

MINUTES OF MEETING  
DANIA BEACH CITY COMMISSION  
ABATEMENT HEARING  
THURSDAY, SEPTEMBER 17, 2009 - 6:00 P.M.

1. Call to Order

Mayor Castro called the meeting to order at 6:00 p.m.

2. Roll Call

Present:

Mayor:	Anne Castro
Vice-Mayor:	C.K. "Mac" McElyea – arrived at 6:45 p.m.
Commissioners:	Bob Anton Walter Duke Albert C. Jones
City Manager:	Bob Baldwin
City Clerk:	Louise Stilson
Code Attorney:	Tim Ryan

City Attorney Ansbro asked to be excused so that he may attend his son's open house.

3. Abatement Requests

- 3.1 Abatement request for Ruth Mae Wells and Roosevelt Wells for property located at 21 NW 6 Avenue, Case #07-0937 (#0234-01-2481)

Attorney Tim Ryan advised this case is for 9 violations: damaged or deteriorated windows must be repaired or replaced; windows lack screens; exterior of structure must be painted; litter, trash and debris must be removed from the premises; trash and litter on the right of way adjoining the property; junked and abandoned vehicles parked or stored on the property; and swale must be maintained and trimmed. The fine ran for 563 days for a total of \$84,599.50, including recording fees. The Special Magistrate has made no recommendation on the abatement, and the case has been forwarded directly to the City Commission.

Nick Lupo, Code Compliance Manager, noted the reason the Magistrate did not make a recommendation is because the person coming forward, Alex Dubow, said the property belonged to an aunt and uncle. However, Ruth Mae Wells is deceased, and Mr. Dubow could not produce power of attorney.

Commissioner Anton stated he would vote for this property to go through the Amnesty Program.

Attorney Ryan noted we already have authorization to foreclose. He said we have to publish a notice of action and then move forward. Attorney Ryan noted it could take 4-6 months before we can go to sale.

**Commissioner Anton motioned to proceed with foreclosure, unless they partake in the Amnesty Program; seconded by Commissioner Jones. The motion carried on the following 3-1 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Not present</b>
<b>Commissioner Duke</b>	<b>No</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

3.2 Abatement request for Douglas Hammond for property located at 3001 SW 45 Street, Case #07-2587 (#0229-01-0991)

Attorney Tim Ryan advised this case involved 2 violations: land fill that encroached on the oak tree drip line (tree abuse), and land fill brought and placed on the property without zoning and building approval. The fine ran for 214 days for a total of \$32,241.00, including recording fees. On May 7, 2009, the Special Magistrate reduced the fine to \$3,000.00, provided it was paid by June 6, 2009. The fine was not paid by the due date and the respondent requested to have the lien recorded so that he may appear before the City Commission.

Douglas Hammond, property owner, noted he had a seawall and dredge permit from the City. The dirt that was dredged went back onto the property, and he also removed an oak tree (permitted). He was cited for bringing the dredged dirt onto the property. Mr. Hammond said he was ill-advised by City staff as to what he could do. He said they told him to get a site plan, but he did not realize it would take so long to get it. Mr. Hammond stated he did not bring additional fill onto the property; it was from his dredging project. He confirmed he had an Army Corps of Engineer permit, as well as a South Florida Water Management permit, in addition to the City permit.

Commissioner Duke motioned to abate the lien to \$2,500.00, to be paid within 90-120 days; seconded by Commissioner Jones.

Commissioner Duke amended his motion to \$2,000.00, to be paid in 90 days. Commissioner Jones did not second the motion.

Mr. Hammond confirmed that he did not bring additional fill onto his property; the only fill brought on the property was from the dredging project.

Commissioner Duke withdrew his motion.

**Commissioner Anton motioned to abate the lien to \$1,500.00, to be paid in 90 days; seconded by Commissioner Jones. The motion carried on the following 3-1 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Not present</b>
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<b>Commissioner Duke</b>	<b>No</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

3.3 Abatement request for Tarn Tantikij for property located at 3121 SW 44 Street, Case #04-1264 (#0230-01-0480)

Attorney Tim Ryan advised this case involved 3 violations: failure to obtain permits and inspections for the installation of doors and windows; failure to remove inoperative and unlicensed vehicles; and failure to paint building which is discolored. The fine ran for 1,286 days for a total of \$64,476.50, including recording fees. The Special Magistrate recommended an abatement of \$2,500.00.

Tarn Tantikij, property owner, noted the house had jalousie windows and the house had been broken into several times. He said he panicked before the hurricanes and bought new windows and doors from Home Depot and installed them. Mr. Tantikij said only the fascia board needed painting, not the entire garage. He noted that the house is still vacant because the house is located in a low rent/high crime neighborhood. Mr. Tantikij asked if he could pay the actual costs incurred by the City.

Nick Lupo, Code Compliance Manager, confirmed there were police reports validating Mr. Tantikij's report of crime on his property.

**Commissioner Anton motioned to abate the lien to \$2,500.00, as recommended by the Special Magistrate, to be paid in 120 days; seconded by Commissioner Duke. The motion carried on the following 3-1 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Not present</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>No</b>		

3.4 Abatement request for Dorene Darling for property located at 123 NW 14 Way, Case #07-2893 (#0233-12-0070)

Attorney Tim Ryan advised this case involves 3 violations for a fence that must be repaired, replaced or removed. The fine ran for 429 days for a total of \$43,041.00, including recording fees. The Special Magistrate recommended an abatement of \$4,200.00.

Edward Darling, 720 SW 8<sup>th</sup> Street, noted this is his mother's property, and he was not aware of the citation. He said that all notices will now be sent to him.

**Commissioner Jones motioned to abate the lien to \$2,000.00, to be paid in 30 days; seconded by Commissioner Anton. The motion carried on the following 4-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Not present</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

3.5 Abatement request for Frank West for property located at 149 NW 14 Avenue, Case #07-1919 (#0233-11-0010)

Attorney Tim Ryan advised this case involves 10 violations: broken windows; windows lack fully operational hardware; building exterior surface is in disrepair; electric outlet is broken; building exterior wood is deteriorated; exterior surface of the structure is deteriorated and must be painted; litter, trash and debris must be removed; trash and litter in the right of way adjoining the property. The fine ran for 586 days for a total of \$58,758.00, including recording fees. The Special Magistrate recommended an abatement of \$3,000.00.

Vice-Mayor McElyea arrived at 6:45 p.m.

Frank West, property owner, was present to answer questions.

**Commissioner Jones motioned to abate the lien to \$2,000.00, to be paid in 120 days; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

3.6 Abatement request for Al Bartosh for property located at 203 SE 2 Street, Case #06-1452 (#0234-18-0370)

Attorney Tim Ryan advised this case consisted of 15 violations: damaged or deteriorated windows; windows do not have fully operational hardware and screens; garage door is in a state of disrepair; fence is in disrepair; and exterior of structure is in a state of disrepair. The fine ran for 386 days for a total of \$77,341.00, including recording fees. The Special Magistrate recommended an abatement of \$7,700.00.

**Commissioner Anton motioned to allow the property owner to participate in the amnesty program for the reduced rate of \$20,800.00, or the fine will revert back to the original amount; seconded by Commissioner Jones. The motion failed on the following 2-3 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>No</b>
<b>Commissioner Duke</b>	<b>No</b>	<b>Mayor Castro</b>	<b>No</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

**Commissioner Duke motioned to abate the lien to \$7,700.00, as recommended by the Special Magistrate, to be paid in 120 days; seconded by Vice-Mayor McElyea. The motion carried on the following 3-2 Roll Call vote:**

<b>Commissioner Anton</b>	<b>No</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>

**Commissioner Jones                      No**

3.7     Abatement request for American Maritime Officers Bldg Corp of Florida for property located at 1002 SW 2 Avenue, Case #06-1310 (#1203-10-2160)

Commissioner Duke recused himself from this case.

Attorney Tim Ryan advised this case involved 2 violations: a portion of the yard lacks vegetative cover; and junked and abandoned vehicles parked or stored on the property. The fine ran for 84 days for a total of \$16,959.50, including recording fees. The Special Magistrate recommended an abatement of \$1,500.00.

Lisa Duke, representing the property owner, provided a history of the property. She indicated that AMO assumed the property was in compliance and closed the file. They discovered the lien while they were relocating people from the mobile home park.

Commissioner Jones motioned to abate the lien to \$1,000.00; seconded by Commissioner Anton.

Mayor Castro noted that AMO has done a phenomenal job on the mobile home property and paid a large portion of the fine when they purchased the property. She recommended eliminating the entire lien.

Commissioner Jones withdrew his motion.

**Mayor Castro passed the gavel and motioned to completely eliminate the fine; seconded by Vice-Mayor McElyea. The motion carried on the following 3-1 Roll Call vote:**

<b>Commissioner Anton</b>	<b>No</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Recused</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

3.8     Abatement request for A & J Subachan Invest Inc. for property located at 380 S. Federal Highway, Case #07-0158 (#1203-04-0010)

Attorney Tim Ryan advised this case involves 5 violations: building exterior surface is in disrepair; exterior of the building is deteriorated and must be painted; trash, litter and garbage on the property; trash and litter on the adjoining right of way; and garbage, refuse or waste on the ground around the dumpster. The fine ran for 194 days for a total of \$48,649.50, including recording fees. The Special Magistrate recommended an abatement of \$7,500.00.

**Commissioner Anton motioned to keep the original fine and move to foreclosure; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

3.9 Abatement request for Bank of New York Trust Co., JP Morgan Chase Bank, for property located at 35 SE 13 Terrace, Case #07-1883 (#1203-08-0211)

Attorney Tim Ryan advised this case involved 5 violations: untended vegetation on the rights of way adjoining the property; untended vegetation on the premises and the adjoining right of way; garbage cart in the front yard after the day of collection; building was altered from a single family to a duplex without building and zoning approval; and windows were installed or added without the required permits and inspections. The fine ran for 576 days for a total of \$115,385.00, including recording fees. The Special Magistrate recommended an abatement of \$50,000.00.

Nick Lupo, Code Compliance Manager, noted this property was in bank foreclosure and notices were sent to the bank advising them of all the violations of the previous owner. The bank was given 90 days to get the property into compliance before being cited. Mr. Lupo indicated the bank tried to flip the property. He noted that since the house has been converted back into a single family home, it would qualify for the Amnesty Program.

Joanne Delbow, attorney with Marshall Watson representing the bank, noted the property is under contract for sale as-is for \$105,000.00. She asked the Commission to settle for administrative costs so that the lien is not passed on to the new property owner.

Nick Lupo, Code Compliance Manager, noted there is also a \$760.88 lien for lot mowing by Public Services.

**Commissioner Anton motioned to abate the lien to \$31,300.00 through the Amnesty Program, plus the City’s real costs for the lot mowing, to be paid in 30 days; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

4. Adjournment

Mayor Castro adjourned the meeting at 7:18 p.m.

ATTEST:

CITY OF DANIA BEACH

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LOUISE STILSON, CMC  
CITY CLERK

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ANNE CASTRO  
MAYOR-COMMISSIONER

Approved: October 13, 2009