
		Present	Absent
John Scherer, Chair	A	0	2
John Phillips, Vice Chair	P	2	0
John Barranco	A	1	1
Joe Crognale	P	2	0
Pat Hale	P	2	0
Joe Holland	P	2	0
Thornie Jarrett	P	2	0
Don Larson	P	1	0
Michael Weymouth	P	2	0

City Staff

Lori Grossfeld, Board Secretary
Ginger Wald, Assistant City Attorney
Brian McKelligett, Administrative Assistant II
Lindwell Bradley, Code Enforcement Supervisor
Gerry Smilen, City Building Inspector [3:07]
Dee Paris, Administrative Aide
J. Opperlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE09062328: Craig Edewaard, owner

Index

<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1. CE09062328	Edewaard Development Co LLC	<u>3</u>
Address:	544 NE 14 Ave	
Disposition:	63-day extension to 1/21/10. Board approved 7-0.	
2. CE09080781	Las Olas Investments & Holdings Inc.	7
Address:	111 SW 12th Street	
Disposition:	30 days to demolish the building or the City will demolish. Board approved 7-0.	
Board Discussion/ For the Good of the City		<u>31</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.

Board members introduced themselves in turn.

Approval of meeting minutes

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

1.

[INDEX](#)

Case: CE09062328

Edewaard Development Co. LLC

544 NE 14 Ave

MS. PARIS: Okay, we'll hear our first case, it's on page one, this is an old business case. Case CE09062328, the inspector is Gerry Smilen, presented by Supervisor Lin Bradwell [sic]. The address is 544 Northeast 14th Avenue, the owner is Edewaard Development Company LLC.

We have service by posting on the property 10/22/09, advertising in Daily Business Review 10/30/09 and 11/6/09. Certified mail and violations as noted in the agenda.

This case was first heard at the 9/17/09 USB hearing. At that time the Board granted a 30-day extension to the 10/15/09 USB hearing with the recommendations the owner remove the combustible material, do a complete board-up and return showing progress with plans to move forward.

At the 10/15 USB hearing, the Board granted a 30-day extension to the 11/19/09 USB hearing with the recommendations that the respondent pursue the partial demolition of the carport roof as referenced under FBC 2007 115.2.1.2.3 in seven days, remove the combustible material and maintain the securing of the building from entrance.

MR. PHILLIPS: The City? Well, then, respondent.

MS. HALE: He just got here.

SUPERVISOR BRADLEY: I'll let the respondent go first.

MR. HOLLAND: Yes.

SUPERVISOR BRADLEY: For the record, Gerry Smilen is now here. We'll let the respondent go first.

MR. EDEWAARD: Let me go first? My name is Craig Edewaard, I own Edewaard Development, and after consulting with Gus Carbonell and an investor, we've decided to tear the building down. But we, the stuff we told you we would do at the last meeting, in fact, I left the meeting last meeting and tore the carport roof off, hauled it away the next morning.

We took some material out of the inside, but the rest of it we're just going to demolish it, it isn't worth the money to repair it. So, we're getting bids right now; we'll have it down by the end of the year

MR. PHILLIPS: Gerry, is that fine with you?

INSPECTOR SMILEN: Mr. Edewaards has really lived up to his word. I went there on the Friday after our last hearing, and these are pictures of, within the afternoon the carport roof was removed, all the debris was removed and the place was clean. And that one window -

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

MR. PHILLIPS: Can you turn that?

MR. LARSON: It's upside down.

MR. PHILLIPS: Can you turn that please?

INSPECTOR SMILEN: Yes.

MS. PARIS: You can't see it?

MS. HALE: No, it's sideways.

MR. CROGNALE: The other turn.

MR. PHILLIPS: There we go.

MR. WEYMOUTH: Now slide up or down. There you go.

MR. PHILLIPS: Well, my neck is, okay.

INSPECTOR SMILEN: They have yoga classes for that. Anyway, so, I believe Mr. Edewaards has lived up to his word and he also did take care of that window that Mr. Jarrett was concerned about as well. That is boarded up now.

MR. PHILLIPS: Okay, Mr. Smilen, what -

INSPECTOR SMILEN: So I would definitely go along with [inaudible]

MR. PHILLIPS: Well, wasn't your, I mean, wasn't a complaint that the carport had to come down and that's what your division's concern was, not the whole building?

INSPECTOR SMILEN: No, no, the whole building needs to come down. The pictures are documented in the case. It was just that the immediate danger to somebody walking in the street was the fact that that carport roof was ready to demolish all on its own, so we wanted that removed and we wanted the building secured and Mr. Edewaards has taken care of that.

MR. HOLLAND: Yes, I believe the, look, given buying him

time on the main structure, although it was part of the violation by definition.

INSPECTOR SMILEN: Right. There was supposed to be a pending sale and this person was going to go ahead and [inaudible]

MR. PHILLIPS: How much time before you'll knock it down Mr. Edewaard?

MR. EDEWAARD: By the end of the year. We've got to get a demo permit, we're getting prices right now. So it takes a couple weeks for Building Department even to issue a permit on demo because you've got to disconnect the plumbing, electric, I think you still need a rodent letter, stuff like that.

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

MR. PHILLIPS: Do we have a motion?

MR. JARRETT: Yes, since he has obviously done what the Board has asked and he's just asking for some time in order to get his prices in for demo and everything, I move that we give him a 30-day extension, which means that within the next 30 days you get a demo permit, you don't have to come back -

MR. PHILLIPS: Well, we don't have a meeting in December.

MS. PARIS: Because we don't have a hearing in December -

MR. JARRETT: Oh, well then I'll do it, I'll do it -

MS. PARIS: - if you'll notice in your package, everyone got a new extension dates calendar, so you'll know exactly -

MR. JARRETT: So tell me what January's date is.

MS. PARIS: Sixty-three days, January 21st.

MR. JARRETT: January 21st, then I move that we give him a 60-day extension.

MR. HOLLAND: I second.

MR. PHILLIPS: Motion made, second. All in favor?

BOARD MEMBERS: Aye.

MR. PHILLIPS: All opposed? None? Good Luck.

MR. EDEWAARD: Thank you.

MR. JARRETT: I knew that; I just wasn't thinking.

2.

[INDEX](#)

Case: CE09080781

LAS OLAS INVESTMENTS & HOLDINGS INC.

111 SW 12th Street

MS. PARIS: Okay, if you'll move to page two, we will go to our next case, which will be a new business case. Case CE09080781 the inspector is Gerry Smilen, the address is 111 Southwest 12th Street, the owner is Las Olas Investments and Holding Inc.

We have service by posting on the property 10/22/09, was advertised in the Daily Business Review 10/30/09 and 11/6/09. Violations and extensions - correction - violations and certified mail as noted in the agenda.

MR. PHILLIPS: This is Davie Boulevard, right?

MS. HALE: No.

MR. WEYMOUTH: Um hmm.

MR. PHILLIPS: Yes.

MR. WEYMOUTH: Yes.

MR. JARRETT: Yes.

MR. PHILLIPS: So, is this, is this Tri-City Canvas, near there?

MR. WEYMOUTH: No, it's a little further west. This is right next to the Jack and Jill, the east of the tracks, west of Jack and Jill.

MR. PHILLIPS: That's Tri-City Canvas is right there. Is it?

MR. JARRETT: No, no, they're on the other side of the street.

MR. WEYMOUTH: I believe this is west of the tracks.

MR. PHILLIPS: No, It's just -

INSPECTOR SMILEN: It is Tri-City Canvas.

MR. PHILLIPS: Oh.

MR. JARRETT: It is.

MR. PHILLIPS: Look at you, you're the best.

INSPECTOR SMILEN: Anyway Board, I first want to apologize for being here late, a CSX train just keeps going and going and going and going, so I got stuck on the other side, I apologize.

MR. PHILLIPS: Can we entertain a motion that we punish him by making him jump in the fountain this afternoon?

MR. WEYMOUTH: I'll second that.

MS. WALD: [inaudible]

MR. PHILLIPS: Damn it, does it take an attorney to stop the fun.

INSPECTOR SMILEN: Well, it's actually not legal for swimming. Its legal for decoration only.

MR. PHILLIPS: Bathing, maybe.

INSPECTOR SMILEN: Maybe soaking your ankles.

MR. MCKELLIGETT: He could be part of the decoration.

INSPECTOR SMILEN: I could be. Catch me on New Year's, I could be.

MR. HOLLAND: Greco Roman statues.

MR. PHILLIPS: Come on.

MR. WEYMOUTH: We're getting a little giddy.

MR. PHILLIPS: Can't bring that up.

INSPECTOR SMILEN: Okay, Gerry Smilen, Building Inspector for the City of Fort Lauderdale presenting case number CE09080781 at 111 Southwest 12th Street. First inspected the property on August 12th of '09 and that time, the following violations were cited. Do you want me to read these into the record?

MR. PHILLIPS: Sure.

INSPECTOR SMILEN: Okay, I can do that.

MR. PHILLIPS: [inaudible] the first time, I think we should.

INSPECTOR SMILEN: Okay. The old wood -

FBC 115.1.1

THE OLD WOOD FRAMED COMMERCIAL BUILDING
HAS BEEN SUBSTANTIALLY DAMAGED BY THE
ELEMENTS, HAS BECOME A WINDSTORM HAZARD.

FBC 115.2.1.2.1

THE FOLLOWING BUILDING COMPONENTS ARE
HANGING LOOSE OR LOOSENING:

WOOD SIDING

SECURITY LIGHTS

ROOF RAFTERS

CEILING TILES

INSULATION

WALL BOARD

ROOF DECK

LOAD BEARING BEAMS

PLYWOOD

FBC 115.2.1.2.2

THE ROOF RAFTERS, WALL FRAMING AND LOAD
BEARING BEAMS HAVE DETERIORATED TO THE
POINT OF BEING STRUCTURALLY COMPROMISED.

FBC 115.2.1.2.3

THE REAR OF THE BUILDING IS PARTIALLY
DESTROYED.

FBC 115.2.1.2.4

VARIOUS PARTS OF THE ROOF AND ITS FRAMING SYSTEM ARE SAGGING AND LEANING AS THE RESULT OF OVER STRESSING.

FBC 115.2.1.2.5

THE ELECTRICAL WIRING AND CONNECTIONS TO EQUIPMENT ARE UNCOVERED AND EXPOSED TO MANY ROOF LEAKS THROUGHOUT THE BUILDING AND ARE CREATING A HAZARD.

MR. PHILLIPS: Is this the front part, or are they, there's an office on one side and I think they do the sales and the canvas on the west side.

INSPECTOR SMILEN: Yes, that would be correct.

MR. PHILLIPS: Which one is the -

INSPECTOR SMILEN: Well, we're going to show you the pictures and like they say, a picture says a thousand words.

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

Okay, right here we're showing the front of the building. Can we go to the next picture please? Right here, you can see, this is in the front. If you'll notice up above where that security light is, that there's roof rot and deterioration as evident from roof leaks that have been there for quite some time. Next picture please.

You can see the sides of the building, where there's wood

siding it was never maintained. The building, I believe, was built in 1945 and I believe that it was moved to this site on 1960. So it was relocated and I'd be very surprised if it was ever painted after the first time, if you look at it. Next picture, please.

You could see there's more areas where you can see the new material of the awning. And then you can see the wood siding, how it's just completely not been maintained and exposed to the elements. Next picture, please. That's a broken window over there. Next picture, please.

MS. PARIS: I'm trying.

INSPECTOR SMILEN: Okay, we're working on it. Okay, this is an area were obviously, they used some acoustical ceiling tiles and of course they removed the ceiling tiles from the areas, probably fell down by themselves from various and quite a few roof leaks. Next picture, please.

This is the front of the building. If you'll notice, you can't, it's not as pronounced, but this is the wood framing on the front wall. This whole wall is actually bowing out, and it's sealed up, and this whole front area of the building, inside, you can see, you'll see other pictures, there's roof leaks all over. So this is over probably decades of leaking and this is all starting to just fail.

MR. CROGNALE: Gerry, is that a wood stud wall?

INSPECTOR SMILEN: Yes it is.

MR. CROGNALE: A wood stud wall.

INSPECTOR SMILEN: This whole building is wood frame. Next picture, please. This is, again, in the front area, this is showing some of the areas of the roof leaks there. This is all exposed just the way it is. There's nothing, people work in this area. Next picture, please.

This area here, you can see where these windows are in, all the wood framing that encases these windows is actually separating and moving from the result of exposure to water and deterioration. Same thing on this other side here. This would be the west side of the building. Next picture.

This is more areas where you could just see as the water travels you can see the areas that are just starting to rot out and fail on the overhangs. More areas again, this is on the west side. More again on the west side there. And this is showing the west, the southwest corner of the building.

This is going towards the back of the building now. This is where they have an area that they do work on the outside where they put some awnings. This whole, the wood siding is just coming apart. This is where they're working right now in this area.

MR. WEYMOUTH: This building's not vacant, obviously.

INSPECTOR SMILEN: No it isn't. Tri-City Canvas is open.

MR. CROGNALE: [inaudible] energized? Because there's a big compressor here.

INSPECTOR SMILEN: Yes, well, if you'll notice, the way the electrical is hooked up -

MR. CROGNALE: Right.

INSPECTOR SMILEN: - it's just bare wires there. I told them to take care of that and nothing's been done.

MR. CROGNALE: But there is power to that panel box.

INSPECTOR SMILEN: Yes sir. Next picture.

MR. PHILLIPS: How come this didn't go to the Code Enforcement Board first?

INSPECTOR SMILEN: Sorry?

MR. PHILLIPS: How come this didn't go to the Code Enforcement Board?

INSPECTOR SMILEN: Well, if it was just an electrical, and if it was just a couple things that could be corrected, that's one thing. But if you look at this beam over here for instance, that's more than a code situation. That's just basic structural failure or waiting to happen. This beam right here carries that whole back of that wall there. And as you can see, or what's left of that beam. Next picture, please.

This is again more load bearing areas where the water has just over the years just destroyed any structural integrity here. Next picture. This is the back area. This used to be some sort of a useful building. As you can see, just again, mother nature's own demolition right there is just tearing it

right down.

Okay, this is again in the back area, you'll see the load bearing beam in the front and going right back there, this whole thing leaks like a sieve when it rains. You can see over here, where they put up some plywood to try to, I don't know if they wanted to divert the water from falling on them or what the case is, but it's, it's just a Band-Aid. And here's area where again they tried to do a little repair work here and there and it is just constantly getting soaked.

Here's another good picture over here of areas that are just failing from all the water that pours in there. Another nice picture there, you can see the beam, could you go back to the one please? You could see there's four beams to the left over there that are just starting to separate from all the water and the damage. Next.

This again is just more ceiling area that they tried to put a Band-Aid on with and it's not working. That's pretty much it.

The Notice of Violation was sent out on October 2nd of '09 and I posted the property on October 22nd of '09. I met with the owner, Bill Massey, and Supervisor Lindwell Bradley at the property in September to discuss the violations. He had indicated that he would probably demolish the building and put something up there. I have no luck in any contact with him and I guess he hasn't -

MR. WEYMOUTH: It appears the building's for sale.

INSPECTOR SMILEN: Well, good luck.

MR. PHILLIPS: I got a question the City Attorney. I've bought, not me personally but, over the 15 years I've a couple occasions have bought awnings from Tri-City. I don't have any relationship with them now. It's been over a year, but I've been in there over the years.

MS. WALD: Okay, but you -

MR. PHILLIPS: I'm personally familiar with the interior.

MS. WALD: Ginger Wald, Assistant City Attorney, you don't have any financial interest with the owner of the building or maybe even the tenant.

MR. PHILLIPS: No.

MS. WALD: And you do not have a direct conflict of interest under the law.

MR. PHILLIPS: Okay.

MS. WALD: So therefore, I don't see any conflict of interest with you participating in this matter. I do have one question.

MR. CROGNALE: The only, I have one comment on this. Is the only unconscionable thing that I can see is water infiltration is without saying that we have water infiltration, but the power being still energized, that's my objection. How can that be?

MR. PHILLIPS: That open electrical box.

MR. CROGNALE: How can it be energized, power to that open electrical box?

MR. JARRETT: Oh, in some of these old, old buildings Joe, you see a lot of stuff like that where the workman, not a real electrician, but the workman, they get a new saw or they get a new punch or whatever and they just hook it up themselves.

MR. CROGNALE: Why don't you do a code violation on it? How does FPL justify keeping it energized?

MR. JARRETT: FP&L wouldn't even look at it. It's beyond, on the customer side of the meter.

MR. WEYMOUTH: Well, they justify it by cashing the check.

MR. JARRETT: Like Gerry said -

MR. WEYMOUTH: It's an unsafe structure and the power should be pulled immediately, because -

MS. HALE: Gerry? Gerry?

MS. WALD: Gerry, say something.

MR. JARRETT: Usually, where it's picked up is like every two years with the fire inspection, and then they'll say something.

INSPECTOR SMILEN: I just want to state that according to the Broward County Property Appraiser's records, this year that building is worth \$137,200 and from what we've seen here it would definitely appear that repairing this building would

be in an excess of, bringing it up to code and taking care of these violations would be in an excess of \$100,000 at least.

MR. WEYMOUTH: I don't think you can do it.

INSPECTOR SMILEN: I don't think so either; I think you'd have to start from scratch.

MS. HALE: Gerry, what happened to the defendant, the Las Olas Investments and Holdings? Sorry about that; we don't have enough mics.

INSPECTOR SMILEN: He has not returned calls, he's not -

MS. HALE: Does he cooperate with you at all?

INSPECTOR SMILEN: Well, he met us there one time, and he was in denial that the building was structurally compromised. So I met with my supervisor, Lindwell Bradley, we met him there and I went and I pointed out to all these things to him and then he took a little bit of a different attitude, where he just decided that maybe he would knock the building down. And as a result, I've never heard anything else from him. I thought he would be here today under the circumstances. But he hasn't.

MS. HALE: How long ago was this? Are we talking recently or months ago?

INSPECTOR SMILEN: It was in September.

MS. HALE: Oh, okay.

MR. PHILLIPS: Anyone like to make a motion?

MR. JARRETT: Before a motion, I'd like to just make a

comment. Thirty years ago part of my family owned the building, so I know the history of the building. It was Easy Way Sprinkler from the 50s, 60s and 70s and then it was sold. And you're quite right, it was built over Bahia Mar by the Navy, and it was moved to that site in the 50s when they opened up their sprinkler business.

And one unique thing about it though, when it was moved, the newspaper did a story on the building because it was like a Coast Guard station. It was remodeled in '45 in World War II. It was actually built back in the 20s. And the Coast guardsmen were chasing down some rum runners off of Fort Lauderdale, and they had gunfire and a Coast guardsman was killed and those two rum runners were hung in this building back in the 30s at Bahia Mar.

MR. WEYMOUTH: I move we order a demolition.

MR. HOLLAND: I move that we order a historic designation.

MR. JARRETT: So, they were the last two prisoners that were hanged in the State of Florida and they were hanged in that building.

INSPECTOR SMILEN: Excuse me, does this mean my case is sunk here?

MR. HOLLAND: No, we want to watch it fought out at the Commission level.

MR. PHILLIPS: [inaudible] a motion to transfer this to the Historic Preservation Board.

MR. LARSON: Mr. Chairman -

MR. MCKELLIGETT: I think we have a hung Board.

MR. PHILLIPS: Hold on, we have a question.

MR. LARSON: Mine basically is a comment. I'm just a new kid on the block and I'm not going to make a motion, but my concerns is, real concerns is one: I think there should be a turn in Gerry, with the electrical, in regards to that, and get them on a violation on that.

And you can also get them on a violation of the carpenter work that's in there, because I'm a former carpenter work, and those beams that they've been jeopardized, they're not going to hold very much longer. And probably the only reason they're holding is there might be some yellow pine in there that's got the strength in it. Otherwise, the termites and rot will be harder coming by on the yellow pine.

MR. PHILLIPS: I had a question -

MR. LARSON: The other thing is, on the electrical and then you can get them on the FP&L maybe to cut the power off, because if we have to wait for this to go through on demolition, it's going to be a while, and I'd rather not have someone hurt in there then -

INSPECTOR SMILEN: Well, could I -

MR. PHILLIPS: Following up on Don's, could the Fireman's Chief, Fire of the Fire Department make that decision on life safety?

MR. LARSON: Well, that was going to be my next, yes, so go ahead with it. That's fine, go ahead with it.

INSPECTOR SMILEN: Well, this could originate with the Fire Department. What I, in addressing your comments, I agree with you. What we can do, the way that we would have to handle it was I would have to go over there and I would have to give them a timeframe like maybe seven days or something to make that electrical safe and take care of that connection. And then if they don't, then I would have to, if they don't do it within seven or ten days, then we would have to have FPL cut the power. But I have to give them, even though I feel I have given them ample opportunity -

MR. LARSON: I'd rather get by with seven days than have it go on for 60.

INSPECTOR SMILEN: I'm in total agreement, and I would not have any type of an issue of going over there and doing that with them.

MR. CROGNALE: Gerry -

MR. PHILLIPS: Well, I don't think that's within our Board's -

MS. WALD: No.

MR. PHILLIPS: - power to [inaudible]

MR. LARSON: No, it's not.

INSPECTOR SMILEN: No, but I would -

MR. PHILLIPS: We can recommend that but -

MR. MCKELLIGETT: No.

INSPECTOR SMILEN: I can do that though.

MR. CROGNALE: To get that to comply -

MR. PHILLIPS: Joe? You got a comment?

MR. CROGNALE: Yes I do. To get that to comply, they would have to pull an electrical permit to do the repair on it. Is that correct, Gerry?

INSPECTOR SMILEN: No. In that particular case, it's basically equipment that was wired up to it. It could be like a, it would be like a repair. It wouldn't be a permit on that.

Now, if they were pulling in a whole panel and they were redoing wiring and everything else, then that would require -

MR. LARSON: That would require a permit.

INSPECTOR SMILEN: That would require a permit.

MR. PHILLIPS: Are you saying they hotwired -

MR. LARSON: Could be, could be.

MR. PHILLIPS: - a piece of equipment directly to the, to the old fuse box?

MR. LARSON: Could be.

INSPECTOR SMILEN: Well there's a panel there and it's -

MR. PHILLIPS: I don't think hot wiring is ever allowed.

MR. LARSON: Looks like he took the panel, Jack, it looks like he took the front of the panel off and he could have hooked, basically what you would call hot wired, and could

have run the wiring in on his own,

MR. CROGNALE: That's what it looks like.

MR. LARSON: That's what looks like to me.

MR. CROGNALE: That's what it looks like.

MR. LARSON: But I'm not there so I can't -

INSPECTOR SMILEN: Well, the connection would be good if it was, it was, if it was protected and it had the proper covers on there, then it would be okay.

MR. CROGNALE: Well, not from the picture you showed us.

INSPECTOR SMILEN: Well, yes, it's not. But I'm just saying that would be the solution, which I was surprised he didn't take care of.

MR. PHILLIPS: Man, they got acetylene, they got acetylene tanks in there, I saw from your picture, compressor.

INSPECTOR SMILEN: Yes. Well, the compressor's 220 it's not 110, so.

MR. PHILLIPS: Oh, okay.

MR. CROGNALE: Yes, that's [inaudible]

MR. WEYMOUTH: Gerry -

MR. LARSON: With the start [inaudible]

MR. CROGNALE: [inaudible]

MR. LARSON: With the start on getting on the electrical violation at least that's a start and then that gives us time to get the rest of it done. And give him the seven days. I don't care, as long as we can get it shut down.

INSPECTOR SMILEN: Okay.

MR. WEYMOUTH: Gerry, under your guidelines of what you operate on a daily, weekly, monthly basis, do you have the authority to be able to pull the FP&L meter, to call FP&L and have them cut the current, call the City of Fort Lauderdale, have them turn off the water meter?

INSPECTOR SMILEN: Well, what I can do is, in this particular case, and I've done it before in unsafe situations, where I can go to my, to our Chief Electrical Inspector, Craig Stevens, and he can send somebody out there. And if they feel that it is a life safety issue and agree with my assessment then yes, they'll call up the FPL and FPL within a day or two will cut the power.

MR. WEYMOUTH: Well, by virtue of you, summoning someone, it's automatically an unsafe structure for it to appear here before the Board. My, I'm a sophomore, so I'm still learning as I go along. But it seems to me that there isn't a whole lot of pain that's suffered by these individuals as they keep appearing before the Board and appearing before the Board and appearing before the Board.

And I can tell you that whether I have a business partner or a wife or a girlfriend or whatever, you cut the power off, there're going to be some people that are pretty upset and they're going to respond in a more aggressive manner.

And it just, I agree with both these gentlemen that the

fact that these people are here working in this building, and they may not know that it's as unsafe as it is because their boss says come to work or else and everybody needs a job. It just, to allow them to even have power and water to continue to make a living under these conditions -

INSPECTOR SMILEN: Well, the situation is, we, it is private property, it is a business, people do have their livelihoods in jeopardy. We have to do our due diligence to make sure that they have been notified and have ample amount of time to correct these situations. And unfortunately, that might mean to be exposed to the situation that they have here.

But as far as cutting the power off, if he can't get that thing done within seven to ten days then maybe he doesn't deserve to be in business, I don't know. But it's giving him plenty of time.

MR. CROGNALE: Well, if he's not willing to show up here he doesn't deserve it.

MR. WEYMOUTH: I agree.

MR. CROGNALE: He needs to be shut down.

MS. HALE: I'm very unhappy about that [inaudible] show up.

MR. CROGNALE: Well, the tenant -

MR. WEYMOUTH: Making a little bit of the mockery of the whole system.

MR. CROGNALE: After looking at this picture a second

time, looking at the picture a second time

MR. PHILLIPS: A comment from the left side.

MR. CROGNALE: After looking to this picture the second time, I see two pigtails, the feed, I'm not so sure if the feed to that box that's coming vertically, if that's a feed or if it's another pigtail going the other way, but I can't see a conduit feeding that panel box.

So if that's the feed line, that is also a pigtail feeding that panel box. Out of the panel box now we have another pigtail going to the compressor, which it obviously is 220, as I see the size of the motor, has to be 220 at least, but the feed is a concern now. There's two issues there Gerry.

INSPECTOR SMILEN: Well, what I'll do is I'll go over there and I'll assess it. I will send an electrical Inspector over there and you might be correct, he might need to have an electrical permit, but it won't take him a long time to get it. They will make sure he'll get it if he comes there with all that he's, all the information he needs.

MR. PHILLIPS: Well that's the electrical life safety, Gerry, you want to handle that?

INSPECTOR SMILEN: Yes sir.

MR. PHILLIPS: Anyone from the Board like to make a motion on the unsafe structure aspect of it?

MR. HOLLAND: Not a motion, but a comment.

MR. PHILLIPS: Go ahead.

MR. HOLLAND: I just, as a professional dealing with these matters, I know it's not all been possible for staff to get the best pictures, but I'm going to throw a curveball in. I'm not convinced totally, especially if Dade County pine's involved, or something, that of what kind of structural deterioration we have. You can have sag that's not totally gone.

I will, 90% sure that I would support your findings on that but, some pictures perhaps underneath from the vent holes for the crawl space, and some, I guess we have trouble with the TVs and the resolution, but I can't actually see termite deterioration.

I see a lot of black staining which appears to be from the roof leaks and the cement. But I don't know if it's a mold staining. But you might know from having first-hand been there. Is there, I see mold deterioration to the roof sheathing in places but not necessarily to the structural members.

INSPECTOR SMILEN: Well, it, if you look for instance, if you look for instance that right there. This beam right there, you can see that whole beam isn't even there, right there.

MR. HOLLAND: I can see some facing missing on the side but your critical portions are the top and the bottom

traditionally but -

INSPECTOR SMILEN: well, it's, that's all rotted, right in through that whole thing.

MR. HOLLAND: It's all, it's rot?

INSPECTOR SMILEN: Yes, it's all right through there. There is, there is a great amount of material missing from that beam.

MR. PHILLIPS: Madame Attorney, can I ask you a question?

MS. WALD: Yes.

MR. PHILLIPS: We're supposed to, as a matter of evidentiary concerns we're supposed to accept the testimony and the evidence as presented and not speculate.

MS. WALD: Correct.

MR. PHILLIPS: At presenting contravening evidence, we can hear that. But should, are we to assume that if Mr. Smilen, licensed, has looked at it, and he's the only evidence we heard that it is rotting and unsafe, as opposed to us requiring further digging and inspection -

MS. WALD: Correct, correct. The only evidence that you can take into consideration is the evidence that has actually been provided and presented to you today or sometimes in advance in a packet. But still has to be put as part of the record today.

As to whether there is enough evidence through testimony, whomever comes and testifies and additionally, documentary

evidence that has been provided to you, and you have photographs here, and making your decision whether the Florida Building Code violations that have been presented to you have been violated, and whether that would require, based upon those violations, as has been requested by the City, whether the property should be demolished or should not be demolished.

MR. PHILLIPS: Okay. Any other comments?

MR. WEYMOUTH: Mr. Chairman, I'd like to make a motion.

MR. PHILLIPS: We have a motion.

MR. WEYMOUTH: I move that we find that 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 -

MS. HALE: No, stop.

MS. PARIS: There's no hearing in December.

MR. WEYMOUTH: Huh?

MS. PARIS: Is 30 days still okay?

MR. HOLLAND: Sixty -

MR. JARRETT: Sixty-three.

MS. PARIS: My apologies, my apologies.

MR. PHILLIPS: It's okay. Go ahead.

MR. WEYMOUTH: I can only read it one time. From the top, or can I just finish it?

MS. HALE: Just finish it.

MR. PHILLIPS: No, you left it within 30 days.

MS. HALE: 30 days.

MR. WEYMOUTH: Within 30 days, and that we order the City to demolish the structure should the property owner fail to timely demolish. Such demolition is to be accomplished by a licensed demolition contractor pursuant to a City issued demolition permit.

MR. PHILLIPS: We have a motion, anyone care to second?

MR. HOLLAND: Second.

MR. PHILLIPS: We have several seconds. Any further discussion? Being none, all in favor of the motion signify by saying aye.

BOARD MEMBERS: Aye.

MR. PHILLIPS: Any opposed? Motion carries.

SUPERVISOR BRADLEY: Hey Joe, if you take a look at that picture right there, you see the [inaudible]

MR. HOLLAND: Yes.

SUPERVISOR BRADLEY: If you walk up to the front of the building and you actually push on the building it actually moves Joe. When we went out and looked at this -

MR. PHILLIPS: That's not evidence.

MR. WEYMOUTH: Why didn't you push a little more and it'd been gone?

MR. LARSON: We're done.

MR. PHILLIPS: Have you started the demolition then?

SUPERVISOR BRADLEY: I just wanted to let Joe know.

MR. WEYMOUTH: Back to my question a little earlier Gerry, is it kind of discretionary on your part of when you become more proactive as far as an unsafe structure -

MR. PHILLIPS: Any other?

MR. WEYMOUTH: - and getting the power pulled and the water turned off and that kind of thing?

INSPECTOR SMILEN: Well, at this point, now I can be a little more aggressive because now I have a finding of fact and the building has been deemed unsafe. So now, it gives me more of an authority to go in there and do something about this. So I think it works out better in this situation.

Communications to the City Commission

[INDEX](#)

MR. PHILLIPS: Okay. Folks, we have one more thing on the agenda. Is there anything the Board, any members would like to communicate to the City Commission?

MR. JARRETT: No, but I have one more question for Gerry if nobody has anything to communicate.

MR. PHILLIPS: There's none on that one motion, nothing to say to the City?

MR. WEYMOUTH: Nothing to say to the City.

For the Good of the City

[INDEX](#)

MR. JARRETT: Gerry?

INSPECTOR SMILEN: Yes sir.

MR. JARRETT: Is this one of those cases where you could go out there as the Building Official or Building Inspector, I'm sorry, that's not your real title, with your stapler and your little tag that says building been deemed unsafe for occupancy and do not enter this building?

INSPECTOR SMILEN: Yes I can.

MR. JARRETT: Oh, okay. Are you going to?

INSPECTOR SMILEN: Well -

MR. CROGNALE: The motion's already done now.

MR. JARRETT: That eliminates the problem about worrying about whether or not the electric is turned off or anything else. If nobody can go in the building, nobody's going to -

MR. WEYMOUTH: The building shouldn't be occupied. The building shouldn't be occupied.

MR. JARRETT: That's what I'm saying, so -

INSPECTOR SMILEN: Well, what, on that particular situation, seeing as again we're dealing with people and their jobs and everything else, I would have to probably consult the Chief Building Official because he would actually be the one to order that.

MR. PHILLIPS: Okay. Gerry, excuse me for a second.

Folks, I really got to get going to pick up my children. If you want to discuss this afterward, but I'd like to just remind everyone that we have no meeting in December, be January. Anyone like to make a motion to adjourn?

MS. WALD: Well, wait, we have to, if you adjourn, you can't keep, you can't keep talking.

MR. JARRETT: Yes. So you can leave, but we can still listen.

MS. WALD: You can just leave.

MR. PHILLIPS: Even though I'm the Chair?

MS. WALD: Yes.

MR. PHILLIPS: Okay.

INSPECTOR SMILEN: Is that loaded?

MR. PHILLIPS: Can I defer to my sister to the right?

MS. WALD: We will pass the Chair onto Ms Hale. Thank you.

MR. PHILLIPS: Okay. I'm sorry about that.

MR. WEYMOUTH: Sister to the right.

MS. WALD: Legally, under the Florida Building Code, the Building Official, which you have actually heard from, Chris Augustin, is the one that has the authority and the power after he has his inspection done to put the placard that you're talking about, or as to, I forget exactly what it says but it's in the building code and it has the exact language. He has that authority.

Can he grant that authority to one of his building inspectors to go do? And I think that's when Gerry was saying yes. But does Gerry on his own have the authority to go do that? No, because he's not the Building Official. So I just wanted to clarify legally those two points.

MR. JARRETT: Well, if staff, legal staff would agree that this is one of those circumstances where if they move quickly on this and did placard the building, then that would address all the concerns that different members of this Board had referenced to the hazards to safety inside the building. Am I not correct?

SUPERVISOR BRADLEY: Well, I think, what were going to - Lin Bradley, Code Supervisor, City of Fort Lauderdale - what were going to do now is we're going to go back, were going to talk to the Chief Electrical Inspector, have him go out there with Gerry and evaluate the situation. And we'll move from there.

If the Electrical Inspector deems it to be unsafe, then of course, FPL can be contacted and I think that would just solve the issue here. But it's got to be evaluated because were not going to go out there and just shut them down because as he said, there are people who work there. So -

MS. HALE: How big an operation is this? Like five men?

INSPECTOR SMILEN: Yes, it's a handful of people. It's not a lot of employees.

MR. WEYMOUTH: Do they work inside the building or out back?

MR. HOLLAND: Both.

INSPECTOR SMILEN: Both.

MR. WEYMOUTH: Yes, I mean, as you alluded to, that you are able to push -

SUPERVISOR BRADLEY: There is [inaudible] area and there is a front area.

MR. WEYMOUTH: As you alluded to that you could push the front area, where it's buckling and bowing and things like that. We get a front come through, one of our fronts in the next couple, three weeks and the guys are inside working, I can appreciate nobody wanting to lose their business and, but in the same breath -

SUPERVISOR BRADLEY: But I think that you've done what you need to do, now it's up to us to do what we do.

MR. WEYMOUTH: Yes, yes.

MR. JARRETT: Now, let me ask one question further just out of curiosity. Obviously, any building that we order to demo, there's serious problems with it. But sometimes we actually order buildings to be demoed that the roofs are rotten or whatever, but there's no electrical hazards and that type of thing.

If we were to order the building, in this case, this building, but under the hypothetical situation that there

wasn't these blatant safety hazards, there's just the fact that the roof's rotting off and that type of thing. Are we under some kind of obligation to give them so many days to get out of there before we demo the building? Is that the way it works? Not actually, technically, if we order a demo -

INSPECTOR SMILEN: Well yes, well, they've already been notified and then the notice of the findings of this hearing are going to be sent to all vested interests into this building and -

SUPERVISOR BRADLEY: And you well know that once this notice is sent out they have 30 days to decide what they want to do. After the 30 days it would be incumbent upon the City to decide when they want to demolish the building.

MR. JARRETT: So if we weren't pushing this, if this Board wasn't pushing this issue, they would be out of there in 30 days anyway. Right, so all we're doing is just pushing up the -

MR. WEYMOUTH: As far as [inaudible] the electric and all?

MR. JARRETT: Yes, exactly.

MS. HALE: Well, how many businesses are there? I thought it was just one, an awning company.

INSPECTOR SMILEN: Just one, just one, that's it.

SUPERVISOR BRADLEY: It's a canvas -

MS. HALE: Oh, okay.

INSPECTOR SMILEN: Technically from when you go ahead and make your decision it's usually about 60 days if there isn't any type of action on the owner's part to either demolish or restore the building. It's usually 60 days before we do it and that works out well anyway with the way we're not meeting next month anyway.

MR. JARRETT: Thank you.

MS. HALE: Maybe it's a wake-up call for him.

INSPECTOR SMILEN: Well, I don't know. I warned, when I, we spoke to Mr. Massey in September I told him this was coming up, the Unsafe Structures Board.

MS. HALE: Yes, but you know, ah, one of those things downtown I don't have to go. Maybe his wake-up call.

INSPECTOR SMILEN: Well, I hope so.

MS. HALE: Okay.

SUPERVISOR BRADLEY: Thank you.

MR. WEYMOUTH: Madame Assistant Chair -

MR. JARRETT: Make a motion to adjourn?

MS. HALE: Yes, we have to find somebody to make a motion to adjourn this meeting.

MR. JARRETT: Motion to adjourn.

MR. WEYMOUTH: I'll second.

MS. HALE: Do we have a second? Oh no, we have a hand up.

MS. PARIS: Oh, that's my, my -

MR. JARRETT: Is that a goodbye?

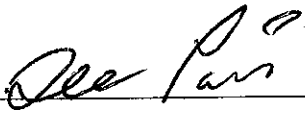
MS. HALE: Oh, your royal wave, I see.

MS. WALD: All in favor?

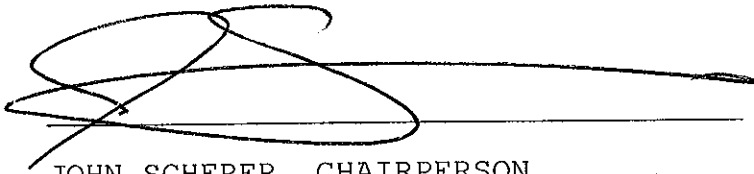
MS. HALE: All in favor?

BOARD MEMBERS: Aye.

[Meeting concluded at 3:45 pm.]



BOARD CLERK



JOHN SCHERER, CHAIRPERSON

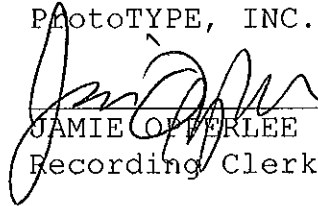
Minutes prepared by: J. Opperlee, Prototype Services

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held November 19, 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 November, 2009.

PHOTO TYPE, 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 21 day of November, 2009.



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State of Florida at Large

Notarial Seal:



D.J. GROSSFELD
MY COMMISSION # DD 667809
EXPIRES: April 26, 2011
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