

**CITY OF FORT LAUDERDALE
 UNSAFE STRUCTURES BOARD
 THURSDAY, MARCH 18, 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	A	2	3
John Phillips, Vice Chair	P	5	0
John Barranco	P	4	1
Joe Crognale	P	5	0
Pat Hale	P	5	0
Joe Holland	P	5	0
Thornie Jarrett	P	4	1
Don Larson	P	4	0
Michael Weymouth	P	5	0

City Staff

Lori Grossfeld, Board Secretary
 Ginger Wald, Assistant City Attorney
 Brian McKelligett, Administrative Assistant II
 Lindwell Bradley, Code Enforcement Supervisor
 Burt Ford, City Building Inspector
 Gerry Smilen, City Building Inspector
 Chris Augustin, Building Official
 Terry Burgess, Zoning Administrator
 George Oliva, Building Inspector
 Glen Osborn, Building Plans Examiner
 Dee Paris, Administrative Aide
 J. Opperlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE07021325: Allan Kozich, engineer; Hope Calhoun, attorney; Joseph Chaiban, engineer
 CE08042261: Joanne Galipault, bank attorney

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The regular meeting of the Unsafe Structures Board convened at 3:00 p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

All individuals giving testimony before the Board were sworn in.

Approval of meeting minutes

Motion made by Mr. Holland, seconded by Ms. Hale, to approve the minutes of the Board's February 2010 meeting. In a voice vote, Board unanimously approved.

Board members introduced themselves in turn.

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Case: CE08042261

Peter Sgarlato

1835 South Ocean Drive

MS. PARIS: Our first case will be on page three, this is a new business case, Case CE08042261. The inspector is Burt Ford, the address is 1835 South Ocean Drive. The owner is Peter A. Sgarlato.

We have service by posting on the property 3/1/10, we've advertised in the Daily Business Review 2/26/10 and 3/5/10. Certified mail as noted in the agenda.

INSPECTOR FORD: Burt Ford, building Inspector for the City of Fort Lauderdale, presenting Case 08042261. This is a case that was started back in April of 2008. So it's an older case, and it's been put on the back burner for various reasons, but we're bringing it to the Board today.

What we have is a property that the original owner was going to tear the building down, which he did, and build a new one, sell it, what everyone was doing back then, but that never happened. So what we have there now is we have a dock that's deteriorated to the point of collapse. And we have a pool sitting on a lot by itself, semi-protected.

MR. PHILLIPS: Where is this, by Harbor Beach extension?

INSPECTOR FORD: Yes. 1835 South Ocean, just across the canal.

MR. PHILLIPS: Is that on the west or the east side?

INSPECTOR FORD: It's on the west side.

MR. PHILLIPS: Is that by that bend?

INSPECTOR FORD: It's right about, right over the canal.

MR. PHILLIPS: Oh, okay.

INSPECTOR FORD: So what we have here is, this was a makeshift barrier that they had around the pool, but it's been removed. And they have, it's kind of protected by some two-by-fours and mesh on the top of it, but still, not being cleaned, no equipment, no power, no nothing. So it's still a hazard.

This is part of the dock and that's fallen apart. I'll just go through a bunch of those pictures.

[Inspector Ford displayed photos of the property]

Part of the dock. You can see the wood pilings are fallen over. Its just fallen, it's going down, green pool. And again, also the City ordinance doesn't allow accessory structures on any property without a main building.

The City's asking the Board to find for the City and grant an order to demolish the property in absence of a demo permit by the owner in the next 28 days.

MR. PHILLIPS: Why 28 days?

INSPECTOR FORD: Why not? And that's plenty of time for

a permit to be approved for a simple demo of a pool and a small dock.

MR. PHILLIPS: We have the respondent or representative?

MS. GALIPAULT: I, Joanne Galipault, I'm the attorney for the bank.

MR. PHILLIPS: How do you spell your last name?

MS. GALIPAULT: G-A-L-I-P-A-U-L-T.

MR. PHILLIPS: And what firm are you with?

MS. GALIPAULT: Marshall Watson.

MR. PHILLIPS: I presume you represent the first mortgage?

MS. GALIPAULT: Yes.

MR. PHILLIPS: Okay.

MS. GALIPAULT: Our firm has been in contact with the loss prevention department at the bank and they do want to bring this into compliance and correct the violations. I was speaking with the building Inspector, Mr. Ford, he informed me all the work that needs to be done to property and we're actually willing to go out there and try and take care of it.

The only thing is, we haven't received certificate of title on the property yet. I'm not sure if we'll be able to get the permits until we get certificate of title.

We're beyond the foreclosure sale, we're just waiting the - I'm sorry, we're beyond the foreclosure hearing, the summary judgment hearing, we're waiting for the sale date in CT, I

would just ask if you can give us maybe 60 days to try and get everything together.

MR. PHILLIPS: When was the final summary judgment of foreclosure?

MS. GALIPAULT: To be honest, I don't know the exact date. I'd have pull up my computer. I have my file -

MR. PHILLIPS: It could be three months before the auction's set.

MS. GALIPAULT: Right, I understand.

MR. PHILLIPS: And anyone show up for Sgarlatos in opposition?

MS. GALIPAULT: No, not to my knowledge, but like I said, I can always just pull my file and give you more specific information if you'd like. They kind of can -

MR. PHILLIPS: Did you bring it with you?

MS. GALIPAULT: Yes. They kind of called me in the car and asked me to come by and told me it was going on, but I have, like I said, I can pull up anything you need.

MR. PHILLIPS: The only reason I mentioned, it could be at least four months before they get an auction or may be postponed or -

MS. GALIPAULT: Right.

MR. PHILLIPS: I don't know if you've advertised.

MS. GALIPAULT: Well, I was speaking - I was -

MR. PHILLIPS: If you forget to advertise, then you got 10

days for the certificate, and someone could drown.

MS. GALIPAULT: Right, right. Well, if it's just a matter of securing the pool, that's easy enough. We can go out there and secure up the pool. But if we have to get the permit to remove the structures that need to be removed, then that might take some time.

MR. PHILLIPS: Mr. Ford? Anything they can do during the interim?

INSPECTOR FORD: Obviously, if the pool is well secured, maybe put something around it as well. But again, I don't know if they have the authority to do that, to go on site and do it; they don't own the property. So, I don't know if that's okay or not. It's okay for me because, and maybe rope off or barricade off where the dock is so nobody goes out on the dock.

MR. WEYMOUTH: Was the -

INSPECTOR FORD: Again -

MR. WEYMOUTH: I'm sorry. Was the demolition permit closed out?

INSPECTOR FORD: There is no, oh, for the house?

MR. WEYMOUTH: Yes.

INSPECTOR FORD: Yes, everything's been, that's, it's three or four years old now.

MR. WEYMOUTH: But it's been closed out?

INSPECTOR FORD: Yes.

MR. WEYMOUTH: So there's no way of amending the permit to allow for the demolition?

INSPECTOR FORD: No, no, no.

MR. JARRETT: Burt, also, I have a question -

INSPECTOR FORD: You can't amend a closed-out permit.

MR. WEYMOUTH: I'm sorry.

INSPECTOR FORD: Go ahead.

MR. JARRETT: Oh, I thought he was finished. I'm sorry, I thought you were, I thought he was finished. What do you do about a pool that has no electricity, has no pool pump and everything, you have stagnant [inaudible] and mosquitoes?

INSPECTOR FORD: That's the other, that's the other problem is, even though it's barricaded off, there is no, there's no maintenance to the pool as well. So, is the bank going to go there every month and clean the pool? I don't know. Those are questions that they'd have to ask. And again I don't know if they have the right to do so.

MR. PHILLIPS: [inaudible] attorney, will you go there every month with a case of bleach and a person take care of -

MS. GALIPAULT: Absolutely. The terms of the mortgage actually give us the authority to go onto the property and maintain the pool and secure the structure.

Like I said though, as far as getting the permits and actually doing the work that the inspector would like us to, that's going to take a little bit of time, we can definitely

get on there and secure it and clean it up.

MR. PHILLIPS: Does the City Attorney have any comment?

MS. WALD: Yes. Ginger Wald, Assistant City Attorney. In regards to getting the permit, since the bank is not the legal owner, they're not going to be able to sign as the owner to actually obtain a permit.

That being said, they could, if they chose to, since the foreclosure proceeding is going on, is to move and get an order from the Court for the appointment at least to this limited circumstances.

And then if you got an order from the Court - there's my Building Official - I of course would have conversation with the Building Official and we would discuss, then, once a Court order is provided, that would allow the bank to proceed and obtain the permit for the demolition in lieu of the owner. Since you would have the right to do so from a Court of competent jurisdiction.

Just give some background also, in regards to this case, in case you were thinking, well what has the City done all this time. We actually had liens against this property and started the foreclosure proceeding, got a final judgment a while back, and then discovered that there was a primary mortgage on it and they started foreclosing. So -

MR. PHILLIPS: Any equity?

MS. WALD: No. So we have a final judgment out there,

but [inaudible]

MR. PHILLIPS: Could the City assume the mortgage and maybe -

MS. WALD: No.

MR. PHILLIPS: - put some staff in it?

MS. WALD: I do not have that authority to do so, but I'm sure I would be more than willing to convey that.

MR. PHILLIPS: Don? Mr. Larson had something to say?

MR. LARSON: Go ahead, Pat.

MS. HALE: I don't have, you've got my microphone.

MR. PHILLIPS: Alright, Pat and then Don.

MS. HALE: Ginger, how long does it take go to Court on something like this?

MS. WALD: Well, it depends.

MS. HALE: Are we talking two weeks or -

MS. WALD: Well, let's start out with this, it really depends on which judge this case in front of because some of the judges are so behind due to the influx of the foreclosure cases that I am now waiting for some of my hearings over six months. Now granted, it depends on the judge as I said. If it's one of the newer judges that moved from criminal to civil, you can get a, on the motion calendar within a month.

MS. GALIPAULT: Could I actually make a suggestion perhaps? If you could just give us the 28 days to secure everything and put this back on recall for the next month

hearing, I'll know when the sale date will be and then we can kind of determine how much time we need to get the permit and get everything done.

MR. PHILLIPS: Is that okay?

MS. HALE: Yes.

MR. PHILLIPS: Don? Mr. Larson?

MR. LARSON: I'm having a little trouble. My question was just about the same as Pat's and I'm having a little trouble with the time element when it's gone on so long and with the fact that we're in the foreclosure and they're backed up clear until 2015.

MS. GALIPAULT: Well -

MR. WEYMOUTH: I've got a question.

MR. LARSON: And you've got a dirty pool, and now you're going to pump that and leave it empty or are you going to -

MS. GALIPAULT: Whatever it takes to -

MS. HALE: Make it right.

MS. GALIPAULT: - correct the violation is what we'll do.

MR. LARSON: But do you have the authority to go in and do that?

MS. GALIPAULT: Not right now.

MR. LARSON: [inaudible] that's -

MR. PHILLIPS: I have a comment on that.

MR. LARSON: I have a problem with all the delays and delays and delays, and I -

MS. HALE: Well, what are you going to do about it?

MR. PHILLIPS: We have a question from over here.

MR. WEYMOUTH: Thank you Mr. Chairman. Ginger?

MS. WALD: Yes sir?

MR. WEYMOUTH: If we move to demolish the pool and the dock or order the owners to demolish the pool and the dock within 30 days and they don't and we go in and do it, don't we accomplish ultimately what we want to?

MS. WALD: Correct. If, again, you order that the owner, if you've find that the violations do exist and you order demolition -

MR. WEYMOUTH: The owner sounds like they want to have it demolish, they just don't have the wherewithal to do now and -

MS. WALD: Correct. And provide the 28 days for demolition [inaudible] that to occur, then you order that the City demolish the property. The City then would go through the process of obtaining the permits, retaining a contractor, Miami Wrecking, and demo-ing these two items.

This - and I'm going to ask Burt to come up to tell you exactly what it would entail time-wise for demolition of these two [inaudible]

MR. WEYMOUTH: But that, it sounds like that'll short-cut the entire process and not bring them back.

MS. WALD: It could.

MR. CROGNALE: Mr. Chairman, [inaudible]

MR. PHILLIPS: [inaudible] Oop, I'm sorry; go ahead.

MR. WEYMOUTH: I'm done.

MR. CROGNALE: My one concern I'd like to voice is 28 days, if it's unsecured, there can be an accident in the interim. 28 days is a long time; February is 28 days.

MS. GALIPAULT: Right.

MR. CROGNALE: So, is there some assurance that it will be secured from any adverse affect prior to the 28 days. Immediately. Because it looks like, from what Mr. Ford's presenting to us, to the Board, is it looks like an imminent and immediate danger.

MS. GALIPAULT: Okay, we can, if all we have to do is prop up the fence and keep the pool blocked off, we can get out there as soon as possible, maybe within a week and do that.

MR. PHILLIPS: Mr. Ford, you have some comments on that?

INSPECTOR FORD: And sure again, I personally don't have a problem with a little bit more time as long as they were to go in there and secure the property adequately. If they were to put even a chain-link fence that went from one side of the dock around the pool to the other side of the dock, I guess that would be okay. Again, fences require permits; owners pull permits, or their contractors thereof. So again, we're just always stuck in that process. But if it could be secured, again, I have no problem at all because I think their

intent is to take care of the problem.

MR. PHILLIPS: Mrs. Galipault, I presume that the lending, the mortgagee, your bank, what is it Chase or WaMu or one of those or -

MS. GALIPAULT: Right, I think it's [inaudible]

MR. PHILLIPS: Wells Fargo. I think they'd want to keep the pool to make it, enhance its sellability.

MS. GALIPAULT: Yes.

MR. PHILLIPS: But, now, Ginger, City Attorney, you can go online and you'll probably get a motion calendar the 24th or 25th, I don't know what judge it is. I see no reason why you couldn't expedite this on a motion calendar, go before the judge and say we need emergency motion under the receivership, a curator provision to install a fence. No one's going to oppose you, you know the judge is going to approve it because it's a life safety issue.

I think if you would make that representation and get that on the motion calendar within another week or so, that may be something that gives us more comfort.

MS. GALIPAULT: Right, and I completely understand. I can attempt to do that. We're a large firm, we have a team of hearing setters, I can try to get someone over there to set it immediately.

MR. PHILLIPS: I see John Watson down there every day.

MS. GALIPAULT: Yes, he is down there every day, but

neither he nor I -

MR. PHILLIPS: Several hours a day.

MS. GALIPAULT: I'm sorry, what?

MR. PHILLIPS: Several hours a day.

MS. GALIPAULT: Right, no, I understand what you're saying.

MR. PHILLIPS: Mr. Ford?

INSPECTOR FORD: And again, one more point. If the Board wishes to, it's your decision. If we go ahead and demo it, it's going to, we're going to pay to have it demoed, we'll put a lien on it, they'll satisfy the lien and it takes care of the problem without them having to worry about how to do it as well. Again, it's up to the Board, but -

MR. PHILLIPS: Will we be able to get our cost of demolition lien back before the bank gets title in the foreclosure Ginger? The City may not get its money back for something that expensive.

MS. WALD: Ginger Wald, Assistant City Attorney, the position that I have taken in these matters in regards to demolition is that they are hard-costs and the hard costs are superior, and that we need to be reimbursed for the hard costs.

I have only had one attorney for a title company attempt to challenge me on that and then because it really wasn't worth their time and effort to pay an attorney to fight it out

in court they paid the \$1,200. But -

MR. PHILLIPS: It's 1,200 to remove this pool?

MS. WALD: No, no, no, no. That was just one case, that I'm giving you an example of.

MR. PHILLIPS: Would be 12,000 to remove this pool.

MS. WALD: I don't know what they actually took down, but it only cost \$12 was the actual cost of lien, so they decided not to fight it out. So I have not actually had the opportunity to fight it out in court with an attorney as to whether it's a superior lien and not. But I have been successful in convincing everybody else that it is superior.

MR. PHILLIPS: Well, for the amount that's involved for this demolition, I don't know if it's worth the risk to the City. If you're in bankruptcy, you can go in and get a administrative claim with the judge to take superior title, but I think that's a very expensive risk for the City in this case.

MR. LARSON: In your scenario John, is, are you going to take care of the chlorine and stuff in the pool all the time? Are you're going to pump it and then check it and keep some chlorine and what might water get in there from surface water?

MS. GALIPAULT: We can do whatever is necessary to sanitize it.

MR. LARSON: Well, you got a public safety situation there -

MS. GALIPAULT: Right, right.

MR. LARSON: - with health and mosquitoes and stuff and -

MS. GALIPAULT: Well probably, what they normally would do is just get a maintenance guy out there to dump some chemical in the pool to -

MR. LARSON: Yes, but you would maintain that once a week or once every two weeks?

MS. GALIPAULT: They will have someone to maintain it, yes, and we'll -

MR. CROGNALE: You were going to retain a pool, professional pool consultant?

MR. WEYMOUTH: There's no power to the property; they're just going to pour chemicals in it.

MR. CROGNALE: Well, they - I understand, but there's still by, if you have somebody professional, they would do with what's available. If it's chemicals, whatever it is they need to do.

MS. GALIPAULT: Right.

MR. CROGNALE: But the bank is not in a position, I don't believe, to be the professional to do that.

MS. GALIPAULT: Well, they actually do this on a number of properties that are in foreclosure. If they're vacant properties, they have maintenance people go out, maintain the lawn, maintain the pool until the - they don't want to be in violation.

MR. PHILLIPS: Details, we want details on -

MS. WALD: Ginger Wald, Assistance City Attorney, just to bring you back in and clarify the options that you have in this case. As was testified to by Mr. Ford, the Building Inspector, keep in mind that we are talking about two accessory structures.

We're talking about a dock and we're talking about a pool. And one of the violations that was brought forward to you under the Florida Building Code is based upon the City of Fort Lauderdale municipal code that you cannot have accessory structures without the primary structure.

The primary structure in, on this property was demolished many years ago. Originally, it was going to be a rebuild, but then that never happened. The accessory structures stayed. The accessory structures, as was stated by, if you find that as a finding of fact, as stated by the building inspector, cannot remain.

So we're not talking about a situation where if you do make that finding of fact that these two accessory structures are going to be able to stay there anyway. Again, if you make that finding of fact.

MR. PHILLIPS: Okay.

MS. WALD: So, please keep that in mind that that is part of this case. This case is not just the FBC violations in regards to structural defects, and what it's looking at. So

those are some of the violations too.

MR. PHILLIPS: Should we have filed a specific finding of fact in a motion?

MS. WALD: You'll eventually do that when you get to that point.

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

MR. PHILLIPS: Sure, go ahead.

MR. WEYMOUTH: I move that we find that the violation exists 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 do so on a timely basis. Such demolition is not accomplished by a licensed demolition contractor pursuant to the City issued licensed demolition permit.

MR. PHILLIPS: Second?

MR. BARRANCO: I'll second that.

MR. PHILLIPS: Any discussion? No discussion? All in favor say aye.

BOARD MEMBERS: Aye.

MR. PHILLIPS: Opposed?

MS. WALD: Okay. So, as, if I can just clarify this. We have to have someone out there to demolish it within 30 days or the City -

MR. PHILLIPS: 28 days.

MS. GALIPAULT: Within 28 days, and then as far as

securing the pool in the meantime, we have 28 days -

MR. WEYMOUTH: That's a liability that's on your shoulders and we strongly recommend it.

MS. GALIPAULT: Okay. Alright, thank you very much.

MR. PHILLIPS: Ginger?

MS. WALD: Yes ma'am, sir.

MR. PHILLIPS: She asked directions.

MS. WALD: We'll talk about that.

MR. PHILLIPS: Yes, but we, we, just so we're, I'm clear also, it's going to be demolished, that's the dock and I guess the pool within 30, within 28 days.

MS. HALE: No, 30, he said 30.

MR. PHILLIPS: 30?

MS. WALD: He said 30 days.

MR. PHILLIPS: Okay, I'm sorry. So that if nothing's done the City is going to demolish the dock and the pool.

MS. WALD: After that period of time.

MS. HALE: Yes.

MR. PHILLIPS: Okay. And if they come in before hand, their only alternative is for them to do the demolition themselves?

MS. WALD: Well, when you say, when you say -

MR. PHILLIPS: Or come up with another plan and request relief from us?

MR. WEYMOUTH: [inaudible] 30 days.

MS. WALD: You've already made your order.

MR. PHILLIPS: Yes.

MS. WALD: They have to figure out what they want to do next. They're the bank; we're not going to give them legal advice as to what they can do, what they can't do. They're not the owner of the property, so can't say to them, you go ahead and do it. Because you can't do that.

You can't order, whether she was an attorney or not an attorney. Let's say she was the actual Vice President of the bank, you can't order her to do anything.

MR. PHILLIPS: Okay.

MS. WALD: Only if it was a respondent you can. So, we're not going to give legal advice to a bank standing here, and providing that I don't think any of you want to do that. But I will talk with her.

MS. GALIPAULT: Right, I was -

MR. PHILLIPS: Next case.

MS. GALIPAULT: Alright, thank you.

MR. PHILLIPS: Why did she even get up here and talk to us?

MS. HALE: Because her phone rang and she was in the car, so she stopped by.

MR. PHILLIPS: Next case.

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Case: CE07021325

Jungle Queen

2470 Southwest 21 Street

MS. PARIS: Our next case is 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 1/27/10, advertised in the Daily Business Review 2/26/10 and 3/5/10. Certified mail as noted in the agenda.

I believe we're familiar with the history, and I understand we have one abstention?

MR. PHILLIPS: Who's that?

MS. PARIS: Or one person withdrawing, no?

MR. PHILLIPS: Mr. Barranco?

MS. PARIS: Yes, correct. So he's abstaining.

MR. PHILLIPS: I think he signed, did you sign the -

MS. PARIS: And I believe he's already filled out his paperwork.

MR. BARRANCO: Yes, I filled that out; I won't be voting on this, thanks.

MS. CALHOUN: Ready for me? Good afternoon, hi. Hope Calhoun here, on behalf of the applicant, the Jungle Queen. I think you can tell by the presence of the many City personnel that we understood and heard very clearly the Board's position

the last time we were before you, and I'm happy to report that progress has been made.

After last month's meeting we had a meeting with your Building Official and the code inspector to talk about how to resolve the issues. After that meeting we had another meeting on site at the property so that everyone could see what was going on. At the last meeting, the big issue that was discussed was the waterproofing. That issue has been resolved. And as a result of that issue being resolved building plans were submitted to the City of Fort Lauderdale yesterday.

So it took us quite some time to work through those issues. I understand, and you will hear from whichever City personnel you decide to listen to today, that there are some issues with the plans that still need to be resolved. It's my understanding that none of those are earth shattering and they're things that can be fixed. So because of that I'm going to request 60 days. To be honest, we think we can resolve them before the 60 days, but rather than ask for 30 and come back or not, we'll ask for 60 and hopefully we'll get it complied before then, and you'll never have to see me again.

MR. PHILLIPS: But we like seeing you.

MS. CALHOUN: On this case then, how about that?

MR. PHILLIPS: How many children have you had while this

case has been going on?

MS. CALHOUN: Two and that's it, we're done.

MR. PHILLIPS: Okay, you know what, we've been there with you.

MS. CALHOUN: I know and I appreciate it; I felt you there in the delivery room.

MR. PHILLIPS: Through the pickles and the ice cream, all of it.

MS. CALHOUN: All of that, all of that. You've been with me. Thank you

MR. PHILLIPS: And you keep on getting younger looking.

MS. CALHOUN: God bless you. I found a grey hair this morning. But anyway, that's another issue. So, with that, again, and we're asking for 60 days. Again, you have asked for your staff to be here. They're here to tell you about our progress. We feel like we've done a lot.

I can tell you that Donna, the [inaudible] from the jungle Queen has personally taken full responsibility in directing. She's done more than she possibly thought she could. I think she stepped in as engineer and architect and everything else to try to get this moving along. I have also become more involved where I wasn't before. So again, were trying to take steps to move things closer to the right direction and hopefully 60 days will get us over the finish line. Thank you.

MR. PHILLIPS: Mr. Smilen?

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City of Fort Lauderdale. Good afternoon Board and those two kids are through college now, by the way.

I'm here to confirm that yes, plans have been submitted yesterday, late afternoon. Also, from my understanding in talking with the plan reviewer that there are some issues that still have to be addressed. And I would like to defer to our Chief Building Official Chris Augustin to give you a complete update.

MR. PHILLIPS: Please state your name and position with the City for the record.

MR. AUGUSTIN: Good afternoon, Chris Augustin, Building Official for the City of Fort Lauderdale. As Gerry stated, the plans were submitted late yesterday afternoon just before four o'clock so we haven't had much time to really review the plans.

My structural plans examiner did get a chance to review them for about 30 minutes this afternoon. We found there's a few, there were a few discrepancies between the structural drawings and architectural drawings. Their engineer corrected the one discrepancy that we noted earlier, here, at the, at one of the tables.

Truss drawings still do not match, so they're going to have to provide truss drawings that match the kitchen layout.

And the flood proofing that's going to go over the doorways, the drawings show that they're only good for 36 inches; they need to go just a little bit less than four feet, I believe. So they're going to have to scramble and get drawings on that.

As far as plumbing, and I believe mechanical was the other two disciplines that had turned it down previously and fire I believe, those disciplines have not had a chance yet to look at the drawings so don't know if there's problems or not.

MR. PHILLIPS: Any questions, Mr. Augustin by the Board?

MR. WEYMOUTH: I do. Do you feel that's ample amount of time, 60 days, to review the plans, there's going to be comments, for them to address the comments get them back into you and have the permit to ready to be issued?

MR. AUGUSTIN: We'll be done with our plan review absolute max of 10 days from now. I would hope to think probably in the next week. If everything's good, they'll have a permit. They understand they need to bring in the truss drawings and the flood proofing. They're saying that they can have that done in, I believe Allan Kozich said two weeks. So 60 days should be quite adequate.

MS. HALE: Is that for all the disciplines, plumbing as well?

MR. AUGUSTIN: Well, we don't know what, if there are any other issues. We just got the plans at four o'clock yesterday afternoon. The other disciplines have not yet.

MS. HALE: Okay, so what you've seen, you feel 10 days would do it. Is that what you're saying? In other words, 60 days would -

MR. AUGUSTIN: That should give enough time to go out and back with the corrections. I mean, the -

MS. HALE: Okay. But you're not speaking for the other disciplines: plumbing, electric, fire.

MR. WEYMOUTH: I think all disciplines are going to the preliminary review in 10 days and return the plans to the owners for corrections.

MS. HALE: Is that, is that the plan?

MR. AUGUSTIN: Yes, that's the plan. But keep in mind the last time they were taken out was October; they just came back yesterday. So it's up to them, obviously, to get their drawings together and get them back in a timely manner.

MR. WEYMOUTH: You guys record when you notify the owner that the permits are ready to be picked up for comment and when they actually are? Okay.

MR. PHILLIPS: So the plans Hope was referring to, that was last night at four, those were corrected plans, right?

MR. AUGUSTIN: That's corrected plans.

MR. PHILLIPS: And when were the original plans submitted back in '07?

MR. AUGUSTIN: I believe so.

MS. HALE: Yes.

MR. PHILLIPS: Were there trusses? Don't trusses have to be submitted on the original plans for example?

MR. AUGUSTIN: Actually, truss drawings do not have to be submitted until time of foundation inspection. That's the way the Florida Building Code reads.

MR. PHILLIPS: Any other questions?

MR. JARRETT: I just have one question, actually for Gerry probably. Gerry, you were on a regular basis, going out there and looking to make sure that it was not a public safety hazard and so on and so forth. Is that still the case?

INSPECTOR SMILEN: I'm happy to report no. I get usually monthly engineering reports from Joe Chaiban, the engineer on the job. And they're doing repairs as needed. He is supervising and he does have the drawings and I get a copy of the reports all the time. So they're on top of those situations.

MR. JARRETT: And you're comfortable with all that.

INSPECTOR SMILEN: Yes I am.

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

MR. PHILLIPS: Go ahead.

MR. JARRETT: I make a motion that we give the owners a 60-day extension as requested. Actually, I'm sorry, 56-day extension to May 13th.

MR. PHILLIPS: Any second?

MS. HALE: I'll second.

MR. PHILLIPS: Any further discussion? There being none, all in favor of granting a 60-day extension say aye.

BOARD MEMBERS: Aye [with Mr. Barranco abstaining].

MR. PHILLIPS: All opposed?

MR. LARSON: I'll even vote for that.

MR. PHILLIPS: Motion carries.

MS. CALHOUN: Thank you very much, have a good afternoon.

Administrative Item

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Discussion of Broward County Amendments to FBC Chapter 115 related to USB.

MS. PARIS: If you'll turn to page four, we have one item left.

MR. PHILLIPS: Page four?

MS. PARIS: Page four. We have an administrative item. We'll be having a discussion of the Broward County amendments to FBC Chapter 115 related to Unsafe Structures Board.

MS. WALD: Ginger Wald, Assist in City Attorney. Just to give you a little background why this is on the agenda. I requested, along with Chris Augustin, to put out this on the agenda. I have provided all of you with a copy of Section 115 of the Florida Building Code, Broward County amendments, which is what you see on a regular basis recently in regards to the types of violations that are brought in front of you, and the Unsafe Structure Board.

Historic Preservation Board, how do I put this, has had a few cases that have been appealed and brought forward in front of the City Commission which you may or may not be aware of. Two of these cases were actually cases that began here in front of the Unsafe Structure Board, and the Historic Preservation Board is not happy that we do not take into consideration or provide notice to the Historic Preservation Board either the staff members or the Board Chairperson when these matters happen.

The City Commission a while back had stated in a conference agenda and then later on in a Commission meeting to go ahead and to amend the Historic Preservation Board's ordinance to attempt to reconcile some of the complaints the Historic Preservation Board had with the safety concerns and the Unsafe Structure Board.

With that regard, one of the items that came, up as I just stated, is a notice issue. Now what I did is, I went back because we promised that is something we can do because we already do title searches anyway on every single one of these properties from our office. And then we provide, after the title searches, who the interested parties are.

That's why you see banks, that's why you see other people that may come that may have notice of commencements or what have you because they get notice. Those notices are actually provided to staff and staff sends them out in accordance with

the code.

Now, the Unsafe Structure Board ordinance, the one that we have presently in the code, is under the Minimum Housing code in Chapter 9. I went back and I must say thank you very much to Dee for getting me the previous ordinances and amendments to the ordinances. The entire thing was last amended in 1975, so it's been a long time. That's back South Florida Building Code, which of course became Florida Building Code many years thereafter.

So, in looking at making some of the changes to the Historic Preservation Board, it brought about, well, why don't we start making changes to the Unsafe Structure Board, since we've basically already promised we're going to provide those type of notices to the Historic Preservation Board as part of our changes.

So in doing that we said, let's look at 115 now, what we use; let's look at the Florida Building Code, what is in there and adopt it in toto. Along with that, make the changes that should be made to our ordinance under Chapter 9 - which I did not provide to you; you don't have in front of you - as to putting all this information in there since it's pretty much out of date.

So we brought this in front of you today, gave you a clean copy of 115 that is presently being used, and utilized. We've already met with staff once to go over some of those

issues, and we wanted to inform you of this so you understand it. And that we are going to be working on those changes. It will have to go to the City Commission on a conference agenda first so they're aware of it, they give the blessing to move forward, make the ordinance changes as to the reasoning why. And then we will move forward and look for input from this Board.

What we will do is we'll prepare a draft ordinance changes, provide it to the Board so the Board has copies of it, and again, they're just going to be draft. And look for input from the Board as to what they would like to see as some of the changes.

So wanted to bring that up in front of you today, and also have Chris here because we've discussed it many times in the past as to why these violations are brought, why are they brought under Unsafe Structure Board, what the Unsafe Structure Board authority is. The authority that you have presently under the ordinance under Chapter 9, it's very small. Under 115 it actually expands some, which you do not have before. So these are things for all of you to look at.

Along with that, I think it will address some of the frustration and some of the problems that maybe you have or don't have, collectively or individually as Board members of what you're allowed to do, what you're allowed to order, what you're not allowed to order, what you're allowed to ask as to

questions, why are these cases being brought this way, why aren't they going to Code Enforcement Board.

And hopefully by going ahead and amending the ordinance, we'll address some of those issues that have come up. Remember, this Board is a limited Board; it is a quasi-judicial Board. What you're supposed to be doing is to taking into consideration what is being presented to you and the evidence presented to you here. That doesn't mean you can't ask questions.

The whole basis of this Board is to have individuals appointed to the Board that - and it's required under the ordinance - that have certain expertise. The expertise being architects, the expertise being contractors, the expertise being plumbers, real estate and I'm not going to name them all.

But the reason for that is, the issues that you're dealing with are technical issues, and you need, you're the folks that need to ask the questions of the building inspectors to find out so you can make the decision, whether you should make the finding of fact that the violation does exist and you're doing the right thing. You're making the right decision and the right answer. It's to not provide advice to the folks - it's okay to provide some - but that's not really your job.

Your job is to sit here and your job is to make the

determination based upon your expertise and the questions that you ask, and the evidence that is presented and provided to you. That's right, you're not supposed to go out realm. If you do go ahead and look at the site or the property like any other quasi-judicial board you're actually supposed to state it on the record. And I know most of you have sat on boards or this Board for a long time. So you already know that. There's conflict of interest, you fill out the form, you do not speak.

So it's an opportunity for all of you to get back to what this Board is supposed to be doing. And then also with the current Florida Building Code under 115, what the violations are and what you can and cannot do.

So, we wanted to bring that forward, we wanted to give you copies because you should have had it already, but we wanted to make sure that you had copies of 115 because those are the violations that you do deal with on a daily basis. They used to be 117 and then they were something else even before that.

So we just wanted to bring that forward to you, let you know that this will be coming back in front of you with some draft forms of ordinances and also request your input at that time. Or if you want to give input before that time, that's fine too.

MS. HALE: When's that going to - when is that going to

be, when they're going to ask us?

MS. WALD: When we're going to ask you for the input?

MS. HALE: Yes.

MS. WALD: You can give any input, you can do it now, you can send me e-mails, you can do -

MS. HALE: Well, I haven't read it yet.

MS. WALD: I know, but you could do it -

MS. HALE: It's kind of a lot of pages, I wish we had had it before this meeting.

MS. WALD: No, no, no. We're not going to go through all that stuff this meeting. I'm not putting that onus or burden on you. This is just for you to know that this is going to be coming up, as opposed to just surprising it on you at another meeting.

What will happen is we will provide to every single one of you a draft ordinance once it's drafted. This hasn't even gotten in front of the City Commission yet; I'm kind of putting the cart before the horse. But I want to do that and I want to do that today because we only meet once a month and if this goes in April then I want to kind of give you advance notice. But you'll, each one of you will receive a draft copy for input. Okay?

MR. BARRANCO: Ginger, quick question.

MS. WALD: Sure.

MR. BARRANCO: Just so I understand it. You guys are

going to notice somebody from the Historic Board -

MS. WALD: Yes.

MR. BARRANCO: And they'll be here, just like anybody else is here -

MS. WALD: Just like anybody else.

MR. BARRANCO: - speaking on behalf or against the project or the demolition.

MS. WALD: Correct.

MR. BARRANCO: They'll share the opinion with us. So, In cases, just to play, role-play here a little bit, somebody's here, they present a case and, well, one of the guys presents their case and they see it's an unfit structure, it needs to come down. Our job is to determine whether or not it's an unsafe structure. And if it is, we tear it down.

MS. WALD: Yes.

MR. BARRANCO: Now, we may have somebody from the Historic Board here and they might say, well we really don't want you to tear it down, could you give us another 60 days to work it out. Maybe there's something we could do. And then we could, like any other case, consider that and say yes, we'll give you 60 days or no, we really think it's a bad idea, we want you to tear it down. So they're just another interested party.

MS. WALD: They would be another interested party; that is correct. What we've stated, and what we, when I say we,

I'm talking as to staff, okay? Their ordinance actually has not gone through yet. They're not real happy about it, but the City Commission has said, look we want to fix these things. And this is one of the things that we need fixed, is there is a gap between Historic Preservation Board and Unsafe Structure Board, and one's got to trump the other or we've got to have some kind of melding of the two matters.

Florida Building Code is what we follow. Under the Florida Building Code you have to follow that criteria. Historic Preservation Board is all directly through the City ordinances and they have to follow their criteria. Sometimes their criteria does not match; sometimes it does.

But one of the things that we request, and when I mean we, this was something that came through the City Commission to the City staff was to say, if the Unsafe Structure Board has ordered that a property to be demolish and the owner, or the City for that matter, goes to the Building Department to get that permit, and it's in Sailboat Bend, you do not have to go to the Historic Preservation Board to get that permit to get the Certificate of Appropriateness.

MR. CROGNAL: Ginger?

MS. WALD: Because if you do, now we're in the same boat we are right now: well, which one's right, the Historic Preservation Board, Unsafe Structure Board.

Now this hasn't come through, yet. I'm just telling you

one of the things that is a problem that the City Commission has noticed - I know we all noticed it a long time ago - but the City Commission has noticed and brought up.

MR. CROGNALE: Sounds like we have a little turf dispute then between the two boards for authorization of each of the two Historic and the Unsafe Structures Board. So that turf war is what you guys are going to straighten out.

MS. WALD: Yes. And I don't want to call it a turf war, because I don't think it is a war. I think that it's very clear that what you have to follow as to criteria to make your determination is Florida Building Code and its safety. On the other hand, they have criteria under their code dealing with the historic nature. And I'm not the liaison for the Historic Preservation Board, so I do not know their criteria, so please forgive me. But they have their own criteria.

They don't always meet. The problem is, if you order something it is now frustrated if the owner or the City goes to the Historic Preservation Board and they're denied. Then what do you do? Now you have an owner saying, I don't know what to do. I did everything you told me to, Unsafe Structure Board. And you don't have the authority to do anything else, you've made your decision. It's really up to the City Commission and what the City Commission wants is to stop this from happening. Now it is a rarity, but there's two already cases out there, and now they're in the courts.

So, that's one of the reasons, that was the main impetus, but as looking at our old ordinance, we really need to update it anyway, so this would be the perfect time to do it.

MR. PHILLIPS: Ginger?

MS. WALD: Yes sir.

MR. PHILLIPS: The old ordinance is under municipal ordinance right?

MS. WALD: Yes.

MR. PHILLIPS: This is under the Board of Rules and Appeals.

MS. WALD: Uh-huh.

MR. PHILLIPS: Like I was looking, Duties and Power of the Board, it said, looks like there's only four or five. It says on page 1.49. it says: hear and determine appeals from actions and decisions of building official -

MS. WALD: Uh-huh.

MR. PHILLIPS: Hear and review applications of building official for review of his action, where it's not been complied with -

MS. WALD: Right. This is -

MR. PHILLIPS: Affirm, modify or reverse a building official, almost like the Board of Adjustment's role in certain [inaudible]

MS. WALD: Please -

MR. PHILLIPS: The Board shall appeal from the enforcing

agency. So is the new plan going to be that Mr. Augustin will issue an order -

MS. WALD: No.

MR. PHILLIPS: - you demolish that and then the owner will be self-effectuate until they come in and appeal it?

MS. WALD: No, no. I don't want to, I wanted to pass this out for 115 for Unsafe Structures and Equipment, just so you have it.

MR. PHILLIPS: Is this followed in other cities?

MS. WALD: Yes.

MR. PHILLIPS: It's like an enabling Statute.

MS. WALD: Yes.

MR. PHILLIPS: But are there other cities where the Building Official says to hear that down and if someone doesn't appeal that -

MS. WALD: Yes.

MR. PHILLIPS: That's the way.

MS. WALD: Yes.

MR. PHILLIPS: Ooo.

MS. WALD: But not every city, now keep in mind, not every city has an Unsafe Structure Board, so keep that in mind too.

MR. PHILLIPS: That's like here, Mr. Smilen or Mr. Augustin, the office, they've got to come in front of us and say hey, give us permission to knock it down.

MS. WALD: That is correct.

MR. PHILLIPS: Other cities, it's knock it down and come to the Board to see if you can get relief from that decision.

MS. WALD: That is correct, but we actually have an Unsafe Structure Board that handles that. Some do not happen; some it's just the Building Official - and Chris can speak on this better than I - but some it's the Building Official makes the determination, sends it out, posts it. They don't have an Unsafe Structure Board in the City. The person if they want to go ahead and appeal, has to go to Broward County Board of Rules and Appeals. So keep that in mind, it's a different process.

What I want you to take away from this, in reading this is, here are the violations, number one, that you're seeing on a regular basis. Because I know you can all look up our old ordinance, but we know what that is, but here are the violations that you have, here's the criteria, here's what we're talking about. And look at the changes just so you have it, because I know not everybody has this. Now of course, some of you do, because that's your profession, but not everybody has it.

MR. JARRETT: Ginger?

MS. WALD: Yes.

MR. JARRETT: I have a just a general question, observation. I'm sure, I understand this conflict, because I

suspect I know which two cases you are even talking about and having been on the Board for several years, I know of several cases we voted for that, for to come down that were designated historic properties. And in my mind there's a whole lot of difference between, I remember the filling station that burned twice up on Andrews Avenue that we ordered demoed. It had no real historic value other than it was an old building.

But on the other hand, maybe one day we might, some inspector might find that the Stranahan House is like, not wired properly. So there's got to be some kind of safeguard in there to protect, I mean, I'm sure the City of Philadelphia Unsafe Structures Board could condemn a lot of old buildings, but they would probably be hung on the square if they did.

So I assume that some thing's has been thought about, there's some kind of safeguard here that -

MS. WALD: Well, again, keep in -

MR. JARRETT: - it doesn't get out of control.

MS. WALD: Yes, it -

MR. JARRETT: Because I'm on the Unsafe Structures Board, but I think everybody on this Board values our history. We have so little of it here to begin with.

MR. BARRANCO: Yes, and one more thing -

MR. JARRETT: It's hard to figure out those two or three buildings.

MR. BARRANCO: Just to add to what you said. I don't

know if I've ever said this, but I'm also a commissioner for the Broward County Historic Board. So I've had some of the cases that we've had here before them, which gets really weird.

MS. WALD: Yes, but keep in mind, keep in mind that cases should be coming to this Board - and also as a policy too, City policy, staff policy - cases that should be coming to this Board, if you look at 115, a lot of things could be coming to this Board that don't. Why don't they? Because they, makes more sense for them to go to the Code Enforcement Board for dirty pools.

If you think about it realistically the Code Enforcement Board has that authority too, and those cases really should be going to the Code Enforcement Board. They should not be going this route. And it has to be taken into consideration with the expertise of the Building Official and also the building inspectors. And in speaking and making a determination of, yes, it may fit under 115, but what where should this really go as a violation, and is it a violation.

So I understand that problem, and hopefully what's been going on in the past - and I think you can see it because you're not getting as many cases as you used to - I don't know if you've noticed that. And the reason why you haven't been seeing as many cases as you used to is, a lot of those cases with the semi-built structures, and we were talking about it,

and I looked back at old cases with rebar and partially, with some concrete.

And you folks have said these could be saved, why are we ordering these. And it makes sense; those cases are now going to Code Enforcement Board. You're not seeing those cases.

You see those cases like the, like the one that we just have with just accessory structures when we've done everything we could and we can't get anywhere. And now we, this is the court of the last appeal. This is place where you come when there really is that problem.

And then there's also the emergencies. You have the one case, which came in front of you, just because it was a short period of time, and they had the time to go ahead and get the notices out and bring it in front of you. That could have been demolished on an emergency basis by the Building Official.

So those are the cases that are coming in front of you. Those are the ones that really should be coming in front of you as a Board, because this Board is dealing with the safety concerns, versus a different board dealing with different concerns and different criteria.

Okay? So I just wanted to bring that up. We don't have to go into everything right now. I wanted to remind you what this Board is, what it needs to do. It's great that questions are asked because I don't understand any of this construction

stuff so I learned things every day. I get to go in front of my husband and say, I know what that wall switch does now.

But, so it is good, and it's good to ask those questions because they have to be answered. We are dealing with issues dealing with the Florida Building Code and each one of your expertise. And I thank you again.

MR. PHILLIPS: Thank you. Any further discussion, motion to adjourn?

MS. HALE: Yes, Jack?

MR. PHILLIPS: Oh, Pat.

MS. HALE: Could I just say, Joe, you asked that attorney that was here, well I didn't know that foreclosures went out and did the pools and that sort of thing. Oh yes they are. And that has been one of the homeowner associations' biggest triumphs is to get crews, there is a whole new industry out there if you don't know about it. And they are people who go around to foreclosed homes once a week and they mow the yard, and they -

MR. CROGNALE: Professionals.

MS. HALE: - put the chlorine in and do all the things. There's also another industry, and they go out and they clean out the houses when they are foreclosed. And they take the stuff and they sell the junk and dump the stuff.

MR. JARRETT: Who pays for all that?

MS. HALE: The bank, whoever is the foreclosure.

Homeowner association or the bank that forecloses.

MR. CROGNALE: On my way down here, Pat, I was behind a truck that says, foreclosure maintenance.

MS. HALE: Yes.

MR. CROGNALE: Had a big sign, foreclosure maintenance.

MS. HALE: And it's a whole new industry if you want a job.

MR. PHILLIPS: Anyone entertain a motion for -

MS. HALE: I will.

MR. PHILLIPS: Go ahead.

MS. HALE: What do we say?

MR. JARRETT: Motion to adjourn.

MS. HALE: Motion to adjourn?

MS. PARIS: Second?

MR. JARRETT: Second.

MR. PHILLIPS: Any discussion?

Communications to the City Commission

MS. PARIS: Oh, one last thing. Any, any, I know, I know you need to withdraw your motion, seriously.

MS. HALE: Yes, I'll withdraw that motion.

MS. PARIS: Any communication to the City Commission? We were that close.

MR. PHILLIPS: There not, appears to be none.

MS. PARIS: Entertain a motion to -

MR. PHILLIPS: Okay.

MS. HALE: Okay. We'll go back to that motion then, to adjourn.

MR. JARRETT: And second.

MR. PHILLIPS: All in favor?

BOARD MEMBERS: Aye.

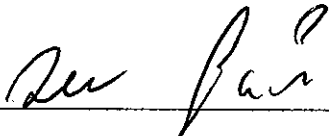
MR. PHILLIPS: None opposed.

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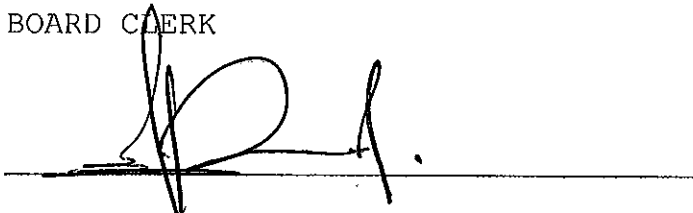
Board Discussion/ For the Good of the City

None.

[Meeting concluded at 3:52 pm.]



BOARD CLERK



John Barranco, ACTING CHAIR

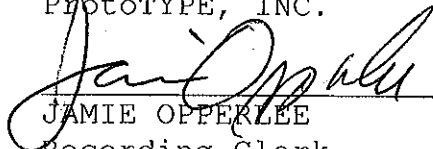
Minutes prepared by: J. Opperlee, Prototype Services

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held March 18, 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 15 day of April, 2010.

ProtoTYPE, INC.



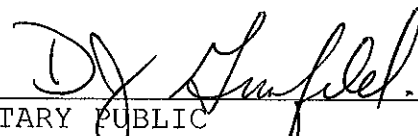
JAMIE OPPERLEE
Recording Clerk

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 15 day of April, 2010.



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: