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**CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, AUGUST 18, 2011 AT 3:00 P.M.
CITY COMMISSION MEETING ROOM
CITY HALL**

Cumulative Attendance 10/10 through 9/11

Board Members

	Attendance	Present	Absent
John Scherer, Chair	A	4	2
John Phillips, Vice Chair	A	3	3
John Barranco [3:03]	P	4	2
Joe Crognale	P	6	0
Pat Hale	P	6	0
Joe Holland	P	4	2
Thornie Jarrett	P	6	0
Don Larson	P	5	1
Michael Weymouth	P	6	0

City Staff

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

Communication to the City Commission

None

Witnesses and Respondents

None

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<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1. CE11011181	WEAVER, RICHARD L EST	<u>3</u>
Address:	1700 SW 9 ST	
Disposition:	30 days to demolish or the City will demolish. Board approved 7-0.	
2. CE11011268	ROBINSON, LINDA	<u>8</u>
Address:	1860 SW 37 WY	
Disposition:	Complied	
	Communication to the City Commission	<u>9</u>
	Board discussion	<u>15</u>

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.

Neither Chair Scherer nor Vice Chair Phillips was present, so the Board voted on a member to serve as Chair for this meeting.

Motion made by Ms. Hale, seconded by Mr. Larson, to approve Mr. Jarrett to serve as Chair of this meeting. In a voice vote, motion passed 6-0.

Approval of meeting minutes

Motion made by Mr. Larson, seconded by Mr. Weymouth, to approve the minutes of the Board's June 2011

1 meeting. In a voice vote, motion passed 6-0.

2

3

Mr. Barranco arrived at 3:03

4

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Cases

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6

1. Case: CE11011181

7

WEAVER, RICHARD L EST

8

1700 SW 9 ST

9

MS. PARIS: Our first case, page one, new business,
10 CE11011181 the inspector is Gerry Smilen, the address 1700
11 Southwest 9 Street, the owner is the estate of Richard L.
12 Weaver.

13

We have service by posting on the property 7/1/11,
14 we've advertised in the Daily Business Review 7/29/11 and
15 8/5/11. Certified mail to the owner was returned; certified
16 mail to the tenant in possession was returned. And I will
17 turn this over to the inspector.

18

INSPECTOR SMILEN: Good afternoon Board, Gerry
19 Smilen, Building Inspector with the City of Fort Lauderdale
20 presenting case CE11011181. I first inspected this property
21 on January 19, 2011 as a result from a complaint by the Fire
22 Department. It seemed that somebody had, was deceased in the
23 house and upon discovery, they also looked at the building
24 and the building didn't seemed to be in quite the type of
25 shape that anybody'd want to live in there.

1 And I'd like to enter into evidence the Notice of
2 Violation as exhibit 1, which details all of the Florida
3 Building Code violations as well as the remedial action
4 required. Notice of Violation was sent out on the property
5 on May 24, 2011; I posted the NOV at the property on July 5,
6 2011. I'd like to enter into evidence the following
7 pictures.

8 [Inspector Smilen displayed photos of the
9 property]

10 As you can see, right there you can see daylight
11 through the roof structure, that's in the carport area.
12 There's deterioration all along the roof structure, as
13 evidenced by the overhangs on the outside of the property.
14 That's showing that the electrical service has indeed been
15 disconnected.

16 As you can - can you hold that picture there
17 please? Okay. If you look in there, it's hard to see
18 through the glare but there is daylight that you can see
19 right in the, I guess it's the second panel from the top
20 there, almost dead center. That's actual daylight and the
21 whole roof is like that. I'm guessing that the, it's
22 probably original roof from the house and it was just never
23 re-roofed at all. So there's major deterioration and
24 daylight through the whole thing. In other words, when it
25 rains in that building, it rains in the building.

1 Next. That's again, showing more daylight inside
2 the structure there. You could see that the rafters, the
3 roof sheathing, the decking is just completely deteriorated
4 from the elements and lack of maintenance.

5 MR. WEYMOUTH: This is the condition that this
6 person, and nobody's touched it since that person died?

7 INSPECTOR SMILEN: That's correct. And that's
8 showing the outside of the building there. I had taped off
9 the area, as you - we can come back around, you can see how
10 just underneath the carport was a bit of a hazard there. You
11 can see the deterioration and when I get closer, yes, you can
12 see how the rafters and the structural beams are all just
13 deteriorating from exposure to the elements and water.

14 And - could you stop there? If you'll notice, the
15 wall on the left side of that door is loose and it's actually
16 out of plumb and the gap from the top of the door to the
17 bottom of the door is quite a bit different. The gap at the
18 bottom is much wider. That whole wall is just structurally
19 unsafe and out of plumb.

20 And you can see right there if you look at the
21 block work there, that's all from major water intrusion in
22 the house; it's just found its way to seep out of the block.
23 More, more deterioration there.

24 Anyway, the City is asking the Board to find for
25 the City and grant an order to demolish the property in the

1 absence of a demo permit or building permit for repair by the
2 owner in the, within the next 30 days.

3 MS. HALE: Has this estate been settled? I mean.
4 Is there an heir?

5 MS. WALD: Ginger Wald, Assistant City Attorney.
6 We did a title search on this property and as part of the
7 title search, what had happened was, this property was owned
8 by two individuals. The first owner died in 1992 this is the
9 second owner, and as was stated by Gerry, he was actually
10 found deceased in the home. That date was January 17, 2011.
11 As part of the title search, we were not able to find any
12 type of probate openings either in this county or any others.

13 Additionally, there was a mortgage way back when
14 in 2002, it was actually satisfied on this property. We have
15 not found anybody else and I don't think Gerry found any
16 signs of life around the property.

17 MR. LARSON: [inaudible] Chair?

18 MR. BARRANCO: For the record. Who's acting
19 Chair? I'm sorry, I showed up late. Just let it be known
20 that John Barranco is here now.

21 MR. JARRETT: We all know that.

22 MR. BARRANCO: Just for the record.

23 MR. WEYMOUTH: Dee, did I miss it, did you read
24 this into the record? Were these people served, was there --

25 MS. PARIS: Yes I did. We posted the property on

1 July 1, 2011. The mail was returned because all we had was
2 the address for the home.

3 MR. CROGNALE: This has been going on for several
4 years though, prior to the 11, 2011.

5 MR. HOLLAND: I'm prepared to move the issue.

6 MR. JARRETT: We have one other person.

7 MR. LARSON: That's what I was going - you want to
8 go ahead with it? Go ahead.

9 MR. JARRETT: You want to move?

10 MR. HOLLAND: Yes, if, unless you already stated
11 so.

12 MR. LARSON: No, I was just getting ready to do
13 the same thing. But go ahead.

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

21 MR. JARRETT: Do we have a second?

22 MR. LARSON: I'll second.

23 MR. JARRETT: Second. Do we have any discussion,
24 further discussion?

25 MR. LARSON: I don't.

1 MR. JARRETT: All in favor?

2 BOARD MEMBERS: Aye.

3 MR. JARRETT: Unanimous.

4 [INDEX](#)

5 **2. Case: CE11011268**

6 **ROBINSON, LINDA**

7 **1860 SW 37 WY**

8 MS. PARIS: Okay, just let me read into the record
9 the second case that was on the agenda because it was
10 published. Case CE11011268 at 1860 Southwest 37 Way is
11 complied.

12 MS. PARIS: Do we have - I'm sorry. Excuse me one
13 second.

14 MS. WALD: Let's do it.

15 MS. PARIS: You sure?

16 MS. WALD: Yes, we've got enough people.

17 MS. PARIS: Before we do Communication to the City
18 Commission, in case you guys were not aware, John Scherer
19 will, next month is his last month on the Board, so we need
20 to vote for a new Chair that will take effect for the meeting
21 in October. And as long as everybody's here, except for
22 John, can we go ahead and nominate?

23 MR. WEYMOUTH: Jack's not here either.

24 MS. PARIS: Well, Jack's not here. He called,
25 said he couldn't be here. But we have enough people here,

1 would you guys like to vote for a new Chair?

2 MR. WEYMOUTH: Sure.

3 MR. HOLLAND: I'd like to nominate Mike Weymouth.

4 MS. PARIS: Okay, do we have a second? Thank you
5 Don. Do we have anybody else we want to nominate? Okay, can
6 we have a vote? All in favor?

7 BOARD MEMBERS: Aye.

8 MS. PARIS: Anybody opposed?

9 MR. WEYMOUTH: What did I get myself into?

10 MR. BARRANCO: Congratulations.

11 MS. PARIS: So we have a new Chair and we need a
12 Vice Chair. Can we have a nomination for Vice Chair?

13 MR. JARRETT: Everybody's eager to do this.

14 MR. WEYMOUTH: Can I reciprocate?

15 MS. PARIS: I was about to say turnabout is fair
16 play - I wasn't going to use the word reciprocate. I was
17 going to say turnabout is fair play. But yes, reciprocate.

18 MR. WEYMOUTH: All this cronyism and stuff, we're
19 going for a beer after.

20 MS. PARIS: There you go, we have a nomination for
21 Joe. We have a second?

22 MR. BARRANCO: I'll second that.

23 MS. PARIS: Thank you. All in favor?

24 BOARD MEMBERS: Aye.

25 MS. PARIS: Anybody opposed? Thank you. So we

1 have a new Chair and a new Vice Chair starting with the
2 October hearing.

3

4 **Communication to the City Commission**

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5 MS. PARIS: Do we have any -

6 MR. CROGNALE: New sheriff in town.

7 MS. PARIS: New sheriff in town. Do we have any
8 communication to the City Commission?

9 MR. HOLLAND: Yes, Mr. Chair. I'd like to, I
10 noticed in the minutes that we approved tonight from the June
11 meeting that there -- I wasn't in attendance and I'm
12 concerned, apparently there's a concern about absenteeism's
13 and removals from the Board for absences and there's some
14 quorum concerns. But I was wondering how everybody felt
15 about requesting the Commission to reconsider some of the
16 terms of absentee termination from this Board.

17 I've found all of you to be quite capable and
18 responsible and professional about handling these matters
19 regardless of the number of people who turned up on the Board
20 and particularly with the low volume of cases. It seems
21 unfortunate that a one-caseload meeting could remove a very
22 qualified person from the Board on three absences.

23 So I was proposing perhaps - in the context of how
24 the City handles other boards, perhaps to relax some of those
25 requirements for removal from the Board.

1 This I'm just bringing up for discussion, not a
2 motion yet. But in those minutes from June, somebody else
3 expressed, I think Mike expressed similar concerns.

4 MR. WEYMOUTH: Do we have anybody that's in
5 jeopardy right now, is anybody at the three meeting?

6 MS. PARIS: Well, three, three, you only, you get
7 two and at your third you've kind of fired yourself.

8 MR. WEYMOUTH: And when does that slate get wiped
9 clean, January or?

10 MS. PARIS: It gets, our, this Board runs, I want
11 to, I thought it was October or November. Jamie, our year
12 starts October, November for his Board?

13 MS. OPPERLEE: September.

14 MS. PARIS: September, is it September? Next
15 month. So we're okay for right now. So yes, basically,
16 whoever's here, everybody's okay for right now. October.
17 So, depending on what happens next month, hopefully everybody
18 will be here next month and then October we start fresh,
19 which is --

20 MS. WALD: One other thing. Ginger Wald,
21 Assistant City Attorney. If, for instance, let's say you
22 miss two or three and you're bumped, City Commission - and
23 we've seen this before -- can always re-appoint the same
24 person and has done that in the past. Just an FYI.

25 MR. HOLLAND: And there's also an appeal process

1 that can go to the Chair and they can bring it before the
2 Board for vote.

3 MS. WALD: Sure, right, there's a just cause
4 appeal process that's built into the code itself that someone
5 can do. I don't think we've had really any trouble with that
6 with this Board, at least since I've been around.

7 MR. WEYMOUTH: Is there a stable of people that
8 are interested in joining this Board? I know that when I
9 joined, there were a couple, three vacancies and they've been
10 filled.

11 MS. PARIS: We won't, what will happen now is,
12 they were just notified within the last 10 days or so that
13 John wasn't going to be here starting in October, so Arlene,
14 the usual process is, Arlene speaks to Jonda, because Jonda
15 presents to the Commission and hopefully they'll push this
16 through fairly quickly and maybe even appoint somebody next
17 month, because we don't have any alternates on this Board.
18 So my intent was to contact them anyway.

19 MR. MCKELLIGETT: Any John is terming out and he's
20 expressed an interest to be on another board.

21 MS. PARIS: Right. Another board, right.

22 MR. MCKELLIGETT: He just wants to do
23 something else [inaudible].

24 MR. HOLLAND: John Phillips?

25 MR. MCKELLIGETT: No.

1 MR. HOLLAND: Scherer. Oh, okay.

2 MS. PARIS: Scherer, John Scherer.

3 MCKELLIGETT: I don't know what's going on with
4 John Phillips, I never know what's going on --

5 MS. PARIS: And just so you know, terming out
6 doesn't necessarily mean you have - I don't know if you all
7 are aware, and we had this happen on Code Board - the
8 Commission, if you term out, does not have to replace you.
9 It's up to them whether or not they want to appoint a
10 replacement. So had he decided to stay --

11 MR. MCKELLIGETT: You can stay in your position
12 until they reappoint somebody else.

13 MS. PARIS: Right, until they reappoint someone
14 else. So, they don't give us a list of who's interested and
15 who isn't, they just keep applications [inaudible]

16 MR. HOLLAND: And what are our, what's our quorum
17 requirement?

18 MS. PARIS: Five.

19 MR. HOLLAND: Five?

20 MS. PARIS: Five, five out of nine.

21 MR. MCKELLIGETT: The Board is nine people; five
22 is a quorum.

23 MS. PARIS: Correct.

24 MR. HOLLAND: I guess that's reasonable.

25 MR. WEYMOUTH: Can we modify the number of

1 absentees?

2 MS. PARIS: No, no. The City --

3 MR. WEYMOUTH: So what he's asking for is
4 something that this Board can't even modify.

5 MR. MCKELLIGETT: That's correct.

6 MS. PARIS: That's correct.

7 MR. MCKELLIGETT: And the Commission could only do
8 it by modifying the Charter.

9 MR. HOLLAND: Oh yes, I wasn't, I was considering
10 it as a Communication to the Commission. But I don't think
11 we need to do that. I'm comforted by what I heard as a
12 chance to get back. But I'm at two and I hate to miss
13 certain vacations for one case.

14 MS. PARIS: It resets, just show up tomorrow, or
15 next month. Yes, show up next month, which would be nice.
16 But then again, we cancelled a lot of meetings this year too,
17 so --

18 MR. HOLLAND: Right, right.

19 MS. PARIS: So those, that doesn't even count.
20 But yes, it resets every October, so.

21 MR. WEYMOUTH: Good.

22 MS. PARIS: And again, all you have to do, we send
23 you a letter when you hit your third and then all you have to
24 do is send a response requesting that you be kept on and that
25 gets forwarded so on and so forth.

1 MR. HOLLAND: Thank you very much for that, I'm
2 satisfied.

3 MS. PARIS: Okay, do we have anything else?

4 MR. MCKELLIGETT: Motion to adjourn?

5 MR. LARSON: Motion to adjourn.

6 MR. JARRETT: Second.

7 MR. WEYMOUTH: All in favor?

8 BOARD MEMBERS: Aye.

9 MS. PARIS: Thank you Board.

10

11 Board Discussion

INDEX

12 None

13

14 [Meeting concluded at 3:16 pm.]

15

16

Sen Paris

17

BOARD CLERK

18

Robert Weymouth

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CHAIR

20

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

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CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held August 18, 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 15th day of September, 2011.

PROTOTYPE, INC.

[Signature]
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 September, 2011.



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

[Signature]
NOTARY PUBLIC
State of Florida

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