

UNSAFE STRUCTURES BOARD HEARING MINUTES OF June 18th, 2014

Members Present: James Cueva, Chairman James Starkweather, VC Ramon Arronte
Kevin Deeb Benjamin S. Essien Jose Escandell
Gordon Loader Carlos Naumann Abel Ramirez
Aymara D. Riley

Excused Absent: Emile Amedee

Staff: Kathy Charles, Acting Clerk of the Board
Latisha Byrd, Board Recording Secretary
Chris Angell, Asst. County Attorney

Court Reporter: Janice Aguirre, Miami-Dade County Court Reporters, Inc.

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 1:20 P.M. on Wednesday, June 18th, 2014, on the 2nd Floor, Conference Room I & J, of the Herbert Saffir Permitting & Inspection Center, Department of Regulatory & Economic Resources located at 11805 SW 26th Street, Miami, Florida, 33175.

Mr. James Cueva requested a motion to approve and accept the minutes of the April 23rd, 2014 and May 21st, 2014, Unsafe Structures Board Meeting. Mr. Starkweather moved to accept the minutes of the board meeting. Mr. Naumann seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts)

Ms. Kathy Charles then announced the following Unincorporated Miami Dade County and City of Miami Beach cases that were agreements with the **Building Official/Inspector:**

Unincorporated Miami Dade County:

DC20130159687U	11810 NE 16 Avenue
DCF2012112355U	11400 NW 32 Avenue, #1
G20130158602U	9010 SW 125 Avenue, #G104
DCF2012112376U	1272 NW 119 Street, #1
DCF2012113068U	9869 SW 88 Street, #1
DCF2012113264U	10545 SW 184 Terrace
DCF2013113750U	14504 NW 7 Avenue, #1
DCF2013113768U	3201 NW 116 Street, #1
G20140163523U	14830 Naranja Lakes Blvd., #A4-D

City of Miami Beach

BV14000293	1560 Meridian Avenue
BV13001004	825 Michigan Avenue
BV14000369	6375 Indian Creek Drive

Ms. Charles announced that the following Unincorporated Miami Dade County, City of Miami Beach and City of Florida City cases that were **No Contest/No Show for the Building Official** recommendation:

Unincorporated Miami Dade County:

DCF2013113989U	4801 NW 33 Avenue, #1
DCF2013113992U	3245 NW 48 Street, #1
DCF2013113994U	3225 NW 48 Street, #1

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Unincorporated Miami Dade County: Cont'

DCF2013114002U	3255 NW 47 Street, #1
DCF2013114003U	3265 NW 47 Street, #1
DCF2013114004U	4701 NW 33 Avenue, #1
DCF2009108749U	19130 W. Dixie Hwy., #1
DCF2012112845U	9165 Fontainebleau Blvd., #9165
DCF2013113951U	6600 NW 27 Avenue, #3
DCF2013113952U	6600 NW 27 Avenue, #1
DCF2013113953U	6600 NW 27 Avenue, #4
DCF2013113954U	6600 NW 27 Avenue, #2
DCF2013113390U	3265 NW 48 Street, #1
DCF2013113391U	3255 NW 48 Street, #1
DCF2013113998U	3270 NW 48 Street, #1
DCF2013114000U	3250 NW 48 Street, #1

City of Miami Beach

BV13000943	6084 Collins Avenue
BV13001075	6918 Bay Drive

City of Florida City

FC14-689	1262 NW 9 Avenue
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Ms. Charles announced that the following Unincorporated Miami Dade County and City of Miami Beach cases that were **Deferred/Withdrawn by the Building Official**:

Unincorporated Miami Dade County:

G20140164364U	10787 SW 188 Street
DC20130161743U	3029 NW 44 Street

City of Miami Beach

BV14000390	210 63 rd Street
BV14000396	1020 Pennsylvania Avenue

The cases and photographs were submitted to the Board for review and were called into the record by Ms. Charles.

After the Board reviewed each case file, Mr. Cueva requested a motion to consolidate the withdrawals, agreed and uncontested cases and uphold the decisions of the Building Official. Mr. Starkweather moved to accept the withdrawals, agreed and uncontested cases as called by Ms. Charles. Mr. Essien seconded the motion.

Motion passed unanimously.

(For a verbatim version, please refer to the transcripts)

Mr. Cueva then informed those appellants who were able to come to an amicable agreement with the Building Official that the Board had ratified the agreements and they were free to leave.

Heard Cases

The Building Officials and Appellants being heard by the Unsafe Structures Board were sworn in at 1:44 P.M. by the court reporter.

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Ms. Charles then called forth the first case to be heard from the Unincorporated Miami Dade County, Unsafe Structures Unit.

Village of Pinecrest:
VOP2013-002

7895 SW 131 Street

Mr. Leo Llanos, Building Official, informed the Board that the property had been under unsafe conditions for quite some time and the property remains unsafe and a hazard to the community. He also informed the Board that the property owner had requested an extension of time at the last hearing, but the Board denied the extension of time, because the property owner was not present at the previous hearing. Mr. Llanos then informed the Board that the City decided to reschedule due to concerns regarding the ownership of the Bank of the property. He further informed the Board that the Bank's Attorney was present at the meeting.

Mr. James Cueva, Chairman, inquired if the Bank was noticed for November's hearing.

Mr. Llanos replied "No." He further stated that Wells Fargo was not aware of the hearing.

Ms. Caitlin Saladrigas, Wells Fargo Bank, Attorney, informed the Board that Wells Fargo didn't get the notice with good cause. She further stated that the Bank had been in contact with the current owner of the property and they agreed that the repairs needed to be done within the timeframe.

Mr. Gordon Loader, Member, requested clarify on why the case is before the Board again.

Mr. Llanos replied that the City found that the Bank has ownership of the property.

Mr. Chris Angell, Assistant County Attorney, inquired when was the City notified of the Bank's ownership of the property.

Mr. Llanos replied in late April.

Mr. Cueva asked if the condition of the property remains the same since the last hearing in March.

Mr. Llanos responded that the City recently took pictures of the property and submitted them to the Board for the record. Mr. Llanos then explained to the Board that the pile of debris is now removed and the doors were opened, providing them with a view inside of the structure.

Mr. Cueva asked if the pool was secured.

Mr. Llanos replied that the pool is covered, but water is in it and the neighbors are upset and concerned about the safety of the community. He further informed the Board that the value of the work is estimated around \$1500 and nothing had been submitted to the City for the repair of the roof.

After some discussion, Mr. Gordon Loader moved to uphold the Building Official Recommendation. Mr. Starkweather seconded the motion.

Motion failed 3 to 7. (Ramon Arronte, Kevin Deeb, Jose Escandell, Carlos Naumann, Abel Ramirez, Amy Riley and James Cueva were opposed)
(For a verbatim version, please refer to the transcripts).

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Mr. Alex Mautecon, Owner, informed the Board that the property is owned by a Corporation. He informed the Board that his Attorney is in litigation in reference to the property, which is causing a delay in repairing the structure. He also informed the Board that there is no valid lien on the property and his company had been involved since January. Mr. Mautecon stated that the property is secured and informed the Board that the City was able to take recent photos of the property during the time the workers were there to allow them inside of the property. He also informed the Board that he filed for a roofing permit a week ago and was now requesting additional time to complete the repairs and bring the property up to Code.

Mr. Angell, Assistant County Attorney, explained to the Board that they could take any action on this case due to the timeline of the previous Board Orders.

Mr. Pablo A. Tamayo, Village of Pinecrest City Attorney, informed the Board that the above-mentioned case is brought before the Board, because the Attorney of the previous Property Owner requested an extension of time to comply with the Board Order dated November 20th, 2013. He informed the Board that the previous Property Owner had failed to meet the time frames set forth in the Board Order and was now seeking additional time to complete the necessary work. Mr. Tamayo further explained to the Board that the City required compliance on this case. He then enlightened the Board that the new owner of the property is aware of the unsafe issues and promises to bring the property up to Code. Mr. Tamayo enlightened the Board that the City requested re-notification to the new owner, but they did not appear today. He then confirmed the new owner's address, as called by the Recording Secretary. Mr. Tamayo then informed the Board that the City discovered in April that the bank didn't receive notification and would like to provide them an opportunity to speak on behalf of the property.

Mr. Cueva clarified that the City wanted to provide the bank an opportunity and stated that the owner's intentions are to bring the property up to Code.

Mr. Mautecon stated that he is willing to do all the necessary repairs to bring the property up to Code if he's given the opportunity.

Mr. Loader suggested that the City and Owner come to an agreement to resolve the matter.

Mr. Ramon Arronte, Member, gave his opinion on why they should provide the owner a chance to fix the property.

After some discussion, Mr. Gordon Loader made a motion that "Said structure is to be secured within five (5) business days. The structure is to be maintained secure, clean and sanitary, free of debris, overgrown grass or weeds and free of discoloration of graffiti. Said structure must be repaired or completed with plans prepared by an Architect/Engineer or by a qualified individual. A building permit must be obtained for all repairs or items to be completed. The permit documents shall be submitted first to the Unsafe Structures Unit for approval or the applicable equivalent in the enforcing municipality. The building permit must be obtained by a qualified homeowner or a licensed contractor pursuant to Section 10-5(2) of the Miami-Dade County Code within sixty (60) days from today. The completion or repair of said structure shall conform to the current Florida Building Code unless application is made pursuant to the provisions of section 8-11(g) of the Code of Miami-Dade County and shall be completed within ninety (90) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by the enforcing municipality as soon as possible. Mr. Naumann seconded the motion.

Motion passed 9 to 1. (Mr. Benjamin Essien opposed)

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Information #1:

Mr. Camilo Mejia, City of Miami Beach City Attorney, went on record informing the Board that the City deferred case BV14000390 to the July 16th, 2014 meeting.

Information #2:

Ms. Kathy Charles, Board Administration Section, Board Administrator, informed the members that they must submit their Financial Disclosure Forms by July 1st, 2014. She advised them that the County Commission and the Ethics Commission are looking to add the penalty of removing members from the Board who do not adhere to the financial disclosure requirement.

Mr. Deeb asked Kathy Charles if she could find out who submitted their Financial Disclosure Forms to the Miami Dade County Clerk of the Board in the past.

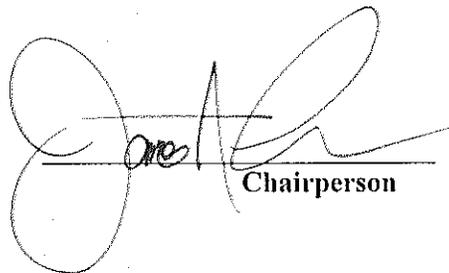
Ms. Charles responded that she will look into the matter for all the members.

There being no further business, a motion was made by Mr. Kevin Deeb and seconded by Mr. Benjamin Essien to adjourn the meeting at 2:50 P.M.

Prepared by:



Recording Secretary



Chairperson

Date:

7/16/2014