

**CITY OF FORT LAUDERDALE
 UNSAFE STRUCTURES BOARD
 THURSDAY, JANUARY 21, 2010 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	P	1	2
John Phillips, Vice Chair 3:25-4:08]	P	3	0
John Barranco	P	2	1
Joe Crognale	P	3	0
Pat Hale	P	3	0
Joe Holland	P	3	0
Thornie Jarrett	A	2	1
Don Larson	P	2	0
Michael Weymouth	P	3	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
 George Oliva, Building Inspector
 Dee Paris, Administrative Aide
 J. Oppерlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE07021325: Joseph Chaiban, Engineer; Hope Calhoun, Attorney
 CE07040050: Mike Richel, General Contractor
 CE08092242: Jana Gray-Williams, owner

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3. CE08092242	Jana Gray-Williams Address: 512 NW 22 Avenue Disposition: 120-day extension. Board approved 7-0 with Mr. Phillips absent.	<u>55</u>
4. CE09090798	Estate of Josephine Nash Address: 409 NW 14 Way Disposition: 30 days to demolish the building or the City will demolish. Board approved 7-0.	<u>67</u>
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The regular meeting of the Unsafe Structures Board convened at 3:03 p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

All individuals giving testimony before the Board were

sworn in.

Board members introduced themselves in turn.

Election of Chair and Vice Chair

Mr. Holland nominated Mr. Scherer for Chair, seconded by Ms. Hale. In a voice vote, Board unanimously approved.

Mr. Crognale nominated Mr. Phillips for Vice Chair, seconded by Mr. Barranco. In a voice vote, Board unanimously approved.

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Case: CE07021325

Jungle Queen Inc

2470 SW 21 Street

MS. PARIS: Our first case will be on page one. This is an old business case, Case C - we'll do that at the end, [inaudible]

Our first case will be on page one, it's an old business case. Case CE07021325, the Inspector is Gerry Smilen, the address is 2470 Southwest 21st Street. The owner is Jungle Queen Inc.

We have service by posting on the property 10/28/09

advertising in Daily Business Review 12/31/09 and 1/8/09, certified mail and violations as noted in the agenda.

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

At the 1/17/08 USB hearing the Board granted a 90-day extension to the 4/17/08 USB hearing. At the 4/17/08 USB hearing the Board granted a 90-day extension to the 7/17/08 USB hearing. At the 7/17/08 USB hearing the Board granted a 90-day extension to the 10/16/08 USB hearing, Board members John Scherer and John Barranco abstained from voting.

On the next page, at the 10/16/08 USB hearing, the Board granted a 60-day extension to the 12/18/08 USB hearing. The 12/18/08 USB hearing was canceled; case was rescheduled for the 1/15/09 USB hearing. At the 1/15/09 USB hearing the case was deferred to the 2/19/09 USB hearing due to lack of a quorum.

At the 2/19/09 USB hearing the Board granted a 90-day extension to the 5/21/09 USB hearing, Board members John Scherer and John Barranco abstained from voting. At the 5/21/09 USB hearing the case was deferred to the 6/18/09 USB

hearing to lack of a quorum.

At the 6/18/09 USB hearing the Board granted a 120-day extension to the 10/15/09 USB hearing, John Scherer abstained from voting. At the 10/15/09 USB hearing the Board granted a 90-day extension to the 1/21/10 USB hearing, John Barranco abstained from voting. Who will be abstaining from voting today? Which leaves us a quorum, so -

MR. HOLLAND: That's Barranco and Scherer, for the record.

MS. PARIS: Correct. Which still leaves a quorum. So the Chair needs to pass to a volunteer. Gentleman? Ladies?

CHAIR SCHERER: Anybody?

MR. HOLLAND: I'll do it.

CHAIR SCHERER: Take it away.

MR. HOLLAND: Let's see, we'll hear from the respondent.

MS. CALHOUN: Good afternoon, Hope Calhere - Hope Calhoun here, on behalf of the applicant. Most of you, I think, are aware of the long history behind the Jungle Queen. We've been coming here since '07, and the issue is again, just by brief overview, is that it is a non-conforming use or structure. So we couldn't just tear it down and rebuild, because if we did we couldn't rebuild the Jungle Queen facility.

The last time that I was before you, I told you I was very excited because we were making progress, plans were in the Building Department and by this time, hopefully, we would

have approved plans in hand. Well, we've hit a little stumbling block - surprise, surprise.

The short version of the stumbling block, as I understand it, and the engineer is here who can explain it further in case I screw it up, is that, we have to make a renovation, basically to the kitchen. A part of that involves putting, obviously food has to be stored in a refrigerator. There's a problem of how to store that food while the renovation is going on. He can give you the details, but basically we need to keep it obviously in a safe and confined area.

The materials that are required to keep that safe have to be signed off by certain agencies, and no one will sign off on some, they can't find a product that can do it safely that everyone will sign off on. Again, if you'd like to hear specifics from the engineer, he can explain it to you.

So, where we are now is trying to find a safe resolution to proper storage of the food so that the, so that the facility can continue to be renovated. Now, having said that, we've also reached a sort of a stumbling block or a setback I should say because as we have promised we would do, we have continually supplied updates to your City staff with regard to the structural integrity of the building, and apparently - your inspector's going to tell you this, so I'm just going to beat him to the punch because I'm here first - apparently, some work was done to improve the building without permits.

My, again the engineer can speak to it, but he was under the impression that it was emergency work that had to be done and he didn't have to pull - they're going to tell you this, so I'm just, again - he was under the impression and understanding that it didn't have to because it was an emergency work, emergency work that needed to be done. There is a difference in opinion between himself and the inspector.

Also, there were plans submitted, I believe since October of '09 taken back out for revision. They have not been resubmitted because of what I just explained; we cannot find anyone to certify the materials that we need to keep the food in a safe place. So just to stress, we're looking for a resolution, it's causing thinking outside of the box, which, as we all know takes a little bit more time and effort.

There will be a resolution, I can't tell you how soon, but we cannot move forward until it is resolved how to store the food while the renovation is going on. I did not have a chance to speak with Inspector Smilen beforehand to discuss the amount of time we'd be looking for. I would just ask right now for another 60 days to be fair. Hopefully in 60 days we'll have some sort of resolution. It probably won't be resolved, but maybe we can come back with more good news.

With that, I'd like to have the opportunity to respond, if needed, once the inspector speaks. And again, our engineer is here to answer questions or give you more details. Thank

you.

MR. HOLLAND: Probably appropriate to hear from the City Inspector at this point.

INSPECTOR SMILEN: Good afternoon Board. Nice to be back. Gerry Smilen, Building Inspector, City of Fort Lauderdale. The City has some concerns about the way the project is been not progressing. First of all, we have plans that were removed for corrections from our Building Department Plan Review Department on October 8 of '09, and nothing has been resubmitted as of this point.

Now, I can understand this is a very special situation and a very unique situation, and I think we all are in agreement that we want to see the Jungle Queen continue to thrive, but in the same respect, we have to also understand that storing food in a special type of facility or container, I don't believe will have anything to do with actually getting and obtaining the permit and making the corrections.

This, as far as I'm concerned and as far as the City is concerned, should have been resubmitted with corrections already and they should be looking to obtain the permit. Now, if something comes up where they have to get off the beaten path of where their permit liability lies, then they can always make a revision, they can add on to it, they can, there's changes that can be made. But at this point, our concern is that we want to see this progress and now we're in

January. And we're talking from October 8, and nothing has been done.

The other thing was, I have been getting reports from their engineer, and that's really good. My other concern is, I understand that it's emergency work that needs to be done as an as-is basis or as-needed basis, but at this point, regardless of whether it's emergency work, the City doesn't look to stop any emergency work, whether it's a natural disaster, exposure to the elements or whatever, but the City and the State of Florida still requires a permit for any structural repairs and work that is done. And at this point, there haven't been any permits applied for, for this emergency structural work and the City would like to see those permits applied for and obtained.

MR. HOLLAND: Question, were you consulted and advised during the initiation of the emergency work?

INSPECTOR SMILEN: No, I wasn't.

MR. HOLLAND: Any other official, Building Official?

INSPECTOR SMILEN: That I couldn't tell you. As far as my knowledge goes, I got a report here in the mail and I've been, they keep me abreast of what's going on. This was the first that I had known about this.

MR. HOLLAND: Okay. I imagine the engineer would like to speak at this point, if you could -

MR. WEYMOUTH: Quick question, Gerry, what was the nature

of the emergency work that was done?

INSPECTOR SMILEN: There was rafter repairs and roof sheathing repairs.

MR. WEYMOUTH: So, this was in connection with the current violations.

INSPECTOR SMILEN: Yes.

MR. WEYMOUTH: It's not something additional.

INSPECTOR SMILEN: Well, it, it's, it probably is an addition because it's something that came up that needed attention right away due to the condition of the building.

MR. WEYMOUTH: So, it sounds like the violations that have been existing since '07 are starting to deteriorate even more to the point where now we're having to do emergency work to keep the building standing.

INSPECTOR SMILEN: There has been emergency work throughout this whole process. As far as shoring up things and trying to keep things structurally sound.

MR. WEYMOUTH: So this was more of a real emergency work, to do it without the permitting and notification.

INSPECTOR SMILEN: I would imagine so, yes.

MR. LARSON: Gerry, on the fact of the food that has to be taken care of, there's no reason for the permits not to be issued because of that is there?

INSPECTOR SMILEN: No, no, that's -

MR. LARSON: That would have for - as former contractor,

that would have no bearing on the building itself, other than it's an, in it's a problem for the owner to get the proper cooling out there so they have it, whether it's, whether they have to bring in portable stuff or whether they have to bring in whatever they have to bring in.

INSPECTOR SMILEN: Yes.

MR. LARSON: There's no reason why they can't go ahead and get their permit in and apply and move forward on some of this stuff.

INSPECTOR SMILEN: That's absolutely correct. Whether a business or an entity has to shut its business down because of renovations or they come up with other means to keep their business going has nothing to do with the actual permit that they have applied for.

MR. LARSON: Well, I'm sure there's coolers out there that could be brought in to take care of whatever they have to take care of. It's just a matter of finding what they need to do it and then moving forward on it. Whether they have somebody to sign off on it or don't sign off on it they can still put their food in there and move forward.

INSPECTOR SMILEN: Well, the other thing too is that they can get their permit -

MR. LARSON: Yes, right.

INSPECTOR SMILEN: - and they don't have to do the work right that day. They can do work within, I believe it's 90

days from when the permit's issued. That would certainly be enough time to make arrangements to store the food and keep things going.

MR. LARSON: But there's a lot of other things that they could be working on around the area that need, that's not in the food area.

INSPECTOR SMILEN: I would, I would -

MR. LARSON: And those figures they could be working on that, on those rather than right where the food area, once they got that food area cleaned out, then they could move right in and take care of it.

INSPECTOR SMILEN: I agree.

MR. LARSON: Thank you.

INSPECTOR SMILEN: Uh-hm.

MR. CROGNALE: Gerry, one other question, quick question from me. Is that I'm having difficulty understanding where the food impact is coming into play on an unsafe structure. This structure is a structure; food is food. I can't see where they intermingle. One has its own separate problem.

INSPECTOR SMILEN: Well, I think the best person to explain that to you would be the engineer here. He can explain that.

MS. CALHOUN: The engineer is going to speak to that but I just wanted to make a couple of points. First, to Board member Wemouth, Weymouth, I apologize. A lot of the repairs

that had been made from '07 to now are, have been categorized as emergency, so the work that was done without permit falls into that category. I don't believe - and again and you can ask the engineer himself - that as you ask the question have new emergencies arose as a result, I don't believe that that's the case and as a result, it's just continuing, ongoing maintenance as we need to do to keep the structure up and operating in a safe condition.

And again, what I'm, what we're seeking today - and again, the engineer will answer all of your questions - is an extension of time so that we can continue to make the repairs and not have to shut down while we do that because shutting down or demolishing completely obviously is not an option, but it would have a tremendous negative impact and implication. So, we'd like to continue doing what we're doing and that is repairing the facility, continuing to provide reports.

And I think part of the breakdown is that the Inspector has not been included in the meetings that have been had with staff so we need to make sure that that communication line is better facilitated so that as we move forward. With that, the engineer's going to respond to some of the questions.

MR. HOLLAND: Please state your name.

MR. CHAIBAN: My name is Joseph Chaiban. I'm with Chaiban Engineering. How are you doing today?

MR. HOLLAND: Good.

MR. CHAIBAN: I would like to address the food storage issue with the flood proofing and everything else. We've been meeting with the City Official for the past month or two, and last meeting we did was in December and they had issues with design, they had questions on raising the kitchen, lowering the kitchen floor. So, finally we got into that solution, not to raise the floor of the kitchen so that took a little bit of time. The other issue was the flood proofing. We're exploring materials like Vulcan material or door dam for the doors and to be approved by the City Official and to this date, we haven't found the material that can be approved by the City. So, we're waiting on the materials, product approvals and whatnot for the cooler, the kitchen and the doors.

And the other question regarding emergency repairs, we've been doing emergency repair for the past four years. With Chris Augustin, Wayne Strawn, the Building Official, we never had to apply for emergency permit.

MS. CALHOUN: Can you address the issue, I made the statement about the food being needed to be stored and how that related to materials that needed to be approved. Can you address that? [inaudible]

MR. CHAIBAN: Sure, sure, yes. Let me address that point. We have a Vulcan material and Chris Augustin - we met with him last time - they raised the question on the fumes

that can be stored in the cooler, how it is going to affect the food. So with that, we're trying to find a material with NSF approval. And that's not easy. It's very complex problem and we're working on that situation right now.

MS. CALHOUN: Can you explain why that's relevant to the renovations that are going on [inaudible]?

MR. CHAIBAN: Yes, because the cooler, right now, it exists inside the kitchen, so we're trying to, with the new design we're demolishing part of the kitchen and the cooler will stay outside the new kitchen. And we're building a wall and a roof above it so it's becoming isolated. And that's why the material has to be approved with flood proofing the floor and the walls.

MS. CALHOUN: And who has to approve those materials?

MR. CHAIBAN: The Building Official.

MS. CALHOUN: And do those plans relate to the plans that-

MR. HOLLAND: You may need, if you could speak into the microphone; otherwise we won't understand his responses.

MS. CALHOUN: Sorry. The plans that relate to this Vulcan material and the cooler that is going to be outside, are those plans directly related to the plans that were taken out of the City in October that were in for review waiting for permits?

MR. CHAIBAN: Yes.

MS. CALHOUN: Can you explain how they're related?

MR. CHAIBAN: Well they're related, because the flood proofing needs to be applied to the walls to elevation of eight. And without the flood proofing and FEMA regulation as you know is about 200 pages, the permit will not be issued.

MS. CALHOUN: So, are they the same plans that the Building Department has been reviewing from day one?

MR. CHAIBAN: Correct.

MS. CALHOUN: Okay, thank you.

MR. WEYMOUTH: Is the flood proofing one of the comments, that was on the plans when they came out in October for you to address?

MR. CHAIBAN: Yes.

MR. HOLLAND: Are the product approval submittals in currently, or are you still searching for products to submit?

MR. CHAIBAN: We have found a few products, but the NSF product approval, we haven't been able, we've been communicating with the manufacturer and the architect has been working diligently on that but we haven't received confirmation that it's good for the food storage. That's where the delay is.

MR. HOLLAND: Right. This sounds more than temp - is this also a permanency issue, I mean, permanent consideration or strictly temporary?

MR. CHAIBAN: No, no, it's for permanent, for the

proposed renovation construction.

MR. HOLLAND: Which is way different than what I heard at the beginning about just temporary measures that needed to be ironed out during construction. Am I getting this wrong?

MR. CHAIBAN: I don't -

MR. WEYMOUTH: They need to clear out the kitchen in order to do the renovation and they're worried about the proper handling and storage of the food. Is that correct?

MR. HOLLAND: No, I got that - okay. I got that part. And keeping -

MR. CROGNALE: I'm still having difficulty understanding the impact of the food versus renovating as per the presentations. How does the service of food impact the structure? Why is it that, why is it that one is by itself an entity - food by itself is serving it and the structure is by itself, how do they intermingle?

MR. CHAIBAN: They are, the reason is, with the proposed construction of the cooler, which is going to be a separate structure, the Building Official wants the walls and the door be flood proofed and there is material we have to apply to the walls and the floor of the cooler. And because the food is stored there, the material has to be safe and for the food not to have vapors or poison or any whatnot. That's what the major problem is.

MS. HALE: That's where the fumes come in.

MR. CHAIBAN: Correct.

MR. HOLLAND: Now, this sounds like it's a cost-based issue here, what about temporary refrigeration, a truck, you can't do mobile temporary considerations while this is going on? It sounds like, rightfully so, the Building Officials want a construction sequence plan to assure that this is all done properly as do the health officials.

But are we cutting corners a little too much budget wise, when we really need to just bring in, what, if you've got to maintain serving meals, bring it in mobile-wise and bite the bullet and let's simplify this matter. This is getting really, really over-the-top complex for the demolition committee here. There's so much going on here it's just tough to get around.

MR. CHAIBAN: Well, some of the delays also are attributable to design because the kitchen, the new kitchen, we didn't raise the floor, we kept at the same elevation, but the Building Official wanted to raise the floor four feet. So we had to research the flood and doing ramps and stairs to the kitchen and that was not viable, it was near impossible to do. So, that took time to meet with the Building Official and inspectors and try to come out with the decision not to raise the floor and provide door dams.

MR. HOLLAND: Yes, okay.

MR. CHAIBAN: That was part of it.

MR. HOLLAND: This is a question for staff. We had requested that there be - I think I did personally as part of these proceedings - to ask for a connection to those Building Officials, independent of this group as far as what's going on, and I would hope they would have been here and been able to present a statement so we could get a feel for their opinion on how likely this matter is to succeed.

MR. CHAIBAN: I agree.

MR. HOLLAND: And we don't really have that, but I don't know if staff can comment or choose to call in, but -

MR. WEYMOUTH: I'm assuming that there is some product that's on the market, you just haven't found the right one.

MR. CHAIBAN: We haven't found the right one yet.

MR. WEYMOUTH: Okay.

MR. CHAIBAN: And we need some more time to find it.

MR. LARSON: Gerry, the -

MS. CALHOUN: If I - oh, I'm sorry.

MR. LARSON: Joseph, you as a Project Engineer on the job should know you have to have a permit for everything that's done, you can go to the City and tell them you've got an emergency and they'll give you an emergency permit to go out and shore up until you find out what you have to do and then to get it cleared. Because I've done this many times on, in not this City but other cities.

And you should know that and I think that you could get

an emergency permit to go in there and do a lot more work than what you're doing if you work with Gerry over there. And even though you're held up by the coolers in the area where you're going to have to build the coolers and you would move this thing along a lot faster if you bring in some emergency coolers in regards to that and get that food things taken out so you can move that stuff out of the way and move forward on this thing.

I'm new, I'm the new kid on the block and when I read over this thing, I'm a little concerned about how much time I'm going to give you because I've seen no movement since October. And there's reasons on both sides, and I'll allow you that. But you're not putting strong foot forward to make this thing happen.

MR. CHAIBAN: Can I explain one thing about the -

[Mr. Phillips arrived at 3:25]

MR. HOLLAND: The Chair wants to recognize Jack, John Phillips' arrival on the, and position on the Board. Yes, Mr. engineer?

MR. CHAIBAN: Yes, Joe, let me explain something about the emergency repairs. The emergency repairs are dealing with two-by-fours and clips and nails.

MR. HOLLAND: No, I don't have a question about that.

MR. CHAIBAN: Oh, okay. But just -

MR. HOLLAND: Oh, I'm sorry, he did. Okay, go ahead.

MR. CHAIBAN: And since day one, we have applied for certain permits for the floors and the major item's but we're talking about two-by-fours that are deteriorated, maybe two feet in length, a couple of nails, and based on Wayne Strawn and the Building Official, my understanding from three years ago until now, we never requested or was required to get a permit.

MR. HOLLAND: Right, I understand there was a change in personnel, and a change in thinking that can't be faulted in the applicant.

MR. CHAIBAN: Yes.

MR. LARSON: I can't change what's happened prior to what I, to the time I come on the Board, but I'm going to push hard from here on to get this thing done because the public deserves it. And it's a good company, and somebody along the line is holding up, whether it's the City or you as an engineer or the inspectors and somebody's got to get together to make this thing go forward. And to keep extending this thing is fruitless to me -

MR. HOLLAND: - Yes -

MR. LARSON: - because there should be some, there should be within the next 60 days some major work being done out there and contractors going in there and nails going in and old stuff being thrown out and new supports put in.

MR. HOLLAND: Yes, Don, I'd like to recognize a City

Inspector, Gerry Smilen.

INSPECTOR SMILEN: Gerry Smilen, Building Inspector for the City of Fort, Inspector for the City of Fort Lauderdale. The City does not have a problem with a 60-day extension. However, we do question, what is going to happen in the 60 days. What, if we're looking at problems finding the right product and the right approvals, is 60 days going to be able to accomplish getting the proper product, the proper approvals, getting them resubmitted and obtaining a permit? That's our concern with the City of Fort Lauderdale.

MR. WEYMOUTH: Is this, is identifying the material the last thing before you guys are ready to resubmit?

MS. CALHOUN: That's my - Hope Calhoun, that is my understanding that once we get this we'll be ready to submit. The reason I asked for 60 days is because I know that there is a large level of frustration so - Inspector Smilen is right, we may not have made much movement, but I offer that as a way for us to come back and tell you we've found something and we're close or we're still looking or whatever it is.

I would like to ask for 90 or 120 days, but I thought that that would not be appreciated much, so I asked for 60 with the thinking that whether or not we've resolved the issue which preferably we will have resolved the issue, that at the very least, you'd have an update to the Board.

MS. HALE: When you find and hunt for this material does

the Health Department have any say in the material you use to water proof of the kitchen as well as the cooler separate room? Do they have to also permit because of the food?

MS. CALHOUN: Yes they do.

MS. HALE: Do they have lists of this type of material that they have used successfully in the past? This can't be the only island restaurant that needs to be waterproofed. It's a simple question.

MS. CALHOUN: I can tell you, unfortunately, I have not been involved with the meetings with the City or the inspectors or anyone else, but I can tell you that my understanding is they have been working very diligently, very diligently since we were last here to try and come up with a solution. I don't know if anyone specifically asked that question of the Health Department. If they did -

MS. HALE: Well, do they have to approve this material also?

MS. CALHOUN: They do.

MS. HALE: And is that the Broward Health Department?

MS. CALHOUN: It is, I believe.

MR. PHILLIPS: No.

MS. HALE: No?

MS. CALHOUN: It's not, okay.

MR. CHAIBAN: It's -

MR. PHILLIPS: The State.

MS. HALE: State.

MR. CHAIBAN: I think Jeff Morgenstern, his name is.

MS. HALE: I don't know who Jeff is but -

MR. CHAIBAN: He needs to approve it.

MS. HALE: - he's with what, State? Jack?

MR. PHILLIPS: As I understand it, you have to first submit plans to the DBPR, Division of Hotel Restaurants. They used to be off of Cypress Creek, and you have to bring the plans in, get them approved by them first and then bring it to the City. I understand now they must be sent directly to Tallahassee, Central Plans [inaudible]. So I guess the question is, have you submitted them to the DBPR yet?

MS. HALE: No, because they don't know what kind of material.

MR. PHILLIPS: Because they won't even get to the City until you get that State Health Department stamp. And if the State Health Department is not going to approve it, then it's- I agree with my colleague -

MS. HALE: That's where you've got to go and get help.

MR. PHILLIPS: I agree with my colleague Mr. Larson. Pat and I have had, seen Hope in this case -

MS. HALE: Five years. Two children.

MR. PHILLIPS: Since two children for me -

MS. CALHOUN: Two children.

MR. PHILLIPS: Since the Code Enforcement Board. And

it's the same thing as it's not item five, then we go back to item one, then it's item seven then there's a new item two, well we're back to item 5A amended, and it's five years.

MS. CALHOUN: Board Member Phillips, I believe that you may have missed the part, a portion of a conversation where we talked about the issue at hand really is just a container, to make it simple, that needs to - excuse me - store food, and the materials related to that container have to be approved by the Health Department, I believe the County and also the City.

So to answer your question, the City has not approved it yet, because the State, the Health Department rather, has not approved it yet. So we are in the process of finding a material that everyone can approve, that they feel is safe for food storage. So I think you might have missed that part of the conversation.

MS. HALE: Well, you've got to ask them, if you can't find it, ask them what they do approve for this kind of waterproofing. They, this can't be the only restaurant. And if you can't find it, then you're going to have to do what was suggested: bring in a trailer or some temporary structure to process the food in while you go endlessly on hunting for this material.

I can understand the problem and I understand the fumes. I understand what's involved, but if you can't find it, then you have to bypass it and think outside the box, which is what

you said, and get a separate cooler on-site, put the food in there and continue going on with other parts of this until you've found that. But you can't go forever.

MR. HOLLAND: I think our only, really Pat, to, and these agencies not to solve their problems, but to rule on them as presented by the applicants. And sounds like they have an architect, sounds like they have an architect and engineers, lawyers, they got a team here that hopefully is diligently working at this. I'm also frustrated with this situation. We haven't been able to hear from the Building Official that's working more intimately with that. I think in the past, wasn't Mr. Augustin here on this particular case?

MS. HALE: Yes. Yes.

MR. WEYMOUTH: No. Not this one.

MR. HOLLAND: No, not this particular one. Okay, but we did make the general comment on these kind of issues we would like to have that direct testimony on the design permitting end of things.

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City of Fort Lauderdale, what we'll do is, when and if you decide on an extension we'll make sure that Chief Building Official Augustin is here for the return of the extension.

MR. LARSON: Gerry, Gerry -

MR. HOLLAND: I'm torn. I thought this would be a short-term extension -

MR. LARSON: Can we -

MR. HOLLAND: - but I'd also like to give you enough time but I - what a dilemma.

MR. LARSON: Gerry, can they go ahead and start to do some of the construction work if you grant them a temporary permit -

MS. HALE: No.

MR. LARSON: - prior to their approval of their food storage area?

MS. HALE: I don't think - no.

INSPECTOR SMILEN: I don't think -

MR. LARSON: Because you've got a whole host of stuff that we haven't even touched on today.

INSPECTOR SMILEN: I understand, but the problem is, it's all intermingled with the actual permit and they would have to get that, the proper product for the waterproofing involved in there seeing as they had made a decision not to raise the floor but to go with this, some sort of material. That has to be, the decision has to be made, the material has to be found before they're going to be able to get a permit.

MR. LARSON: Is 60 days enough? If they [inaudible]

INSPECTOR SMILEN: We want to go with 60 days because we would like to see some progress.

MR. LARSON: Then have them come back.

MR. HOLLAND: Okay, is there a motion?

MR. LARSON: I'll make that motion.

MR. HOLLAND: Hold on, we have another comment.

MR. WEYMOUTH: I just wanted to ask a couple questions.

MR. LARSON: Oh, okay.

MR. WEYMOUTH: Ms. Calhoun?

MS. CALHOUN: I'm sorry, I apologize.

MR. WEYMOUTH: That's alright. How much time are you guys looking to have to work out of a temporary facility for this restaurant?

MS. CALHOUN: Do you mean, how, would we have to, I'm don't, I'm sorry.

MR. WEYMOUTH: You're trying to bring in temporary coolers facilities. For how long, what's the estimated time that you have to work out of this makeshift restaurant?

MR. LARSON: That's [inaudible]

MR. PHILLIPS: They've never been out of business; they're still operating.

MR. WEYMOUTH: I know, but they're trying to locate, that's kind of where and going to with this. You guys are, it sounds like starting to force the hand of the Board, and pretty soon you may not have an option other than to have just a nice boat ride up the New River, which I don't think anybody here wants to see, but it's getting close to that.

MS. CALHOUN: I understand. Again, I would hope is the best I can tell you, that in 60 days we have a resolution.

Because this is, I think you asked that question earlier. Once we resolve this issue, everything else should start rolling.

So I again can only hope that within the next 30 days let's say we have found that material by asking everyone or presenting everything that we can and then 30 days later we will be in the Building Department and be able to come here with a better plan for you.

MR. WEYMOUTH: But it's simply attaching the product data to the response for the Building Department. That shouldn't take 30 days to submit it. It should be identifying the product and submitting it as the engineer of record and signing off on it as a shop drawing or a product submittal, whatever.

MR. CHAIBAN: Plus, there have been, we've been addressing a lot of comments. We have this set of -

MR. WEYMOUTH: I asked earlier if all the other comments have been addressed and the answer was yes. And this was the only thing left so -

MR. CHAIBAN: That's the only thing left, plus a few doors -

MR. WEYMOUTH: Right, so if next week, somebody spent an entire week trying to research apparently this product's out there, it's whatever works to your budget to get it submitted, I don't think 60 days is warranted to be honest with you.

MR. CROGNALE: Has anybody given any thought to -

MR. LARSON: I'd rather have him come back and find out what they have done. And if it not been done due diligence and then we'll cut them off.

MR. CROGNALE: Has anybody given a thought in your company as an alternate method of food service to the public rather than the status, the status quo that you're doing now that requires refrigeration? There's other alternate methods, short of MREs.

MS. CALHOUN: They have, I haven't been involved in those discussions, but I can tell you one of the problems that we have with this facility, because it's nonconforming is we can't bring on - they have been told, I haven't been in the meetings - my client's been told that they can't bring temporary trailers, because that they consider an expansion of a nonconforming use.

MR. HOLLAND: I mentioned mobile.

MS. HALE: No?

MS. CALHOUN: They have been told they cannot do that because that is an extension.

MR. CROGNALE: How about bring your own bottle?

MS. CALHOUN: I'm sorry?

MR. CROGNALE: How about bring your own bottle, you know, the patrons bring their own lunchbox, something, like that?

MS. CALHOUN: You get a cruise and then you [inaudible].

I understand. But again, I would ask for 60 days. We're going to continue to work very closely with staff, continue to dialogue with as many people as we need to that in 60 days I have to come before you and give an update report of where we are.

And I again, I believe that staff said that they are not opposed to 60 days. And I just ask that so that whether we've resolved it or not you'll know where we stand and hopefully we'll be standing in a better position.

MR. HOLLAND: That said -

MR. LARSON: I'd like to make the motion -

MR. HOLLAND: Yes, go ahead Don, you have a motion?

MR. LARSON: I move that we found the violations exist as alleged, and that we grant that respondent 60 days to bring the property into compliance. That's by, that would be 2/18/2010.

MS. HALE: No, that's 30 days.

MR. LARSON: No, that's 30 that's 28. I'm sorry 3/18/2010.

MR. PHILLIPS: Don, can I just make a comment?

MR. LARSON: Yes.

MR. PHILLIPS: I think we're all -

MR. HOLLAND: Well, let's we need a second, we need a -

MS. HALE: I'll second.

MR. PHILLIPS: This is not a new business case. This is

an old business.

MR. LARSON: No, this is old business.

MR. PHILLIPS: That's the new business.

MR. LARSON: Oh, this is the new business? Okay, I'm sorry, I didn't have the, I didn't have, I don't have the-

MR. HOLLAND: Meaning a point of order, right?

MR. PHILLIPS: Point of order Mr. Chair.

MR. LARSON: Yes, that's fine. I don't have the other one.

MS. HALE: What do you -

MR. LARSON: I'd like to make a motion that we just grant them an extension of time of 60 days to come into compliance.

MS. HALE: That's 3 -

MR. HOLLAND: Pat, did you want, you -

MS. HALE: No, that's 3/18 -

MR. LARSON: That would be 3/18/2010.

MS. HALE: Right.

MR. HOLLAND: No, I'm saying do you also want to second that?

MS. HALE: Oh yes, that's fine.

MR. HOLLAND: Okay. We have a second from Ms. Hale.

MR. CROGNALE: Question on the motion?

MR. HOLLAND: Any other discussion? Go ahead Joe.

MR. CROGNALE: Question on the motion. As the motion is before us is that it will be in compliance in 60 days. Does

that mean that we will be done with this in 60 days it'll be completed?

MR. PHILLIPS: They can come back for another extension.

MR. LARSON: They can come back for another extension.

MR. PHILLIPS: That's how it's been done.

MR. LARSON: That's how you do it.

MR. CROGNALE: I understand that's how it's been done, but someplace we have to have finality to it. And that's what I'm asking, is when will finality come?

MR. PHILLIPS: I think you're getting there.

MR. HOLLAND: It's indeterminate.

MR. CROGNALE: I haven't seen any progress.

MR. HOLLAND: It may be a - the answer may be no go, they can't find the product. Possibility.

MS. HALE: Yes, that's a possibility. Could we add that Mr. Augustin come in 60 days?

MR. HOLLAND: Well that, we can do that, independent of the motion.

MS. HALE: Okay.

MR. CROGNALE: My question is, the food service was never part of the structural problem that the City staff has brought to our attention. Food was never, food was never on the -

MR. HOLLAND: It's been explained -

MS. HALE: Joe, if you, I'll tell you. It's probably been so long that it was before you got on the Board. It was

probably before her last baby. But this, their food area had originally not been in the City of Fort Lauderdale, and as a result, when it all came into the City during annexation -

MR. HOLLAND: Okay, does this relate to this current motion?

MS. HALE: Yes, and that's why the Broward Health, there was loads of problems with this kitchen. I addressed them when I was on Code Enforcement. So it has been the overlap of the City of Fort Lauderdale, I believe and Broward County that has led to some of these problems.

MR. HOLLAND: And we've had change of personnel. Jack?

MS. HALE: Yes.

MR. PHILLIPS: I've got a couple of comment. You know, it is a very, very tough time for any business in town here. They have a good product, no one's ever gotten sick, it's a tourist, brings revenue, it employs people. We're dealing with kind of a unique situation here: it's the Jungle Queen. And they go to the island it's a barbecue and it's -

So I think the extensions and that Pat is absolutely correct, it came from the Code Board. And part of it was unincorporated Broward, and they couldn't get the water and electric and now - and the health codes they keep on changing, they constantly change them up in Tallahassee, I can, from personal experience.

So, I don't think it's as critical Joe that, if they come

back in 60 days. We're employing people, tourists are having a good time in tough economic times. It's a really great family thing.

And I'm kind of impatient myself but I think we should as we're getting so close, and then they have Mr. Kozich, he's been coming in for years, and so I think they do have a team. And if it's really the way they contain this food, I can see how the State could drag its heels on it. So, even Don, I think you may come here and say why has it been here, I really think we should do whatever we can to -

MR. LARSON: No, I have no problems with doing what we can, but the thing is it's lingering and lingering and lingering and lingering and my attitude is, if I was in charge of somebody's department, somebody's head would roll and I would have these things done. I'm not one that sits around, let me tell you. I make things happen. If it's not going to happen, I'll make it happen.

And you've got enough resources as an engineer, and I've dealt with engineers on jobs. And if you put it to the engineer and give him an ultimatum, it's your, either get it done or there's the back door. And, this is not happening, that's what I'm angry about.

The public's suffering, the owner's suffering and the people are struggling through out there trying to eat, keep everything so that there's no lawsuits and stuff and yet we

get no cooperation out of the, out of the interior that's supposed to be doing the construction side. That's where the breakdown's coming in.

The City will try to do what they can and I grant you, you've got a lot of departments to deal with, but if you get down and put your schedule down and hit them one at a time and go after them, they'll get done very quickly. There are products out there you can use. You just haven't taken the time, I feel, as a former contractor, to dig them out. It's not easy, and you've got to do a lot of digging, but I wanted to have it because I like going to the Jungle Queen.

MR. HOLLAND: Okay, bringing it back to the Chair. Jack. I trust you're in support of the motion, any other comments on the motion?

MR. PHILLIPS: I just wanted [inaudible]

MR. HOLLAND: Okay, very good. Let's call the -

MR. PHILLIPS: I kind of agree but -

MR. HOLLAND: Let's call the roll. All in favor of the motion?

BOARD MEMBERS: Aye.

MR. HOLLAND: Any opposed? Hearing none, it carries unanimously.

MS. CALHOUN: Thank you, thank you very much.

CHAIR SCHERER: Alright, we have some time to make up. Next case. What page are we on?

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Case: CE07040050

Stark Equity Group, LLC

1340 NW 19 Avenue

MS. PARIS: Our next case will be on page three. This is also an old business case. Case CE07040050, the inspector is Gerry Smilen, the address is 1340 Northwest 19th Avenue, the owner is Stark Equity Group LLC. We have service by posting on the property 10/28/09, advertising in Daily Business Review 12/31/09 and 1/8/10. Certified mail and violations as noted in the agenda. Do you want me to read the past history or -

CHAIR SCHERER: No.

MS. PARIS: - just as noted in the agenda?

CHAIR SCHERER: We don't, no, we're going to waive the past history. Is there a respondent here?

MS. PARIS: Yes.

MR. RICHEL: Hi, Mike Richel, Richel Construction, I'm the general contractor.

CHAIR SCHERER: So, at 10/15 you got a 90-day extension.

MR. RICHEL: Yes, we have a permit.

CHAIR SCHERER: You have a permit?

MR. RICHEL: Yes.

CHAIR SCHERER: Okay, then this should -

MR. RICHEL: We got the permits in November.

CHAIR SCHERER: Then this should be pulled -

MR. RICHEL: That's why I was a little surprised that I had to be at this meeting.

CHAIR SCHERER: This should be off of our agenda then.

MR. RICHEL: Because I was told in November that if I had the permits -

CHAIR SCHERER: Gerry, is this

MR. RICHEL: I didn't have to be here.

CHAIR SCHERER: Okay, that's fine. I understand.

MR. HOLLAND: Yes, let's hear from staff.

CHAIR SCHERER: That's fine.

MR. PHILLIPS: What kind of permits you have?

MR. HOLLAND: Gerry, Brian?

MR. RICHEL: I have a building, plumbing, electric, mechanical -

CHAIR SCHERER: Hang on a second.

MR. HOLLAND: Gerry? Let's hear Gerry from the City, see if we need to continue any further.

CHAIR SCHERER: Joe, hang on. Hang on a second, the Chair's - okay. Gerry, please tell us if there's a permit or not.

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City of Fort Lauderdale. Yes indeed there are permits. Permits were issued on November 12th of '09. There have not been any

inspections on this property since 11/12/09. I happened to go by the property yesterday -

CHAIR SCHERER: Gerry, hang on, I don't mean to interrupt you, but if there's a permit issued, isn't it off of our agenda?

INSPECTOR SMILEN: Well, you need to let me finish my little presentation. If you wouldn't mind, sir.

MR. PHILLIPS: There you go.

[Inspector Smilen displayed photos of the property]

INSPECTOR SMILEN: Okay. Anyway, if you'll notice here, what has happened here is the whole addition, illegal addition has been undermined. And they had dug footers, there is steel in there and this has been in this condition looks for quite some time. And we're concerned that there aren't any, any inspections scheduled. This thing is just hanging out there with -

CHAIR SCHERER: Gerry, how long does he have to call for an inspection after the permit is issued before it expires?

INSPECTOR SMILEN: You need 90 days.

CHAIR SCHERER: 90 days. So when does it expire?

INSPECTOR SMILEN: Well, you've got 90 days.

CHAIR SCHERER: So the permit will expire within 90 days from November when you got it, so that means you have until January to get some of the work completed. Correct, Gerry?

INSPECTOR SMILEN: Well, as far as the permit, yes. As

far as the structural integrity of the building being undermined as you can see right here, no. That's -

CHAIR SCHERER: Is this a different item than what was called before us?

INSPECTOR SMILEN: No. This is part -

CHAIR SCHERER: This is part of the permit that was issued.

INSPECTOR SMILEN: Right.

CHAIR SCHERER: Okay. So, does he -

INSPECTOR SMILEN: Well, what we - okay.

CHAIR SCHERER: Does he have to do the work within 90 days or the permit expires and it comes back before us?

INSPECTOR SMILEN: The permit will expire after 90 days.

CHAIR SCHERER: Okay, so there's nothing that this Board can do today to make him do the work before 90 days. If it expires, then you bring that back before the Board.

INSPECTOR SMILEN: Well, the City's concerned that it's an unsafe situation with the way it stands right now. And we don't have -

CHAIR SCHERER: What, maybe you have to ask the attorney. What can we do for this Ginger? Is there anything that we can do?

MS. WALD: Ginger Wald, Assistant City Attorney. I'm a little confused too, trying to figure out exactly what has been pulled as to permits and what hasn't been pulled as to

permits. And I'm looking at the violations again to see if the any violations that are specifically listed were the work has to be completed along with not just pulling the permits.

So, I think what has to, or the questions that you're asking are the proper questions to be asked, and directing to the City and also to the respondent, what are the violations? Pulling the permit, is that going to close up that case or is it pulling the permit and also having the work finished? And so, I think you have to go through each one of the listed violations to make that determination. That's what I was trying to do real fast.

CHAIR SCHERER: Okay, so, so right now, if the permit has been issued, there's nothing that we can do at this point to force him to do the work, unless we, if we find the violations exist as alleged, we can order demolition.

MS. WALD: That is correct.

CHAIR SCHERER: Okay, so we can order -

MS. WALD: That can still be done. That can still be done.

CHAIR SCHERER: Okay. Even though a permit's been issued.

MS. WALD: Even though a permit has been issued, that actually can still be done, because it's still in front of this Board and you still have the jurisdiction of the Board.

CHAIR SCHERER: Okay.

MS. WALD: What the City of Fort Lauderdale has done in the past normally, is on certain violations, Florida Building Code violations have been brought in front of you, when the permits have been issued on those violations they have closed out the case.

CHAIR SCHERER: Right.

MS. WALD: And the case then is withdrawn and it is, and it does not go back in front of you.

CHAIR SCHERER: Okay.

MR. CROGNALE: Ginger -

MS. WALD: For whatever reason in the - excuse me - for whatever reason in this case, they have not done that, and I can't answer those questions.

CHAIR SCHERER: Okay.

MS. WALD: I believe only the Inspector can.

MR. CROGNALE: Would that require the certificate of completion from the Building Department, the CO then would terminate their appearance before the Board?

MS. WALD: That is correct. That is correct. But I really don't know specifically as to this case why that stance has been taken by the City.

CHAIR SCHERER: If the permit has been issued, and the work takes six months, we order a demolition because we don't think he's moving fast enough, really, the City would demolish the structure before the work could be completed.

MS. WALD: Yes. You, again, the basis for ordering the demolition is it has to meet the requirements. You must find that there is the violation of the Florida Building Code, and that it meets requirements that the building is unsafe. And if you make that determination - regardless of permit or not permit - you can order, just this Board can order that that structure be demolished. That you still have the authority to do.

I think the issue in regards to this case is: is that what we're talking about, or is going ahead and having the permits issued good enough to close out the case.

MR. PHILLIPS: No, I don't believe that.

MS. WALD: So.

MR. PHILLIPS: There's realistic - there's realistic violations and practical violations. The reality is, it's an unsafe building. Someone's going to get hurt. We don't really care, if, is it, well it's a violation in the Code Enforcement Board under 162 because they didn't pull a permit. We take the position that's cured by getting the permit.

MS. WALD: Okay.

MR. PHILLIPS: [inaudible] But, if there is a life safety issue now, and someone can get hurt, I'd like to know why the respondent hasn't done it. [inaudible] I think we can still demolish it.

CHAIR SCHERER: Yes, we're, I, Jack, I agree, and we're

going to get to that in two seconds, because I want to, we wanted to figure out what our responsibilities are as a Board. As the Chair I want to know what we can do and what we can't do. Don, can you hang on one second and let me ask one more question?

MR. LARSON: Yes, go ahead.

CHAIR SCHERER: So, it's a little bit change of what we've done in the past because every time a permit has been issued it comes off of our agenda, typically.

MS. WALD: Typically, yes. That is correct.

MR. PHILLIPS: [inaudible]

CHAIR SCHERER: Yes, that is correct Jack, that's exactly the way we've done it in the past.

MS. WALD: Ones, ones that have not, or ones where permits have been pulled -

CHAIR SCHERER: Right.

MS. WALD: - but you have already ordered that demolition occurs, so what I tell them, hey, the Board's ordered it. You've got to go back to the Board -

CHAIR SCHERER: Right.

MS. WALD: - and you've got to explain to them and you've got to ask them to either vacate that order or amend that order, and those are the choices that you had.

But, my suggestion, and again it's just my suggestion, it's up to the Chair and also the rest of the Board, is to

finish up, hear exactly why the City is taking this position,
the stance -

CHAIR SCHERER: Right.

MS. WALD: - and I think you'll have a better
understanding. And then again, it's up to the Board however
you want to decide.

CHAIR SCHERER: Okay. So we can still order them to
demolish the structure if we so decide to. Okay.

MS. WALD: If it meets, if it meets all of the elements
and the requirements under the Florida Building Code because
you are bound by the Florida Building Code. That is correct.

CHAIR SCHERER: Okay. So, any questions? Don, you had a
question.

MR. LARSON: John, John, my question had nothing to do
with what you're talking about. I think we've missed
something in here. The man said he had a permit, but what has
he done since he's gotten the permit?

CHAIR SCHERER: That's what the City wants to -

MR. LARSON: That's what I want to hear, what he's done.

MS. WALD: Right. And I think, and I think you should
again, just a suggestion -

MR. LARSON: After Ginger -

MS. WALD: - but wait -

MR. LARSON: - after he tells me what he's done -

MS. WALD: Yes.

MR. LARSON: I want to hear from Gerry to find out what he's -

MS. WALD: Well, it -

MR. LARSON: - what he's done.

CHAIR SCHERER: I think - [inaudible]

MS. WALD: - it's up to the Chair.

CHAIR SCHERER: Gerry, could you tell us, really quickly, just, are you concerned that the work isn't being done, and that's why you're bringing it before us?

INSPECTOR SMILEN: One of the violations was the fact that that particular addition was not built on the proper foundation.

CHAIR SCHERER: Okay.

INSPECTOR SMILEN: Okay. Now, if you look at my slides, you can see that even though he does have a permit to make the foundation correct, this has been sitting there for a while and it still is not in violation. My concern is when will the, when will an inspection be scheduled, when will the concrete be poured and when will this become safe and a proper foundation will be done on this property.

CHAIR SCHERER: Okay.

INSPECTOR SMILEN: That's my concern.

MR. CROGNALE: Gerry, it looks like he's ready for grout pumping right now. Based on your slides it looks like they're ready to pump the grout in right now.

INSPECTOR SMILEN: Yes.

MR. CROGNALE: So why hasn't that been - that is the question for the contractor to tell the Board: why and when.

INSPECTOR SMILEN: That's correct, and possibly it might have been a good idea for temporary shoring in there until he can pour the concrete.

MR. WEYMOUTH: Gerry, how often are you checking this property? I see that the pictures are dated yesterday, so -

INSPECTOR SMILEN: Yes, I checked it yesterday. I saw that the permits were issued and I went by, as I normally do on my cases

MR. WEYMOUTH: You don't know that the foundation's been open like this for a period of time.

INSPECTOR SMILEN: Well, I can tell that, I looked at where the steel was, I looked at some of the sand that's washed up on top of the steel; it was not done in the last week, I can tell you that. I'm not a forensics expert or anything.

MR. WEYMOUTH: No, I understand, but had you gone November 12th and been open since November 12th I would agree that there's some concern as to his intent. If he opened it up last week and we had a couple of rains on Saturday and Sunday with the front that went through, and the Building Department was closed on Monday and all this, he may be working in a timely fashion, wanting to start the job after

the first of the year.

So, I agree, let's hear it from him [inaudible]

INSPECTOR SMILEN: Well -

MR. WEYMOUTH: I was just curious as to whether you'd been out there, November 15th, December 15th, January 15th -

INSPECTOR SMILEN: No.

MR. WEYMOUTH: And he's not doing anything.

INSPECTOR SMILEN: No I haven't, but -

MR. WEYMOUTH: We'll try to give him some time to correct it.

INSPECTOR SMILEN: I understand that, but my concern would be that normally, when you open up something like this under the foundation of a building, you already have the inspection scheduled and you already have everything in line to get this thing taken care of instead of just nothing, in this [inaudible]

CHAIR SCHERER: Okay, can we hear -

MR. WEYMOUTH: [inaudible] contractor would do it the way he's doing it, to be honest with you so -

CHAIR SCHERER: Yes. I'm sorry, your name again?

MR. RICHEL: Mike Richel.

CHAIR SCHERER: Mike, what's going on?

MR. RICHEL: Okay, well you know, it took a long time to get the permits, so we didn't have a crew mobilized to start right away, because we didn't know when we were going to get a

permit.

CHAIR SCHERER: You got the permit in November.

MR. RICHEL: Yes.

CHAIR SCHERER: It's January 20th.

MR. RICHEL: Right, so we were ready to start the project in mid-December, the holidays hit. You know, schedules get crazy.

CHAIR SCHERER: Okay.

MR. RICHEL: We started actually the excavation was done probably right around the first of the year. They got the steel in it. I went by today myself, not enough excavation. The more we dig the more structure we find without foundation. So I'm meeting everybody back out there tomorrow. We're going to get the rest of it dug out until we're, until I'm satisfied.

I estimate that the steel will be in place on Monday, and we should have an inspection on Tuesday. We should be pumping concrete on Wednesday.

MR. WEYMOUTH: Can I ask a quick question?

MR. RICHEL: As a matter of fact, the slab in question, there's, no other stress cracks have appeared since we've undermined the foundation. These are slabs have been in place for 20 years. It's not going to go anyplace in a matter of a month.

CHAIR SCHERER: Okay.

MR. WEYMOUTH: I know you were looking to move it along Chair; let me just ask a couple of quick questions.

MR. RICHEL: Sure.

MR. WEYMOUTH: At, when you were before us a few months ago, you employed a special inspector to resolve. And I see you've put in the footer, your architect's putting in, pursuant to some plan. My only concern, I'm not an engineer, so I'm going to just voice it quickly. You continue to open more - at what point does this really become an unsafe structure? Because now you've got all of your exterior walls that are unsupported.

As you keep digging around, all these walls are sort of cantilevering over an open trench that you're going to be filling with cement after the fact. At some point, this does become a lot more of a problem, which is where I think the City's coming from.

MR. RICHEL: Well, in point of fact, we have a little further to go to. I want to meet the existing foundation on the house, and dowel into that so that we've got everything stable. Right now we're only under the addition that was unsafe to begin with, so I don't feel, as a - I've been doing this for almost 30 years - I don't feel that the extent that we have to continue to go is going to undermine the structure so much that it's going to make it unsafe.

CHAIR SCHERER: So you're expecting to pour the

foundations next week.

MR. RICHEL: Yes. By Wednesday we, Wednesday, or Thursday at the latest we should have concrete in place.

CHAIR SCHERER: And Gerry, would that satisfy your concerns?

INSPECTOR SMILEN: That's all I wanted to hear.

CHAIR SCHERER: Okay.

INSPECTOR SMILEN: I wanted to hear when this was going to happen.

CHAIR SCHERER: So, we could probably do a 30-day time extension and have him come back before us and see where we are to make sure that if not, and if you're not, then, probably going to have some issues.

MR. BARRANCO: Could I make a comment?

CHAIR SCHERER: Sure. Comments, questions.

MR. BARRANCO: Just a couple of things. One, Ginger, you mentioned that if we find one of the violations weren't addressed in the permit that it's something that could still be before this Board. Looking at this, there's nothing with regard to foundations as far as I can tell on these comments.

The other thing is, he's a contractor, he's got a permit, he's a responsible party, he's insured. It's really not our problem. And you're working under a permit. And I think, my personal opinion is we as a Board dismiss the case. There's no extension; we just dismiss it. It should be dismissed

anyway.

And if Gerry finds there's another violation or the permit expires, bring it before us then. But right now, you've got a person who signed his name to it and is responsible for it. And if something goes wrong, it's his problem. So -

MR. PHILLIPS: Is that a motion, John?

CHAIR SCHERER: Is that a, is that an option for us, Ginger?

MR. BARRANCO: I would like to make a motion that we dismiss this case.

MR. PHILLIPS: I'd second it.

CHAIR SCHERER: Ginger, is this an option? This would be the first dismissal that we've had, but let's see what happens.

MS. WALD: It is an - Ginger Wald, Assistant City Attorney -

CHAIR SCHERER: Okay.

MS. WALD: - it is an option. You have the findings that you can make. One finding, you can make, one, that the violations do exist and based upon the violations that they exist, you can order certain items from that. One of the items that you can order is they do X, Y and Z: secure the property, go ahead and obtain the permits to make the repairs as necessary under the Florida Building Code as if you've

found that the violations exist - God bless you - and the last thing that you can do is you can order that the property be demolished.

If in this case, you have found that because the permit has been pulled and you believe that the work is being done and it complies the Florida Building violations that have been brought in front of you, the case is over and that would be your order. That is something you can do.

Additionally with this, the City still has, even though they brought in front of you, you still haven't made a decision yet, the City themselves can go ahead and withdraw this case from this agenda. And that is an option that they have too if they choose to make it. And, but those are the options that this Board has -

CHAIR SCHERER: Okay.

MS. WALD: - and I, but I wanted the City to also understand what the option that they have and -

CHAIR SCHERER: Okay.

MR. CROGNALE: John?

MS. WALD: - see if they're going to make that decision.

CHAIR SCHERER: So there's, we have a motion and a second-

MS. HALE: Yes, but the City -

CHAIR SCHERER: - looks like the City might be deciding to withdraw, but, any discussion on the motion? I tend to

agree, I think it's, once the permit's been issued, you're a general contractor -

MR. PHILLIPS: [inaudible]

CHAIR SCHERER: - you're licensed, insured, and it's up to you to make sure it gets done. If it doesn't, it could come back up in front of us.

MR. CROGNALE: Quick question.

MR. RICHEL: If I could make one comment? I have a -

CHAIR SCHERER: So, yes, just one second.

MR. RICHEL: Oh, I'm sorry.

CHAIR SCHERER: We have a comment.

MR. CROGNALE: Sir?

MR. RICHEL: Yes.

MR. CROGNALE: In all good, in all fairness to the contractor and the respondent, you guys are very close to getting this thing done.

MR. RICHEL: Yes.

MR. CROGNALE: You got your permits. I think that it would be a travesty not to allow him to go ahead and finish that project and get it grouted in within the 30-day time period as the motion stands.

CHAIR SCHERER: The motion is to dismiss the case and let them -

MR. CROGNALE: Dismiss it?

CHAIR SCHERER: Dismiss it in total, and it's up to the

City to make sure - we have a -

SUPERVISOR BRADLEY: Lin Bradley, Code Supervisor, City of Fort Lauderdale, we withdraw this case.

CHAIR SCHERER: Alright, next case.

MR. CROGNALE: That was easy. Done.

MR. RICHEL: Does that mean I basically don't have to [inaudible]

CHAIR SCHERER: That's, you're done.

MR. CROGNALE: Done, bye.

MR. WEYMOUTH: [inaudible] dismissed too? We'll see you in 30 days. Bye.

MR. PHILLIPS: Come on buddy, let's get pumping.

MR. RICHEL: It's a great coffee break.

MR. BARRANCO: Don't come back.

CHAIR SCHERER: Alright, what do we got next?

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Case: CE08092242

Jana Gray-Williams

512 NW 22 Avenue

MS. PARIS: Our next case will be on page four. This is also an old business case. Case CE08092242, the inspector is George Oliva, the address is 512 Northwest 22 Avenue. The owner is Jana Gray-Williams.

We have service by posting on the property 7/24/09,

advertising in Daily Business Review 12/31/09 and 1/8/10.
Certified mail, violations and history as noted in the agenda.

MR. HOLLAND: Dee?

CHAIR SCHERER: Is there a respondent?

MR. HOLLAND: Hey Dee? The photos are still scrolling.

CHAIR SCHERER: There's still some photos that are
scrolling on the TV.

MS. PARIS: Oh, you don't looking at them?

CHAIR SCHERER: Good afternoon. How are things going?

MS. GRAY-WILLIAMS: Good afternoon. Well, I wish I was
able to say that everything was done and that we're ready and
we're on our way, but unfortunately we are still dealing with
a lot of issues. The first issue - I wanted to start by
saying I'm Jana Gray-Williams, with 512 Northwest 22nd Avenue,
Fort Lauderdale. The first thing is the last time I was
before you I explained to you that we had two different things
that we were working on at that time. One was, we had the
attorney that was still working with, on our behalf with the
insurance company's attorney.

Well, since that time, the insurance, the attorney that I
have, explained to me that we needed to withdraw his legal
counsel because of the fact that, and I'm going to try to
state it as best I can, because of the fact that he said they
put into, for all of the attorneys in the house - and those of
you who understand this jargon - they put into the, I guess a

sanction, that in the event that we were to lose the case that we would be responsible for paying for their attorneys' fees.

And they said that if we're, if we had to pay the attorney fees, the attorney explained to me, that he truly apologized that we had a good case however, he said that attorneys are in business to make money and he said that if I had \$30,000 at that time that he could put in escrow that he would do so. And that would allow him the ability to continue on with the case. But knowing that we don't have any money in that regard that he would be responsible for paying and getting a judgment against us and he probably would never get his money.

So as a result key, we had to fill out paperwork and everything for him to voluntarily withdraw from the case. I requested a copy of our file. He told me to try to find other counsel, and I've gone all over Broward County. I've gone to the Bar Association, Legal Aid, to try to get someone to pick up our case. And once I tell them about the monies and so forth, it's been a stumbling block.

So to make a long story short, I was in touch with Ms. Angela Majica over at Community Redevelopment from the last time we talked and she said, we've been working with our mortgage company to modify our loan so we can qualify for the program for a replacement house. And we're still waiting on them to give us the approval for modification. And once that

approval is done, they will allow us, because we already had our paperwork in from the last program, they will allow us to bring it back to them.

CHAIR SCHERER: What happened with the insurance company? So, just, can you refresh everybody's memory? The house is damaged and your whole family is living in the back.

MS. GRAY-WILLIAMS: Exactly.

CHAIR SCHERER: And you're connected to the main power and water and sewer run right through the main house to the back house.

MS. GRAY-WILLIAMS: Correct.

CHAIR SCHERER: And the insurance company, you had insurance, but they're not paying you for the home.

MS. GRAY-WILLIAMS: For - right. Because, as I explained previously - I know some people on the Board wasn't here when we first started. So, when we first started, right after the hurricane, we contacted our mortgage company to let them know what was going on and contacted the insurance company and they told us that we needed to go ahead and file a claim, which we did right after the hurricane.

When we contacted our mortgage company our mortgage company said they were going to grant us 90 days to make a payment as all, I guess, customers received that 90 days in order to make a payment. So when we got ready to make our payment, they said that our loan was in pre-foreclosure, and I

was like, pre-foreclosure, how?

And they said, I told them that they told us that we had 90 days to make a payment after the hurricane because we were spending money at that time to live. And they said well, you had to apply for it. I said, no one told us that we had to apply for it; they told us it was automatic. So, to make a long story short, they told us we could not make a payment until the attorneys finished adding up all their fees, and when the attorneys finished added up their fees they would give us an amount to pay.

Well, lo and behold, the insurance company sent us a check like four or five months later, and the check was like, minus the deductible, like 21,000 or something like that, 19 to 20,000.

[Mr. Phillips left the hearing at 4:08.]

CHAIR SCHERER: And that was to fix the house, the damage to the house?

MS. GRAY-WILLIAMS: Exactly. That was the initial check.

CHAIR SCHERER: Right.

MS. GRAY-WILLIAMS: And they said that they still had to send us, like, for us being out of our house and contents and so forth, but that's what they said was the initial, even though the adjuster who first came to our house, told us that-

CHAIR SCHERER: Okay, so what do you think, what's the next step? What do you think the next step's going to be?

MS. GRAY-WILLIAMS: Well, well, at this time, at this time, we've done so many different things to contact agencies to try to find somewhere else to stay just in case, because we never know how the Board was going to rule.

CHAIR SCHERER: Just in case this Board decides to demolish the property, is what you're saying.

MS. GRAY-WILLIAMS: Right. And there's no programs that you know, they have programs for like homeless, and it's like-

CHAIR SCHERER: And the unsafe parts of this report - Gerry maybe you can step in for a second - are to the main house not to be back house. Oh, George, sorry. Whoever from the City.

INSPECTOR OLIVA: Good afternoon, George Oliva, Building Inspector for the City.

CHAIR SCHERER: The unsafe part of this property is to the main house, not to the guesthouse?

INSPECTOR OLIVA: Right, it's to the main house, the roof.

CHAIR SCHERER: The roof.

INSPECTOR OLIVA: That was damaged by a fire and now it's been damaged by the water.

CHAIR SCHERER: Okay, and we can't demolish that because if we do that, the water, the power and the sewer to the, that feed the back house, which is where everybody's living right now -

INSPECTOR OLIVA: Will be removed.

CHAIR SCHERER: Will be removed.

INSPECTOR OLIVA: Uh-hm. And not only that, that was a storage house in the rear of the property that they turned into a illegal living facility.

CHAIR SCHERER: But that's not part of this.

INSPECTOR OLIVA: No, it's not part, but I just wanted to let you know what's going on. But, at this moment, the City's trying to get some type of solution with them. Maybe they can go to the City and ask for help, finance help. We are willing to grant them another 60-day extension and see if they can get help from the City Finance Department. There's one that we use in the Code Enforcement Board that they grant money when they have a stress, that they need to repair the property and they have no money.

CHAIR SCHERER: Okay. What is the City requesting from the Board?

INSPECTOR OLIVA: A 60-day extension, so we can point them the right way, see they can go and get finance aid from the City. Because if not, the solution will be to demo the property.

CHAIR SCHERER: Okay, so the City is requesting a 60-day extension. Is there any questions, comments from the Board?

MS. HALE: How long did they say before they would come back, whether she's eligible for the replacement home program?

Did they give you, did they give you any feeling how long it would take your file to be judged and to have a, be a place on for this replacement house?

MS. GRAY-WILLIAMS: Well, thank God that we had applied previously.

MS. HALE: Right, yes.

MS. GRAY-WILLIAMS: And the program that we applied to did not go for the hurricane victim. It was just in general. This program is strictly for hurricane victim -

MS. HALE: Oh, okay.

MS. GRAY-WILLIAMS: - and so she said, that because they already have everything, it would make it so much easier. So they're just waiting on us to get that loan modification approval from our mortgage company. And I'm supposed to bring it to her soon as I get it in my hand.

MS. HALE: Okay.

MS. GRAY-WILLIAMS: And they're going to go ahead and process it.

MS. HALE: Good.

MS. GRAY-WILLIAMS: So, she didn't say the timeframe, but she said that they will find a replacement home for us to live, while they're building and then once they finish building then we'll come back to the new home.

CHAIR SCHERER: Okay.

MR. CROGNALE: What agency is finding that replacement

home for you?

MS. GRAY-WILLIAMS: That's Community Redevelopment.

MS. HALE: Yes.

MS. GRAY-WILLIAMS: Off of Mizell Center.

MR. CROGNALE: Off of what, Sistrunk?

MS. GRAY-WILLIAMS: Sistrunk, yes sir.

MR. CROGNALE: Off Sistrunk. I believe I'm going to -
Ginger - I need a lawyer on this one. I believe I'm going to
have to recuse myself from this because I am a contractor for
Community Development. I don't know whether I'm allowed to
make a decision on that based on that but I am a contractor
for the City.

MS. WALD: Ginger Wald, Assistant City Attorney. Let me
just ask a few questions, if you do not mind, of the
respondent, before I can answer your question.

MR. CROGNALE: Uh-hm.

MS. WALD: You did an application with the City of Fort
Lauderdale Housing and Community Development?

MS. GRAY-WILLIAMS: Yes.

MS. WALD: And where are you in the process of that
application, have they accepted it?

MS. GRAY-WILLIAMS: Yes. Everything is [inaudible]

MS. WALD: Okay. And so now, you're just on a waiting
list?

MS. GRAY-WILLIAMS: Yes.

MS. WALD: Okay. And have they provided to you the time period of the waiting list?

MS. GRAY-WILLIAMS: No, they haven't.

MS. WALD: No.

MS. GRAY-WILLIAMS: She didn't tell me where I was on the waiting list.

MS. WALD: Okay.

MS. GRAY-WILLIAMS: She just told me that I was on there, and as soon as I get the loan modification to bring it to her and then they'll start back mine, I guess my file into active status.

MS. WALD: Okay.

MS. GRAY-WILLIAMS: Because it's dormant right now.

MR. CROGNALE: My concern was that if that does, she does get through on the -

MS. WALD: You're on the list and you could actually -

MR. CROGNALE: - waiting list, and then I would, then she would come before me on a bidder's request.

MS. WALD: Yes, that is a possibility. Presently, right now, you sitting here, you do not have a conflict. Could that develop in the future for you, the answer would be yes.

MR. CROGNALE: Once she got approved, then there would be a conflict.

MS. WALD: Right, so, the answer to you right now is sitting here right now you do not have the financial conflict,

but that could change in the future.

CHAIR SCHERER: Okay. Alright, well, there is a, actually there is no motions on the table

MS. HALE: No.

CHAIR SCHERER: The last time, we granted a 180-day extension, and a 90 -

MR. WEYMOUTH: The City's requesting a 60.

CHAIR SCHERER: 90, and the City's requesting 60, 60 will be the shortest duration. So I'm saying, maybe more time is better, so -

MS. HALE: Well, she certainly has worked very hard.

CHAIR SCHERER: Yes.

MS. HALE: And you have had tremendous setbacks and you've kept your family together. And I think that's one of the most important parts of this whole thing. In spite of how you're living, your family is together.

CHAIR SCHERER: So, would you like to make a motion?

MS. HALE: I certainly would. Let's grant her 90 days or 120? Which do you - you know more about -

CHAIR SCHERER: I would go 120 days.

MS. HALE: Okay. I will move for 120 days.

CHAIR SCHERER: Okay. There's a motion, is there a second on the motion?

MR. LARSON: Second, I'll second.

CHAIR SCHERER: All those, any discussion? Any

discussion on the motion? Seeing none, all those in favor say aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All opposed? No. Your 120-day extension.

INSPECTOR OLIVA: Thank you Board.

MR. HOLLAND: Good luck.

MS. GRAY-WILLIAMS: And I would just like to ask one other question. In the meantime, one of my friends said an e-mail came to her from ABC's Extreme Makeover Home Edition and they're coming to Broward County in search of deserving families in Broward County, and I just wanted your support, because I'm putting in my application for -

MS. HALE: Good for you.

CHAIR SCHERER: That's perfect, wow.

MS. GRAY-WILLIAMS: So -

MR. HOLLAND: Good luck with that.

CHAIR SCHERER: If you want to send me an e-mail, I'll do whatever you want me to do.

MS. GRAY-WILLIAMS: Well, thank you.

CHAIR SCHERER: I'll write a letter, or write whatever you want me to.

MS. GRAY-WILLIAMS: I sure will, and I'll get all your information before I -

MR. CROGNALE: Good luck to you.

CHAIR SCHERER: If, if Ginger says okay.

MS. WALD: How about you do this, how about, since we're putting this on the record, Ginger Wald Assistant City Attorney. How about you do this, how about you do for the Extreme Makeover Home Edition, since George is the inspector in the case, contact him, give his information and you can also give my information too, and I'll assist the best I can in regards to that and I hope you get it.

CHAIR SCHERER: Perfect.

MS. GRAY-WILLIAMS: Thank you.

MR. CROGNALE: Good.

CHAIR SCHERER: Good luck.

MR. HOLLAND: Perfect John.

CHAIR SCHERER: Next.

MS. PARIS: Okay, let's move to page six. Old business case, at the top: CE09032197 is withdrawn. Bottom of page six, old business Case CE09062328 is withdrawn. Skip page seven.

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Case: CE09090798

Estate of Josephine Nash

409 NW 14 Way

MS. PARIS: We have one new business case on page eight. This is Case CE09090798, the inspector is Gerry Smilen, the address is 409, I'm sorry the address is 409 Northwest 14 Way,

the owner is Estate of Josephine Nash. We have service by posting on the property 12/7/09, advertising in Daily Business Review 12/31/09 and 1/8/10. Certified mail as noted in the agenda.

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City of Fort Lauderdale presenting Case CE0909798. I first inspected the property on 9/4 of '09. At that time, the following violations were cited, and I'd like to enter this into evidence.

[Inspector Smilen presented the Notice of Violation into evidence and displayed photos of the property]

CHAIR SCHERER: Wow.

INSPECTOR SMILEN: The violations. Entering the violations.

CHAIR SCHERER: Gerry, you just want to kind of give us the Cliff Notes version of what these four pages are?

INSPECTOR SMILEN: Yes, the pictures -

CHAIR SCHERER: Yes, I don't think you have to really say much, but -

INSPECTOR SMILEN: Notice of Violation was sent out on 12/7/09, I posted an NOV at the property at 12/7/09. I'd like to enter these pictures into evidence. You've got a house that has been abandoned. It's open, and as you can see exposed to the weather and the elements. Basically it's collapsing and there hasn't been, I've made attempts to try to

find somebody with ownership but could not. And right now, this is deemed an unsafe structure, and it is a life safety issue as you can see by that front area and the roof structure.

CHAIR SCHERER: Is there a respondent here? No respondent. Would anybody like to make a motion, or any questions?

MR. CROGNALE: This should be easy.

MS. HALE: No, where's the -

CHAIR SCHERER: [inaudible]

INSPECTOR SMILEN: There was a - excuse me.

CHAIR SCHERER: Go ahead Gerry.

INSPECTOR SMILEN: On January 16th there was a final judgment of disclosure and, of foreclosure rather, sorry, and the sale was canceled. It was supposed to be scheduled for March 4th of '09. It was canceled.

MS. HALE: Should I make a motion?

CHAIR SCHERER: Sure.

MS. HALE: Okay. 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 licensed demolition permit.

MR. LARSON: Second.

CHAIR SCHERER: Motion and a second. Any discussion?
None. All in favor say aye.

BOARD MEMBERS: Aye.

CHAIR SCHERER: All opposed? Motion carries.

INSPECTOR SMILEN: Thank you Board.

MS. PARIS: Two quick items. One, we need to vote for
the minutes for last month.

Approval of meeting minutes

Motion made by Mr. Holland, seconded by Ms. Hale, to
approve the minutes of the Board's November 2009 meeting. In
a voice vote, Board unanimously approved.

Communications to the City Commission

MS. PARIS: Any communication to the City?

CHAIR SCHERER: Maybe, and the next time the Jungle
Queen's here maybe if Chris can attend and -

MS. HALE: Yes.

MR. WEYMOUTH: I've got a request also -

MS. PARIS: That's really more for us; this is more for
the City Commission.

CHAIR SCHERER and MR. WEYMOUTH: Oh.

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Board Discussion/ For the Good of the City

MS. PARIS: Although if you have another request, now would be the time to -

MR. WEYMOUTH: Well, it's more of a comment than a question. Well, maybe it's a question. Is there a way of putting the newer cases up front and putting the older cases at the back?

MS. PARIS: Well, we generally hear people in the order in which they sign in, so we can to get the respondents out of here, but -

CHAIR SCHERER: Okay, yes.

MS. PARIS: But, if you would rather do it another way we can do that instead.

MR. WEYMOUTH: Well, you penalize all the new cases that have this it through all the minutia of, of listening to the Jungle Queen and Stark Equity and you know, we're getting to know these people and pretty soon we're going to see her kid graduating from college.

MS. PARIS: It's however you want to handle it. If someone had shown up for that new case, then that's when it would've been heard, but it's whatever you guys want to do, it doesn't matter to me. Just, you tell me.

MR. WEYMOUTH: I, it's, if it's one or two times that a case has been heard, that's fine, but this has been going on since '07 and we benefit them by coming in at three o'clock

and being gone by 3:15 and everybody else has to sit through this. To me it's -

CHAIR SCHERER: That's fine, if you want to put that in the form of a motion we can. So -

MS. HALE: Is there any way on those, the lady that's doing the makeover, can you put anything down? She has to have a Commissioner, I don't know which one it is and maybe that Commissioner might like to write a letter also.

MS. PARIS: I'm sure she'll probably be in touch with someone.

MS. HALE: Well, you don't, some of these, you don't know whether they would know to do that.

CHAIR SCHERER: Okay.

MS. HALE: She knows? Somebody's told her that she, okay.

MR. MCKELLIGETT: Ms. Williams has been, spoke before the Commission on many occasions.

MS. HALE: Okay.

CHAIR SCHERER: Actually -

MR. MCKELLIGETT: So, she's very, very familiar with, I'm sure you've probably seen her there if you've been to any Commission meetings.

MS. HALE: No, I didn't know.

CHAIR SCHERER: Ginger, I want to make one more point, one more kind of point of order. I would like to make a

recommendation of another Vice Chair, if the Board sees that fit. With all due respect to Jack -

MS. WALD: Yes. By the way -

MR. HOLLAND: I'd be -

MS. WALD: - Jack left and didn't even know that he was voted in as - did he? Oh, okay.

MS. PARIS: Yes, I told him. He did not object.

MR. CROGNALE: Way to go Dee.

MS. PARIS: I told him when he came in that you guys had voted him in and he said fine.

CHAIR SCHERER: Okay.

MS. HALE: I think some of the problem - if I just might say this because I've long known Jack now probably longer than Hope - than the Jungle Queen. But, he does have his children now and I know that there is a problem with kids at home. He did not have this problem prior to this.

CHAIR SCHERER: Okay.

MS. HALE: Maybe, if somebody spoke to him.

CHAIR SCHERER: That being said, I, is there any -

MS. WALD: Here's my suggestion, and again, it's just a suggestion, when we come back for the next meeting, let's, on the record, tell Jack that he was appointed Vice Chair, but if he believes that it is a problem to be here -

MR. HOLLAND: At -

MS. WALD: - before or at three o'clock, when it starts -

MS. HALE: Until the end of the -

MS. WALD: - and also to complete, that if he does not want to be Vice Chair, then the Board can go ahead and do a vote and call another vote.

CHAIR SCHERER: Okay.

MS. HALE: I think that's a nice idea.

MS. WALD: That's an option.

CHAIR SCHERER: Sure.

MS. WALD: Your other option is, someone can make the motion and you can go ahead and vote for a new Vice Chair.

MS. HALE: John, I think that's -

CHAIR SCHERER: That's fine, we can -

MR. CROGNALE: John, Is that the Donald Trump motion - you're fired?

MS. WALD: Yes,

CHAIR SCHERER: Almost.

MS. WALD: But we don't say that.

CHAIR SCHERER: We wait until -

MS. HALE: Well, let's, well - John -

CHAIR SCHERER: - we'll wait until next time, just like Ginger said, and then we'll, we'll -

MS. HALE: Thank you. I think that's a nicer way to do it.

CHAIR SCHERER: We'll proceed with that. But if he didn't, if he didn't, because I don't even know if he knew he

was Vice Chair. So that's fine.

MS. PARIS: I spoke to him when he came in -

CHAIR SCHERER: That's fine.

MS. PARIS: And I agree with you -

MR. HOLLAND: Yes.

MS. PARIS: - if we wait, he should at least be given an opportunity to say, no, I don't want to do it.

MR. HOLLAND: He may welcome it, so we'll talk to him -

MS. WALD: He might. And my other suggestion too, and of course, it's really directed to Mr. Phillips, but he's not here, is when you do leave the dais, we do have a good staff, and they usually note when that occurs, but if you could just say excuse me, I'm leaving the dais -

CHAIR SCHERER: Right.

MS. WALD: - and then that can be noted. And then when you come back to tell him, so we can take that.

CHAIR SCHERER: Okay.

MS. WALD: Because when you're voting in the middle, and we've got all the votes and it's an all an aye, or all a nay -

CHAIR SCHERER: Yes.

MS. WALD: - it's not always taken down, even though we have fabulous staff. Thank you.

CHAIR SCHERER: Alright?

MR. WEYMOUTH: So Ginger, do we have to, if we want to change the order in which these cases are heard, is that

something that has to be done through a motion?

MS. WALD: No, you guys can, no.

MR. WEYMOUTH: Okay.

MS. WALD: That is purely just tradition.

MR. WEYMOUTH: Okay.

MS. WALD: So, if you, if you would rather hear -

MR. WEYMOUTH: I'm just -

MS. WALD: - instructing Dee right now -

CHAIR SCHERER: Yes.

MS. WALD: - that you would like to have the new cases put on first and heard first, that is fine. We have always done it in the past as a first-come, first-served basis -

MS. HALE: That's right.

MS. WALD: - which is a courtesy for the people who have come in early and they have their cases heard. But if you do want to do it another method, there's not a problem with doing that. You don't have to do it by motion, you don't have to do a vote. It's not something that's formal. It is informal rules, and it's not something that has to go to the Commission and they have to approve.

MR. CROGNALE: I'd have to agree with Michael on that one.

MS. WALD: I know.

MR. CROGNALE: That's fair.

MS. HALE: Well, Ginger, you know, we'd done this in Code

Enforcement because the attorneys, of course, they wanted to go first. And they were billing hours. But this, if you're here, and then you will be number one. And sometimes that's a value to an attorney who then leaves. And if you want to sit here for 20 minutes, fine. And if you want to come in at four o'clock, okay, if we're still here, you know.

MR. BARRANCO: You know, attorneys bill hourly.

MS. HALE: Yes they do.

MR. BARRANCO: So I personally would like to see them here the whole day and make money.

MS. WALD: I'm sure John would agree.

MR. WEYMOUTH: I'm sure the owner wouldn't, and that's where the [inaudible]; the owner's going to say Jeez, I'm now paying for this guy sitting here for three hours instead of 15 minutes.

MS. HALE: Yes, right. But - I think that the reason that -

MS. WALD: The good thing about this Board is we only have a few cases normally, and you folks, I must say, do move with all deliberate speed most of the time, and really take the cases in an expedient manner but also hear everybody. If it was another Board I may have something else to say as an opinion, but this one, I do not. But again, it's truly up to the Board. All you have to do is tell Dee and Dee will do it anyway you like, as long as there's due process.

MS. PARIS: And just so you know, at least with Code Board and even here, I tell people generally, I never promise them they're going to be heard in that order, because we do move people ahead.

CHAIR SCHERER: Right.

MS. PARIS: Attorneys, people with crying babies, people who need special assistance, so on and so forth.

And some people come later because they know they don't want to sit through it like we had today. And some people come early, two hours early, put their name down and go get a cup of coffee and come back. So it's not etched in stone, and if we have cases that we know are going to take a long period of time, sometimes we make them wait.

CHAIR SCHERER: Yes.

MS. PARIS: Sometimes you want to hear them first, if we think there's a problem, and get them out of the way, so -

CHAIR SCHERER: I agree, I think new cases should be heard first and then the older people wait and, not a bad -

MS. HALE: What's wrong with the way we do it now?

MS. PARIS: Well, we did split Code Board. For those of you who are not aware. We ran into the exact same thing at Code Board. We now hear new cases in the afternoon and we hear everything else in the morning so that people don't have to sit through a 20-minute presentation watching pictures.

MS. HALE: Yes. As long as they know that, one way or

the other.

MS. PARIS: Right.

MS. HALE: Because they're used to coming early so they can be heard early.

MS. PARIS: Right.

MR. WEYMOUTH: They get a copy, they can get a copy of the agenda, just like we get it.

MS. PARIS: Yes.

MS. HALE: Yes, but you have to let them know that this is the order, the new order of, because we do not - we don't listen to the agenda in order.

MS. PARIS: They still know they have to be here at three. The bottom line is, they need to be here at three o'clock.

CHAIR SCHERER: Yes.

MS. PARIS: And if you come much later than 3:15, 3:30 you run the risk we're not here. So, but yes, we can hear new cases first, I don't have any problem with that. We can try it and see what happens.

CHAIR SCHERER: Yes.

MS. PARIS: We can do that next time.

MR. WEYMOUTH: I find it unfair for the new people to sit here and have to listen to -

MS. PARIS: Sure.

CHAIR SCHERER: To listen to 45 minutes of Jungle Queen.

MR. WEYMOUTH: Right.

CHAIR SCHERER: For an hour.

MR. BARRANCO: Hey, one more question. I don't have a car, is anybody driving over by Broward General Hospital? Want to drop me off?

MS. PARIS: Where is that? Where is that?

MR. BARRANCO: I can call for a ride. Broward General.

CHAIR SCHERER: I am, I can [inaudible] I can

MS. PARIS: No, I'm going the other way.

CHAIR SCHERER: [inaudible] 4:45, we go right now, we can go.

MR. CROGNALE: Dee, there's a new page in there about the something about the City Commission, what was that communication? There's a little memo there.

MS. PARIS: Those communication is anything that you believe good, that you want the City Commission to know about the Board. A concern, a question, a compliment. And what we do is, it goes in the front of our minutes and it gets sent to the - what?

MR. WEYMOUTH: That's [inaudible] of all Boards?

MS. PARIS: Well, because it's not just bad stuff it's good stuff too, and we've have people say, look how wonderful.

MR. CROGNALE: [inaudible] a compliment.

MR. WEYMOUTH: [inaudible] all the Boards?

MR. HOLLAND: Yes.

MS. PARIS: All the Boards, yes. And -

MR. WEYMOUTH: Does anybody respond to that? I think you've asked if six months running now, and -

MS. PARIS: well yes, actually, what happens is, believe it or not because, and I did find out it does have to be a consensus if there is some disagreement, because apparently some of the Boards have like a gazillion items and just because one person wants something done, and nobody else on the Board does, it doesn't necessarily go to the Commission. But they do -

MR. WEYMOUTH: Give me a for instance.

MR. HOLLAND: You need a motion.

MS. PARIS: A for instance? Well, we had, the Code Board was quite adamant they weren't filling our slots. We were very short, we were having trouble making a quorum. And a couple of months running they brought it up and before you know it, we just about had everything filled up. So I am aware that they get that, you can see it on their afternoon conference. If you look at their conference agenda, they always have an item that says communication from the Boards and they do go over those items, I heard them the other day. So, it is stuff that they hear, believe it or not.

MS. HALE: Yes, Bruce has made a comment or two in pre-agenda our pre-agendas, District 1.

MS. PARIS: Yes, right. So, but it is something they get

before the minutes are even ready. It's something that goes long before them, so it's timely. They, in fact when we do them, Jamie, I think they go to the next hearing, I think they go to the next Commission hearing, next Commission meeting yes, so it is timely.

CHAIR SCHERER: Anybody else?

MS. PARIS: Any other questions?

MR. BARRANCO: Motion to adjourn.

CHAIR SCHERER: Second.

MR. HOLLAND: Point of order, sorry.

MR. BARRANCO: We got a second.

MS. HALE: What's your operation schedule?

MR. HOLLAND: We're getting a lot of testimony from Code Board, evidentiary information with -

MS. WALD: [inaudible] Is that your question?

MR. HOLLAND: Well, you're agreeing with me, I think. I think if we, should we really be hearing that? I thought it was staff and respondent presenting [inaudible]

MR. MCKELLIGETT: The Chair can cut that off.

CHAIR SCHERER: Yes, I will.

MS. WALD: There you go. Ginger Wald, Assistant City Attorney. Actually I think you asked this question, Mr. Holland, in November and the question was, what are we allowed to take into consideration as to evidence. And I said, what is presented to you in the hearing. Some items may be

presented to you in advance, maybe a motion has been filed or something else.

So out of convenience, that will be provided to you in advance if it's provided to staff in advance. That still has to be introduced into evidence, and anything else that's introduced into evidence from the people standing here. Whether its photographs, whether it's testimony, those items, argument of counsel, because they don't testify, those are the things that you take into consideration. You may have heard a case, if you sat on another Board for whatever, but that is not is what is in front of you. You can only take what's in front of you, presented to you.

MR. HOLLAND: Just for brevity's sake, it might be best if we just pass on the history, on some of that.

MS. WALD: Yes.

MR. HOLLAND: Just an opinion.

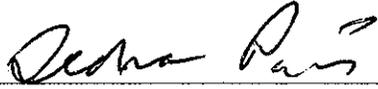
MS. WALD: Yes. Well, again, I'm sure the Chair will take care of it.

CHAIR SCHERER: Motion and second, all in favor, aye.

BOARD MEMBERS: Aye.

MS. WALD: I think it was adjourn, bye.

[Meeting concluded at **4:32** pm.]



BOARD CLERK



JOHN SCHERER, CHAIRPERSON

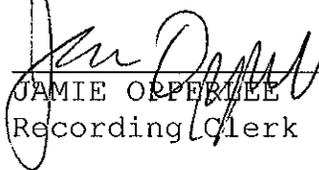
Minutes prepared by: J. Opperlee, Prototype Services

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held January 21, 2010, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.

Dated at Ft. Lauderdale, Broward County, Florida, this 25 day of January, 2010.

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 18 day of ~~January~~ ^{FEBRUARY} ^(DJP), 2010.

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



NOTARY PUBLIC
State of Florida at Large

Notarial Seal: