

**CITY OF DAYTONA BEACH**

**MINUTES**

**NOVEMBER 8, 2016 at 9:00 AM**  
**City Commission Chambers**  
**301 South Ridgewood Avenue,**  
**Daytona Beach, Florida**

**SPECIAL  
MAGISTRATE  
HEARING**

---

**ATTENDEES:**

Mr. David Vukelja, Special Magistrate

**STAFF:**

Anthony E. Jackson, Assistant City Attorney  
Mr. Hector Garcia, Code Supervisor  
Mr. Tom Clig, Code Inspector  
Mr. Daniel Garcia, Code Inspector  
Mr. Cliff Recanzone, Code Inspector  
Mr. Michael Fitzgerald, Code Inspector  
Mr. Jerry Sanders, Code Inspector  
Mr. John Stenson, Code Inspector  
Ms. Glejuanda Davis, Code Inspector  
Ms. Aimee Hampton, Board Secretary  
Jason Jeffries, Redevelopment Division  
Susette Day, Permits and Licensing  
Lt. Miller  
Ofc. Doroski  
Ofc. Sylvester

Approval of Minutes by: \_\_\_\_\_

Special Magistrate

---

Mr. Vukelja called the Hearing to order at 9:00 a.m.

Mr. Vukelja approved the September 13, 2016 Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated the following case was in compliance:

**CASE NO 7 SMG 09-16-52 – Hamflor Holdings, LLC** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 305.3, 605.2, 504.1, 304.15, 304.7, 704.2, 605.1, 604.3, 304.13, and 605.1) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **734 Flanders Avenue** - Violation(s) – Damaged interior surfaces; inoperable receptacles; leaking plumbing fixtures (piping); damaged exterior doors; damaged roof; lack of smoke detectors; damaged electrical fixtures; electrical system hazard (tripping breakers); broken windows; exposed electrical wiring; failure to obtain business tax receipt (BTR); failure to obtain residential rental license (RTL) - First Notified – 7/20/2016.

**COMPLIANCE 11/8/2016**

Ms. Hampton swore in all members of staff who would be testifying.

## Hearing of Cases

**CASE NO 1 SMG 07-16-38 – Binny Enterprises, LLC** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (ref. FBC Supp IPMC 302.1, 302.4, 302.7, 304.2, 304.3, 304.6, 304.7, 304.8, 304.10, 304.12, 304.13, 304.13.1, 304.13.2); Art. 6 Sec. 6.10.D; Art. 6 Sec. 6.10.E.1, 6.10.E.2, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.C.4; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3.; Art. 6 Sec. 6.19.A.4; Art. Sec. 6.19.B.; Art. 6 Sec. 6.2.H.4; Art. 6 Sec. 6.2.H.4.; Art. 7 Sec. 7.2.N.9, at **509 E. International Speedway Blvd.** - Violation(s) – No permit; outside storage of trash and debris; high grass and weeds; accessory structure dilapidated; peeling and fading paint; missing address numbers; exterior walls have holes and breaks; deteriorated roof; stairways decks and porches have deficiencies; handrails have parts that are missing; Windows and doors are broken or deteriorated; exterior sign – business is not open; Parking lot striping has cracks or missing asphalt; expired permit -First Notified – 3/29/2016.

Mr. Jackson reviewed the case history and stated the case was continued from last month's Agenda. Mr. Jackson stated the status of the progress is there has not been much progress since the last meeting. Mr. Jackson stated staff was recommending a fine be imposed of \$250 per day.

Lorie Jordan came forward and was sworn. Ms. Jordan stated the roof has been completed.

Stan Holle came forward and was sworn. Mr. Holle submitted the drawings for the plans for the property and stated they have to seek a variance to develop the property in accordance with the plans. Mr. Holle stated the application has been submitted and they are working on it. Mr. Holle stated since September they have four sheets of plans including building, design and site plan getting ready to resubmit to City's TRT committee. Mr. Holle stated there has been a new roof that was installed on the building.

Ms. Jordan stated the roof has been completed and the survey has been ordered and is in progress.

Mr. Jackson stated the owners have signed up as a trespass arrest site which authorizes the police to remove vagrants from the property.

Mr. Fitzgerald stated he has not seen the plans as of yet.

## Ruling

Mr. Vukelja continued the case to the December 13, 2016 meeting for consideration of the imposition of a fine and progress report.

**CASE NO 2 SMG 07-16-40 – Josif Janceski** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.; Art. 6 Sec. 6.19.A.3.a; Art. 3 Sec. 3.4.S; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 604.3, 504.3, 304.14, 304.5, 302.7); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1058 Thunderbird Drive** - Violation(s) – Working without permit (roof); outside storage; lack of power; lack of utilities (water); dilapidated screens; dilapidated garage door; dilapidated fencing; Failure to obtain business tax receipt (BTR); failure to obtain residential rental license (RTL) - First Notified – 5/5/2016.

Mr. Josif Janceski came forward and was sworn.

Mr. Jackson stated the case was on the Agenda for a progress report and called Inspector Stenson for testimony.

Mr. Stenson stated the property was a result of a citizen complaint with occupied vagrants, no water, no power and outside storage. Mr. Stenson stated the squatters are removed and the property is secured.

Mr. Vukelja cannot recall as to why the compliance date was set for February.

Mr. Stenson stated the owner is going to do a full renovation project.

Mr. Janceski stated he just recently submitted plans from the architect with Jurgen Betz. Mr. Janceski stated he is still waiting on the permit. Mr. Janceski stated Mr. Betz told him it was going to take a couple weeks to review. Mr. Janceski stated the property was going to remain unoccupied until it is compliance.

### **Ruling**

Mr. Vukelja ordered the respondent to appear at the December 13, 2016 meeting for progress report and to bring his plans at that time.

**CASE NO 3 SMG 07-16-41 – Daisy Smalls Johnson and George Smalls, Jr. and Vincent E. Smalls, as JTRS** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2, 304.15, 605.1, 305.3, 603.1, 504.1, 304.13, 304.14, 704.2, 605.2); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 1211 Imperial Dr. - Violation(s) – Peeling paint; exterior doors; electrical fixtures; electrical wiring; interior surfaces; inoperable appliances; damaged plumbing fixtures; inoperable Windows; missing or damaged screens; missing or inoperable smoke detectors; and operable receptacles; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) -First Notified – 5/3/2016.

George Smalls, Jr. came forward and was sworn.

Mr. Jackson stated the respondents were close to compliance and the city was asking to amend the compliance date to the next cut-off.

Mr. Smalls agreed to the next cut-off date for compliance.

### **Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until December 7, 2016 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1,000 per day.

**CASE NO 4 SMG 07-16-42 – Edna Sheffield Life Estate** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 3 Sec. 3.4.S; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2, 304.6, 304.7, 304.13, 304.15, 304.14, 602.1, 304.12, 605.1, 504.1, 305.3 605.2, 704.2, 302.7, 308.1, 305.4) City Code Ch. 90 Sec. 90-297 and City Code Ch. 26 Sec. 26-294, at **452 N. Martin Luther King Blvd.** - Violation(s) – Outside storage; peeling paint; exterior surfaces; dilapidated roof; broken windows; exterior doors; missing screens; no heat; dilapidated handrails; electrical fixtures; plumbing fixtures; interior surfaces; inoperable receptacles; missing smoke detectors; dilapidated fencing; infestation; walking surfaces; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 5/20/2016.

Respondent was not present.

Mr. Jackson stated the violations were result of a tenant complaint. Mr. Jackson further stated the tenants have been removed but the condition has remained the same. Mr. Jackson stated the city was recommending a fine be imposed of \$150 per day to a maximum of \$15,000.

Mr. Stenson stated the complaint was tenant generated. Mr. Stenson stated at the time a family was living there was a plethora of violations. Mr. Stenson stated as of now the tenants have been removed but no progress has been made. Mr. Stenson stated the property remained in noncompliance and staff was recommending imposing a fine of \$150 per day to a maximum of \$15,000.

### **Ruling**

Mr. Vukelja imposed a fine against the respondents in the amount of \$150 per day effective November 3, 2016 and continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000.

**CASE NO 5 SMG 08-16-46 – Crystal G. Scott** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 602.3, 704.2, 504.1, 304.15, 304.2, 304.13, 305.3, 605.1, 604.3, 504.3, 304.7) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **544 Berkshire Road** - Violation(s) – No working heat; no smoke detectors; dilapidated plumbing fixtures; dilapidated garage door; damaged exterior door; peeling paint; inoperable windows; damaged interior surfaces; damaged/missing electrical fixtures; electrical system hazards (interior breaker panel); plumbing system hazard (low water pressure); dilapidated roof (fascia); Failure to obtain business tax receipt (BTR); failure to obtain residential rental license (RTL) - First Notified – 5/19/2016.

Respondent was not present.

Mr. Jackson stated the Respondent was close to compliance and further called Mr. Stenson to provide more information.

Mr. Stenson stated the violations were result of a tenant complaint however the majority of the work was corrected but the hurricane caused some structural damage and roof damage. Mr. Stenson recommended amending the compliance date to the January cut-off date.

### **Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until January 4, 2017 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1,000 per day.

**CASE NO 6 SMG 08-16-47 – Susan Hounsom Family, LTD Partnership** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.14, 304.2, 605.2, 308.1, 302.5, 704.2, 304.15, 305.6, 504.1, 304.10, 304.6) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **617 Kingston Avenue** - Violation(s) – Damaged or missing screens; dilapidated handrails; inoperable receptacles; infestation; rodent harborage; missing smoke detectors; damaged exterior doors; damaged interior doors; damaged plumbing fixtures; dilapidated stairs; exterior surfaces; Failure to obtain business tax receipt (BTR); Failure to obtain residential rental license (RTL) - First Notified – 6/1/2016.

Peter Ancona came forward and was sworn.

Bill Papagno came forward and was sworn.

Mr. Jackson stated that the property remained in noncompliance and called inspector Stenson to provide more information. Mr. Jackson stated they are now doing work without permits or exceeding the scope of the permit.

Mr. Stenson provided a summary of the history of the case and advised that it was initiated by tenant complaint. Mr. Stenson stated he has not seen the inside of the property however the exterior work has exceeded the scope of the permits. Mr. Stenson stated the requirement was to repair handrails and rear door and the broken step however rather than a repair they completely removed and replaced which require more specific plans and a structural engineer. Mr. Stenson stated he advised the Respondent of the permit requirement on numerous occasions and no revisions have been submitted.

Mr. Stenson stated staff was recommending a fine be imposed in the amount of \$200 per day to a maximum of \$15,000.

Mr. Ancona stated the interior is 99% completed and further advised Gaffney construction pulled the permit and did the work however it was an oversight regarding the back porch permit. Mr. Ancona stated he was not aware the work for the back porch was not a part of the original permit. Mr. Ancona stated he is waiting on the contractor to submit the corrections for the permit but they are swamped because of the hurricane.

### **Ruling**

Mr. Vukelja continued this case to the December 13, 2016 meeting.

**CASE NO 8 SMG 08-16-50 – AVS Investments, LLC** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2, 304.7, 304.14, 305.3, 502.1, 602.1, 604.3) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **126 N. Charles Street** - Violation(s) – Peeling paint; roof in disrepair; insect screens; interior surfaces (ceiling and walls have water damage); plumbing facility requirements - flooring, bathtub, walls, toilet and piping; heating facilities required; inadequate electrical wiring; Failure to obtain a business tax receipt (BTR); failure to obtain a residential rental license (RTL) - First Notified – 5/12/2016.

Respondent was in compliance November 2, 2016.

**CASE NO 9 SMG 09-16-56 – Love Tabernacle Cogic, Inc. c/o Richard Butts, Trustee** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **347 S. Martin Luther King Blvd.** - Violation(s) – No permit for plumbing system; No business tax receipt (BTR); No residential rental license (RTL) - First Notified – 7/16/2016.

Respondent was not present.

Mr. Jackson stated the property was in noncompliance and work has been done without the proper permits. Staff was requesting a fine be imposed of \$100 per day to a maximum of \$15,000 plus the one-time administrative fine of \$250.

Mr. Recanzone stated he has had no contact from the Respondent and there is no permit for the plumbing that has been installed. Mr. Recanzone stated it has been several months and there is still no permit for the work.

### **Ruling**

Mr. Vukelja imposed a fine against the Respondents in the amount of \$100 per day effective October 6, 2016 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000 plus a one-time administrative fine of \$250.

***Mr. Vukelja broke the meeting at 9:50 AM.***

***Mr. Vukelja reconvened the meeting at 9:58 AM.***

**CASE NO 11 SMG 10-16-57 – Jasmine & Stephen Lindermann** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPJMC 302.8, 304.2, 304.5, 304.6, and 307.1); Art. 6 Sec. 6.2.H.4; Art. 6 Sec. 6.2.H.7.a.; City Code Ch. 26 Sec. 26-294 and City Code Ch. 90 Sec. 90-297, at **575 South Street** - Violation(s) – Inoperable or unlicensed vehicles; protective treatment; exterior foundation walls; exterior walls; accumulation of rubbish or garbage; parking surfaces; off-street parking; Failure to obtain residential rental license (RTL); Failure to obtain business tax receipt (BTR) - First Notified – 6/3/2016.

Respondent was not present.

Mr. Jackson stated the property is in major disrepair and appears vacant. Mr. Jackson stated staff was recommending a finding of noncompliance and the next cut-off date for compliance.

### **Ruling**

Mr. Vukelja found the respondent in noncompliance and order the respondent to come into compliance by December 7, 2016 or be returned to a subsequent meeting for consideration of a fine of up to \$1,000 per day.

**CASE NO 12 SMG 10-16-58 – Joseph H. & Barbara J. Daley** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.i, at **835 Essex Road** - Violation(s) – Parking in front yard - First Notified –Order of Non-compliance entered June 21, 2016.

Mr. Joseph Daly came forward and was sworn. Mr. Daly stipulated to non-compliance.

Mr. Jackson stated that this case was for repeat violation of parking in the front yard and there are 2 occurrences. Mr. Jackson stated staff was asking for \$50.00 per occurrence.

Mr. Daly stated he has spoken with Mr. Stenson and he spoke with his tenant who believes that no one should be able to tell him what to do with his property. Mr. Daly stated he sent his tenant two letters advising of the violations and has threatened to terminate the lease and evicted him if the violations occur. Mr. Daly stated he has been by there several times and he's now in compliance.

### **Ruling**

Mr. Vukelja imposed a fine in the amount of \$50.00 for the repeat violation.

**CASE NO 13 SMG 10-16-59 – Jack Morris, Jr.** is cited for failure to correct violations of the Land Development Code, Art. 6 sec. 6.19.A.3.a, at **708 Kingston Avenue** - Violation(s) – Outside storage First Notified – Order of Non-compliance entered November 13, 2012.

Respondent was not present.

Mr. Jackson stated that this case was a repeat violation of outside storage and it is still ongoing continuous and therefore staff was recommending a fine be imposed of \$100 per day to a maximum of \$10,000.

### **Ruling**

Mr. Vukelja imposed a fine in the amount of \$100 per day to a maximum of \$10,000.

**CASE NO 14 SMG 11-16-60 – Kimberly E. Telfare** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 8 Sec. 8.2.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 605.1, 304.15, 305.3, 504.1, 305.2, 605.2, 504.3, 302.8, 605.1, and 302.7); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **515 Gibson Street** -Violation(s) – Outside storage; non-conforming use as a rooming house; damaged electrical fixtures; damaged exterior doors; dilapidated interior surfaces; damaged plumbing fixtures; damaged interior doors; inoperable receptacles; plumbing system hazard; junk vehicle; inoperable electrical wiring; dilapidated fence and gate; Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL) -First Notified – 9/16/2016.

Kimberly Telfare came forward and was sworn.

Arthur Hansen, Jr. came forward and was sworn.

Ms. Telfare stipulated to noncompliance.

Mr. Jackson stated the next cut-off date for compliance should be sufficient. Mr. Jackson stated the property was an occupied rooming house and it is a bad condition and does not have water.

Mr. Vukelja asked if the property was a multifamily structure.

Mr. Stenson stated there are two structures on the property that are rented out with the rear structure containing 2 unrelated tenants and the water was turned off on October 7<sup>th</sup> and is still off. Mr. Stenson stated the conditions inside are not livable.

Mr. Hansen stated it is not a rooming house and he was living back there and he had a friend staying there. Mr. Hansen stated the other person living there was her sister and it was not going to be a rooming house as they are just trying to help them out. Mr. Hansen stated they have been asking them to leave so they can fix up the place and rent it out but they refuse to leave and every time they go there they call the police. Mr. Hansen stated they are in the process of trying to evict them.

Mr. Vukelja stated if they are trying to get tenants out by eviction they will need to show the efforts towards those proceedings.

### **Ruling**

Mr. Vukelja found the Respondent in noncompliance and order the respondent come into compliance by December 7, 2016 or be returned to a subsequent meeting for consideration of a fine of up to \$1,000 per day thereafter.

**CASE NO 15 SMG 11-16-61 – Hannah S. West Estate** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.13, 304.14, 602.3, 605.1, 305.6, 704.2, 305.3, 504.1, 605.2, and 304.15); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **874 North Street** -Violation(s) – Broken windows; missing/damaged screens; no heat facilities; damaged and inoperable electrical fixtures; damaged interior doors; missing smoke detectors; damaged interior surfaces; damaged plumbing fixtures and piping; inoperable receptacles; damaged exterior doors; Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL)  
First Notified – 6/20/2016.

Juliet Massey came forward and was sworn. Ms. Massey stated she has inherited the property from her grandmother. Ms. Massey stated the first time she was notified of violations was October 21<sup>st</sup> she removed a notice off the door. Ms. Massey stated the house has been boarded and is in the process of being sold to a private investor and no one is residing there.

Mr. Jackson stated the Inspector requests the next cut-off for compliance. Mr. Jackson stated the most recent tenants are present and would like to be heard with regards to the property.

Mr. Vukelja asked Ms. Massey her position on a December 7<sup>th</sup> compliance date.

Ms. Massey stated she was okay with the compliance date.

Brandi Hamilton and Grandmother Bobbie Hudson came forward and was sworn.

Ms. Hamilton stated she was the most recent tenant living in the house that included issues of holes in the walls; no appliances when she moved in; she had to provide her own refrigerator and stove. Ms. Hamilton stated when she would use the stove the power would go out and so she could not cook food. Ms. Hamilton stated there was no air conditioner and she had to provide window units. Ms. Hamilton stated the tile had fallen in the tub and the front door was off the hinges with a big hole where lizards and scorpions would come inside the house. Ms. Hamilton stated a tree fell on the power line after the hurricane and they restored power to every house except hers because FPL stated the owner had to hire an electrician. Ms. Hamilton was forced to move out. Ms. Hamilton also stated her water bill started at \$500 to \$1300 and the owner has not fixed whatever the issue is and now she owes excessively high water bill.

Ms. Hudson stated the water bill is up to \$1300 water bill and she has been out of the house for over a month and she has told her granddaughter to not pay any more to Ms. Massey. Ms. Hudson stated her son obtained a refrigerator for the house, Ms. Massey never did provide a fridge. Ms. Massey stated the stove was not clean and never did provide the burner tabs for the stove.

### **Ruling**

Mr. Vukelja found the respondent in noncompliance and order the respondent to come into compliance by December 7, 2016 or be returned to a subsequent meeting for consideration of a fine of up to \$1,000 per day.

**CASE NO 10 SMG 09-16-55 – William Dennison, Sr. and Mingler’s Inc. a/k/a Mingler’s Social Club** is cited for failure to correct violations of the Land Development Code, Art. 5.2.A.2; City Code Ch. 90 Sec. 90-297; City Code Ch. 90 Sec. 90-298; Art. 3 Sec. 4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 504.1.505.1 and 506.1), at **500 S. Ridgewood Avenue** -Violation(s) – The proposed business is operating as one or more of the following uses: bottle club, adult theater, or nightclub which are not a permitted use in the T-2 zoning district; Operating without a business tax receipt (BTR); Presumption of liability for operating a business without a business tax receipt; No permit for new fence; no water; plumbing sanitary systems - First Notified – 5/19/2016

Attorney Brett Hartley appeared on behalf of the Respondents.

Mr. Jackson appeared on behalf of City staff and reviewed the Magistrate’s previous order. Mr. Jackson stated the Respondents have failed to comply with any items that were ordered and further called Jason Jeffries to testify.

Mr. Vukelja inquired about the Court Hearing. Mr. Jackson stated the hearing was canceled due to the hurricane and has not been reset at this point.

At approximately 10:33 a.m. Mr. Jackson called Jason Jeffries to testify. Mr. Jeffries stated he participated in the re-inspection of the property and stated the private rooms were no longer in place, the beds were no longer in individual rooms, the pool table was removed and the tables and chairs were set up more like a social club rather than a night club. Mr. Jeffries stated they were not allowed upstairs and was advised it was a private residence however the property is not licensed for residential use. Mr. Jeffries stated residential use is permitted in the district but they would have to go through a site plan review and building permit review to allow the residential use in that building. Mr. Jeffries stated the beds were moved into a room that seemed to be used for storage.

Mr. Hartley asked Mr. Jeffries if it was fair to say that as to the prior hearing if Mr. Amos and Mr. Dennison were in substantial compliance. Mr. Jeffries stated he does not know if he would agree with substantial compliance. Mr. Jeffries agreed the beds were removed from the previous layout.

Mr. Jackson called Suzette Day for testimony.

Ms. Day came forward and was sworn.

Mr. Jackson asked Ms. Day if there has been any follow up from the re-inspection.

Ms. Day stated she has not had any follow up or contact from the Respondents.

Mr. Hartley asked Ms. Day what day was the re-inspection. Ms. Day did not recall the specific day.

Mr. Hartley asked if Ms. Day provided a list to Mr. Amos of issues that needed to be addressed.

Ms. Day stated she believed there was documentation for a fire inspection.

Mr. Vukelja asked Ms. Day about her role as the License Officer for the City and when the inspection took place.

Mr. Jackson stated the re-inspection took place on September 27, 2016.

Mr. Jackson called Det. Timothy Ehrenkufer.

Det. Ehrenkauffer came forward and was sworn.

Det. Ehrenkauffer stated he reviewed the websites and found Mingler’s was still advertising on the websites and were advertising for upcoming events. Det. Ehrenkauffer stated he took screen shots of the websites which were provided to Mr. Vukelja for review. Det. Ehrenkauffer stated the last time he viewed the advertisements were the morning of the hearing. Det. Ehrenkauffer stated the screen shots were done on November 3<sup>rd</sup> but he viewed the same information this morning.

Mr. Hartley reviewed the screen shots of the websites with Det. Ehrenkaufner. Mr. Hartley asked Det. Ehrenkaufner in reviewing the websites if he did any domain owner searches.

Det. Ehrenkaufner stated the domain ownership came back to a company out of Canada.

Mr. Hartley asked if any of the other websites came back to any ownership to Mr. Dennison or Mr. Amos or Mingler's. Det. Ehrenkaufner stated there was no ownership information but it did contain banner ads as an affiliate and they would have to allow the code to be posted on their website. Det. Ehrenkaufner reviewed the scheduled dates on the advertisements.

Mr. Jackson called Lt. Miller for testimony.

Lt. Miller came forward and was sworn. Lt. Miller stated she is the shift commander for District 2 and described her observations on the outside of the property. Lt. Miller stated on September 17<sup>th</sup> there were approximately 8 cars in the parking lot and 2 gentlemen standing outside. Lt. Miller stated she did not hear any audible noise but she did see red flashing light coming from inside the building. Not on that day but other times she has seen a sign saying Private Event No Trespassing Members only.

Mr. Hartley asked Lt. Miller if she was told they were not allowed activity inside the property. Lt. Miller stated she was unaware of what the ruling or order was that she was told to just drive by and record observations.

Mr. Jackson called Ofc. Doroski to testify.

Ofc. Doroski came forward and was sworn. Ofc. Doroski stated he has been at the location several times and each time he has been there he witnesses approximately 2 to 6 people. Ofc. Doroski stated he observed outside there was a sign that stated a Private Event was occurring.

Mr. Hartley asked if Ofc. Doroski if he made the statement to Mr. Amos that he believe it was harassment or singled out.

Ofc. Doroski stated he did not make those statements to Mr. Amos.

Mr. Vukelja reviewed a report prepared by Ofc. Doroski and asked what typically was the time he would drive by the property.

Ofc. Doroski stated anywhere from 9:00 p.m. to midnight.

Mr. Jackson called Officer Sylvester for testimony.

Ofc. Angelica Sylvester came forward and was sworn.

Mr. Jackson asked Ofc. Sylvester describe her observations at the locations.

Ofc. Sylvester stated one time she observed approximately 20 cars in the driveway and a sign posted private event no trespassing and the second time she observed the private event sign.

Mr. Hartley asked if she observed anyone dancing or noise.

Ofc. Sylvester stated she only observed lights and did not hear any noise.

Mr. Vukelja reviewed the reports with Ofc. Sylvester. Ofc. Sylvester stated she was approached by someone sitting near the sign who stated their name was Don and they were a security guard and told her she was not allowed to drive through the parking lot. Ofc. Sylvester stated she did observe lights at that time.

Mr. Jackson stated in summary the City believes an abundance of evidence shows the violations are continuing.

Mr. Hartley presented closing defense argument with regard to the City's contention they are still in non-compliance. Mr. Hartley stated the websites where the advertisements were being posted Mingler's has no control over. Mr. Hartley made reference to the different website addresses for websites where the advertising was taking place. Mr. Hartley presented his argument to rebut the testimony of all witnesses.

Mr. Vukelja reviewed the previous order and heard argument of the parties.

### **Ruling**

Mr. Vukelja found the Respondent failed to come into compliance with ceasing all prohibited activity on the property by September 16, 2016; and further failed to comply with the removal of the advertisements by October 5, 2016 and for said violations a fine in the amount of \$100 per day will go into effective September 17, 2016 to continue until compliance is achieved or the fine reaches the maximum of \$20,000 and additionally imposed a fine in the amount of \$100 per day will go into effective October 6, 2016 to continue until compliance is achieved or the fine reaches the maximum of \$20,000 plus a one-time administrative fine of \$250.00 for failure to obtain a business tax receipt (BTR).

**CASE NO 13 SMG 10-16-59 – Jack Morris, Jr.** is cited for failure to correct violations of the Land Development Code, Art. 6 sec. 6.19.A.3.a, at **708 Kingston Avenue** - Violation(s) – Outside storage First Notified – Order of Non-compliance entered November 13, 2012.

Mr. Jack Morris, Jr. came forward and was sworn.

Mr. Jackson stated the property owner is asking for 10 days to come into compliance and the staff was willing to allow him the time.

### **Ruling**

Mr. Vukelja vacated his previous order imposing a fine and amended the previous order of non-compliance to allow the Respondent to come into compliance by November 21, 2016 or an automatic fine of \$50 per day will automatically go into effect until compliance is achieved or the fine reaches the maximum amount of \$10,000.

**CASE NO 9 SMG 09-16-56 – Love Tabernacle Cogic, Inc. c/o Richard Butts, Trustee** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **347 S. Martin Luther King Blvd.** - Violation(s) – No permit for plumbing system; No business tax receipt (BTR); No residential rental license (RTL) - First Notified – 7/16/2016.

Mr. Ed Butts from Love Tabernacle came forward and was sworn.

Mr. Jackson stated the Inspector had to leave as he did not feel well. Mr. Jackson stated the testimony that plumbing work has been completed without permits and he has not heard from the Respondents.

Mr. Butts stated due to the hurricane there are some larger issues than the plumbing and they are waiting for finances to be able to get everything completed. Mr. Butts stated he thought he would be able to pull a homestead permit rather than a contractor.

### **Ruling**

Mr. Vukelja vacated the previous order imposing a fine and amended the previous order of non-compliance to allow the Respondent until December 7, 2016 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

### **MISCELLANEOUS BUSINESS**

There was no miscellaneous business.

**Adjournment:** The meeting was adjourned at 11:43 a.m.