

SPECIAL MAGISTRATE HEARING
City Commission Meeting Room
Special Magistrate Meah Tell, Presiding
March 16, 2006
9:00 A.M. – 1:35 P.M.

Staff Present:

Assistant City Attorney
Dick Eaton, Secretary, Special Magistrate
Eve Bazer, Administrative Assistant II
Greg Bruton, Zoning Administrator
Diana Cahill, Service Clerk
Maurice Murray, Community Inspections Supervisor
Leonard Ackley, Community Inspections Officer
Tuchette Bryant-Torres, Community Inspections Officer
Michael Champion, Community Inspections Officer
Andre Cross, Community Inspections Officer
John Gossman, Community Inspections Officer
Gilbert Lopez, Community Inspections Officer
Al Lovingshimer, Community Inspections Officer
Mike Maloney, Community Inspections Officer
Angelo Paloumbis, Community Inspections Officer
Cheryl Pingitore, Community Inspections Officer
Bill Snow, Community Inspections Officer
Ursula Thime, Community Inspections Officer
Robert Urow, Community Inspections Officer
Tim Welch, City Engineer
Irma Westbrook, Community Inspections Officer

Also Present:

CE04121073; CE04121067; CE04121066; CE04121071; CE04121072; CE05071293:
Hope Calhoun, owner's attorney
CE06010421: Elmor Elkubi, tenant's representative
CE05071679; CE05101245; CE05101246: Dick Coker, owner's attorney
CE06010757: Shawn Cangelosi, contractor
CE05081613: Rupert Ricketts, owner
CE05091393: Officer Benitez, witness; Kevin Fernander, the owner's attorney; Tomas
Laubenthal, landscape architect; Tripp Scott, Attorney
CE05110794: John Christensen, property manager
CE05100883: Ronald Snyder, owner
CE05101291: John Wilkes, owner's attorney
CE03102296: Ana Silvestre, owner
CE05100879: Sylvester Padilla, owner
CE06010441: Exilien Desir, owner; Nadege Desir, owner's daughter

CE06011326: George Siendenburg, owner

CE06010583: Carl Graves, head of maintenance

CE05080832: Ruby Codner, owner

CE06011934; CE06011938: Hope Calhoun, owner's attorney; Paul Sandman, homeowners association; Ms. Linda Bird, president of the Lake Estates Homeowners Association; Caroline Pueyo, neighbor

*CE05050370: Aaron Allen, deceased owner's son-in-law

CE06011578: Jessie Walden, owner

*Massey Hearing

NOTE: All individuals who presented information to the Special Magistrate during these proceedings affirmed they would speak only the truth.

The meeting was called to order at 9:05 A.M. Ms. Tell introduced herself and explained her role in ensuring adherence with the City's codes. She also pointed out that the proceedings were being recorded.

Reference CE05091393

Gada Management, LC
1250 Northwest 23rd Avenue

Sec. 47-19.5.C.1: Merchandise visible through screening wall; Sec. 47-19.9 A.2.b: Outside storage without screening walls;
Sec. 47-19.9 A.2.c: Outside displays;
Sec. 47-19.9 A.2.f: Inadequate outside storage area; Sec. 47-20.13 A: Driveway in disrepair;
Sec. 47-25.3 A.3.d.i: Required landscaped buffer;
Sec. 47-25.3 A.3.b.ii: Required screening

Mr. Eaton announced that certified mail addressed to the owner and registered agent were both accepted on February 17, 2006.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that merchandise was visible through the ingress and egress gates at the screening wall; goods and materials were not completely screened from view; materials stored in the outdoor area exceeded the wall height; the outdoor storage area did not have the required drainage or asphalt/concrete surface; the parking and storage areas were not dust free or of adequate size; the buffer wall required a landscape strip and the loading facilities were not properly screened from the adjacent residential property. Inspector Pingitore presented photos of the property that were admitted as City composite Exhibit 1, taken since September 2, 2005 depicting the violations.

Mr. Kevin Fernander, Alsteel's, attorney [the tenant], agreed that most of the photos appeared to be of the subject property. Mr. Fernander said he had been contacted by the

tenant in October and subsequently contacted Mr. Laubenthal, a landscape architect, regarding a plan to comply the property.

Inspector Pingitore explained that parking at the property was totally inadequate for not only parking cars but also for unloading trucks. She had several complaints from neighbors regarding the noise and the loss of public sidewalk to parking. She said she had spoken with the tenant's attorney, who informed her that they were developing plans to deal with the situation, but they had not agreed to a deadline for compliance.

Officer Benitez, witness, testified that trucks parked in the turning lane and in the street, blocking traffic, and cars parked on the sidewalk. Officer Benitez noted that the problem had persisted for over eighteen months and the Police had issued approximately 31 citations at the property in the past year, but nothing had deterred the activity.

Responding to Mr. Fernander's question, Officer Benitez stated he had patrolled this area for approximately two and a half years. He named other companies in the area, noting that they too, had been cited for parking issues here. Mr. Fernander asked Officer Benitez if he knew who had erected the No Parking signs in the swale area at the end of the street on County-owner land; Officer Benitez did not know.

Mr. Fernander said they had been working with Mr. Laubenthal to resolve the screening situation, and pointed out that this process took time to prepare for permit application. He presented a photo of the property that was admitted as Respondent's Composite Exhibit 1, and described where a new 10-foot wall would be erected and landscaping would be planted under the power lines. Mr. Fernander felt they would need 2-4 weeks to ready the permit application; after it was submitted, they had no real idea how long the permit process would take. The concrete wall manufacturer had informed them that there was a 9-12 month backlog for concrete.

Ms. Tell wanted to concentrate on the safety issues first. Mr. Fernander informed her that they proposed to revamp the entire parking lot, with an additional 52 spaces. Mr. Fernander explained the proposed traffic flow through the new parking area, and commercial vehicle parking area. Mr. Fernander said improved signage would help alleviate the problem of trucks parking on the street. He said that the owner's prior attempts to improve the signage had resulted in problems with DRC.

Mr. Tomas Laubenthal, landscape architect, said the owner had already reorganized the lot to improve the situation. He felt the biggest issue was the parking reorganization. Mr. Laubenthal asked Ms. Tell to help them obtain permits for new signage; he stated that the City would not accept a separate permit application for signage without their screening, landscaping and parking area plans.

The Assistant City Attorney said this was a loading/unloading problem, not a parking problem per se. Inspector Pingitore stated that overflow parking was on City swale and sidewalk, inconveniencing neighbors and other vehicles. She was unsure that the

proposed plan would adequately address the parking problems. Mr. Laubenthal explained that the proposed spaces were standard-sized and explained the route through the lot that trucks would take. Inspector Pingitore stated she had not noted any reduction in the crowding in the parking area since September.

Inspector Pingitore recommended that the tenant "cease immediately the activity that's causing the hazard." Ms. Tell said she could not shut down a business, but noted that this was a very serious situation because of the interference with street traffic. She asked Mr. Fernander to speak with the Assistant City Attorney to come up with a solution to the traffic safety problem.

Upon returning to the case, the Assistant City Attorney stated they were unable to reach an agreement. The City's belief was that the tenant was utilizing the parking area to store merchandise, which was causing the parking area problems, and therefore the tenant must stop stacking material in parking places and in excess of the buffer wall height. The City also recommended that an employee direct trucks on and off the property. The tenant wanted consideration of signage permits and the buffer wall and entrance/exit alterations. The Assistant City Attorney said there was no special, expedited plan review process; they must follow the existing process. She noted that they had not yet submitted any plans for approval.

The Assistant City Attorney asked Ms. Tell to order them to take whatever steps were necessary to end the public safety hazard created by allowing the trucks to wait on the public street, swale and driveway. The Assistant City Attorney recommended ordering compliance within 10 days or a fine of \$250 per day, per violation. The Assistant City Attorney thought the tenant was concerned about the public safety, but was not sure they were willing to make the drastic changes needed to correct the situation.

Mr. Fernander said Mr. Laubenthal's plan would allow the trucks to circulate on the property. He explained that merchandise was stored to enable trucks to be loaded very quickly once they arrived. He felt they had ample room and an adequate plan to make this happen immediately. Ms. Tell asked why the merchandise was stacked higher than the screening wall. Mr. Laubenthal explained that the dimensions of the packages were dictated by DOT.

Ms. Tell wanted to know why trucks were lingering on the public street. Mr. Fernander said this was primarily a result of bad organization. Ms. Tell said she was going to make them somehow outline temporary spots while awaiting their permits to redo the parking lot. Mr. Fernander felt they could get the tenant to reorganize the lot layout and procedures within 30 days. Mr. Laubenthal said they could get the applications in for the wall and landscaping within 30 days as well, but needed a realistic time frame to erect the wall. Mr. Fernander said an engineer was needed to determine the new parking area design.

The Assistant City Attorney said they did not need plans, construction, or permits to comply right now. Ms. Tell wondered why no permit applications had been submitted since

September. Mr. Fernander explained that they had needed product and engineering studies, and the survey must be redone; all of this had taken time.

Ms. Tell ordered compliance for Section 47-20.13.A within 20 days and informed Mr. Fernander and Mr. Laubenthal that they must return in April and prove that they had made progress regarding the other violations, and to request an extension.

Ms. Tell found in favor of the City and ordered compliance with Section 47-20.13.A within 20 days or a fine of \$250 per day would be imposed. She also ordered the tenant's attorney and landscape architect to return on April 20, 2006 to address the other violations

Reference CE05101291

James Eagan
1400 Northwest 1st Avenue

Sec. 47-19.1 C: Accessory nursery with no principal use; Sec. 47-34.1 A.1: Permitted uses

Mr. Eaton announced that service was via the appearance of the owner's attorney at this hearing.

Mr. John Wilkes, the owner's attorney, explained that as long ago as 1956, there had been permits issued for the property so the use was either permitted or non-conforming. Mr. Wilkes believed that this issue had been brought before the City years ago and been resolved and he hoped the issue would "go away" if they looked into the case a bit further.

The Assistant City Attorney said Mr. Wilkes must prove that the use had been continuous since 1956 for it to be a legal, non-conforming use. She suggested a continuance of 30 days.

Ms. Tell continued the case to April 20, 2006.

Reference CE03102296

Ana & Samuel Mateo
1428 Northwest 3rd Avenue

Request to Vacate Previous Order/
Massey Hearing

Mr. Eaton announced that the City was requesting vacation of the previous order dated July 1, 2004, due to improper service.

Ms. Tell vacated the order dated July 1, 2004.

Mr. Eaton announced that this case was originally heard on May 6, 2004 with compliance ordered by June 5, 2004. The property was complied and fines had accrued to \$25,950.

Ms. Tell explained the facts of the case and calculation of the fine to Ms. Sylvestre.

Ms. Ana Sylvestre, owner, explained to Ms. Tell that her former husband had been very abusive and had tried to kill her and her children. She had left the house and rented it out for years, trusting that the renters were keeping up the property. The tenants never informed her of any problems at the property. In April 2005, the renters left and Ms. Sylvestre tried to sell the property. During the sale she had discovered the lien on the property for the violations.

Mr. Maurice Murray, Community Inspections Supervisor, said he would leave the decision to Ms. Tell. Ms. Tell felt Ms. Sylvestre did not return to her property because she was in fear for her life and agreed to reduce the fine to \$25.

Ms. Tell reduced the fine to \$25.

The next 5 cases were heard together:

Reference CE04121066

Downtown Loft Developers
300 Northwest 2nd Street

Request for Extension

Ms. Hope Calhoun, the owner's attorney, reminded Ms. Tell that at a prior hearing, they had requested an extension to sell the property. Since then, the potential buyer had backed out of the deal and the present owner intended to demolish the property to comply the violations. She requested 60 days to complete this process.

Mr. John Gossman, Community Inspections Officer, testified that the property was maintained since the case was heard and said he had no objection to an extension.

Ms. Tell granted a 60-day extension.

Reference CE04121067

Downtown Loft Developers
117 Northwest 3rd Avenue

Request for Extension

Ms. Tell granted a 60-day extension.

Reference CE04121071

Downtown Loft Developers
306 Northwest 2nd Street

Request for Extension

Ms. Tell granted a 60-day extension.

Reference CE04121072

Downtown Loft Developers
320 Northwest 2nd Street

Request for Extension

Ms. Tell granted a 60-day extension.

Reference CE04121073

Downtown Loft Developers
108 Northwest 4th Avenue

Request for Extension

Ms. Tell granted a 60-day extension.

Reference CE06010757

May B W H Young Trust/
Carriage House Motor Lodge Inc. Lessee
1180 North Federal Highway

Sec. 9-280(h)(1): Fence in disrepair

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 27, 2006.

Mr. Len Ackley, Community Inspections Officer, testified that the fence was in disrepair. He presented photos of the property and a copy of the inspection report and said he had an agreement with the contractor to comply within 30 days or a fine of \$50 per day.

Ms. Tell found in favor of the City and ordered compliance within 30 days or a fine of \$50 per day would be imposed.

Reference CE05081255

Florida Fair Housing Corporation
1100 Northwest 7th Avenue

Request for Extension

Mr. Eaton announced that this case was originally heard on January 5, 2006 with compliance ordered by March 6, 2006. The property was not complied and fines had accrued in the amount of \$450.

Mr. Leonard Ackley, Community Inspections Officer, testified that the corporation had run out of material and been unable to comply. He had spoken with the owner and agreed to recommend a 7-day extension.

Ms. Tell granted a 7-day extension.

Reference CE06030149

Lanjay Investments LLC
1412 Southeast 2nd Street

Sec. 25-4: Required sidewalk

Mr. Eaton announced that certified mail addressed to the owner was accepted on March 7, 2006.

Mr. Tim Welch, City Engineer, testified that the owner had permitted his contractor to remove the public sidewalk during construction and then erect a fence at the curb line and store building materials in the right of way. Inspector Welch explained that the neighborhood representative had first complained in April 2005, and Inspector Welch had sent the first notice to the owner just prior to hurricane Wilma in October, allowing 60 days for the owner to complete the sidewalk. The owner had indicated he would comply, and had removed the materials but never applied for the permit. Since receiving notice of this hearing, the owner had pulled a permit to rebuild the sidewalk. Inspector Welch recommended ordering compliance within 30 days or a fine of \$250 per day.

Ms. Tell found in favor of the City and ordered compliance within 30 days or a fine of \$250 per day would be imposed.

The following 3 cases were heard together:

Reference CE05101245

Judd Chapman & Philip Quattrone
1616 Northeast 3rd Court

Continued from January 19, 2006

Mr. Eaton announced that all three of these cases were continued from January 19, 2006.

Mr. Dick Coker, the owner's attorney, requested a 30-day continuance. Mr. Coker reminded Ms. Tell that the case involved the use of properties in Victoria Park as guest houses when the property was zoned for apartments. The oldest property was built in 1941 and had been used in this manner since then. Mr. Coker had agreed in January to research the properties and report back to the City. Mr. Coker explained that he had met with the Zoning Administrator, Greg Bruton, two or three times to go through the old codes and had discovered that when they were built, hotels were permitted there and the original building permit for the 315 address was for 4 hotel rooms and 4 apartment units.

Mr. Coker continued that the other two buildings had been built as apartments and needed to be used as apartments although there were common elements between the apartments and hotel that were shared. Mr. Coker said that all of the documentation had been provided to the City by February 23, at which time Mr. Coker thought that the issue was either resolved, or the City would contact him if further information was needed. Mr. Coker was surprised to discover only yesterday that the City wanted to pursue the Code cases for

all three properties. Mr. Bruton had informed Mr. Coker that he had an issue, not with the permitted uses in 1941, but with the documentation to show how the 4 apartments came to be used as hotel rooms. Since he became aware of the situation only yesterday, Mr. Coker did not have time to prepare properly, and so he requested a continuance.

Ms. Ursula Thime, Community Inspections Officer, informed Ms. Tell that Greg Bruton, the Zoning Administrator, would testify in this case.

The Assistant City Attorney explained that while Mr. Coker claimed that this was a non-conforming use of this property, Mr. Bruton had determined that the properties were not a legal non-conforming use and Mr. Coker's client must therefore appeal Mr. Bruton's decision to the Board of Adjustment. Ms. Tell asked if the City wanted to dismiss the Code Enforcement cases, or if the Assistant City Attorney had anything in writing from Mr. Bruton regarding his decision. The Assistant City Attorney said the City did not want to dismiss the Code case.

Mr. Coker reiterated that he believed his research proved that the 315 address was a legal non-conforming use and had only learned today that Mr. Bruton disagreed regarding 4 of the units. Mr. Greg Bruton, Zoning Administrator, said he had informed Inspector Thime that he disagreed with Mr. Coker's position, but said he was open to Mr. Coker's providing additional information to validate his position.

Ms. Tell confirmed that Mr. Bruton and Mr. Coker could reappear in April. Mr. Maurice Murray, Community Inspections Supervisor, asked if he could be allowed on the property within the next few days to examine it and take photos. Mr. Coker agreed to facilitate this as soon as possible.

Mr. Bruton confirmed that if he ultimately decided that this was not a legal non-conforming use in April, Mr. Coker must appeal to the Board of Adjustment. The Assistant City Attorney confirmed that this was within the purview of the Board of Adjustment, not Ms. Tell. Mr. Coker agreed to apply to the Board of Adjustment and Ms. Tell could suspend this action, pending the decision of the Board of Adjustment.

Ms. Tell continued the case to April 20, 2006.

Reference CE05101246

Judd Chapman & Philip Quattrone
1620 Northeast 3rd Court

Continued from January 19, 2006

Ms. Tell continued the case to April 20, 2006.

Reference CE05071679

Judd Chapman & Philip Quattrone Continued from January 19, 2006
315 Northeast 16th Terrace

Ms. Tell continued the case to April 20, 2006.

Reference CE06010421

Miniaci Enterprises Sec. 47-19.9.A: Outside displays
203 South Ft. Lauderdale Beach Boulevard

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 18, 2006 and personal service was made to the tenant by Inspector Lovingshimer on March 8, 2006.

Mr. Al Lovingshimer, Community Inspections Officer, testified that there was outside display of merchandise on the public sidewalk in front of the business. Inspector Lovingshimer presented photos of the property and copies of the inspection report, case history and previous special Magistrate Order issued to another address for the same owner. Inspector Lovingshimer noted that this was a continuous/repetitive case, and recommended ordering compliance within 1 day or a fine of \$50 per day.

Mr. Elmor Elkubi, the tenant's representative, said they had applied for permits for the outside displays and for outdoor tables. Mr. Maurice Murray, Community Inspections Supervisor, felt Ms. Elkubi would not be able to obtain a permit for the outside displays. The Assistant City Attorney confirmed this.

Ms. Tell found in favor of the City and ordered compliance within 2 days or a fine of \$250 per day would be imposed.

Reference CE05050370

Connie, Rose, Wayne, etc. Davis Massey Hearing
2300 Northwest 13th Street

Mr. Eaton announced that this case was originally heard on July 7, 2005 with compliance ordered by August 6, 2005. The property was not complied and fines had accrued to \$4,000.

Mr. Aaron Allen, the deceased owner's son-in-law, informed Ms. Tell that his mother-in-law had recently died. He requested an extension to correct the violations.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that some of the violations were still not complied. She explained that Mr. Allen's mother-in-law was recently deceased and he had taken over the property and was trying to correct the violations.

Ms. Tell granted an extension to April 20, 2006.

Reference CE06010583

Chris Murray
1831 Northwest 16th Avenue

Sec. 9-306: Peeling paint/stained surfaces;
Sec. 9-281(b): Unlicensed, inoperable vehicle on property;
Sec. 18-27(a): Trash and overgrowth on property;
Sec. 47-34.1 A.1: Permitted uses;
Sec. 47-21.8: Missing ground cover

Mr. Eaton announced that certified mail addressed to the owner had been accepted on February 11, 2006 and personal service was made to the owner by Inspector Pingitore on March 8, 2006.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were areas of dirty paint on the building; there was an unlicensed, inoperable black Olds Cutlass on the property; there was trash and overgrowth on the property; vehicle repairs were performed at the property and there were areas of dead or missing ground cover. Inspector Pingitore presented photos of the property and copies of the notice of violation and the property history.

Mr. Carl Graves, head of maintenance, explained that he had acted quickly when he first learned of the violations. He later learned from Inspector Pingitore that the tenants were dangerous and decided to wait to perform more work until the tenants were evicted. Mr. Graves confirmed that he met with Inspector Pingitore on March 8 and that he had begun painting and cleaning the property the next day. Mr. Graves presented photos of the property taken after Inspector Pingitore's photos, showing improvement.

Inspector Pingitore informed Ms. Tell that she had police escort her on a visit to the property because there had been a lot of police activity on the property. Inspector Pingitore recommended ordering compliance with;

- ❖ Section 9-306 within 7 days or a fine of \$100 per day;
- ❖ Section 18-27(a) within 7 days or a fine of \$100 per day;
- ❖ Section 47-34.1.A.1 within 7 days or a fine of \$100 per day;
- ❖ Section 47-21.8 within 45 days or a fine of \$100 per day;

Section 9-281(b) within 7 days or a fine of \$100 per day or the vehicle would be towed.

Ms. Tell found in favor of the City and ordered compliance with:

- ❖ Section 9-306 within 20 days or a fine of \$100 per day;
- ❖ Section 18-27(a) within 20 days or a fine of \$100 per day;

- ❖ Section 47-34.1.A.1 within 20 days or a fine of \$100 per day;
- ❖ Section 47-21.8 within 45 days or a fine of \$100 per day;
- ❖ Section 9-281(b) within 20 days or a fine of \$100 per day or the vehicle would be towed.

Reference CE06011934

Shelton Dealerships Inc.
5770 North Federal Highway

Sec. 15-28: Required occupational license;
Sec. 9-281(b): Rubbish and trash on property

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 14, 2006.

Mr. John Gossman, Community Inspections Officer, testified that the tenant was operating an automotive sales/storage yard without a proper occupational license and there was rubbish and trash on the property. Inspector Gossman presented photos of the property, and a copy of the inspection report and recommended ordering compliance with Section 9-281(b) within 10 days or a fine of \$100 per day.

The Assistant City Attorney stated that the owner was using the property without going through the change-of-use process, but she understood that the owner intended to do this. She recommended ordering the cars removed from the parking area until the owner completed the change-of-use process.

Ms. Linda Bird, president of the Lake Estates Homeowners Association, said the business was using the parking area and public street to transfer vehicles. She noted zoning in this area had been changed from B-2 to B1, so the business should not be racing or test driving the cars on the street. Ms. Bird said they had created a constant, repetitive problem with trash on the street.

Ms. Hope Calhoun, the owner's attorney, noted that these complaints were not relevant to this case.

Ms. Bird spoke about former tenants, a brick paver company and dry cleaner, and presented a letter from the EPA regarding improper storage of hazardous materials at the site. Ms. Tell stated she would number the letter, but could not admit it into evidence. Ms. Calhoun objected, as she had not seen this letter, and the Assistant City Attorney stated the City did not want the letter submitted. Ms. Tell stated, "If this is an EPA matter, the City had better look at this. Don't tell me you don't want me to admit this in. This is health and safety." She advised Ms. Bird she must provide copies to Ms. Calhoun and the City, but noted that "this is not evidence, I'm not considering it, it's not relevant."

The Assistant City Attorney and Ms. Calhoun were both concerned that Ms. Tell's acceptance of the letter would create an "appealable issue" and Ms. Tell rescinded her decision to accept and mark the letter and asked Ms. Bird to mail a copy to Ms. Calhoun.

Supervisor Murray stated he had pulled extensive records on the property, therefore it was not necessary for the neighbors to bring up other issues not relevant to the Code Enforcement case at this hearing. Ms. Tell asked Ms. Bird to confine her testimony to the Code Enforcement issues.

Ms. Bird said their main concern was the operation of the automotive sales and storage yard without an occupational license. She noted that areas designated as "no parking" were used by employees to park, and the business did not close the gates at night, attracting a "criminal element" into the neighborhood.

The Assistant City Attorney stated that the property owner had already acquiesced to the City's recommendation for a solution to the cited violations. Ms. Tell felt that Ms. Bird's testimony related to the situation's exigency, and should therefore be considered.

Mr. Paul Sandmann, homeowners association director, stated the use of the property affected the neighborhood by the activity of moving vehicles in and out, the appearance of the property, and the fact that the property was not secured properly. Mr. Sandmann stated that the neighborhood would work with the owner and the City until the property was complied.

The Assistant City Attorney reiterated her recommendation that the vehicles be removed within 10 days to comply Section 15-28 and said she was unsure what Ms. Calhoun's suggestions were regarding.

Ms. Calhoun said the owner had already agreed to comply Section 9-281(b) within 10 days. Ms. Calhoun then explained that her client admitted to sometimes parking cars on his most recently-acquired property, which did not yet have an occupational license. They were going to the DRC in April, but Ms. Calhoun said the cars could not be removed within 10 days. She requested a 30-day continuance to begin the process of obtaining an occupational license.

Ms. Caroline Pueyo, neighbor, said there were approximately 50 cars on the property and "it's daily; it's not occasionally, it's daily." She asked Ms. Tell to "put a date on it and not just extend this time." Ms. Calhoun reminded Ms. Tell that this was ongoing business and it would be unreasonable to ask them to comply with Section 15-28 within 10 days. Ms. Bird felt there were other places the owner could store the vehicles.

The Assistant City Attorney felt it was not unreasonable to request that the cars be removed within 10 days, or to impose the fine stated in State Statute 205-053, which was a percentage of the cost of the occupational license. Supervisor Murray said he had visited the former restaurant site and found it "loaded with vehicles."

Ms. Calhoun restated her request for additional time, informing Ms. Tell that after the April DRC, they would go through the site plan process and then apply for the occupational license. Ms. Bird claimed that Ms. Calhoun was "misrepresenting" that they were going to

the DRC regarding this property in April. According to Ms. Bird, they were appearing at the DRC in April regarding 5740 North Federal Highway, not 5770 or 5778. Ms. Calhoun said that if they were successful at the DRC hearing, the results would directly effect what they were able to do at this property.

Ms. Tell said she found there was a health and safety issue here, and said she would order the cars removed within 20 days, which she said was "much less than you would like, and... much more than what the City would ask for." She remarked to Ms. Calhoun on "what a fine job you have done on their [her client's] behalf."

Ms. Tell found in favor of the City and ordered compliance with Section 15-28 within 20 days or a fine of \$250 per day and with Section 9-281(b) within 10 days or a fine of \$100 per day would be imposed.

Reference CE06011938

Shelton Dealerships Inc.
5778 North Federal Highway

Sec. 15-28: Required occupational license;
Sec. 9-281(b): Rubbish and trash on property;
Sec. 9-329(a): Required certificate of boarding

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 14, 2006.

Mr. John Gossman, Community Inspections Officer, testified that the tenant was operating an automotive sales/storage yard without a proper occupational license; there was rubbish and trash on the property and a building had been boarded without a permit. Inspector Gossman presented photos of the property, and a copy of the inspection report, and recommended ordering compliance with Section 9-281(b) within 10 days or a fine of \$100 per day; with Section 9-329(a) within 10 days or a fine of \$100 per day.

Ms. Hope Calhoun, the owner's attorney, agreed to comply with Section 9-281(b) within 10 days. She informed Ms. Tell that the glass behind the boards was broken, so she requested that they be allowed time to get the proper board up permit instead of taking the boards down. Supervisor Murray asked that they replace the glass instead. He said he would agree to allow 30 days to do this.

Ms. Linda Bird, president of the Lake Estates Homeowners Association, stated that not all of these properties were in the DRC process; some of these properties were on long-term lease. Mr. Paul Sandmann, homeowners association director, said his concerns for this property were the same as for the previous case.

Ms. Tell found in favor of the City and ordered compliance Section 15-28 within 20 days or a fine of \$250 per day with Section 9-281(b) within 10 days or a fine of \$100 per day, and with Section 9-329(a) within 30 days or a fine of \$100 per day would be imposed.

Reference CE05071293

Navarro Enterprises, Ltd. Sec. 47-25.3.C.4.d: Missing buffer wall
1341 Southwest 21st Terrace

Mr. Eaton announced that certified mail addressed to the owner and registered agent had both been accepted on February 14, 2006.

Mr. Mike Champion, Community Inspections Officer, testified that there was no required concrete buffer wall between the business and the residential area. He presented photos of the property and a copy of the inspection report that were admitted into evidence as City composite Exhibit 1 and recommended ordering compliance within 60 days or a fine of \$50 per day.

Ms. Hope Calhoun, the owner's attorney, requested 60 days to have the wall erected.

Ms. Tell found in favor of the City and ordered compliance within 60 days or a fine of \$50 per day would be imposed.

Reference CE05100879

Sylvester Padilla Sec. 9-308 (a): Roof in disrepair;
1505 Northeast 2nd Avenue Sec. 9-313(a): Required display of address
Sec. 47-20.13 A: Driveway in disrepair

Mr. Eaton announced that service was via the appearance of the owner at this hearing.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the roof was mildew-stained; Sections 9-313(a) and 47-20.13.A were complied. Inspector Pingitore said she had spoken with the owner earlier, who informed her that he had pressure cleaned the roof. She presented photos of the property and a copy of the inspection report and recommended ordering compliance with Section 9-308(a) within 10 days or a fine of \$25 per day.

Ms. Tell found in favor of the City and ordered compliance with Section 9-308(a) within 10 days or a fine of \$25 per day would be imposed.

Reference CE05100883

Ronald & Carol Snyder Sec. 9-281(b): Unlicensed, inoperable vehicle on
1341 Northeast 2nd Avenue property

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 11, 2006.

Mr. Robert Urow, Community Inspections Officer, testified that there was an unlicensed, inoperable white Chevy pickup truck on the property. He had spoken with the owner earlier, who promised him the vehicle would be removed by the end of the month. Inspector Urow presented photos of the property and a copy of the inspection report and recommended ordering compliance within 10 days or a fine of \$100 per day, or the vehicle would be towed.

Ms. Tell found in favor of the City and ordered compliance within 10 days or a fine of \$100 per day, or the vehicle would be towed.

Reference CE05081613

Rupert Ricketts
1210 Northwest 13th Lane

Sec. 18-27(a): Trash and overgrowth on property

Mr. Eaton announced that service was via the appearance of the owner at this hearing.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash and overgrowth on the property. She presented photos of the property and recommended ordering compliance within 30 days or a fine of \$25 per day.

Mr. Rupert Ricketts, owner, confirmed that he had discussed what needed to be done with Inspector Pingitore when she visited the property. Inspector Pingitore pointed out the trash and construction debris that Mr. Ricketts had agreed to remove. She also noted there was a shed on the property for which Mr. Ricketts wanted to try to obtain a permit. She did not think this would be possible, but wanted to allow time for him to try.

Ms. Tell found in favor of the City and ordered compliance within 30 days or a fine of \$25 per day would be imposed.

Reference CE06010441

Exilien & Noel Desir
1530 Northwest 18th Avenue

Sec. 9-280(h)(1): Fence in disrepair;
Sec. 18-27(a): Trash and overgrowth on property;
Sec. 25-4: Blocking public sidewalk;
Sec. 9-281(b): Unlicensed, inoperable vehicle on property

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 13, 2006.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the chain link fence was in disrepair; the property was overgrown and strewn with trash, and overgrowth from the property encroached on the public sidewalk; Section 9-281(b) was complied. Inspector Pingitore presented photos of the property and recommended ordering compliance with

Sections 9-280(h)(1), 18-27(a) and 25-4 within 30 days or a fine of \$50 per day, per violation.

Mr. Exilien Desir, owner, and Ms. Nadege Desir, his daughter, agreed to comply the outstanding violations within 30 days.

Ms. Tell found in favor of the City and ordered compliance with Sections 9-280(h)(1), 18-27(a) and 25-4 within 30 days or a fine of \$25 per day, per violation would be imposed.

Reference CE06011326

George Siendenburg
1712 Southwest 30th Place

Sec. 18-1: Derelict vehicle on property;
Sec. 18-27(a): Trash and overgrowth on property;
Sec. 47-34.1 A.1: Permitted uses: illegal storage

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 27, 2006.

Mr. Andre Cross, Community Inspections Officer, testified that the vacant lot was used to store construction equipment and building materials; Sections 18-1 and 18-27(a) were complied. He presented photos of the property and a copy of the inspection report and recommended ordering compliance with Section 47-34.1.A.1 within 10 days or a fine of \$50 per day.

Ms. Tell found in favor of the City and ordered compliance with Section 47-34.1.A.1 within 10 days or a fine of \$50 per day would be imposed.

Reference CE06011578

Jessie Walden
2336 Northwest 15th Street

Sec. 18-27(a): Trash on property;
Sec. 9-281(b): Unlicensed, inoperable vehicles on property

Mr. Eaton announced that certified mail addressed to the owner had been accepted on February 23, 2006.

Ms. Tchette Torres, Community Inspections Officer, testified that the following unlicensed, inoperable vehicles were on the property: a green 1994 Chevy, a maroon 1983 Mercury LTD, a Dodge truck, and a red Ford LTD; Section 18-27(a) was complied. Inspector Torres said she had spoken with Mr. Walden, who said he had proof that some of the vehicles were registered. Inspector Torres presented photos of the property and recommended ordering compliance with Section 9-281(b) within 30 days or a fine of \$100 per day, or the vehicle would be towed.

Mr. Jessie Walden, owner, confirmed the vehicles on his property and agreed to meet with Inspector Torres with proof the vehicles were registered and working. Mr. Ricketts requested 30 days to do this.

Ms. Tell found in favor of the City and ordered compliance with Section 9-281(b) within 30 days or a fine of \$100 per day, or the vehicle would be towed.

Reference CE05110794

William Meredith Trust Inc.
1245 Northwest 1st Avenue

Sec. 18-27(a): Trash and overgrowth on property;
Sec. 47-21.8: Missing ground cover;
Sec. 9-280(h)(1): Fence in disrepair;
Sec. 9-306: Peeling paint/stained surfaces

Mr. Eaton announced that service was via the appearance of the property manager at this hearing.

Ms. Irma Westbrook, Community Inspections Officer, testified that there was trash and overgrowth on the property; there were areas of dead or missing ground cover; the fence was in disrepair and paint on the building was dirty and faded. She presented photos of the property and a copy of the inspection report and recommended ordering compliance within 30 days or a fine of \$25 per day, per violation.

Mr. John Christensen, the property manager, said he had started to make repairs himself due to the high cost of hiring someone. He presented copies of estimates he had obtained for tree removal and fence repair. He asked for 30 days to complete repairs.

Ms. Tell found in favor of the City and ordered compliance within 30 days or a fine of \$25 per day, per violation would be imposed.

Reference CE05070829

Park-Am Properties, Inc.
701 Southwest 14th Avenue

Sec. 9-306: Peeling paint/stained surfaces

Mr. Eaton announced that certified mail addressed to the owner was accepted [no date].

Mr. Mike Champion, Community Inspections Officer, testified that paint on the building was peeled, chipped and stained. Inspector Champion said he had spoken to the owner on a couple of occasions, and the owner had promised him he would do the painting, but he never had. Inspector Champion presented photos of the property and a copy of the inspection report and recommended ordering compliance within 30 days or a fine of \$50 per day. Since the owner had not followed through on his promise to paint, Ms. Tell suggested increasing the fine to \$100 per day.

Ms. Tell found in favor of the City and ordered compliance within 30 days or a fine of \$100 per day would be imposed.

Reference CE05121475

Samar Barhoush
821 Northwest 6th Street

Sec. 18-27(a): Overgrowth and trash on property;
Sec. 47-20.20 H: Parking area in disrepair;
Sec. 9-306: Peeling paint/stained surfaces

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 24, 2006.

Mr. Gilbert Lopez, Community Inspections Officer, testified that there was trash and overgrowth on the property; the parking area was in disrepair and paint on the building was stained and/or missing. Inspector Lopez presented photos of the property and a copy of the inspection report and noted that he had attempted to contact the owner twice by leaving messages, but had never received a call back. Inspector Lopez recommended ordering compliance with Section 18-27(a) within 10 days; with Section 47-20.20.H within 60 days and with Section 9-306 within 30 days or a fine of \$100 per day, per violation.

Ms. Tell found in favor of the City and ordered compliance with Section 18-27(a) within 10 days; with Section 47-20.20.H within 60 days and with Section 9-3-6 within 30 days or a fine of \$100 per day, per violation would be imposed.

Reference CE05121556

Michael Madraymootoo
611 Northwest 7th Terrace

Sec. 47-34.1 A.1: Permitted uses: commercial
vehicle storage

Mr. Eaton announced that certified mail addressed to the owner was accepted on March 1, 2006.

Mr. Gilbert Lopez, Community Inspections Officer, testified that the property was complied, but asked Ms. Tell to find that the property was a problem because vehicles and trailers were often parked there. He presented photos of the property to Ms. Tell.

Mr. Maurice Murray, Community Inspections Supervisor, suggested Ms. Tell find there was a violation and issue an order compelling compliance. Inspector Lopez requested 10 days to verify the vehicle had not returned.

Ms. Tell found in favor of the City and ordered compliance within 10 days or a fine of \$100 per day would be imposed.

Reference CE05111410

Renate Kurth
1484 Northeast 62nd Street

Sec. 9-281(b): Unlicensed, inoperable vehicle on property; Sec. 18-27(a): Trash on property;
Sec. 9-280(b): Structure or Fixtures in disrepair

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 17, 2006.

Mr. John Gossman, Community Inspections Officer, testified that there was an inoperable grey and black van on the property; there was trash on the property and windows in the building were broken or in disrepair. He presented photos of the property and recommended [on behalf of Inspector Margerum] ordering compliance with Section 9-281(b) within 10 days or a fine of \$100 per day or the vehicle would be towed; with Section 18-27(a) within 10 days or a fine of \$25 per day, and with Section 9-280(b) within 30 days or a fine of \$25 per day

Ms. Tell found in favor of the City and ordered compliance with Section 9-281(b) within 10 days or a fine of \$100 per day or the vehicle would be towed; with Section 18-27(a) within 10 days or a fine of \$25 per day, and with Section 9-280(b) within 30 days or a fine of \$25 per day would be imposed.

Reference CE06011014

Rio Vista Holding LLC
1610 Southwest 4th Avenue

Sec. 18-27(a): Trash and overgrowth on property

Mr. Eaton announced that certified mail addressed to the registered agent was accepted on February 23, 2006.

Mr. Angelo Paloumbis, Community Inspections Officer, testified that there was trash and overgrowth on the property. Inspector Paloumbis stated that he had spoken with the owner and noted that this same individual had purchased approximately 29 properties in the areas and "these are the worst kept properties." He also noted that after he had sent the notices, the owner phoned him to ask for his mailing address and sent everything back to him. Inspector Paloumbis presented photos of the property and recommended ordering compliance within 7 to 10 days.

Ms. Tell found in favor of the City and ordered compliance within 10 days or a fine of \$250 per day would be imposed.

Reference CE05121305

United Lending Corporation
1080 Northwest 26th Avenue

Sec. 9-308 (c): Roof in disrepair;
Sec. 9-323(a): Property dilapidated and unsafe

Mr. Eaton announced that certified mail addressed to the owner and registered agent were both accepted on February 14, 2006.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the carport roof had collapsed and the vacant building was dilapidated and unsafe. Inspector Pingitore presented photos of the property and recommended ordering compliance within 10 days or a fine of \$250 per day, per violation. Ms. Tell remarked that the property was in "very serious condition."

Ms. Tell found in favor of the City and ordered compliance within 10 days or a fine of \$250 per day, per violation would be imposed.

Reference CE05111597

Lisa Crain
3381 Southwest 20th Street

Sec. 9-280(b): Structure or Fixtures in disrepair;
Sec. 39-275(6)(b): Outside storage;
Sec. 9-280(h)(1): Fence in disrepair;
Sec. 18-27(a): Overgrowth on property;
Sec. 9-281(b): Rubbish, trash and overgrowth on property

Mr. Eaton announced that certified mail addressed to the owner was accepted on February 14, 2006.

Mr. Robert Urow, Community Inspections Officer, testified that window panes were broken; there were items stored in the carport and yard; the fence was in disrepair; the property was overgrown and there was trash on the property. Inspector Urow presented photos of the property and a copy of the inspection report and recommended ordering compliance within 30 days or a fine of \$25 per day, per violation.

Ms. Tell found in favor of the City and ordered compliance within 30 days or a fine of \$25 per day, per violation would be imposed.

Reference CE05080832

Ruby Codner
1841 Lauderdale Manors Drive

Sec. 18-27(a): Trash and overgrowth on property

Mr. Eaton announced that service was via the appearance of the owner at this hearing.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was trash and overgrowth on the property. She said she had spoken with Ms. Codner earlier and Ms. Codner informed her the property was now complied. Inspector Pingitore presented photos of the property and said she needed time to verify the property's compliance and recommended ordering compliance within 10 days or a fine of \$25 per day.

Ms. Tell found in favor of the City and ordered compliance within 10 days or a fine of \$25 per day would be imposed.

Reference CE06010517

Dorothy Corbett
2610 Northwest 20th Court

Sec. 18-27(a): Overgrowth and trash on property

Mr. Eaton announced that certified mail addressed to the owner was accepted [no date].

Ms. Tuchette Torres, Community Inspections Officer, testified that there was overgrowth and trash on the property. She presented photos of the property, noting that the property appeared abandoned, and recommended ordering compliance within 10 days or a fine of \$25 per day.

Ms. Tell found in favor of the City and ordered compliance within 10 days or a fine of \$25 per day would be imposed.

Reference CE06010970

Y3K Investments Inc.
1337 Northwest 5th Avenue

Sec. 9-281(b): Unlicensed, inoperable vehicle on property

Mr. Eaton announced that certified mail addressed to the owner and registered agent were both accepted on February 14, 2006.

Ms. Irma Westbrook, Community Inspections Officer, testified that there was an unlicensed, inoperable vehicle under a tarp on the property. She presented photos of the property and a copy of the inspection report and recommended ordering compliance within 10 days or a fine of \$100 per day or the vehicle would be towed.

Ms. Tell found in favor of the City and ordered compliance within 10 days or a fine of \$100 per day or the vehicle would be towed.

Cases Complied

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

CE05021212	CE06010478	CE05111106	CE05121514
CE05090201	CE06011748	CE05080207	CE05121426
CE06011210	CE06020187	CE05120077	CE06011597
CE05101446	CE06010628	CE06010102	CE06010159
CE06010941	CE06011900	CE05121337	CE06011151
CE06011665	CE05111026	CE05091949	CE05120783
CE05120090	CE05121195	CE05121461	CE06011738
CE05120697	CE05111384	CE05121352	CE05080171

Cases Pending Service

Mr. Eaton announced that the below listed cases 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:

CE05092156	CE06010652	CE06010053	CE05070746
CE05081614	CE05121205	CE06011655	CE05101552
CE06030021	CE02070066		

Cases Withdrawn

Mr. Eaton announced that the below listed cases had been withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE05100878

Cases Rescheduled

Mr. Eaton announced that the below listed cases had been rescheduled. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:


CE05121009

There being no further business, the hearing was adjourned at 1:35 p.m.



SPECIAL MAGISTRATE

ATTEST:



Clerk, Special Magistrate