

CODE ENFORCEMENT BOARD

City Commission Meeting Room

100 North Andrews Avenue

August 22, 2006

10:00 A.M. – 1:20 P.M.

<u>Board Members</u>	<u>Attendance</u>	1/2006 to 12/2006	
		<u>Present</u>	<u>Absent</u>
Howard Elfman (alternate)	P		
Pat Hale, Chair	P	7	1
Sarah Horn	P	7	1
Sam Mitchell	P	8	0
John Phillips	A	7	1
Rixon Rafter, Vice Chair	P	8	0
Myrnabelle Roche	P	6	2
Jan Sheppard (alternate)	A		
Doug White (alternate)	A		
Bobby Young	P	8	0
Richard Guiffredo, Board Attorney	P		

Staff Present

Assistant City Attorney

Eve Bazer, Administrative Assistant II

Debra Maxey, Secretary, Code Enforcement Board

Farida Mohammed, Clerk, Code Enforcement Board

Robert Pignataro, Building Inspector

Mohammed Malik, Building Inspector

Ken Reardon, Building Inspector

Thomas Clements, Fire Inspector

Wayne Strawn, Building Inspector

Ivette Spence-Brown, Fire Inspector

Irma Westbrook, Community Inspections Officer

Jamie Opperlee, Recording Secretary

Also Present:

CE06060802: William Saunders, owner

CE03111720: Harold Lindemann, owner

CE04110655: Jihad Doujeiji, owner

CE01100240: Jack Seiler, attorney for the owner

CE05090926: John White, Reverend

CE05061509; CE04032185: Kenneth Trent, attorney for the owner
CE05011881: Felix Garcia, owner
CE03042054: Justin Spector, owner
CE06040954: John Hindenberger, owner
CE04051739; CE04051740: Chris Zannini, owner
CE04120753: Rick Williams, owner
CE02070641: Heli Polk, owner; James Barber, general contractor
CE02101792: Douglas Bates, bankruptcy attorney; Bob Wickman, owner; Richard DeFreitas, manager
CE05070568: Lee Sigler, owner; Betty Dow, neighbor; Mary Sena, neighbor; Thomas Greco, general contractor
CE03041279: David Smith, owner's son
CE05040231: Keith Poliakoff, attorney for the owner

Chair Hale called the meeting to order at 10:05 a.m., introduced the Board and explained the procedure for the hearing.

All individuals wishing to speak on any of the cases on today's agenda were sworn in.

Reference CE06020036

Gayle Diamant Revocable Trust
946 Southwest 20th Street

Sec. 47-19.5 E.4: Improper fence installation;
Sec. 47-34.1.A.1: Permitted uses;
Sec. 105.1: Work without permits;
FBC 1612.1.2: Inadequate construction;
FBC 2328.2: Improper fence installation

Ms. Mohammed announced that certified mail addressed to the owner was accepted on August 1, 2006, and the owner had signed a stipulated agreement.

Ms. Irma Westbrook, Community Inspections Officer, stated the violations existed as cited, and she had a signed stipulated agreement with the owner to comply by November 28, 2006 or a fine of \$25 per day, per violation.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to accept the stipulated agreement that the violations be complied by November 28, 2006 or a fine of \$25 per day, per violation would be imposed. Board approved unanimously.

Reference CE05070568

Lee E & Deborah M Sigler
2201 Middle River Drive

Request for Extension

Ms. Mohammed announced that this case was first heard on 3/28/06 with compliance ordered by 5/23/06: 1 section at \$50 per day. On 6/27/06 the date had been extended to 7/25/06. The property was not complied.

Mr. Lee Sigler, owner, explained what the new contractor planned to do with the property and informed the Board that his neighbor had told him he would not mind if the dirt pile remained for a few more months. He said he had a backhoe coming today to move one dirt pile, but wanted to keep the other, as the contractor needed it for backfill in the pool area. Mr. Sigler presented photos of the property and said he had it mowed every two weeks, but he had not yet repaired the fence.

Mr. Thomas Greco, general contractor, said he had renewed the permits on July 21, was having plans drawn and was hiring contractors. He estimated it would be three months before construction could begin.

Ms. Betsy Dow, neighbor, reminded the Board that Mr. Sigler had promised at the June hearing to remove the dirt pile and repair the front fence. Ms. Mary Sena, Ms. Dow's friend, agreed that nothing was being done at the property.

Mr. Sigler said they would do their best to get the house primed and the pool work done. He remarked that it had been difficult to get contractors since Hurricane Wilma.

Mr. Mohammed Malik, Building Inspector, presented photos taken in March and August for comparison, noting that some garbage had been removed, and the contractor had renewed the permit. He remembered that the Board had asked the owner to remove the dirt, but it was still there. The Board agreed that Mr. Sigler should either move the dirt piles to the back yard or level them. Inspector Malik confirmed that final inspection was required to comply.

The Assistant City Attorney announced that the case was heard at the June meeting as a Massey hearing, and the Board had granted an extension instead of imposing the fine. If the Board wished, they could treat today as a Massey hearing and impose the fine.

Motion made by Mr. Mitchell, seconded by Ms. Horn, to find that the owner had not complied with their order, to impose \$3,050 fine and continue its accrual. In a roll call vote, Board approved 7 - 0.

Reference CE02070641

Heli Bonn Polk
1604 Southwest 5th Court

Request for Extension

Ms. Mohammed announced that this case was originally heard on 2/25/03, with compliance ordered by 5/26/03: 3 sections at \$50 per day, per violation. On 5/27/03, the date was extended to 11/27/03; on 1/27/04, the date was extended to 7/27/04; on 2/22/05 the date was extended to

5/24/05; on 5/24/05 the date was extended to 11/22/05; an extension was granted from 11/23/05 to 1/24/06 due to Hurricane Wilma and on 1/24/06 the date was extended to 7/25/06. The property was not yet complied.

Mr. Jim Barber, Ms. Polk's general contractor, stated he had one bath and the upstairs kitchen to complete. He was prepared to demolish the bath next week. He informed the Board that Sears was the contractor for the upstairs kitchen in the 1980s and they had never taken the appropriate steps to rectify the situation. Mr. Barber said they had been in contact with Sears' attorney. He requested 90 days to finish the bath, and he advised Ms. Polk that if Sears did not complete the kitchen work, she would need to pay him to do it. Mr. Barber said the rear porch was now permitted and had passed final inspection.

Mr. Ken Reardon, Building Inspector, did not object to another extension. He hoped Mr. Barber could finish up within 90 days.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to grant a 90-day extension to November 28, 2006. Board unanimously approved.

Reference CE05090926

Mt. Hermon African Methodist
Episcopal Church Inc
711 Northwest 4th Street

Request for Extension

Ms. Mohammed announced that this case was first heard on 1/24/06 with compliance ordered by 7/25/06 with no fines attached. The property was not complied and the Reverend was requesting an extension.

Reverend John F. White explained that they had converted a parsonage residence into an office and never obtained a change of use certificate. He informed the Board that they were in the process of constructing a new 3-story building on the site. Reverend White's contractor thought he would get the building permit this week. Reverend White said it would be too expensive to comply the existing property; they needed to rebuild brand new facilities.

Mr. Thomas Clements, Fire Inspector, appearing for Fire Inspector Tammy Meadows, informed the Board that the church was written up for the change of use in December 2003. He had no objection to a 180-day extension.

Motion made by Mr. Rafter, seconded by Ms. Roche, to grant a 180-day extension to February 27, 2007. Board unanimously approved.

Reference CE05040231

Gary A. Poliakoff Trust
6520 North Andrews Avenue

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 1/24/06: 1 section at \$150 per day. On 1/24/06 the date was extended to 7/25/06. The property was not complied, and the owner was requesting another extension.

Mr. Mitchell recused himself from this case.

Mr. Keith Poliakoff, attorney for the owner, informed the Board that the project was 95% complete and had passed the rough electrical inspection the previous day. He said he had met with Inspector Spence-Brown the previous day and she had agreed to allow another 30 days to comply.

Ms. Ivette Spence-Brown, Fire Inspector, stated she had no objection to a 30-day extension.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 30-day extension to September 26, 2006. Board unanimously approved.

Reference CE01100240

John & Susan Storelli
631 Northeast 18th Avenue

Massey Hearing/Request for Extension

Ms. Mohammed announced that this case was first heard on 5/25/04 with compliance ordered by 7/24/04: 1 section at \$50 per day. The property was not complied.

Mr. Jack Seiler, attorney for the owner, explained that the carport was enclosed in 2001 without a permit. The case had been presented to the Board of Adjustment twice and had finally obtained a variance. They had applied for the permit and were awaiting its issuance. Mr. Seiler requested a 90-day extension.

Mr. Mohammed Malik, Building Inspector, had no objection to an extension, but felt 90 days was too low and suggested 120 days.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to grant a 150-day extension to January 23, 2007. Board unanimously approved.

The next two cases for the same owner were heard together:

Reference CE04051739

Zannini Enterprises Inc.
1424 Holly Heights Drive

Request for Extension

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 10/25/05: 9 sections at \$250 per day, per violation. The date was extended from 10/25/05 to

1/24/06 due to Hurricane Wilma; on 1/24/06 the date was extended to 2/28/06; on 2/28/06 the date was extended to 5/23/06; on 5/23/06 the date was extended to 8/22/06. The property was not complied and there were no current fines.

Mr. Chris Zannini, owner, said they had submitted their Master Permit application and site plans and the Building Department had requested some changes. He hoped to resubmit the plans in two weeks for the Master Permit.

Mr. Robert Pignataro, Building Inspector, confirmed that the plans were in the Building Department process and stated he had no objection to another 90 days.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 90-day extension to November 28, 2006. Board unanimously approved.

Reference CE04051740

Zannini Enterprises Inc.
1430 Holly Heights Drive

Request for Extension

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 10/25/05: 7 sections at \$250 per day, per violation. The date was extended from 10/25/05 to 1/24/06 due to Hurricane Wilma; on 1/24/06 the date was extended to 2/28/06; on 2/28/06 the date was extended to 5/23/06; on 5/23/06 the date was extended to 8/22/06. The property was not complied and there were no current fines.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 90-day extension to November 28, 2006. Board unanimously approved.

Reference CE05061509

Kilnock Inc.
837 North Fort Lauderdale
Beach Boulevard

Request for Extension

Ms. Mohammed announced that this case was originally heard on 7/26/05, with compliance ordered by 8/23/05; 12 sections at \$100 per day, per violation. On 9/27/05 the date was extended to 1/24/06; the date was also extended from 1/24/06 to 2/28/06 due to Hurricane Wilma; on 2/28/06 the date was extended to 5/23/06; on 5/23/06 the date was extended to 8/22/06. The property was not yet complied and the owner was requesting another extension.

Mr. Kenneth Trent, attorney for the owner, said he had spoken with Inspector Pignataro, who agreed to another 60 days to obtain the permits for which applications had been submitted.

Mr. Bob Pignataro, Building Inspector, confirmed that he had no objection to a 60-day extension.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 60-day extension to October 24, 2006. Board unanimously approved.

Reference CE04032185

Ward Harris Properties Inc.
2901 East Las Olas Boulevard

Request for Extension

Ms. Mohammed announced that this case was first heard on 1/25/05 with compliance ordered by 4/25/05: 6 sections at \$100 per day, per violation. On 5/24/05 the date was extended to 7/26/05; on 7/26/05 the date was extended to 9/27/05; the date was extended from 9/27/05 to 1/24/06 due to hurricanes; on 1/24/06 the date was extended to 4/25/06; on 5/23/06 the date was extended to 7/25/06; on 7/25/06 the date was extended to 8/22/06. The property was not complied and the owner wanted to request another extension.

Mr. Kenneth Trent, attorney for the owner, said Inspector Pignataro had agreed to an additional 30 days to comply.

Mr. Robert Pignataro, Building Inspector, stated he had no objection to an additional 30 days.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to grant a 30-day extension to September 26, 2006. Board approved unanimously.

Reference CE03101792

New River Dry Dock Inc.
2200 Marina Bay Drive East

Case Scheduled per City's Request

Ms. Mohammed announced that this case was first heard on 11/25/03 with compliance ordered by 12/10/03; on 1/27/04 the date was extended to 5/26/04; on 5/25/04 the date was extended to 8/25/04; on 8/24/04 the date was extended to 2/22/05; on 2/22/05 the date was extended to 8/23/05; on 8/23/05 the date was extended to 2/28/06; on 2/28/06 the date was extended to 3/28/06; on 3/28/06 the date was extended to 4/25/06; on 4/25/06 the date was extended to 5/23/06. On May 23, 2006, the time was extended to October 24 2006, and the board had ordered that no boats may occupy this property at any time. Ms. Mohammed informed the Board that 16 of the 31 original violations were still not complied. The case was presented today at the City's request.

Mr. Doug Bates, attorney for the owner, explained to the Board that since their last meeting, New River Dry Dock Inc. had filed for Chapter 11 bankruptcy. They were trying to find a buyer for the property who could afford to remediate all of the issues there.

Mr. Bob Wickman, owner, reported that the boat he had promised to remove from the property at the last hearing had been moved to another spot to await pickup by the organization to

which it had been donated. While Mr. Wickman was out of state, the Marine Patrol had found the boat and informed Mr. Wickman's property manager that if the boat were not removed, the manager would be arrested for illegal dumping. The manager had relocated the boat back on the New River Dry Dock property. Mr. Wickman reported that he had recently received a \$3,000 cash deposit for the boat from a buyer in Miami.

Mr. Rafter asked if it was possible to moor the boat elsewhere; Mr. Wickman replied that no one in Fort Lauderdale would take the boat. Chair Hale confirmed that the City could continue its Code Enforcement case during the bankruptcy.

The Assistant City Attorney informed the Board that Inspector Strawn noticed that the boat had returned to the property on July 11; the City wanted the Board to amend their May 23, 2006 order, find that the violations existed and impose the fines for the 16 sections that were not yet complied, starting July 11. Inspector Strawn reminded the Board that at the May 23 meeting, they were led to believe that demolition of the building was imminent. Inspector Strawn reported that the permit was rejected on June 26 and had not been resubmitted with the additional information. He had contacted Southeast Contracting Services, who reported to him that they had never received a deposit. Mr. Wickman said the owner of Southeast Demo had told him that this was the most difficult demolition permit he had ever tried to obtain. Mr. Wickman said Southeast Demo had already moved equipment to the site. Mr. Wickman said that once they had begun the bankruptcy proceedings, he needed permission from the bankruptcy court to demolish the property.

Motion made by Ms. Roche to continue the case for 90 days, to make the property open to fines, and have the owner return to provide reasons to prevent the Board from imposing the fines. Motion died for lack of a second.

The Assistant City Attorney reminded the Board that once they imposed the fine, they would lose jurisdiction over the case. They could choose today to impose a fine or grant an extension.

Inspector Strawn explained that the boat's reappearance at the property had put it in non-compliance again, as the Board had ordered that no boat may occupy the property. This was why the case had been re-called today. Ms. Horn suggested they "leave well enough alone" since Mr. Wickman had a \$3,000 deposit and they had granted the extension to October. Mr. Bates noted that the October date coincided with the bankruptcy date. Mr. Guiffredo informed the Board that if they wanted to start the fine period, they should vacate their May 23 order that granted the extension to October 24.

Motion made by Ms. Roche, seconded by Mr. Rafter, to vacate the Board's order dated May 23, 2006. In a voice vote, motion was approved 6 – 1 with Mr. Mitchell opposed.

Mr. Guiffredo advised the Board that they could now find that the property was not in compliance and impose the fine. The Assistant City Attorney stated the City was requesting

imposition of the fine because the boat had returned to the property. The fine should begin on July 11, since that was the date Inspector Strawn noticed the boat back on the property.

Motion made by Mr. Rafter, seconded by Mr. Young, to find the Board's order was not complied as of July 11, and to impose the fine: \$100 per day for 16 violations. [Mr. Rafter later withdrew this motion]

Mr. Guiffredo stated that the Board could reinstate their May 23 order and find the property was not complied, since the compliance was contingent upon there being no boats on the property. Mr. Wickman reminded the Board that he had done everything in his power to comply, and had a history of cooperating with the Board. Inspector Strawn reminded the Board that when the case had begun, there were many boats located at the marina, but not this particular boat. Mr. Wickman replied that the boat had come from another marina he had sold, and he "never had any dream that it could be so hard to get rid of this boat." Mr. Bates said they were operating under the assumption that they had until October 24 to comply. The Board had now made it May 23 again, and intended to fine the owner for a period for which he thought he had an extension. Mr. Guiffredo agreed this presented a due process issue, and the Board should reinstate their May order, then find the property was not complied because compliance was contingent upon there being no boats on the property.

Motion made by Mr. Rafter, seconded by Mr. Elfman, to reinstate the Board's order dated May 23, 2006. In a roll call vote, Board approved unanimously.

Mr. Guiffredo informed the Board that they could now grant an extension or impose the fine. Mr. Mitchell wanted to keep the terms of their May order and give Mr. Wickman until October. He noted that the boat's prospective recipients had failed to follow through, not Mr. Wickman. Mr. Wickman reiterated that he had received \$3,000 in cash, plus a \$3,000 check for the boat. He assured Ms. Horn that he had clear title to the boat. Mr. Wickman promised Mr. Mitchell that if this sale fell through, he would use the deposit to have the boat removed.

Motion made by Mr. Mitchell, seconded by Ms. Horn, to allow Mr. Wickman until October 24 to comply. In a roll call vote, the Board approved 7 - 0.

Reference CE03041279

Elinor W. Smith
3133 Southwest 16th Street

Request to Vacate Order of 10/28/03
Massey Hearing

Ms. Mohammed announced that this case was first heard on 7/22/03 with compliance ordered by 9/20/03 and 1/22/04: 6 sections at \$10 per day. No extensions had ever been requested or granted. The property was still not complied. Ms. Mohammed said the City was requesting vacation of the order dated 10/28/03 due to lack of service.

Motion made by Mr. Rafter, seconded by Mr. Young, to vacate the Board's order dated 10/28/03. Board unanimously approved.

Ms. Mohammed stated the City was requesting imposition of \$60,240 in fines and their continued accrual.

Mr. David Smith, the owner's son, said he knew the property was dilapidated, but wanted to rehabilitate it, and had applied for a loan to do it. Mr. Smith explained that Hurricane Wilma had removed half of the roof and the driveway had been broken up by a neighbor's banyan tree. Mr. Smith requested 90 days to comply. He then asked that the enclosing of the carport and the porch be grandfathered in, which the Board immediately rejected.

Mr. Ken Reardon, Building Inspector, explained that this property was annexed from the County, and the County had no record of any permits for the work. Inspector Reardon said the case was started in 2003 with Mr. Smith's brother Randy, but he was very happy that David had now taken responsibility for the property, and felt he would work to comply it.

Mr. Young did not believe that 90 days would be sufficient, as Mr. Smith did not have drawn plans as yet. Mr. Rafter felt it would be advisable for Mr. Smith to return in 90 days for a progress report.

Motion made by Mr. Rafter, seconded by Mr. Young, to grant a 90-day extension, to November 28, 2006. Board unanimously approved.

Reference CE06060802

Saunders Brothers Inc.
215 Southwest 7th Avenue

FBC 105.1: Work without permits;
FBC 1612.1.2: Inadequate construction

Ms. Mohammed announced that certified mail addressed to the owner was accepted on August 2, 2006 and certified mail addressed to the registered agent was accepted on August 2, 2006.

Mr. Wayne Strawn, Building Inspector, stated that the house had been prepared for moving without a permit, and the house was not properly supported to sustain its own weight. Inspector Strawn presented photos of the house to the Board.

Mr. William Saunders, owner, explained that he had discovered that the contractor, Modern Movers, did not have a Fort Lauderdale or Broward County license; the contractor claimed to have a State license. Mr. Saunders had paid the contractor \$18,000 and the contractor put the house up on the "cribbage", but now Mr. Saunders was having trouble contacting him. Mr. Saunders requested 90 days to get in touch with the contractor, get a copy of his license, and get a date for the house to be moved.

Inspector Strawn said that according to the Department of Business and Professional Regulation, the contractor was not licensed as a building contractor and therefore could not pull a permit. Mr. Saunders said he had obtained a Certificate of Appropriateness from the Historic Preservation Board and would be forced to renew it if this was not resolved by December 2006.

Motion made by Mr. Young, seconded by Mr. Mitchell, to order compliance within 30 days, by September 26, 2006 or a fine of \$50 per day, per violation.

The Board took a lunch break from 12:10 to 12:25.

Reference: CE05011881

Felix Garcia & Aida Morejon
1017 Southwest 25th Avenue

Massey Hearing

Ms. Mohammed announced that this case was first heard on 9/27/05 with compliance ordered by 1/24/06: 1 section at \$25 per day. On 2/28/06 the date was extended to 5/23/06 and on 5/23/06 the date was extended to 8/22/06. The property was complied and the City was requesting imposition of \$1,700 in fines.

Mr. Miguel Morejon, nephew of the owners, said his uncle had paid an architect who had not completed the work. Mr. Ken Reardon, Building Inspector, stated that the original architect, Ron Call, had created plans that were returned by the City because part of the work was located in the setback. Mr. Call had thought the job was impossible and not re-drawn the plans but eventually another architect had. Inspector Reardon said he had no objection to reduction or abatement of the fines.

Motion made by Mr. Rafter, seconded by Ms. Roche, to abate the fines. Board unanimously approved.

Reference CE03111720

ESP Partners LLC
228 Southwest 21st Terrace

Request for Abatement

Ms. Mohammed announced that this case was originally heard on 3/23/04 with compliance ordered by 9/19/04. On 8/24/04 the date was extended to 2/22/05; on 3/22/05 the date was extended to 7/26/05; on 8/23/05 the date was extended to 11/22/05; the date was extended from 11/23/05 to 1/24/06 due to Hurricane Wilma; on 2/28/06 the date was extended to 5/23/06; on 5/23/06 the date was extended to 8/22/06. The property was complied and the City was requesting the imposition of \$5,400 in fines.

Mr. Harold Lindemann, owner, requested abatement of the fines. He explained that his grandfather had built an office in the warehouse in 1972. Mr. Lindemann had experienced delays having the inspector and his architect meet to determine how to address the problem.

Mr. Ken Reardon, Building Inspector, said Mr. Lindemann had been “on a mission” to get this permit, but he had missed being put on agendas when he requested; this was when the fines took effect. Inspector Reardon said he had no objection to abatement of the fine.

Motion made by Mr. Mitchell, seconded by Mr. Young, to impose a fine of \$810. Motion approved with Ms. Roche opposed.

Reference CE04110655

Audy Unison
300 Sunset Drive

Request for Abatement

Ms. Mohammed announced that this case was first heard on 3/22/05 with compliance ordered by 4/26/05: 4 sections at \$250 per day per violation. On 4/26/05 the date was extended to 7/26/05; on 8/23/05 the date was extended to 10/25/05; on 2/28/06 the date was extended to 3/28/06 and on 3/28/06 the date was extended to 6/27/06; on 6/27/06 the date was extended to 8/22/06. The property was complied and the City was requesting imposition of \$152,000 in fines.

Mr. Jihad Doujeiji, owner, explained that delays had been caused by a lack of funding and because of the amount of work required to comply. He had also been forced to leave the country for some time due to a family emergency. Mr. Doujeiji apologized for the delays and requested abatement of the fines.

Mr. Robert Pignataro, Building Inspector, confirmed that Mr. Doujeiji had final inspections already and had applied for the CO.

Ms. Mohammed recalculated the fines, allowing an extension for Hurricane Wilma and determined that they would be \$57,000.

Motion made by Mr. Rafter, seconded by Mr. Young, to reduce the fine to \$10,000. Board approved unanimously.

Reference CE03042054

Justin Spector
1111 Southwest 2nd Court

Request to Vacate Order Dated 6/22/04
Massey Hearing

Ms. Mohammed announced that this case was first heard on 3/24/04 with compliance ordered by 5/22/04: 5 sections at \$100 per day per violation. The property was not in compliance. The City was requesting that the Board vacate the order imposing fines dated 6/22/04 due to improper service and re-impose the fines.

Motion made by Mr. Rafter, seconded by Ms. Horn, to vacate their order dated 6/22/04. Board unanimously approved.

Ms. Mohammed announced that the City was requesting imposition of \$410,500 in fines and their continued accrual. She informed the Board that Mr. Spector had signed in earlier, but had subsequently left.

Mr. Robert Pignataro, Building Inspector, said he had met with Michael Martell from Martell Construction on 7/21/06, and Mr. Martell had said he would take care of the violations.

Mr. Mitchell suggested they continue the case to be sure Mr. Spector had proper notice.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to grant a 30-day continuance to September 26, 2006. In a voice vote, Board approved with Ms. Horn opposed.

Reference CE06040954

J.A. & Helga E. Hindenberger
1313 Northeast 15th Avenue

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-307(b): Covered windows;
Sec. 9-308 (a): Roof in disrepair;
FBC 105.1: Work without permits;
FBC 105.2.1: Addition without permit;
FBC 105.2.11: Installations/alterations without permits; FBC 105.2.18: Installed fence without permit

Ms. Mohammed announced that certified mail addressed to the owner was accepted on August 3, 2006.

Mr. Mohammed Malik, Building Inspector, stated that the violations existed as cited, adding that he had never spoken to Mr. Hindenberger. He presented photos of the property to the Board and noted that neighbors had complained about the property.

Mr. John Hindenberger, owner, said he was aware of the violations, but he did not believe that the neighbors had complained about the condition of his property. Mr. Hindenberger explained that he had applied for a permit to repair the roof. He continued that the neighbor's fence had been taken down, and he had then learned that his property must have a fence because of the pool, so he must erect a new fence. He explained that the air conditioners in the windows were there when he purchased the house; Inspector Malik informed him that he must obtain an after-the-fact permit for these. Chair Hale advised Mr. Hindenberger to speak with Inspector Malik about exactly what must be done to comply the property. Mr. Rafter suggested they continue this case for 30 days to allow Mr. Hindenberger the opportunity to meet with Inspector Malik.

Mr. Hindenberger said he had been cited for these violations before and stated, "This is redundant; this is being done over and over and over again. Nothing gets done. The City doesn't correct their records." Ms. Horn asked Mr. Hindenberger if he understood that he was

liable for the violations, even if they were caused by a prior owner. Mr. Hindenberger replied that he understood what she was saying but did not agree with it. He thought that perhaps the work had been done at a time when permits had not been required. He stated he would consider hiring an attorney. Mr. Hindenberger said that right now, he would concentrate on repairing his roof; after that, he would consider the other items.

Motion made by Mr. Rafter, seconded by Mr. Young, to continue the case for 30 days and require Mr. Hindenberger to appear at the September 26, 2006 hearing. Board unanimously approved.

Reference CE04120753

Rick & Linda Williams

Request for Extension

1450 Southwest 21st Terrace

Ms. Mohammed announced that this case was first heard on 5/24/05 with compliance ordered by 11/22/05: 1 section at \$100 per day. On 1/24/06 the date was extended to 7/25/06 and the date was extended from 11/23/05 to 1/24/06 due to Hurricane Wilma. The property was not complied and the owner was requesting another extension.

Mr. Rick Williams, owner, explained repairs that had already been made and said he was awaiting the window permits. Mr. Williams explained that he had shown up on the wrong date last month for the hearing and missed the compliance date. He requested abatement for fines for which he might be liable after missing that meeting. The Board informed Mr. Williams of their policy not to consider fines until properties were complied. Mr. Williams requested a 120-day extension.

Mr. Ken Reardon, Building Inspector, said he had no objection to a 120-day extension.

Motion made by Mr. Rafter, seconded by Ms. Roche, to grant a 150-day extension to January 23, 2007. Board unanimously approved.

Reference CE04020473

Robert B. & Elizabeth B. Flowers

Request for Extension

2021 Southwest 38th Avenue

Ms. Mohammed announced that this case was first heard on 8/24/04 with compliance ordered by 2/28/05: 2 sections at \$25 per day, per violation. On 3/22/05 the date was extended to 6/28/05; on 6/28/05 the date was extended to 9/27/05; on 9/27/05 the date was extended to 11/22/05; on 1/24/06 the date was extended to 7/25/06. The property was complied and the City was requesting imposition of \$1,725 in fines.

Mr. Robert Flowers, owner, said the property was in compliance and he requested abatement of the fines.

Mr. Ken Reardon, Building Inspector, explained that Mr. Flowers had twice missed the deadlines to be placed on the agenda. He had no objection to abatement of fines.

Motion made by Mr. Rafter, seconded by Ms. Roche, to abate the fine. Motion was approved with Mr. Mitchell opposed.

Reference CE06061888

St. James Lodge #83 Inc.
670 Northwest 22nd Road
Tenant: Rescue Mission

NFPA 1 1.7.5.1: Unable to perform inspection

Ms. Mohammed announced that certified mail addressed to the owner and director had both been accepted.

Mr. Thomas Clements, Fire Inspector, appearing for Inspector Meadows, said Inspector Meadows had been unable to obtain access to the rescue mission for fire inspection. He recommended ordering compliance within 14 days or a fine of \$100 per day.

Motion made by Mr. Mitchell, seconded by Ms. Roche, to order compliance within 30 days, by September 26, 2006, or a fine of \$100 per day would be imposed. Board unanimously approved.

Reference CE06061891

Rickey L. & Jacqueline H. Heath
3790 Davie Boulevard

NFPA 1 1.7.5.1: Unable to perform inspection

Ms. Mohammed announced that certified mail addressed to the owner was accepted on August 1, 2006.

Mr. Thomas Clements, Fire Inspector, said he had been unable to meet with the owner and recommended ordering compliance within 30 days or a fine of \$100 per day.

Motion made by Mr. Mitchell, seconded by Mr. Rafter, to order compliance within 30 days, by September 26, 2006 or a fine of \$100 per day. Board unanimously approved.

Reference CE05091942

Alberto & Esther Merino
1355 Southwest 26th Avenue

Request for Continuance

Ms. Mohammed announced that the owner had requested a 30-day continuance.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to grant a 30-day continuance. Board unanimously approved.

Reference CE05032069

Isco Properties LLC
1291 Northwest 65th Place

Request for Continuance

Ms. Mohammed announced that the owner's attorney had requested a 30-day continuance.

Motion made by Mr. Rafter, seconded by Ms. Roche, to grant a 30-day continuance. Board unanimously approved.

Reference CE05090142

Isco Properties
1291 Northwest 65th Place #A

Request for Continuance

Ms. Mohammed announced that the owner's attorney had requested a 30-day continuance.

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to grant a 30-day continuance. Board unanimously approved.

Approval of Meeting Minutes

Motion made by Mr. Rafter, seconded by Mr. Mitchell, to approve the minutes of the July 2006 meeting. Board unanimously approved.

Cases Complied

Ms. Mohammed announced that the below listed cases were complied. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE06050569	CE06050573	CE06061883	CE06062147
CE06062161	CE06062162	CE06070022	CE06070024
CE06070026			

Cases Pending Service

Ms. Mohammed announced that the below listed case had been withdrawn pending service to the respondents. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE01080346

Cases Withdrawn

Ms. Mohammed announced that the below listed cases were withdrawn by the City. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE97020871

CE06040769

There being no further business to come before the Board, the meeting adjourned at 1:20 P.M.



CHAIRPERSON, CODE ENFORCEMENT BOARD

ATTEST:



CLERK, CODE ENFORCEMENT BOARD

NOTE: The agenda associated with this meeting is incorporated into this record by reference.