

**CITY OF FORT LAUDERDALE  
UNSAFE STRUCTURES BOARD  
THURSDAY, APRIL 21, 2011 AT 3:00 P.M.  
CITY COMMISSION MEETING ROOM  
CITY HALL**

<u>Board Members</u>	<u>Attendance</u>	<b>Cumulative Attendance 10/10 through 9/11</b>	
		<b>Present</b>	<b>Absent</b>
John Scherer, Chair	P	3	0
John Phillips, Vice Chair	A	2	1
John Barranco [arrived 3:04]	P	2	1
Joe Crognale	P	3	0
Pat Hale	P	3	0
Joe Holland	P	3	0
Thornie Jarrett	P	3	0
Don Larson	P	2	1
Michael Weymouth	P	3	0

**City Staff**

Lori Grossfeld, Board Secretary  
Ginger Wald, Assistant City Attorney  
Brian McKelligett, Administrative Assistant II  
Gerry Smilen, City Building Inspector  
Chris Augustin, Building Official  
Alex Hernandez, Chief Mechanical Inspector  
Dee Paris, Administrative Aide  
J. Opperlee, ProtoType Inc. Recording Clerk

**Communication to the City Commission**

None

**Witnesses and Respondents**

Diana McDowell, Fort Lauderdale Housing Program Supervisor

## Index

<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1. <b>CE08092242</b>	GRAY-WILLIAMS, JANA	<a href="#">2</a>
Address:	512 NW 22 AVE	
Disposition:	30 days to demolish or the City will demolish. Board approved 8-0.	

The regular meeting of the Unsafe Structures Board convened at 3:01 p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

**All individuals giving testimony before the Board were sworn in.**

## Approval of meeting minutes

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

1.

[INDEX](#)

**Case: CE08092242**

**GRAY-WILLIAMS, JANA**

**512 NW 22 AVE**

MS. PARIS: Our first case, our only case is an old business case on page one, case CE08092242. The inspector Jerry Smilen, the address 512 Northwest 22 Avenue, the owner is Jana Gray-Williams.

We have service by posting on the property 11/1/10 and advertising in the Daily Business Review 4/1/11 and 4/8/11. Violations and extensions and certified mail as noted in the agenda.

This case was first scheduled for the 12/18/08 USB hearing. The 12/18/08 USB hearing was cancelled due to lack of a quorum. The case was rescheduled for the 1/15/09 USB hearing. At the 1/15/09 USB hearing the Board granted a 90-day extension to the 4/16/09 USB hearing with the stipulation that the owner return with an update on her discussions with the insurance company and the City.

At the 4/16/09 USB hearing the Board granted a 90-day extension to the 7/16/09 USB hearing. At the 7/16/09 USB hearing the Board granted a 180-day extension to the 1/21/10 USB hearing. At the 1/21/10 USB hearing the Board granted a 120-day extension to the 5/20/10 USB hearing. At the 5/20/10 USB hearing the Board granted a 153-day extension to the 10/21/10 USB hearing. And at the 10/21/10 USB hearing the Board granted a 180-day extension to the 4/21/11 USB hearing.

MR. SCHERER: Okay. Gerry, is there any update for this for the Board?

INSPECTOR SMILEN: Gerry Smilen, Building Inspector, City of Fort Lauderdale, and it's nice to see all your smiling faces here; it's been a while. I took some updated photographs of the

property, I believe it was April 11<sup>th</sup> just to give you a couple snapshots of what we're looking at today.

Here we go. As you can see, the property continues to deteriorate due to the elements. You've got fascia board falling apart over there, the overhangs. Could we go to the next one maybe? Just go, flip around. Are we frozen here? Okay, we're trying something else here. You've got to appreciate this high-tech system we have.

MR. SCHERER: So, it's secure, Gerry.

INSPECTOR SMILEN: Anyway, what, the gist of all these photographs, when they finally start coming up and you'll see, the building is not getting any better, it's just getting worse. Given the nature of this building, the history of this case, how long it's been going on and factoring in that we're upon another, yet another hurricane season, this building completely qualifies as an unsafe structure and we, the City, stands by our decision that we feel it should be demolished.

MR. SCHERER: Okay. Is there a respondent here today, today? Anybody that wants to speak on the property? Are they still living in the back, that back house?

INSPECTOR SMILEN: When I was there, I didn't see any evidence of them living there. Of course, that doesn't mean -- everything was locked up so I couldn't really tell -- it didn't appear that they were living there though.

MR. SCHERER: In the back of the house, in the back house.

INSPECTOR SMILEN: In, there's a separate little --

MR. SCHERER: Right.

MS. HALE: Yes.

INSPECTOR SMILEN: -- building in the back there. It did not appear that way. I had been there way back when Inspector Strawn had the case and you could tell that somebody was living there. It looked abandoned to me but I could not tell you 100% that nobody is living in there at this point. But we run into the same problem here. We have the primary building that is abandoned and we have an accessory building that's being lived in.

MR. SCHERER: Right.

MR. CROGNALE: Is power still on the building Gerry?

INSPECTOR SMILEN: I'm sorry?

MR. CROGNALE: Power still on to the building?

INSPECTOR SMILEN: As far as I could tell, I believe there was still a meter in there.

MR. MCKELLIGETT: Only one picture on this CD.

INSPECTOR SMILEN: That's it? Okay, sorry that's --

MR. SCHERER: That's okay.

INSPECTOR SMILEN: -- all the pictures didn't come out, I don't know why. Also, I would like to point out that the City also doesn't see any financial situation that's coming up that would be able to restore this building. And of course, restoring the building or bringing it up to where it can be

occupied again is going, the whole thing would have to up to today's standards, including flood plain requirements and everything else. It would be quite an undertaking.

MS. HALE: Gerry? Was the, could you tell if the water was on, I mean, was the meter running in the sidewalk and on the FPL meter? Was it running?

INSPECTOR SMILEN: No, not that --

MS. HALE: It didn't appear to be running then.

INSPECTOR SMILEN: No, it didn't appear to be, no.

MS. HALE: Okay.

MR. SCHERER: Okay, Board, any questions? Was the, was, did they, have they reached out to anybody to say what's happening or with the, as regards to their insurance?

MS. WALD: Ginger Wald, Assistant City Attorney, I have, well, I received a phone call a while back from Ms. Williams and when I had called her back she was asking me for an update and I wasn't really sure exactly what she was talking about so I went back and looked at the minutes, and I think it was when you and John had asked me potentially about whether there was any type of ethical problem with assisting for free.

MR. SCHERER: Right.

MS. WALD: And I had told her that I had provided that information. I know that she had contacted Commissioner DuBose's office and additionally, I had requested somebody from Housing and Community Development to be here because it was also

in contact with them, and also some emails going back and forth with Commissioner DuBose's office in regards to what HCD has been able to do or not do. And in fact, Diana McDowell is here; she can give you a quick update in regards to the financing and what has done, if you want to hear that.

MR. SCHERER: Sure.

MS. HALE: Yes.

MS. WALD: Okay. Diana? She did come all the way down, might as well use her.

MR. SCHERER: Okay, sure.

MR. HOLLAND: No move on the attorney ad litem that you know of?

MS. WALD: Nothing that I now of. She did not provide me that information. And I actually didn't talk to her.

MR. SCHERER: Okay.

MS. WALD: Just played phone tag.

MS. MCDOWELL: Thank you, I'm Diana McDowell, Housing Program Supervisor for the City of Fort Lauderdale. We've actually been in touch with Ms. Gray-Williams for a while. She applied for our program initially a few years ago. At that time, the property was in foreclosure and she was ineligible for our program. One of the requirements for the program is that the house be in good standing and the mortgage be current.

At that time, she was not. She explained to us that she was working with her mortgage company to go through a

modification of mortgage and that kind of transpired over a number of years.

She again contacted us a few months ago just to let us know what was going on at that time. I kind of asked her to refresh my memory on the cases since it had been a couple of months, or, actually, probably over a year since we had spoken. And she just kind of gone through and given me kind of her financial history of what had happened.

And I explained to her that if she had actually been granted a modification of mortgage for her property and the mortgage was current, when our programs reopens she would be welcome to apply. Because one of the things that we do provide as a part of our program would, could be a replacement house. And in her case, if she met the income qualifications, her mortgage was current, she may be eligible for a replacement house. But of course, that's an application process when the program opens.

Our program is currently closed. We open it when we receive funding from the State and from the Federal government. So, when it reopens again, it'll probably be later in the year, early next year before the program reopens, and she's welcome to apply. That is a public process, there is an advertisement that goes in the newspaper and she'd have to see that advertisement, come in and meet the qualifications for the program. So there are absolutely no guarantees --



MR. SCHERER: Okay.

MS. MCDOWELL: -- that she would be eligible because there is an eligibility process. But that would be an opportunity for her. Again, we're foreseeing this down the road, a number of months for that process to start again.

MR. SCHERER: Okay, thank you.

MS. HALE: Is that for her present, this present house that you saw there?

MS. MCDOWELL: Yes.

MS. HALE: Okay, it doesn't have anything to do with interim housing. That she --

MS. MCDOWELL: No, it does not.

MS. HALE: Okay.

MR. SCHERER: Okay, thank you.

MS. MCDOWELL: You're welcome.

MR. JARRETT: One more question.

MS. MCDOWELL: For me? Sure.

MR. JARRETT: Yes, please. That's if the house was still standing, she could reapply.

MS. MCDOWELL: Um-hmm [affirmative].

MR. JARRETT: What if that home was just demolished because it's an unsafe structure and she was just held with a lot?

MS. MCDOWELL: Um-hmm [affirmative].

MR. JARRETT: Could she still apply?

MS. MCDOWELL: She absolute could.

MR. JARRETT: To have the house rebuilt?

MS. MCDOWELL: She could apply as a replacement house even at that time.

MR. JARRETT: Oh, I see.

MS. MCDOWELL: Because we could prove by Broward County records that a single-family home was there, so we could actually rebuild the house at that time.

MR. JARRETT: So that fact that, if we feel that we need to order the house demolished for the safety of the neighborhood --

MS. MCDOWELL: Um-hmm [affirmative].

MR. JARRETT: That wouldn't hold up any --

MS. MCDOWELL: That would hold, that would not eliminate her from being a potential applicant or a qualified person for our program. But again, there's other eligibility requirements for her and her family to meet as a part of the program.

MR. SCHERER: And the property's in foreclosure right now, which --

MS. MCDOWELL: If it's in foreclosure, she would not be eligible for the program, it would have to be a current mortgage.

MR. SCHERER: And it was in foreclosure the last time you talked. Okay.

MS. MCDOWELL: Correct.

MR. JARRETT: Thank you.

MS. MCDOWELL: You're welcome. Are there any other questions?

MR. SCHERER: One more question.

MR. BARRANCO: How would liens on the property affect this grant? Would it affect it at all?

MS. MCDOWELL: If there were liens on the property, we would work with the Code Division to try to, I don't know if we would, whatever we could do with the Code Division.

MS. WALD: There is a resolution, 2004 dash something, I don't, I know it's 2004 and it's dealing with housing and community development and the northwest improvement district and it provides a avenue for the City Commission to either to reduce or to completely zero out liens in those programs.

So that would be up to the City Commission as to whether they would want to do that or not. I know it's been done in the past, as to NWID, I can't recall because I don't remember signing one as to HCD. But I know there is a process that can be followed.

MS. HALE: Their house is, Ginger, in foreclosure currently?

MS. WALD: I don't think so. I think she [inaudible] the second mortgage.

MS. HALE: She did get the modification. Okay.

MS. WALD: If you'll let me look at my title search real quick?

MS. HALE: Um-hmm [affirmative].

MS. WALD: Just to make sure from the last time, but I don't think - no, no, nothing.

MS. HALE: No what? Oh.

MS. WALD: No new foreclosure action at all. There was a release of a mortgage.

MR. SCHERER: Okay.

MS. WALD: Let me speak on the record, sorry. There was a release of the mortgage filed back, June 15<sup>th</sup> 2010 and it was HSBC Consumer Lending. So they have completely released that mortgage. That was originally done in 2005.

MS. HALE: Right, right.

MR. SCHERER: So there's no other --

MS. WALD: I didn't see any current foreclosure case, and that's probably why.

MR. SCHERER: So, is there a mortgage on that? There's no mortgage on the house now, or that was the second?

MS. WALD: I'm trying to see there's, I'm trying to see if there's a second, I'd have to go back through the title searches we've done.

MS. PARIS: That was the second.

MS. WALD: Was that the second mortgage?

MS. PARIS: I'm pretty sure [inaudible]

MR. SCHERER: Yes, [inaudible] second.

MS. WALD: Ask her a question and I'll look through.

MR. SCHERER: Okay. When was the last time you talked?

MS. MCDOWELL: I spoke with her -- give me just a moment. I spoke with her on Friday March 4<sup>th</sup>.

MR. SCHERER: And it was in foreclosure then?

MS. MCDOWELL: She explained to me at that time that she had applied for a modification of the mortgage but she had no documentation from her mortgage company stating that it was approved. She had nothing other than a telephone call that she referred to in our conversation.

MR. SCHERER: March 4<sup>th</sup> a month ago.

MS. MCDOWELL: 2011, correct.

MR. SCHERER: And you said it was in foreclosure when you talked to her, or no?

MS. MCDOWELL: When I spoke to her, she explained that she had applied for a modification of mortgage from her mortgage company, but she had no evidence or nothing in writing from her mortgage company stating that that modification had actually been approved.

MR. SCHERER: Okay.

MR. JARRETT: When you last spoke to her in March, did she indicate where she was living at the time?

MS. MCDOWELL: She did not.

MR. JARRETT: Okay.

MR. SCHERER: Okay. Hold it.

MR. LARSON: Mr. Chairman, you know, I think this has gone on for an awful long time and I think the Board has been very generous in trying to help and do as much as we can for the lady. And I think we've come to a point where we can't do anything more and I'd like to make a motion if I can that we --

MR. SCHERER: Sure.

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

MR. SCHERER: Okay, there's a motion, is there a second?

MS. HALE: Yes, I'll second.

MR. SCHERER: Is there any discussion on the motion? Any questions?

MR. CROGNALE: Yes Mr. Chair.

MS. HALE: Yes.

MR. CROGNALE: I have a question for Ginger on this particular case.

MS. WALD: And I do have an answer also for Ms. Hale.

MS. HALE: Oh, yes.

MS. WALD: The subsequent mortgage, the mortgage that was recorded back on April the 13<sup>th</sup> 2005 in the amount of \$25,000, that was the one that was actually satisfied.

MS. HALE: Oh.

MS. WALD: The mortgage that's dated January 10<sup>th</sup> 2005, Delta Funding Corp., which may have changed hands a few times, that was for \$124,000. That mortgage, I do not see any type of satisfaction or release. I believe that -- I believe, I'm not sure -- that was the one that she, that Ms. Gray-Williams had previously testified about that she was able to get a modification for.

MS. HALE: That's what she was trying for on that Delta.

MS. WALD: But she would, but she would, she would have to come in and tell us.

MR. SCHERER: Okay.

MS. WALD: I couldn't tell you. Yes.

MR. CROGNALE: Ginger?

MS. WALD: Yes sir.

MR. CROGNALE: Since I'm a contractor for the City, Diana's group, and even though the applicant hasn't made a formal application at this time, my concern is, is there a conflict in my part, or should I abstain from the vote because I'm close to the situation.

MS. WALD: Okay, at this juncture, because you're sitting here right now and you have your hat on as Joe Crognale, the

Board member, you don't. Just because you're on a list, just like possibly an attorney may be on the list to do work for the City, I would say no and I think you could go forward now. If in the future, something along the lines happens with that, then I think you're going to have to abstain [inaudible].

MR. CROGNALE: Yes, jail is a very uncomfortable place.

MS. WALD: Yes. If you feel, if you feel that you're unable to make the decision and feel that you may have a conflict and it may be a due process violation, I can't tell you if you do or don't because I don't know what's in your mind.

MR. CROGNALE: You've answered my question.

MS. WALD: You can always go to the restroom.

MR. CROGNALE: You've answered my question, thank you.

MR. SCHERER: Okay. Any more questions? Alright, all those in favor of the motion please say aye.

BOARD MEMBERS: Aye.

MR. SCHERER: Opposed? Motion passes.

### **Communication to the City Commission**

MS. PARIS: Any communication to the City Commission? No?

MR. SCHERER: No communications? Motion to adjourn?

### **Other Discussion**

MR. WEYMOUTH: Question real quick. Is the City actively demolishing properties again? I know we talked -- I guess it



was last year -- we talked last year and then that they had in fact run out of money and that actually that was not being done. But are we, do we have the ball out?

MS. PARIS: We have someone here who'll be able to discuss that with you.

MR. HOLLAND: Jack.

MR. WEYMOUTH: Quick, here comes Jack.

MR. CROGNALE: Tell him it's adjourned.

MR. SCHERER: Yes, it's just a question.

MR. HERNANDEZ: Alex Hernandez, what's the question?

MR. WEYMOUTH: The question is whether the City's actively demolishing buildings that we have requested to be demolished that the owners --

MR. HERNANDEZ: Yes, yes, at this time we are. There are funds available.

MR. WEYMOUTH: Okay, good.

MR. HERNANDEZ: They might run out. But we, right now we have --

MR. WEYMOUTH: Last year they had run out and they didn't know whether we replenished the kitty, so.

MR. HERNANDEZ: Yes.

MR. SCHERER: Is there a motion to adjourn?

MR. JARRETT: I make a motion [inaudible]

MR. BARRANCO: So moved.

MS. HALE: Second.

Unsafe Structures Board

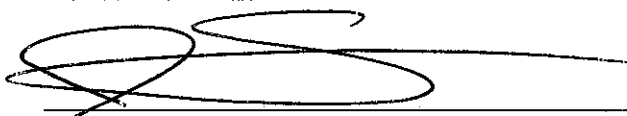
April 21, 2011

Page 18

[Meeting concluded at 3:35 pm.]



BOARD CLERK



JOHN SCHERER, CHAIR

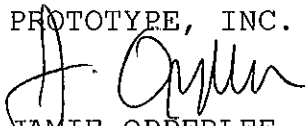
[Minutes prepared by: J. Opperlee, Prototype, Inc.]

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held April 21, 2011, 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 16 day of JUNE, 2011.

PROTOTYPE, INC.

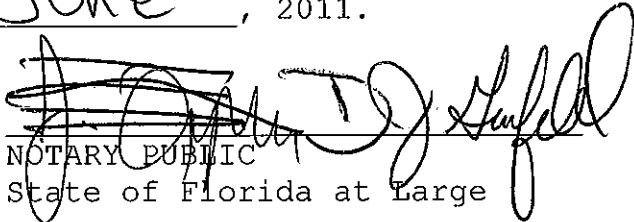
  
JAMIE OPPERLEE  
Recording Clerk

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 16 day of June, 2011.



D.J. GROSSFELD  
MY COMMISSION # EE 065058  
EXPIRES: April 26, 2015  
Bonded Thru Budget Notary Services

  
NOTARY PUBLIC  
State of Florida at Large

Notarial Seal: