

**CITY OF FORT LAUDERDALE**  
**UNSAFE STRUCTURES BOARD**  
**THURSDAY, SEPTEMBER 20, 2012 AT 3:00 P.M.**  
**CITY COMMISSION MEETING ROOM**  
**CITY HALL**

Cumulative  
 Attendance  
 10/11 through  
 9/12

<u>Board Members</u>	Attendance	Present	Absent
Michael Weymouth, Chair	P	9	0
Joe Holland, Vice Chair	P	6	3
John Barranco	P	7	2
Joe Crognale	A	8	1
Pat Hale	P	8	1
Thornie Jarrett	A	7	2
Don Larson	P	7	2
John Phillips	A	5	4
B. George Walker	A	6	3

**City Staff**

Lori Grossfeld, Board Secretary  
 Ginger Wald, Assistant Attorney  
 George Oliva, City Building Inspector  
 Gerry Smilen, City Building Inspector  
 Jeri Pryor, Code Enforcement Supervisor/Clerk  
 Chris Augustin, Chief Building Official  
 Dee Paris, Administrative Aide  
 Jamie Opperlee, ProtoType Inc. Recording Clerk

**Communication to the City Commission**

None

**Witnesses and Respondents**

CE09010411: Eugene Allen, neighbor; John Smigiel, owner  
 CE07061056: Enrique Senior, owner's representative; Edmund  
 Waterman, owner

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<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
<b>1. CE07061056</b>	<b>WATERMAN, EDMUND</b>	<b><u>3</u></b>
Address:	627 N FEDERAL HWY	
Disposition:	56-DAY Continuance TO 11/15/12. Board approved 5-0.	
<b>2. CE11071480</b>	<b>HICKMAN, MARK S</b>	<b><u>11</u></b>
Address:	1444 NW 1 AV	
Disposition:	Owner is ordered to demolish the property within 30 days or the City shall demolish. Board approved 5-0.	
<b>3. CE09010411</b>	<b>SMIGIEL, JOHN &amp; SMIGIEL, VALERIA NATALI</b>	<b><u>14</u></b>
Address:	1616 SW 18 AVE	
Disposition:	Board denied request to reconsider 5-0.	
	Board Discussion	<b><u>68</u></b>
	Communication to the City Commission	<b><u>68</u></b>
	For the Good of the City	<b><u>68</u></b>

The regular meeting of the Unsafe Structures Board convened at 3:20 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. Larson, seconded by Ms. Hale, to approve the minutes of the Board's August 2012 meeting.

In a voice vote, motion passed 5-0.

1        **Cases**

2                    **1. Case: CE07061056**

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3                    **WATERMAN, EDMUND**

4                    **627 N FEDERAL HWY**

5                    MS. PARIS: Our first case is on page one. It's an  
6 old business case at the top. Case CE07061056, the Inspector  
7 is Gerry Smilen, the address 627 North Federal Highway. The  
8 owner Edmund Waterman.

9                    We have service by posting on the property 7/25/12.  
10 We've advertised in the Daily Business Review 8/31/12 and  
11 9/7/12.

12                    Certified mail as noted in the agenda, violations  
13 as noted in the agenda.

14                    This case was first heard at the 6/21/12 USB  
15 hearing. The Board ordered a twenty-eight-day continuance to  
16 7/19/12 USB hearing. At the 7/19/12 USB hearing, the Board  
17 ordered a sixty-three-day extension to the 9/20/12 USB  
18 hearing.

19                    CHAIR WEYMOUTH: Good after Mr. -- good afternoon  
20 Mr. Smilen.

21                    INSPECTOR SMILEN: Good afternoon Board. I just  
22 want to add that if everybody has hard candies to please  
23 unwrap them as well before we start.

24                    Okay, Gerry Smilen, Building Inspector for the City  
25 of Fort Lauderdale. I do have some good news to report:

1 permit number 12061518 was issued on August 21, 2012 and the  
2 owner and his representative are here and they're also going  
3 to be going in for some revisions. So at this point even  
4 though we do have the permit, we're not going to really close  
5 the case because the work needs to be completed in order for  
6 this to become a safe structure instead of an unsafe  
7 structure.

8 CHAIR WEYMOUTH: Can we dismiss the case from our  
9 agenda, from our docket? I mean, it's now a City matter with  
10 the Building Department and the owner, correct?

11 INSPECTOR SMILEN: That would be up to you. Or --

12 CHAIR WEYMOUTH: Ginger, would we need to keep it  
13 an active case with the Unsafe Structures Board?

14 MS. WALD: Well, here's the problem. Ginger Wald,  
15 Assistant City Attorney. And I'm sorry, I was talking to  
16 Chris when Gerry was speaking as to the status of the case.  
17 The violations are not into compliance it's still an active  
18 case in front of you.

19 CHAIR WEYMOUTH: Okay.

20 MS. WALD: My suggestion would be to keep that as  
21 such. If the case has been complied then obviously it's  
22 closed case, there's nothing further to handle. The only  
23 other option is if the parties agree that the case should be  
24 closed and withdrawn. And I can't provide that information  
25 to them because I don't know what the status of the case is.

1 CHAIR WEYMOUTH: So perhaps we should treat this  
2 like the Jungle Queen case --

3 MS. HALE: Yes.

4 CHAIR WEYMOUTH: -- which many of the Board members  
5 were on, so --

6 MS. WALD: You could do that.

7 CHAIR WEYMOUTH: Okay. And just for the  
8 enlightenment of those - well, I think everybody was here.  
9 Maybe Don, you were not but --

10 MR. LARSON: I've been involved in one of the  
11 other ones so I understand what you mean.

12 CHAIR WEYMOUTH: Okay, okay.

13 MS. HALE: Gerry, could I just -- this permit,  
14 permit for what? Every item that's on --

15 INSPECTOR SMILEN: Well, what it's going to do is,  
16 it's going to take care of a failing roof. It's going to  
17 reinforce it and shore it up. It's going to seal up the  
18 outside, it's going to remove areas on the exterior of the  
19 building that pose a problem during hurricane season.

20 And then the owner has agreed from there to paint  
21 the building and make it look presentable on the outside.  
22 And then of course this will also make it more presentable to  
23 any future tenants to lease or rent the property.

24 MS. HALE: Obviously, right.

25 INSPECTOR SMILEN: So at this point, the City is

1 okay with that but of course the work has to be done and  
2 until that work is done we still have loosening and falling  
3 and failing structural things on the property. That's why we  
4 do not --

5 MS. HALE: And how long is that permit good for?

6 INSPECTOR SMILEN: Well, the permit, there's no  
7 limit on a permit as long as there's work being completed on  
8 it. It's usually, I believe it's a six-month process from  
9 when you get the permit to your first inspection.

10 MS. HALE: Yes, six months, okay.

11 INSPECTOR SMILEN: You need inspections within the  
12 first six months.

13 MR. LARSON: One hundred and eighty days.

14 CHAIR WEYMOUTH: Gerry, would the unsafe components  
15 be met prior to a CO of this building? In other words, could  
16 they address the unsafe components of the structure in the  
17 early part of putting it back together or do we need to wait  
18 until the building is CO'd to consider this now in compliance  
19 with the unsafe portion of this?

20 INSPECTOR SMILEN: Well, I, the building is not  
21 going to be CO'd, it's just going to get a final inspection.  
22 The only way that this building will get a CO is when a  
23 tenant moves in and gets a permit to actually take care of  
24 the, finish the inside of the building.

25 CHAIR WEYMOUTH: So the work that's being permitted

1 is specifically to address the deficiencies that are noted in  
2 the case.

3 INSPECTOR SMILEN: That's correct.

4 CHAIR WEYMOUTH: Okay. All right. Well, hearing  
5 that, I would assume that we ought to probably make a motion  
6 to provide an extension to this case. Something that's going  
7 to be reasonable to give them enough time to address these  
8 but not too reasonable to where they become  
9 lacksadaisical[sic]. So, if somebody would like to make a  
10 motion. Well, first of all, is there anybody else who would  
11 like to be heard on this case? Seeing none and hearing none  
12 is there anybody that would like to make a motion?

13 MS. HALE: [inaudible] Okay.

14 CHAIR WEYMOUTH: Would you like to make a motion,  
15 Ms. Hale?

16 MR. LARSON: Gerry, how many days do you think that  
17 you need as far as an extension on this thing would be?  
18 Because --

19 INSPECTOR SMILEN: Well, to see, if we want to  
20 monitor the case and we want to see that there's progress in  
21 it, I would recommend a fifty-six-day extension. If you want  
22 to make it where all the work is complete and you don't have  
23 to see this again I would probably go with one hundred and  
24 fifty four days. So that would be up to you.

25 MR. LARSON: Well, the problem is, as long as he's

1 doing the work and taking out permits and that and getting an  
2 okay there's no reason that I could see that he should have  
3 to come back here.

4 CHAIR WEYMOUTH: Well, and we'll be into a period  
5 of the calendar where we're not that concerned with  
6 hurricanes and high winds and that kind of thing.

7 MS. HALE: Meeting anyway. Right. And we don't  
8 meet anyway in December.

9 MR. HOLLAND: Yes.

10 CHAIR WEYMOUTH: Correct, yes.

11 INSPECTOR SMILEN: That would be up to the Board,  
12 what you want to do.

13 CHAIR WEYMOUTH: Well, again, I think these people  
14 have shown considerable attempt to comply with everything  
15 that the City has. So I think that we should form a motion  
16 around that.

17 MR. LARSON: Mr. Chairman, I'd like to make a  
18 motion if that's okay.

19 CHAIR WEYMOUTH: Yes sir.

20 MR. LARSON: I'd like to give them a continuance  
21 and I move that we continue the case for fifty-six days.

22 CHAIR WEYMOUTH: No.

23 MS. HALE: No.

24 MS. WALD: That's his motion.

25 MS. PARIS: It's an extension.



1 MS. HALE: Fifty-six?

2 MR. LARSON: Fifty-six days.

3 MS. HALE: No.

4 MR. LARSON: Which would be 11/15/2020 [sic].

5 CHAIR WEYMOUTH: Is there a second?

6 MS. HALE: No, it's 2012.

7 MR. LARSON: Twelve, excuse me, 2012. I'm in a  
8 hurry to get old.

9 CHAIR WEYMOUTH: Is there a second to the --

10 MR. BARRANCO: I second that.

11 MS. WALD: Second, okay.

12 MS. HALE: Second.

13 CHAIR WEYMOUTH: Okay, we've got a second. Any  
14 additional discussion? All right, hearing none, we'll take  
15 this to a vote. All those in favor say aye.

16 BOARD MEMBERS: Aye.

17 CHAIR WEYMOUTH: Any opposed? Motion carries.

18 Thank you. Thank you Gerry. Ms. Paris?

19 MS. PARIS: One, we're just [inaudible] Because the  
20 respondent is still not here for the case on the bottom of  
21 page one. We have a case that's not on the agenda --

22 MS. WALD: Wait, wait, wait, wait. It's 3:30.

23 MS. PARIS: Oh, he always comes late, Mr. Hickman.

24 MS. WALD: It's 3:30. It's on the agenda. The  
25 other matter is not on the agenda and it's old business.

1 MS. PARIS: Okay, okay. Okay to hear the case at  
2 the bottom of page one?

3 CHAIR WEYMOUTH: If, before we hear this just as a  
4 little bit of matter of housekeeping, I will not be here next  
5 month and I know that Mr. Holland, the Vice Chair, will not  
6 be here next month and potentially we do not have a quorum  
7 for next month to, because there aren't enough people here to  
8 take the pulse to understand whether there is. I would  
9 suggest either we cancel next month's meeting or any motions  
10 that are made, take into consideration that there may not be  
11 a quorum next month.

12 MS. PARIS: Just so you know, we do have two new  
13 business cases scheduled for next month.

14 CHAIR WEYMOUTH: Okay. Well.

15 MS. PARIS: Which, I guess it would be up to the --

16 MS. WALD: Are we going to have a quorum or not?

17 MS. PARIS: We don't know.

18 MS. WALD: Okay.

19 MS. PARIS: But we had a lot of trouble getting one  
20 today. And two of these people that are here today will not  
21 be here next month. So there's concern.

22 MS. WALD: Okay, well, we'll keep it until we find  
23 out.

24 CHAIR WEYMOUTH: Okay.

25 MS. PARIS: Okay.

1 MS. WALD: And then if the cases need to be  
2 rescheduled --

3 MS. PARIS: Be rescheduled, then we'll reschedule  
4 them, that's fine.

5 CHAIR WEYMOUTH: Can we at least temper any  
6 potential --

7 MS. WALD: I would agree.

8 CHAIR WEYMOUTH: Okay.

9 MS. WALD: By providing that information I think  
10 that's advising the Board members that are here today that  
11 it's probably not a good idea to put something on for next  
12 month if it's probably not going to happen.

13 CHAIR WEYMOUTH: Very good.

14 MS. PARIS: Okay so --

15 CHAIR WEYMOUTH: Dee?

16 MS. PARIS: Would you like to hear the case at the  
17 bottom of page one?

18 CHAIR WEYMOUTH: You know I would.

19

20 **2. Case: CE11071480**

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21 **HICKMAN, MARK S**

22 **1444 NW 1 AV**

23 MS. PARIS: Okay. Then, bottom of page one, old  
24 business. Case CE11071480, the Inspector George Oliva. The  
25 address 1444 Northwest 1 Avenue. The owner Mark S. Hickman.

1           We have service by posting on the property 8/31/12,  
2 we've advertised in the Daily Business Review 8/31/12 and  
3 9/7/12. Certified mail and violations as noted in the  
4 agenda.

5           This case was first heard at the 7/19/12 USB  
6 hearing. The Board ordered a twenty-eight-day extension to  
7 the 8/16/12 USB hearing. At the 8/16/12 USB hearing the  
8 Board ordered a thirty-five-day extension to the 9/20/12 USB  
9 hearing.

10           CHAIR WEYMOUTH: Very good. Good afternoon Mr.  
11 Oliva.

12           INSPECTOR OLIVA: Good afternoon Board. George  
13 Olive, Building Inspector for the City. At this moment I  
14 don't have anything to report to the Board. The owner have  
15 no progress obtaining a permit from the City to do the  
16 repair. He sent me an e-mail that he had a problem with the  
17 architect that he hired and there was no set of drawing to  
18 present so --

19           CHAIR WEYMOUTH: So, there's been no documents  
20 provided to the City, none shown to you --

21           INSPECTOR OLIVA: Nothing at all since the last  
22 meeting that we had. He never provided a true copy of the  
23 contract that he say he have with the architect. And there's  
24 no application for a permit or anything.

25           CHAIR WEYMOUTH: Being that Mr. Hickman has been

1 before this Board couple times before, I would recognize him.  
2 I do not see him in the audience so I'm assuming there's  
3 nobody here to speak on behalf of the respondent. Do any of  
4 the Board members have a question for Inspector Oliva?

5 MR. LARSON: I do.

6 CHAIR WEYMOUTH: Yes sir.

7 MR. LARSON: Has anything been submitted to the  
8 Building Department in regards to what we had asked him to do  
9 prior to today?

10 INSPECTOR OLIVA: No sir. So far, only once he  
11 sent me an e-mail, it was to let me know that he had problem  
12 with the architect and he couldn't get anything going on.  
13 And that was about three week ago and I sent a couple of e-  
14 mail to Ginger, Chris and Dee.

15 CHAIR WEYMOUTH: Have you been to the property  
16 since the last meeting?

17 INSPECTOR OLIVA: I was there this morning, and the  
18 condition look the same. It's open, it's a uplift risk.

19 MR. WEYMOUTH: Okay.

20 MR. LARSON: You didn't see any evidence of anybody  
21 around there at all?

22 INSPECTOR OLIVA: There was a car in the parking  
23 but I knock on the door, nobody open.

24 MR. LARSON: Thank you.

25 CHAIR WEYMOUTH: Any other questions of the

1 inspector? Hearing none, would somebody like to make a  
2 motion?

3 MR. BARRANCO: I'll make a motion.

4 CHAIR WEYMOUTH: Okay.

5 MR. BARRANCO: I move that we find that the  
6 violation exists as alleged and that we order the property  
7 owner to demolish the structure within 30 days and that we  
8 order the City to demolish the structure should the property  
9 owner failed to timely demolish. Such demolition is to be  
10 accomplished by a licensed demolition contractor pursuant to  
11 a City issued demolition permit.

12 CHAIR WEYMOUTH: Okay, we have a motion, do we  
13 have the second?

14 MS. HALE: Yes, I'll second.

15 CHAIR WEYMOUTH: Ms. Hale seconds it. Any  
16 additional conversation or discussion on this matter?  
17 Hearing none, let's take it to a vote. All those in favor  
18 say aye.

19 BOARD MEMBERS: Aye.

20 CHAIR WEYMOUTH: Any opposed? Hearing none,  
21 motion carries.

22

23 **3. Case: CE09010411**

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24 **SMIGIEL, JOHN &**

25 **SMIGIEL, VALERIA NATALI**

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**1616 SW 18 AVENUE**

**[Case CE09010411 was not on the Board's agenda]**

MS. PARIS: Thank you Board. We have an item that's come up that is not on the agenda and the Assistant City Attorney Ginger Wald will explain to you. However, let me read the case into the record. It's Case CE09010411, the address 1616 Southwest 18 Avenue. The owners are Valeria Natali Smigiel and John Smigiel. And the inspector is Gerry Smilen.

CHAIR WEYMOUTH: Okay.

MS. WALD: Ginger Wald, Assistant City Attorney. Taking this as old business, we can talk about it as old business. You should have been provided with a letter that is dated September 5, 2012 I believe it's in front of all of you or may have been provided to you beforehand by staff. It's a letter on the letterhead of Mr. John Smigiel who is the owner of the property.

It's not a per se appeal as listed as, on the re: because an appeal actually would have to be taken legally as a petition for a writ of certiorari to Circuit Court within thirty days of the rendering of the order. Therefore, what you could actually take this letter and I would say on the second paragraph, "my family and I were on vacation at the time of the hearing and the final order, that's why we couldn't respond before. I was not aware of the situation

1 until we came back home a week ago and was delivered a  
2 certified letter from the post office." And then on the last  
3 page, "giving us an opportunity to make things right whether  
4 pulling a post -- or a permit."

5 I believe what this can be considered is a motion  
6 for reconsideration. It doesn't have to be formal by a pro se  
7 person. And whether the Board would want to take this as a  
8 motion for a reconsideration, the Board may do so. The only  
9 hesitation that I have with any action being taken by the  
10 Board today, other than what has been requested is that this  
11 is not formally noticed, it was not placed upon the agenda  
12 and notice has not been provided to the interested parties.

13 So if the Board was going to take formal action in  
14 regards to this, my advice would be to schedule it for a  
15 hearing. But it is up to the Board whether they wish to do  
16 so. My understanding also is that we have an, the owner here  
17 and also a person of, a neighbor, a neighbor. Do you have  
18 any questions of me?

19 CHAIR WEYMOUTH: So, the owner is here.

20 MS. WALD: That's what I am told.

21 CHAIR WEYMOUTH: The only question I've got is,  
22 prior to the hearing --

23 MS. WALD: Um-hm [affirmative].

24 CHAIR WEYMOUTH: How much notice is given to the  
25 owner prior to the hearing?



1 MS. WALD: Well --

2 CHAIR WEYMOUTH: When you send out a notice to, to,  
3 to --

4 MS. WALD: I'm going to ask the ladies to pull up  
5 the actual file, but I'm going to look at the prior agenda  
6 because they usually list it on there. So hold on one  
7 second. It's not on my agenda so I have to ask the staff.  
8 Say when the, tell them when the certified mail was sent out  
9 and also the posting.

10 MS. PARIS: Excuse me just one second.

11 CHAIR WEYMOUTH: Um-hm. [Affirmative]

12 MS. WALD: While she's looking that up, I found it  
13 on my sheet. The property was posted on July 25, 2012, it  
14 was advertised in the Daily Business Review on July 27, 2012  
15 and again on August 3, 2012 but they're going to have to tell  
16 you when the mail went out.

17 CHAIR WEYMOUTH: What does posted mean? Is that,  
18 that's when they receive the certified?

19 MS. WALD: No, posted is when they actually  
20 physically, and it's usually the inspector, takes the notice  
21 and puts it on to the property.

22 CHAIR WEYMOUTH: Okay, July 25.

23 MS. WALD: July 25.

24 CHAIR WEYMOUTH: And the case was heard, we're the  
25 third --

1 MS. WALD: The case was heard on August 16, 2012.

2 CHAIR WEYMOUTH: Okay.

3 MS. WALD: Did you find when the mailing went out?

4 MS. PARIS: Yes, and it was correct.

5 MS. WALD: Go ahead.

6 MS. PARIS: The notice to the owner went out on  
7 7/23 and the posting is correct, 7/25.

8 CHAIR WEYMOUTH: Okay.

9 MS. PARIS: That's correct.

10 CHAIR WEYMOUTH: I've got some questions of the  
11 owner but that's just me. Would the Board like to  
12 potentially hear what's, what has to be said?

13 MR. LARSON: Mr. Chairman?

14 CHAIR WEYMOUTH: Yes sir.

15 MR. LARSON: With, I have a concern in one way is  
16 one: the, according to what they said here in the letter  
17 they're basically underwater with the property and yet  
18 they're willing to do anything they can to keep the docks.  
19 But if they're underwater with the [inaudible], are they  
20 going to have the financial ability to repair or replace the  
21 docks? [inaudible]

22 CHAIR WEYMOUTH: Well, that's certainly something  
23 we can ask. If we want to ask some of these questions, I  
24 think we can. And for the owner's benefit, at the last  
25 meeting the bank was here trying to protect their interest in

1 the property. And so --

2 MS. HALE: Shouldn't they be here if we talk again?

3 CHAIR WEYMOUTH: Well, the bank's not here because  
4 they didn't know that the owner was going to be here

5 MS. HALE: Yes, that's what I'm saying.

6 CHAIR WEYMOUTH: So, what we can do is put it back  
7 on the agenda or we can hear some of the conversation, or,  
8 or, or. I think there is enough interest to try to not  
9 demolish something that sounds like the bank has an interest  
10 in preserving their investment. Sounds like the owner has  
11 interest in preserving the investment.

12 I just don't know whether we want to ask the owner  
13 some questions now, possibly advise them that when they  
14 appear before this Board again what we may expect of them so  
15 that this isn't getting dragged on. We can short-circuit a  
16 lot of stuff by having any, I don't think the term is off the  
17 record, conversation with them but give them an idea that if  
18 we're inclined to hear the case again what we're going to  
19 expect from them. So do we want to entertain that  
20 conversation at this time?

21 MS. HALE: I would think since the bank is an  
22 active player in this property --

23 CHAIR WEYMOUTH: Well --

24 MS. HALE: -- that the bank should be present for  
25 the discussion. The owner wasn't here, but he had the choice

1 to be here. This time, we didn't give notice and therefore  
2 the bank had no notice and wasn't part of this discussion.

3 CHAIR WEYMOUTH: Let me add one thing to that. Let  
4 me add one thing to that, and I don't know what the timing is  
5 but based on the recommendations of the Board at the last  
6 meeting there was, the owner was given 30 days to demolish,  
7 otherwise the City will step in and demolish it.

8 I don't know if there's a temporary stay or if  
9 there isn't addressed this time. It is quite possible that  
10 between now and if we were to grant them a future hearing,  
11 that the dock could be demolished just by virtue of the way  
12 that the order is written. So I think we probably need a  
13 little bit of input on that.

14 MS. WALD: Legally, yes. Legally, the City could  
15 go ahead and now that the thirty days has expired for the  
16 owner to demolish and demolish the property. My  
17 understanding from staff as to the delay in demolition is,  
18 even though the City has been ordered to do so after the  
19 thirty day period of time the City is behind in demolishing  
20 properties and it is truly doubtful that this property would  
21 be demolished before, before two months from now.

22 CHAIR WEYMOUTH: Okay. Joe, did you have a  
23 question or a comment?

24 MR. HOLLAND: Yes, I just wanted to comment on Ms.  
25 Hale's comment about the bank. They show up but they express

1 no interest in protecting that equity by pursuing it on their  
2 own so I don't think their role is that imperative although  
3 they hold title in some form.

4 MS. HALE: Yes.

5 CHAIR WEYMOUTH: Well, and again I think --

6 MS. HALE: And I think they should be part of the  
7 discussion. It's not that I like the bank and it's, you  
8 know, I just think that if the bank now is a major player on  
9 the property they should be here when everything is  
10 discussed.

11 CHAIR WEYMOUTH: I think a lot of us are going by  
12 recollection and I think actually we've got the minutes from  
13 the last month's meeting that were just approved that we  
14 could rely on. But I think that the bank was here trying to  
15 protect their asset. They were declaring that they were going  
16 to pursue the owner in a court of law but couldn't commit to  
17 when that action may take place. And I think the Board was  
18 not comfortable with the fact that this thing could go on  
19 into perpetuity pending a lawsuit to take back the property.  
20 So I can't --

21 MR. BARRANCO: Mr. Chair?

22 CHAIR WEYMOUTH: Yes sir?

23 MR. BARRANCO: I'm sorry.

24 CHAIR WEYMOUTH: That's all right.

25 MR. BARRANCO: Who made the motion last time for

1 the demolition? Was it me?

2 CHAIR WEYMOUTH: It's in the minutes. If somebody  
3 could look at the minutes and tell us who made the motion.

4 MR. BARRANCO: Couldn't we bring this back for  
5 reconsideration and then after we make that motion go ahead  
6 and bring it back?

7 CHAIR WEYMOUTH: You know, and again, a personal  
8 note of mine, there was a, I think, a lot of money and effort  
9 spent in improving this dock.

10 MS. HALE: Did I? I probably did.

11 CHAIR WEYMOUTH: This isn't a dilapidating dock  
12 that's falling into the water --

13 MR. BARRANCO: Right.

14 CHAIR WEYMOUTH: That's floating away. There was  
15 an attempt to invest significant money so I'm glad to see the  
16 owner back because I had expressed a little bit of disbelief  
17 a month ago. But with that being said I'm also trying to  
18 understand how a big orange sticker on somebody's front door  
19 goes unnoticed from July 25 until August 16. I mean, you're  
20 talking three weeks. And again, are we want to talk to the  
21 owner? Maybe he can tell us how that happened.

22 MR. BARRANCO: So, I think it's pretty clear what  
23 happens when the owner doesn't come here.

24 CHAIR WEYMOUTH: Yes sir.

25 MR. BARRANCO: And if we bring it back for

1 reconsideration and we reconsider that motion, and then we  
2 hear the case again, then we make a motion next time. If the  
3 owner is not here we know what's going to happen, right?  
4 We're probably going to put in an order to demolish.

5 CHAIR WEYMOUTH: Well, we know what's going to  
6 happen now too, but I think again, there's a good faith  
7 effort here to say, hey guys, I was not in town.

8 MR. BARRANCO: Right, so. I'd say if we're willing  
9 to reconsider it the motion maker could reconsider her  
10 original motion. And that's being playing by the rules  
11 Ginger? You've got a --

12 MS. WALD: Yes. Actually, you all voted for it.

13 MR. BARRANCO: Yes.

14 MS. WALD: So any one of you, any one of you can do  
15 it. Ms. Hale, to answer your question, was the one who  
16 actually made the motion. It was seconded by Mr. Larson.

17 MR. BARRANCO: Okay, I'll make a motion then. If  
18 you'll accept the motion --

19 MS. WALD: Well, and here's the question: what has  
20 been put in front of you, and I believe what Mr., what the  
21 Chair is saying is do you want to hear some additional  
22 testimony from the owner in support of his letter which you  
23 are actually considering as a motion for reconsideration.

24 MR. BARRANCO: Um-hm. [Affirmative]

25 MS. WALD: And I believe it sounds like there's

1 some questions that the Board has of that.

2 MR. BARRANCO: Um-hm. [Affirmative]

3 MS. WALD: You can do that today, that is at your  
4 option. Or you can say I want to hear this at X date and  
5 we'll hear the motion then.

6 CHAIR WEYMOUTH: I personally would like to know  
7 why he wasn't at the August hearing.

8 MR. BARRANCO: Okay.

9 CHAIR WEYMOUTH: Before I move to give an extension  
10 so --

11 MS. HALE: He was on vacation.

12 CHAIR WEYMOUTH: Huh?

13 MS. HALE: It says, my family and I were on  
14 vacation at the time of the hearing.

15 CHAIR WEYMOUTH: Okay.

16 MR. BARRANCO: Let's hear what he's got to say. Is  
17 he here?

18 MS. WALD: Um-hm. [Affirmative]

19 MS. HALE: Yes, he's over there. But --

20 MR. BARRANCO: Would you like to address the Board?

21 MR. HOLLAND: So we've got to, we've got to vote on  
22 the motion.

23 MR. SMIGIEL: Good --

24 CHAIR WEYMOUTH: Does he need to be sworn in?

25 MS. HALE: Yes.



1 MS. WALD: He was.

2 MR. SMIGIEL: Okay.

3 CHAIR WEYMOUTH: Okay, thank you. Good --

4 MR. HOLLAND: Did we vote?

5 MS. PARIS: State your name sir.

6 MR. SMIGIEL: Oh, John Smigiel.

7 CHAIR WEYMOUTH: Good after --

8 MR. BARRANCO: No, not yet, I didn't make it.

9 CHAIR WEYMOUTH: He didn't make a motion.

10 MR. HOLLAND: Okay.

11 MR. BARRANCO: I wanted to make one.

12 CHAIR WEYMOUTH: [inaudible] Mr. Smigiel, the floor  
13 is yours.

14 MR. SMIGIEL: Okay, first of all, reference to the  
15 hearing, we were traveling in Michigan for a month which I  
16 can provide hotel receipts or whatever the nature may be  
17 during that course. And we came home, we got the certified  
18 letter that there was a hearing, which was in August, my wife  
19 spoke to Gerry Smilen, I believe.

20 MR. WEYMOUTH: Yes.

21 MR. SMIGIEL: And he told us to write a letter  
22 stating that we want to reconsider and get it resolved.

23 When we bought the house in 2005 there was an  
24 existing dock. There has always been a dock there. I went  
25 back and printed out today photo imagery back to 1999. When

1 we moved in we hired a contractor to repair the dock.  
2 Apparently he didn't pull the proper permits and he told us  
3 that we needed to pull a permit to get it resolved. We  
4 didn't touch any electrical or plumbing. There is no plumbing  
5 at the dock currently.

6 In reference to the bank we do have an attorney  
7 representing our interest. He wasn't even notified about the  
8 original hearing. And, you know, we're working with the bank  
9 to get things resolved.

10 Our intention is to keep our home and our intention  
11 is to comply with the City's order to pull a permit. The  
12 dock is not falling in the water because we spent a  
13 significant amount of money getting it fixed from the  
14 hurricane. If the GC didn't pull a permit, whatever we need  
15 to do with the City to report this gentleman is not a problem  
16 with us.

17 CHAIR WEYMOUTH: Okay.

18 MR. HOLLAND: [inaudible]

19 CHAIR WEYMOUTH: Yes sir Mr. Holland.

20 MR. HOLLAND: Is my recollection wrong, is this, is  
21 there house on this property?

22 MR. SMIGIEL: Correct.

23 MR. HOLLAND: Okay, I don't know why I thought it  
24 was just the dock.

25 MR. SMIGIEL: I attached --

1 CHAIR WEYMOUTH: And you're still living in the  
2 house?

3 MR. SMIGIEL: Yes. I attached this survey to the  
4 letter that I sent.

5 MR. HOLLAND: Right.

6 CHAIR WEYMOUTH: Right. Go ahead.

7 MR. HOLLAND: There is a, and I believe there's a  
8 series of leased dock spaces that are currently --

9 MR. SMIGIEL: I have no leased doc spaces.

10 MR. HOLLAND: Currently?

11 MR. SMIGIEL: These are [inaudible]

12 MS. HALE: How many docks are on, how many boats or  
13 on these docks?

14 MR. SMIGIEL: Right now, there's currently four  
15 boats on the dock.

16 MS. HALE: Whoa.

17 MR. SMIGIEL: One of which is mine, one of which  
18 is, three are my friends.

19 MS. HALE: Do you suppose the neighbors might feel  
20 that it's a few too many boats on that dock? That somebody  
21 did turn you in?

22 MR. SMIGIEL: Again, if you look at the imagery, in  
23 1999 there was four boats there. This is well before I owned  
24 the house. If you go to 2004 there's three boats on there.  
25 In 2011 there's two --

1 MS. HALE: But there's really four.

2 MR. SMIGIEL: Okay, there's currently four. Which  
3 you know, I could just say there's two, but there's not. So,  
4 you know, there's always been boats at the home.

5 MR. BARRANCO: Fellow Board members, I don't see  
6 why that dock would be any more unsafe if it had one, two,  
7 three or four boats. So, that's --

8 MS. HALE: I didn't say that. That had been one of  
9 the things that had been brought up [inaudible]

10 MR. BARRANCO: Right, but even, I know, there's  
11 concerns over everything and the grass is too long but if  
12 it's not unsafe it's not really for us to determine what we  
13 need to do at this level so.

14 CHAIR WEYMOUTH: I think Inspector Smilen wants to  
15 say a couple of things and we can certainly go back and forth  
16 but in case he wants to bring something to light in  
17 additional conversation.

18 MR. SMIGIEL: Now, in terms of, you know, the  
19 attorney mentioned the appeal and all that. We just followed  
20 the instruction of the inspector. If we were supposed to  
21 file something formally we could have done that, that's -

22 CHAIR WEYMOUTH: Well, and I've got a question of  
23 the inspector and I'll get to that in just a minute.

24 I'm just trying to understand the dynamics and  
25 truthfully I don't. But I'm hearing that you were on

1 vacation from prior to July 23.

2 MR. SMIGIEL: Correct.

3 CHAIR WEYMOUTH: Because that's when the notice was  
4 put in the mail. Until at least after August 16, I believe  
5 is when this hearing date was or, yes, August 16. The bank's  
6 in, or the house is in foreclosure, correct?

7 MR. SMIGIEL: That's correct, but we're working to  
8 resolve issues with the bank. We had other issues with the  
9 roof. We put a brand-new roof on. We are in litigation with  
10 that contractor because it's leaking. I mean, you can only  
11 do what you can do. In terms of pulling a permit, we talked  
12 to, my wife talked to Gerry and that's not an issue as well.  
13 We're willing to comply but we need to know what we need to  
14 do and what that would be required and the time frame.

15 CHAIR WEYMOUTH: Have there been any other  
16 improvements done to the property? Not specifically the dock  
17 but to the property?

18 MR. SMIGIEL: Yes.

19 CHAIR WEYMOUTH: New roof, new air conditioner?

20 MR. SMIGIEL: Yes, but we had a, no, but we pulled  
21 the permit for the roof.

22 CHAIR WEYMOUTH: Okay. So, with that being said,  
23 you know what the permit process is because you've done it  
24 before with a roof.

25 MR. SMIGIEL: Right.

1           CHAIR WEYMOUTH: So, I don't know how to respond to  
2 the contractor accusation or allegation but it sounds to me  
3 that you've been around the rodeo once. But again I'm just  
4 trying to understand in my mind all the different sets of  
5 circumstances that the weigh into this. Because in your  
6 letter you're saying that there were some minor, or there  
7 were some repairs. I don't think it's that minor so please  
8 make sure that's corrected.

9           MR. SMIGIEL: Right.

10          CHAIR WEYMOUTH: But there were some repairs that  
11 were needed in connection with hurricane Wilma going through.  
12 My recollection of the pictures, and if we bring this back  
13 we'll get to see the pictures again, was there were a couple  
14 of workers in the water setting new pilings. That's not  
15 repair work that's replacement work.

16                So again, there's a lot of things that are of  
17 concern and I still would like to hear from Inspector Smilen.  
18 My own personal opinion is, regardless of who the owner is,  
19 and regardless of who the bank is, I would hate to see  
20 thousands of dollars thrown down the drain if it's something  
21 that could be permitted and repaired. And that, only time  
22 will tell and to find out what everybody's role in is of  
23 this. Again, regardless of who the owner is. So, is there  
24 any more questions of the owner?

25          MR. BARRANCO: I just have one.

1 MR. SMIGIEL: Yes sir.

2 MR. BARRANCO: What's your plan moving forward if  
3 we do reconsider this?

4 MR. SMIGIEL: We would have no problem complying.  
5 We have all the information on the general contractor if you  
6 guys want to go seek --

7 MR. BARRANCO: Like, do you --

8 CHAIR WEYMOUTH: That's not our responsibility.

9 MR. BARRANCO: Here's what you have to do to  
10 comply. I'll tell you, and these guys can correct me if I'm  
11 wrong. You've got to go pull a permit, there's a bunch of  
12 things that you have to provide to pull that permit. Most  
13 probably engineered drawings which are going to cost you  
14 money unless you have a friend who's an engineer.

15 MR. SMIGIEL: Yes I do.

16 MR. BARRANCO: So that might work out. And you go  
17 down there and pay for a permit. They come out there, they  
18 inspect it. And if it meets code, you'll be good to go.

19 MR. SMIGIEL: Yes, the only issue is, is that, they  
20 said that we put in new electrical and plumbing. And there's  
21 not even plumbing near the dock, so.

22 MR. BARRANCO: Okay.

23 MR. SMIGIEL: In terms of --

24 MR. BARRANCO: That's for you to work out with  
25 those guys.

1 MR. SMIGIEL: There's all electrical there that's  
2 original from when the house was built.

3 CHAIR WEYMOUTH: Well, that would bear out in  
4 inspections.

5 MR. HOLLAND: Yes, question. Bearing on these  
6 support piles is a huger question than the electrical,  
7 believe me. I mean, uplift, and we've got resist a  
8 hurricane.

9 MR. SMIGIEL: Right.

10 MR. HOLLAND: Looked like they were being  
11 manhandled; we didn't see a pile driver --

12 MR. SMIGIEL: Right.

13 MR. HOLLAND: -- or blow counts on --

14 MR. SMIGIEL: Right.

15 MR. HOLLAND: -- bearing and uplift resistivity.  
16 Things that you worry about on such basic structures. So I  
17 just want to correct you that it's going to be tough -- I  
18 don't know exactly how they do it after the fact -- they  
19 might have to be replaced just to verify how they're driven.

20 MR. SMIGIEL: Um-hm. [Affirmative]

21 MR. HOLLAND: And what engineering parameters  
22 certify that that's suitable for its function.

23 MR. SMIGIEL: Um-hm. [Affirmative] Yes, because the  
24 seawall -- I went back and looked at the history of the house  
25 -- the seawall was significantly repaired with a permit as



1 well.

2 MR. HOLLAND: Yes, it's not an issue.

3 MR. SMIGIEL: Prior to when we owned the house.

4 MR. HOLLAND: Yes, but it's this wooden portion of  
5 the dock --

6 MR. SMIGIEL: Correct. Correct.

7 MR. HOLLAND: That is in great question with these  
8 support piers.

9 CHAIR WEYMOUTH: Okay. Any other questions of the  
10 owner? If you'd just give us a second with the inspector.  
11 Good afternoon sir again.

12 INSPECTOR SMILEN: Hello. Gerry Smilen Building  
13 Inspector, City of Fort Lauderdale. At your service.

14 CHAIR WEYMOUTH: You here to answer our questions?

15 INSPECTOR SMILEN: I --

16 CHAIR WEYMOUTH: I thought you may have had a  
17 comment but I've got a question for you.

18 INSPECTOR SMILEN: Okay.

19 CHAIR WEYMOUTH: When was the very first time that  
20 you were aware of the condition either that the dock was  
21 being repaired or replaced and when was your first contact  
22 with the owner for him to know that he was acting in  
23 violation of the City's codes?

24 INSPECTOR SMILEN: Well, this case originally, I  
25 believe was from '07. And then --

1 CHAIR WEYMOUTH: For the dock.

2 INSPECTOR SMILEN: Yes. So, now it's an '09 case.

3 I have never, I --

4 CHAIR WEYMOUTH: And he bought the house in '05.

5 INSPECTOR SMILEN: I'm sorry?

6 CHAIR WEYMOUTH: He bought the house in '05.

7 INSPECTOR SMILEN: From what I understand.

8 CHAIR WEYMOUTH: Pre-hurricane Wilma. My  
9 recollection is that just before Wilma he bought it and the  
10 damage was done during Wilma.

11 INSPECTOR SMILEN: That's my understanding.

12 MR. WEYMOUTH: Okay.

13 INSPECTOR SMILEN: I was not working for the City  
14 at that time. But what I can tell you is that there was  
15 substantial amount of replacement done on the dock. And  
16 alluding to Mr. Holland and Mr. Barranco's comments,  
17 engineer, not only an engineer's design but an engineer  
18 certification that the dock will fly the way it is and  
19 actually meet the requirements of a dock in the area that  
20 it's in, would have to be done in writing and certified by an  
21 engineer.

22 There's a lot more involved. And also we need the  
23 approvals from, because it is in the water. So, it's not  
24 like just getting a regular permit for a house. There's a,  
25 there are other departments that are involved in it. So it's

1 a little more of an involved process. As you know there are  
2 a lot of docks that go up without permits and because it's on  
3 the water side we don't really catch all of them.

4 In this particular case, the complainant happened  
5 to actually have the pictures that are on record that you saw  
6 showing the dock under construction. So that's really where  
7 we're at. The dock --

8 CHAIR WEYMOUTH: What are the dates of those  
9 pictures? Do you recall offhand approximately what year, not  
10 necessarily month.

11 INSPECTOR SMILEN: I'm going to say offhand, they  
12 were around '06. But I can't, we do have the pictures here  
13 and I think they're dated, if I'm not mistaken.

14 CHAIR WEYMOUTH: I think, you know, we'll revisit  
15 that when we hear the case.

16 INSPECTOR SMILEN: Sure.

17 CHAIR WEYMOUTH: But it isn't something that they  
18 did in 2010, 2011 while they were under water and in default  
19 with the bank and all that. It was done shortly after they  
20 had purchased the home in theory.

21 INSPECTOR SMILEN: From, yes, yes, in theory.

22 CHAIR WEYMOUTH: Okay. Any questions of the  
23 inspector?

24 MR. LARSON: Mr. Chairman?

25 CHAIR WEYMOUTH: Ginger, in the event that the

1 Board would like to revisit this case, is there specific  
2 language that would need to be made in order for us to make a  
3 vote?

4 MS. WALD: Yes. Two things. As I said before,  
5 since you started kind of hearing some testimony and evidence  
6 you can go ahead and make a determination based upon the  
7 letter and accept it as a motion for reconsideration and  
8 grant the reconsideration of the hearing which would vacate  
9 the prior order. And then we would go ahead and reschedule  
10 this for a brand-new hearing as a brand-new case.

11 Your other option would be to have a full motion  
12 for reconsideration heard at a later date. And I, based upon  
13 some of the information that I've heard as to Ms. Hale and  
14 having all interested parties being noticed for that type of  
15 hearing that can be done also. So those are the two options  
16 that you have. You can also hear the motion for the  
17 reconsideration as you started today and you could deny it.  
18 So those are all your different options.

19 CHAIR WEYMOUTH: Okay.

20 MR. LARSON: Mr. Chairman, I personally would  
21 prefer the second part of the, the what Ginger -- I'd rather  
22 just have it come back and give him until the -- they're not  
23 going to have one in October so it would be November meeting.  
24 That would give --

25 CHAIR WEYMOUTH: You want to state a formal motion

1 so that --

2 MR. LARSON: Well, I'm just sharing my thought  
3 because I want to hear from the rest of the Board.

4 CHAIR WEYMOUTH: Okay, okay.

5 MR. LARSON: And then, that would give the  
6 respondent time to get something started and get into it  
7 since he's been out of town. And can find out whether he's  
8 going to tear it down and maybe he'll make a decision after  
9 he finds out when he gets into it, he might be better off to  
10 tear it down than leave it there. But anyhow, I'd like to  
11 give him the chance if there's any chance to salvage it, I'd  
12 like to see it salvaged.

13 CHAIR WEYMOUTH: I concur.

14 MS. WALD: One other thing.

15 CHAIR WEYMOUTH: Yes ma'am.

16 MS. WALD: I know that either I said or Dee said  
17 earlier, that there was another person here that did sign in  
18 and wanted to speak but of course it's always up to the Board  
19 whether you want to hear from anybody else.

20 MR. HOLLAND: Right, yes, I would recommend if the  
21 gentleman would like to speak that he be allowed to.

22 MS. PARIS: And we are going to schedule -- and we  
23 are going to schedule for October. Until we find out there  
24 isn't a quorum.

25 MS. PRYOR: Tentatively.

1 MS. PARIS: Tentatively.

2 MR. BARRANCO: Right.

3 MS. PARIS: So, just so you know that. Because we  
4 do have two cases.

5 CHAIR WEYMOUTH: All right, let's, is there any  
6 additional speakers on behalf -- yes sir. Has this gentleman  
7 been sworn?

8 MS. PARIS: Yes he was.

9 CHAIR WEYMOUTH: Okay. If you would, please state  
10 your name.

11 MR. ALLEN: Yes, my name is Eugene Allen and I'm  
12 the neighbor across from this dock.

13 MR. LARSON: Could you speak up and bring up the  
14 mic? Since you're so tall the mic doesn't go down to you.

15 MR. ALLEN: I'm the neighbor across from the dock.  
16 And my concern is that we'll have a repeat of Wilma with this  
17 dock where one of these many boats broke loose, or almost  
18 broke loose. And I'm happy to hear my neighbor has so many  
19 friends with boats because I've seen 10 or 20 of them go  
20 through there in the last few years.

21 [Mr. Allen showed a photo of boats at the dock]

22 This is a boat, where are we looking? These  
23 tenants of his don't secure their boats properly in  
24 hurricanes by my opinion. They leave their heads sails up  
25 like this one, they come unrolled. And this one damaged the

1 dock to the degree that it had to be replaced by pulling up  
2 pilings and it was -- you can see it looks like it's attached  
3 to the dock now. It was really only hanging by one line by  
4 the end of the hurricane.

5           And my concern is, when these boats get loose  
6 they're going to take out other boats, mine probably. So I'm  
7 very concerned about this. I'm happy to have a -- it is a  
8 very nice-looking dock, it looks beautiful. What I don't, I  
9 saw the pilings go in, I don't think they're deep enough.  
10 And I don't see how you can determine that now without taking  
11 them out. And if you take them out, haven't you demolished  
12 it?

13           So, I'm perfectly happy to have the dock there.  
14 But how do we, how are we ever going to know if this dock is  
15 built right? That's my question. I don't see any way you can  
16 know what's in the ground below the water.

17           MR. HOLLAND: Yes, I share your concern.

18           MR. ALLEN: Unless you were there to begin. So,  
19 if we can know it's safe fine, but how do we know that?

20           CHAIR WEYMOUTH: I think --

21           MR. ALLEN: And we're in the peak hurricane season  
22 right now and it could happen next week and another one of  
23 these incidents of these boats cascading down the canal doing  
24 lots of damage. And there's at least 15 homes within three  
25 docks of this one that could be affected. Not to mention the

1 people he's rented it out to. Come on, these are rentals.

2 CHAIR WEYMOUTH: The unfortunate reality is, you're  
3 right, there could be a storm in the next week or two. The  
4 unfortunate reality as we've heard is that this dock is not  
5 going anywhere in at least 60 days so, you know I, and I, it  
6 sounds like there are others that share your concern. But  
7 the reality of it is is if a storm comes the next 60 days  
8 it's probably going to be in the same condition and just hope  
9 everybody's insurance is paid up. Do you have a comment Ms.  
10 Hale?

11 MS. HALE: No.

12 CHAIR WEYMOUTH: Okay.

13 MS. HALE: Feeling sorry for you because I  
14 understand the problem. And I don't know whether it was your  
15 picture we saw the last time around --

16 MR. ALLEN: They were taken from my property.

17 MS. HALE: Were they?

18 MR. ALLEN: Yes.

19 MS. HALE: And I assume this is an '05 picture --

20 MR. ALLEN: Inspector came to my property.

21 MS. HALE: I assume this is an '05 picture from  
22 Wilma.

23 MR. ALLEN: This one?

24 MS. HALE: Yes.

25 MR. ALLEN: Yes, that's the day after Wilma.



1 CHAIR WEYMOUTH: Any additional comments or  
2 questions?

3 MR. HOLLAND: Yes, question to the owner. Have you  
4 made any effort to --

5 CHAIR WEYMOUTH: Let's have him come up to the  
6 podium.

7 MR. HOLLAND: Yes.

8 CHAIR WEYMOUTH: Are there any more questions of  
9 this gentleman?

10 MR. LARSON: Mr. Chairman?

11 CHAIR WEYMOUTH: Yes sir.

12 MR. LARSON: John, correct me if I'm wrong but I  
13 believe there is a way of testing to see how much pressure  
14 that those dolphins will take if they go to pull them out. I  
15 think if they're driven down in, with the pilings and every  
16 time you drive them down a foot they're supposed to hold so  
17 much.

18 CHAIR WEYMOUTH: Well --

19 MR. LARSON: So I think, I think there is a way,  
20 but the engineer --

21 CHAIR WEYMOUTH: That would be incumbent on the  
22 owner --

23 MR. LARSON: That would be incumbent on the owner  
24 and the engineer.

25 CHAIR WEYMOUTH: To satisfy the --

1 MR. LARSON: Am I correct John?

2 MR. HOLLAND: Right. That was my question. Have  
3 you even looked into that after-the-fact?

4 MS. PARIS: Sir sir, sir. I need you to come back  
5 up to the mic please.

6 MR. SMIGIEL: My wife and I had spoken to, oh, I'm  
7 sorry, to one, a certified builder, and also his engineer to  
8 try to determine, you know, how to do the after the --

9 MR. HOLLAND: After-the-fact.

10 MR. SMIGIEL: After-the-fact plans and so forth.  
11 So, and again, the seawall was reinforced so -

12 MR. HOLLAND: Not the seawall, the pilings, just  
13 the -

14 MS. HALE: No.

15 MR. SMIGIEL: Well, I think it ties into how it's  
16 affixed to --

17 MR. HOLLAND: A little bit, but it's those pilings  
18 --

19 MR. SMIGIEL: Again, I'm not an engineer but  
20 apparently you have to do calculations or something, load or  
21 --

22 MR. HOLLAND: It might be more than just  
23 calculations.

24 MR. SMIGIEL: Right.

25 MR. HOLLAND: It may be the actual something that

1 occurs during the installation of that piling.

2 MR. SMIGIEL: Right.

3 MR. HOLLAND: And I, that's why I was asking the  
4 inspectors of any, or the Building Official if there was any  
5 knowledge of what that criteria is locally of what are they  
6 looking for like a point bearing or a friction. But I am  
7 concerned that in order to have that assurance it may be as  
8 much as putting a pile driver on that thing which is pretty  
9 radical as far as supporting the rest of the structure.

10 MR. BARRANCO: But it can be done.

11 MR. HOLLAND: It can be done.

12 CHAIR WEYMOUTH: You can't put [inaudible] on that  
13 without altering the structural integrity. And again, now  
14 we're getting into engineering questions and all that. I  
15 think it's incumbent on them to --

16 MR. HOLLAND: Right. But I'm letting everybody  
17 know that, you know, I'm trying to also get a feel for how  
18 much we've even looked into that. The thing is a hazard in  
19 peak season here and it wasn't done correctly. And our job  
20 is to look out for everybody's safety. And I brought the  
21 issue up at that meeting because I was concerned about  
22 retaining the equity in this thing.

23 MR. SMIGIEL: Right.

24 MR. HOLLAND: For whether it's the bank or the  
25 owner.

1 MR. SMIGIEL: Right.

2 MR. HOLLAND: Since then, I would've thought  
3 somebody could've made a move towards that investigation to  
4 know exactly what you're getting into to certify that thing  
5 and not just to float the issue through peak hurricane season  
6 and the boats that go with it.

7 CHAIR WEYMOUTH: Quite frankly, that, all of the  
8 investigative work that you're talking about could have been  
9 at least started, I'm sure concluded since 2006 which is what  
10 I'm hearing it first became an issue with the City. So, with  
11 friends as an engineer and one thing or another to not have  
12 any supporting documentation at this point basically means  
13 that it's been sitting on a deaf ear for six years.

14 MR. SMIGIEL: Well, I just spoke with him since we  
15 did this appeal. Since we wrote the letter.

16 CHAIR WEYMOUTH: Well, but this has been something  
17 that's on the City's radar since '06, '07, '08, '09.

18 MR. SMIGIEL: I understand that because when we  
19 talked, when my wife talked to Gerry, he's the one that told  
20 her, that's what you need to do. So that's how we started  
21 the process.

22 MR. HOLLAND: As an option, yes.

23 CHAIR WEYMOUTH: Any other questions of the owner?

24 MS. HALE: Gerry? I think Gerry wants to say  
25 something.

1 CHAIR WEYMOUTH: Yes, and I've got a question for  
2 Ginger.

3 INSPECTOR SMILEN: Gerry Smilen, Building Inspector  
4 City of Fort Lauderdale. I just want to clarify something.  
5 Myself as a Building Inspector and representing the City of  
6 Fort Lauderdale, I don't tell anybody what to do. The only  
7 thing that I do and what my job is to present options. There  
8 were three options that I presented to Mr. Smigiel's wife.

9 One was to demolish the dock, the other was she  
10 could go with a court appeal which would require a lawyer and  
11 a legal process. Or she could ask the Board here for a  
12 reconsideration. Those are the three options.

13 CHAIR WEYMOUTH: That's within the last thirty  
14 days, that you had that conversation.

15 INSPECTOR SMILEN: Pardon?

16 CHAIR WEYMOUTH: That's within the last thirty  
17 days, since the last, since the August meeting?

18 INSPECTOR SMILEN: Yes, yes, since then. But I  
19 just want to clarify that; I don't tell anybody what to do,  
20 just options.

21 CHAIR WEYMOUTH: Okay.

22 MR. HOLLAND: Yes, in that note, we can't tell the  
23 respondent what to do either but we can suggest a few items  
24 too.

25 MR. BARRANCO: Right.

1 MR. HOLLAND: And it is hurricane season, I think  
2 any, if we're going to even consider extension --

3 CHAIR WEYMOUTH: Well and again, and as I indicated  
4 to the neighbor that, you know, a storm could come in the  
5 next sixty days and that dock will be there unless there,  
6 unless --

7 MR. HOLLAND: I, I, yes.

8 CHAIR WEYMOUTH: Unless the building official puts  
9 out an emergency demolition notice.

10 MR. HOLLAND: Right. And I would like to hope some  
11 of the more precarious structures would be addressed first  
12 with limited resources in the event of a storm.

13 CHAIR WEYMOUTH: I got it.

14 MR. HOLLAND: And I think the exposure this thing  
15 offers to a lot of area is very real.

16 CHAIR WEYMOUTH: I agree.

17 MR. HOLLAND: And I empathize with neighbors who  
18 have to deal with it. But on the other hand, what I'm  
19 getting at is some extraordinary response in the interim if  
20 there's something consider. We can talk about, we can't  
21 insist on it or order it but we can suggest. So just wanted  
22 to get that out and we need some decisions made here.

23 CHAIR WEYMOUTH: Ms. Wald, can I ask one more  
24 question?

25 MS. WALD: Yes sir, just one more.

1           CHAIR WEYMOUTH: Is, thank you, what are his other  
2 options other than to appeal to this Board to reverse the  
3 order that was made last month?

4           MS. WALD: The options that the owner originally  
5 had were two, which Gerry had already said which two. One  
6 would be to file a petition for writ of certiorari within  
7 thirty days of the rendering of the order. Failure to do that  
8 -- because if you don't do it timely you're, it's probably  
9 just going to be denied by the judge.

10          CHAIR WEYMOUTH: That time has passed, correct?

11          MS. WALD: I would have to look at the order as to  
12 when it was actually rendered to make that determination. I  
13 cannot tell you that.

14          CHAIR WEYMOUTH: [inaudible]

15          MS. WALD: I would guess it probably is because  
16 today is the twentieth and the hearing was back on August the  
17 sixteenth. The only other --

18          CHAIR WEYMOUTH: Sixteen. And the seventeenth was  
19 a Friday. Eighteen, nineteen, Monday would have been the  
20 twentieth of August.

21          MS. WALD: I don't know when you signed it. The  
22 only other option would be what the owner has done. Which is  
23 to send a letter in which as I said you can consider as a  
24 motion for reconsideration because that's how I read it.  
25 Because there is no appeal back to the Board.

1 CHAIR WEYMOUTH: We've got more power than a judge?

2 MS. WALD: Yes, because you still have jurisdiction  
3 over the case. If this case had been appealed --

4 MR. BARRANCO: Okay. We have a heart.

5 MS. WALD: -- then you would lose jurisdiction over  
6 the case and it would be squarely in the court's domain.

7 CHAIR WEYMOUTH: How long does it take to file that  
8 writ of whatever you said with the court?

9 MS. WALD: Depends how fast you write.

10 CHAIR WEYMOUTH: I write very slowly. But if I  
11 wrote very quickly and had a very smart attorney how long  
12 would it take me to file that? Approximately?

13 MS. WALD: I can't say. Because every, every  
14 single case --

15 CHAIR WEYMOUTH: Is it a day, is it a week?

16 MS. WALD: Could be, it really depends upon the  
17 attorney and what legal arguments they're going to make and  
18 what law they can find to place into those legal arguments.  
19 Because there's only a three-step process. The three-step  
20 for the appeal is: no due process. And I think we've  
21 actually went over again today whether due process was given  
22 in regards to the notices that were provided and then a  
23 hearing was provided.

24 The other option is whether it was substantial  
25 evidence that was provided to the Board and they took that



1 into consideration. And the last one is whether the Board  
2 complied with the essential requirements of law and whether  
3 the Board followed the law.

4 So those are the three things and the only three  
5 things that the Circuit Court can weigh in making a  
6 determination of whether the order of this Board should be  
7 overturned.

8 CHAIR WEYMOUTH: Do we have a date?

9 MS. WALD: Seventeenth? Rendered on the  
10 seventeenth of August.

11 CHAIR WEYMOUTH: So the thirty days is past.

12 MS. WALD: Yes.

13 CHAIR WEYMOUTH: So we are his last resort.

14 MS. WALD: More likely than not, yes.

15 CHAIR WEYMOUTH: Mr. Holland, you have a question?

16 MR. HOLLAND: Yes, question for the Assistant  
17 Attorney, City Attorney. Hypothetically, if we keep the  
18 order in force --

19 MS. WALD: Yes.

20 MR. HOLLAND: And I'm, and knowing that there's a  
21 projected time for demolition --

22 MS. WALD: Um-hm [affirmative].

23 MR. HOLLAND: -- allow, is a application for permit  
24 in parallel to that in-place order an option that could be  
25 considered and a fire drill take place to get that thing

1 through and the actions to secure that fast-tracked and stay,  
2 and perhaps stay ahead of that demolition.

3 MS. WALD: That's actually not a legal question,  
4 sorry. That actually would be --

5 MR. HOLLAND: I'm glad it's not.

6 MS. WALD: That actually would be a question for  
7 the Building Department in that regard because I don't  
8 process permits --

9 MR. HOLLAND: Sure.

10 MS. WALD: -- and I don't fast-track them.

11 MR. HOLLAND: I was just looking for the legal  
12 opinion on that. And hearing none --

13 MS. WALD: I mean you can apply, you can always  
14 apply for a permit, there's nothing to stop you.

15 MR. HOLLAND: Right.

16 MS. WALD: I can answer that question.

17 MR. HOLLAND: Okay.

18 MS. WALD: As to that question I can answer they  
19 can apply for a permit.

20 MR. HOLLAND: Yes. Right.

21 MS. WALD: Where it happens from there I can't  
22 answer.

23 MR. HOLLAND: I'm feeling that perhaps a solution  
24 may be to leave the order in place in case it's needed and to  
25 have the owner pursue the extraordinary permitting and after-

1 the-fact compliance and if he finds that it's going to be  
2 cost prohibitive, proceed with the demolition himself which  
3 would be more cost-effective than the City doing it and the  
4 City has the option in the event of a hurricane to remove the  
5 thing immediately or have him agree to remove it so that  
6 we're secure for that hurricane and I would prefer to leave  
7 the order in place.

8 MR. BARRANCO: Yes, I agree with Joe. I like the  
9 action of no action. Leave it in place and if it happens to  
10 be still standing at the next hearing, we could consider it  
11 then.

12 MS. WALD: Well, one second. Wait, wait hold on.  
13 Let me go legally.

14 MR. BARRANCO: All right.

15 MS. WALD: It's not scheduled for anything for the  
16 next hearing.

17 MR. BARRANCO: Right, okay.

18 MS. WALD: If you wanted to make the motion. And  
19 let me just say, an option that you have. I'm not telling  
20 you what to do and please don't think I am. An option that  
21 you have would be to make a motion to schedule this for a  
22 full hearing. And you can take the evidence that you've  
23 already heard today. To schedule this for a full hearing on  
24 a motion for reconsideration at the next meeting.

25 MR. BARRANCO: Okay.

1 MS. WALD: That is an option.

2 MR. BARRANCO: Yes.

3 MS. WALD: And then, all that does by the way is it  
4 keeps everything in place as it is.

5 MR. HOLLAND: So.

6 MR. BARRANCO: We don't have to make a motion to do  
7 that, right?

8 MR. HOLLAND: Right. There's no need. There's no  
9 need.

10 MR. BARRANCO: All we have to do is say schedule it  
11 for the next hearing.

12 MS. WALD: Oh sure, because we would do that  
13 anyway.

14 MR. BARRANCO: Yes. So let's -

15 MS. WALD: That's an option.

16 MR. BARRANCO: -- let's, if the Chair wants to do  
17 that.

18 MS. HALE: Ginger, would that notice everyone?

19 MS. WALD: Yes, what, here's what we do. And I  
20 know you guys already know this but I'm going to say it for  
21 the record so everyone understands that's here.

22 What would happen is our office would go ahead and  
23 do an updated title search. If there were no other interested  
24 parties from the updated title search we would provide that  
25 to staff. Staff would go ahead and send notice out to the

1 interested parties that we've already determined.

2 In this case -- if I remember correctly and please  
3 tell me if I'm wrong because I don't have my file in front of  
4 me -- it would be the owners themselves, it would be the bank  
5 that has brought the foreclosure case. And was there one  
6 other party, I can't remember?

7 MR. LARSON: His attorney.

8 MS. HALE: The gentleman spoke of his attorney.

9 MS. WALD: Merrill Lynch Credit was another  
10 interested party that would be listed. Remember, as to  
11 interested, that means they actually recorded something in  
12 the public records of Broward County dealing with this  
13 property. That's who we consider to be interested.

14 CHAIR WEYMOUTH: My suggestion would be, again, I'm  
15 focusing in on the fact that the reality of the matter is is  
16 that this dock will not be demolished within the next sixty  
17 days give or take a few days.

18 It is what I'm hearing. With that being said, I,  
19 you know, if we were to reconsider this, I would say that we  
20 should possibly reconsider this at the November meeting and  
21 see how serious the owner is about having permits in place in  
22 order to repair or replace or have the permit closed out for  
23 the work as is.

24 To have him back here in twenty-eight days, I don't  
25 think you're going to get all of the necessary things to get

1 this group comfortable with. So if we do nothing and he gets  
2 it on the November hearing, he will, if he has made huge  
3 progress, which I think this Board is looking for, will have  
4 a permit in hand. I don't believe, can the Building  
5 Department tell me if they think that it would take more than  
6 sixty days to permit this?

7 MR. AUGUSTIN: Chris Augustin, Building Official  
8 for the City. If the plans meet the minimum requirements of  
9 the code I would estimate a permit would be ready to be  
10 picked up in approximately fifteen working days. So I cannot  
11 answer your question as far as the plans if they're --

12 CHAIR WEYMOUTH: Right. If the plans are in good  
13 order, it's fifteen to twenty working days, it's a month give  
14 or take.

15 MR. AUGUSTIN: It's more like ten to fifteen  
16 working days.

17 CHAIR WEYMOUTH: Well, it's, it's a month to get it  
18 approved plus however long it takes to prepare the plans, so.

19 MR. HOLLAND: And again Mike, I have a, the problem  
20 I have with your premise is that even though the City said  
21 they've got a sixty-day backlog on demolitions, some are  
22 bigger hazards than others and I think they could improve on  
23 that. I mean, if we have a storm, we have a hazard, and it's  
24 about safety.

25 CHAIR WEYMOUTH: I agree.

1 MR. HOLLAND: So, their backlog, I think, is  
2 immaterial and I hate to see you base your judgment on that  
3 assumption.

4 CHAIR WEYMOUTH: Well, but that's what I'm basing  
5 it on because of what I know here today. I don't know of a  
6 string of storms that are coming off the coast of Africa so,  
7 I know --

8 MR. HOLLAND: No, it's not about that; it's about  
9 the backlog of the City's ability to demolish an unsafe  
10 structure that, you know.

11 CHAIR WEYMOUTH: Well, the backlog, well, I don't -  
12 - I don't know if anybody wants to correct me --

13 MR. HOLLAND: Again some --

14 CHAIR WEYMOUTH: I'm operating from what I think is  
15 truth. Is that the backlog is being driven by a shortage of  
16 money in the City.

17 MR. HOLLAND: Correct. But sometimes you have to  
18 put some things ahead of others based on the overall hazard  
19 to everything.

20 CHAIR WEYMOUTH: Are you implying that this should  
21 be pushed ahead of some of the other ones that have been  
22 ordered to be demolished?

23 MR. HOLLAND: I think there's a possibility the  
24 City might have that discretion. It would make common sense  
25 to get your worst structures taken care of over other things

1 that, maybe a dangling soffit or something.

2 CHAIR WEYMOUTH: Well, and again, also I think that  
3 the type of demolition that you're talking about here limits  
4 the number of qualified demolition contractors to do this. I  
5 don't think this is your traditional wildcat that pulls on  
6 with a D3 and goes out there, mows it down and throws it in  
7 the back of a truck.

8 MR. HOLLAND: No, quite frankly it's very easy, you  
9 just pull the deck off and leave the piles because they're  
10 not flying anywhere.

11 MR. BARRANCO: We, we're all talking about being in  
12 a rush to reconsider this? I mean, if it gets demoed, it  
13 gets demoed; the order's already in.

14 CHAIR WEYMOUTH: Right.

15 MR. BARRANCO: So, we're trying to help the guy  
16 out. Hopefully it doesn't get demoed. But we can reconsider  
17 it in November.

18 MR. HOLLAND: No, I'm, my point is, by applying for  
19 the permit and staying ahead of it to --

20 MR. BARRANCO: Oh, you're just letting him know.  
21 You're letting the owner know what he should be doing.

22 MR. HOLLAND: No. I'm suggesting we keep the order  
23 in there in case it's needed.

24 MR. BARRANCO: Right.

25 MR. HOLLAND: And we have, and we need to demolish



1 it for a pending storm.

2 MR. BARRANCO: Right.

3 MR. HOLLAND: But in the meantime, if he gets his  
4 permit in there and fast-tracks that and the remedial action  
5 everybody's happy I would like to think.

6 CHAIR WEYMOUTH: I think we're saying the same  
7 thing.

8 MR. BARRANCO: Well, for sure, yes.

9 MR. HOLLAND: And we'd be happy because we don't  
10 have to hear it again.

11 MR. BARRANCO: Right.

12 CHAIR WEYMOUTH: And I think we're all saying the  
13 same thing.

14 MR. BARRANCO: Well, we do have to hear it again  
15 because we have to reconsider it.

16 CHAIR WEYMOUTH: Yes, I did --

17 MR. BARRANCO: At some point we do.

18 CHAIR WEYMOUTH: If I'm the owner, if I'm the  
19 owner, I'm leaving here, I'm calling my buddy who's the  
20 engineer saying I need you to do me a big favor --

21 MR. BARRANCO: Right.

22 CHAIR WEYMOUTH: -- so that I can get a permit  
23 applied for on Monday, September twenty-fourth or twenty  
24 fifth, whatever.

25 MR. BARRANCO: Right, right, have the piling test

1 done the following week.

2 CHAIR WEYMOUTH: I would be doing everything I can  
3 so that I can then go back to Inspector Smilen and say, will  
4 you please put me on your November 15 hearing --

5 MR. BARRANCO: Right.

6 CHAIR WEYMOUTH: Because I am anticipating having  
7 building permits by then.

8 MR. BARRANCO: Yes.

9 CHAIR WEYMOUTH: And if we, if he shows up here on  
10 November 15 and he doesn't have a permit I'm not going to  
11 overturn the demolition.

12 MR. BARRANCO: What if he doesn't have an engineer?

13 CHAIR WEYMOUTH: Then it's going to be demolished.

14 MR. BARRANCO: It's even worse. Yes.

15 CHAIR WEYMOUTH: I mean, you know, the demolition,  
16 the demolition stays on track.

17 MR. BARRANCO: Yes.

18 CHAIR WEYMOUTH: And he, he is responsible for his  
19 own --

20 MR. BARRANCO: So we're good. So you're saying the  
21 same thing, Joe.

22 CHAIR WEYMOUTH: Right. I think we're all saying  
23 the same thing.

24 MR. HOLLAND: So we're keeping it, the order in  
25 place?

1 CHAIR WEYMOUTH: Yes. The order stays in place.

2 MR. BARRANCO: Yes.

3 MR. HOLLAND: So we can demolish at any point we  
4 need to, okay. Okay.

5 MR. BARRANCO: Yes.

6 CHAIR WEYMOUTH: He's going to have to proactively  
7 pursue a permit --

8 MR. HOLLAND: No, I got. Yes, yes, yes.

9 CHAIR WEYMOUTH: -- in order to stay the  
10 demolition.

11 MR. HOLLAND: Yes. I'm sorry.

12 CHAIR WEYMOUTH: And there's a horse race if the  
13 permit gets out before the demolition is ordered.

14 MR. HOLLAND: That's exactly it; it's a horse race.

15 MR. BARRANCO: And we'll hear it in November.

16 MR. ALLEN: Can I ask you something?

17 MR. HOLLAND: Sure, we got --

18 MR. LARSON: Mr. Chairman, can we hear from the  
19 gentleman up there at the --

20 CHAIR WEYMOUTH: Yes sir.

21 MR. ALLEN: The dock by itself is not a danger to  
22 me. It's the boats attached to it.

23 CHAIR WEYMOUTH: Absolutely.

24 MR. ALLEN: So, could it not be possible that until  
25 this process is complete we ask that the boats be removed?

1 CHAIR WEYMOUTH: Well that's not, that's not a  
2 decision for the Board, quite frankly.

3 MR. HOLLAND: But if --

4 CHAIR WEYMOUTH: We've found this to be an unsafe  
5 structure and we've given an order to have it demolished in a  
6 timely fashion by the owner, if not by the owner then by the  
7 City. And --

8 MR. HOLLAND: We can speak to that though. I  
9 think, in a hypothetical, I would think the City would have  
10 the discretion in consideration of demolishing the dock, they  
11 can encourage those boats to move in the event they need to.

12 CHAIR WEYMOUTH: That's a decision for the City.  
13 And again, Ginger? Now we're again slowly dancing back into  
14 your court. The gentleman is asking if during the demolition  
15 order, if the City can't be proactive in mandating that there  
16 are no boats tied up to this unsafe structure in an attempt  
17 to mitigate the potential damage.

18 MS. WALD: Well, first of all, you've already,  
19 you've already ordered the demolition.

20 CHAIR WEYMOUTH: Right.

21 MS. WALD: So, right now, that's your order.

22 CHAIR WEYMOUTH: Right.

23 MS. WALD: There is no other orders and that's your  
24 final order. If you reconsider the case, okay, let me see if  
25 I can get this right. If you go ahead and you grant the

1 reconsideration, and you have a new hearing on the whole  
2 thing and you choose not to order to demolish the dock, can  
3 you order other safety measures and the answer is yes.

4           So that could potentially be a safety measure if  
5 you find that it would be one that you could order, if all  
6 those things happen that I just said.

7           CHAIR WEYMOUTH: Now, do we need to have the  
8 posting and the hearing and the mailing and the notification  
9 to do all of this?

10           MS. WALD: Oh yes, oh yes, yes, yes, yes. Anytime  
11 we have a quasi-judicial, we have to go ahead and make sure  
12 that notice is provided to all the parties. That is part of  
13 the two-part due process system. And we've got that system  
14 down pretty good here. And I would say, since we're all here  
15 still talking, we got the second part down of that system  
16 really good here. Which is actually giving the opportunity  
17 for everyone to be heard.

18           CHAIR WEYMOUTH: So, the answer to the gentleman's  
19 question is, we can't make that, we cannot give that order  
20 today because --

21           MS. WALD: You've already ordered.

22           CHAIR WEYMOUTH: We've already ordered and there  
23 hasn't been the proper posting and notices and so on and so  
24 forth.

25           MR. BARRANCO: I'll tell you what we can do.

1           CHAIR WEYMOUTH: But I understand his concern of  
2 high winds and the stress that would put on a dock and the  
3 potential for the boats cutting loose. So --

4           MR. BARRANCO: I've got a suggestion.

5           CHAIR WEYMOUTH: Yes sir?

6           MR. BARRANCO: Since the owner's here, why don't we  
7 ask the owner if he'd be willing to do something like that.

8           MR. SMIGIEL: Well I --

9           MR. BARRANCO: Could you please step up to the  
10 podium? I just have a question for you. And nothing, this  
11 is just a question, this is your option.

12          MR. SMIGIEL: Right.

13          MR. BARRANCO: You can do whatever you want. We're  
14 not forcing you to do anything here okay?

15          MR. SMIGIEL: Right.

16          MR. BARRANCO: Would you be willing to ask your  
17 friends to take their boats off the dock in the interim until  
18 we get this resolved?

19          MR. SMIGIEL: No. I have my personal boat there.  
20 But I would be willing to, within two weeks, have some type  
21 of permit pulled as long as I can get engineering.

22          MR. BARRANCO: Well, that's good, that's good. I'd  
23 like to see that.

24          MR. SMIGIEL: Essentially, the dock's been there  
25 for, since '99 and it was repaired in '05/'06.

1 MR. HOLLAND: No, we're addressing the removal of  
2 boats in the event of a storm.

3 MR. SMIGIEL: I understand that. But in five or  
4 well, gee, six years, five or six years, there's never been  
5 an issue. The houses are insured. I mean, there's docks on  
6 the canals that are falling down. This isn't the issue here.

7 MR. HOLLAND: Yes, but insurance isn't the most  
8 pleasant [inaudible] to go through, yes.

9 [People speaking over each other]

10 MR. SMIGIEL: And I hired a licensed general  
11 contractor to do this.

12 MR. HOLLAND: Right, right.

13 MR. SMIGIEL: Whether they pulled the permit or not  
14 it's, I know is another story. In terms of getting the plans  
15 done or, that is already on the way. I mean [inaudible]  
16 argument.

17 MR. BARRANCO: Right. I would suggest you do all  
18 that before we hear it again.

19 MS. HALE: Sir, sir. You are not willing to remove  
20 the boats is what you're saying.

21 MR. SMIGIEL: Right. Correct.

22 MS. HALE: Okay. That's it.

23 MR. BARRANCO: Okay. That's it. Okay.

24 CHAIR WEYMOUTH: All right, any further discussion  
25 on this? Okay. Anything else from the City for us to

1 consider? I don't know if there's anything that we want to  
2 convey to the --

3 MS. PARIS: Could you just give us one second? You  
4 sure? Okay. No.

5 CHAIR WEYMOUTH: I'm not giving you any more time.

6 MS. WALD: Sit down.

7 MS. PARIS: We're done.

8 CHAIR WEYMOUTH: Are you going to ask us if we want  
9 to tell anything to our commissioners?

10 MS. PARIS: No.

11 MR. WEYMOUTH: Good.

12 MS. PARIS: Well, yes, but I didn't know you were  
13 finished. Yes but I didn't know you were finished with this  
14 case.

15 MS. GROSSFELD: He's not finished.

16 CHAIR WEYMOUTH: This wasn't even a case, this was  
17 just a --

18 MS. PARIS: Correct.

19 MS. WALD: Old business.

20 CHAIR WEYMOUTH: Huh?

21 MS. WALD: Old business.

22 CHAIR WEYMOUTH: Old business.

23 MS. PARIS: So, no action, no action, correct? And  
24 yes.

25 MR. BARRANCO: And Mr. Chair, are we going to re-



1 here this case in November?

2 CHAIR WEYMOUTH: No.

3 MR. BARRANCO: Are we going to have a motion for a  
4 reconsideration in November?

5 CHAIR WEYMOUTH: No. no.

6 MR. BARRANCO: So the order stands.

7 CHAIR WEYMOUTH: The order stands.

8 MR. BARRANCO: Okay.

9 MR. LARSON: So in other words you're not

10 [inaudible]

11 [People speaking over each other]

12 MS. WALD: Well wait a second, wait, well hold on,  
13 hold on, hold on.

14 MR. LARSON: Motion for consideration?

15 MS. WALD: Here would be, my here would be my  
16 advice. My advice would be to have some finality because  
17 this is a motion for reconsideration --

18 MR. WEYMOUTH: Okay.

19 MS. WALD: -- as we discussed and we all accept it  
20 as such.

21 MR. BARRANCO: There is no motion for  
22 reconsideration.

23 MS. WALD: No, no, no, no, no. Wait, wait, wait, I  
24 didn't finish, I didn't finish. This letter could be  
25 considered as a motion for consideration. You've basically

1 heard most of it. And as one of the options you can go ahead  
2 and you can move for the reconsideration and you can vote and  
3 you can resolve this right here and now. Or, we're going to  
4 put this on the next agenda as a motion for reconsideration  
5 and send the notices out. So you can take care of this right  
6 now and here or we'll put it on for next month. I just wanted  
7 you to know that.

8 CHAIR WEYMOUTH: You're saying it's either or? We  
9 either hear it now or we hear next month?

10 MS. WALD: We'll put it on for next month. I mean,  
11 you've basically already heard it.

12 MR. BARRANCO: Yes.

13 CHAIR WEYMOUTH: But why would we put it on for  
14 next month? Nobody wants to hear it again.

15 MR. BARRANCO: Well, here's what I'm thinking.

16 MS. WALD: That's why I'm saying you might want to  
17 go ahead and do the motion and vote today.

18 CHAIR WEYMOUTH: Right.

19 MR. HOLLAND: To not hear.

20 CHAIR WEYMOUTH: To not to hear today or anytime in  
21 the future.

22 MS. WALD: To deny it.

23 CHAIR WEYMOUTH: Right.

24 MR. HOLLAND: Yes.

25 MS. WALD: But that would be to deny it.

1 CHAIR WEYMOUTH: That's even better.

2 MS. WALD: Okay.

3 CHAIR WEYMOUTH: Well, with that being said --

4 MR. HOLLAND: I move --

5 CHAIR WEYMOUTH: Is there any questions of the City  
6 Attorney?

7 MR. BARRANCO: No.

8 CHAIR WEYMOUTH: Are there any, is there anyone  
9 that would like to make a motion?

10 MR. HOLLAND: I move that we reject the request for  
11 a motion via the letter of the owner for a continuance or a  
12 overturning --

13 CHAIR WEYMOUTH: Reconsideration.

14 MR. HOLLAND: -- yes reconsideration.

15 CHAIR WEYMOUTH: Okay. We have a motion to reject  
16 the reconsideration. Is there a second?

17 MR. BARRANCO: Second.

18 CHAIR WEYMOUTH: Okay. Is there any additional  
19 discussion? Hearing none, let's take it to a vote. All  
20 those in favor say aye.

21 BOARD MEMBERS: Aye.

22 CHAIR WEYMOUTH: Any opposed? Hearing none, motion  
23 carries.

24

25

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**BOARD DISCUSSION**

None.

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**COMMUNICATION TO THE CITY COMMISSION**

MS. PARIS: I have one last question.

CHAIR WEYMOUTH: Okay.

MS. PARIS: Is there any communication to the City Commission? I get in trouble if I don't ask.

CHAIR WEYMOUTH: I know, I know. Hearing none, I'll say no.

MS. PARIS: Thank you. Thank you.

CHAIR WEYMOUTH: Okay, thank you.


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**FOR THE GOOD OF THE CITY**

No discussion.

[Meeting concluded at 4:25 pm.]

  
\_\_\_\_\_  
BOARD CLERK

  
\_\_\_\_\_  
John Barranco, 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 September 20, 2012, 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 18 day of October, 2012.

PROTOTYPE, INC.

*Jamie Opperlee*  
JAMIE OPPERLEE  
Recording Clerk

SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this 18<sup>th</sup> day of OCTOBER, 2012.



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

*D.J. Grossfeld*  
NOTARY PUBLIC  
State of Florida

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