

MINUTES OF MEETING  
DANIA BEACH CITY COMMISSION  
ABATEMENT HEARING  
THURSDAY, SEPTEMBER 15, 2011 - 6:00 P.M.

1. Call to Order

Vice-Mayor Grace called the meeting to order at 6:00 p.m.

2. Roll Call

Present:

Vice-Mayor:	Bobbie Grace	
Commissioners:	Anne Castro	
	Walter Duke	
	C. K. "Mac" McElyea	Arrived at 6:02 p.m.
City Manager:	Robert Baldwin	
City Attorney:	Tom Ansbro	
City Clerk:	Louise Stilson	
Code Attorney:	Tim Ryan	

Absent:

Mayor:	Patricia A. Flury
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3. Abatement Requests

- 3.1 Consideration of the abatement request for Avi Levy for property located at 1900 NW 9 Street, Case # 08-1973 (Folio # 0233-20-0030)

Attorney Tim Ryan noted this case involved 3 violations: boat with an expired tag stored on the property, sidewalk abutting the property is broken and in disrepair, and boat trailer parked in the public right-of-way. The fines ran for 175 days for a total of \$26,250.00 plus recording costs. The Special Magistrate recommended an abatement of \$2,625.00.

Commissioner McElyea arrived at 6:02 p.m.

Avi Levy, 1400 NW 9<sup>th</sup> Street, property owner, noted he did not live on the property when the violations occurred and was not aware of the violations. His partner lived on the property, and has since died. Mr. Levy noted that once he became aware of the violations, he corrected them.

**Commissioner Duke motioned to abate the lien to \$2,625.00, as recommended by the Special Magistrate, to be paid in 60 days; seconded by Commissioner McElyea. The motion carried on the following 3-1 Roll Call vote:**

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

3.2 Consideration of the abatement request for Jerry Bass for property located at 4749 SW 33 Avenue, Case # 09-0406 (Folio # 0230-03-0301)

Attorney Tim Ryan noted this case involved 6 violations: fence in disrepair, miscellaneous tree debris on the premises, untended vegetation on the rights-of-way adjoining the property, and a van and boat parked on the lawn. The fines ran for 77 days for a total of \$19,250.00 plus recording costs. The Special Magistrate recommended an abatement of \$2,000.00.

**Commissioner Castro motioned to abate the lien to \$2,000.00, as recommended by the Special Magistrate, to be paid in 60 days; seconded by Commissioner Duke. The motion carried on the following 4-0 Roll Call vote:**

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

3.3 Consideration of the abatement request for Melba Butler for property located at 195 NW 14 Way, Case # 09-2305 (Folio # 0233-12-0150)

Attorney Tim Ryan noted this case involved 6 violations: dock and seawall are deteriorated and in a state of disrepair; junk and debris in the yard; paper, bottles and debris on the rights-of-way adjoining the property; boat at the dock has an expired tag of April 2007; unsightly, deteriorated boat located in the waterway tied to the dock; and dock is in disrepair. The fines ran for 171 days for a total of \$8,550.00. The Special Magistrate recommended an abatement of \$855.00 plus the \$100.00 administrative cost. The payment was not submitted, therefore the fine reverted back to the full amount plus the \$100.00 administrative fee. The Respondent is requesting the fine be waived in full.

**Commissioner Castro motioned to abate the lien to \$1,500.00, to be paid in 60 days; seconded by Commissioner Duke. The motion carried on the following 4-0 Roll Call vote:**

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

3.4 Consideration of the abatement request for Eugene Bushell & Ato Lawrence for property located at Vacant Lot NW corner of SW 2 Avenue & SW 3 Street, Case # 09-2366 (Folio # 1203-14-0310)

Attorney Ryan noted this case involved 2 violations: untended vegetation on the premises, and trash and litter on the property and adjoining unpaved portions of the public rights-of-way. The fines ran for 8 days for a total of \$4,000.00 plus recording costs. On September 8, 2011, the Special Magistrate recommended an abatement of \$1,000.00.

Eugene Bushell, property owner, noted she and her son own the property, and he is out of state attending college.

**Commissioner Castro motioned to abate the lien to \$750.00, to be paid in 60 days; seconded by Commissioner Duke. The motion carried on the following 4-0 Roll Call vote:**

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

3.5 Consideration of the abatement request for Feldman Real Estate LLC for property located at 109 SW 5 Court, Case # 10-0441 (Folio # 0234-30-0370)

Attorney Ryan noted this case involved 6 violations: windows on the property have no screens; fence in the rear of the property is broken; trash and debris on the property, including wood and a cart; overgrowth in the rear yard; no City approvals for the installation of the water heater and closing the air conditioner vents; and no permit exists for the water heater installation and closing the air conditioner vents. The fines ran for 316 days for a total of \$47,400.00 plus recording costs. On September 8, 2011 the Special Magistrate recommended an abatement of \$5,000.00.

Jennifer Feldman, Feldman Real Estate, noted this is a new business venture for their company and they were unaware of permit requirements.

**Vice-Mayor Grace passed the gavel and motioned to abate the lien to \$5,000.00, as recommended by the Special Magistrate, to be paid in 60 days; seconded by Commissioner Duke. The motion carried on the following 3-1 Roll Call vote:**

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

3.6 Consideration of the abatement request for Dania Phoenix Corp for property located at 113 NW 1 Avenue, Case # 10-1020 (Folio # 0234-01-1391)

Attorney Ryan noted this case involved 5 violations: trash, debris and roofing materials on the premises; bottles and cans on the right-of-way; overgrowth of vegetation on the right-of-way; trailer without a tag on the property; and the property is being used for rental purposes without a Business Tax Receipt. The fine ran for 188 days for a total of \$28,200.00 plus recording fees. On September 8, 2011 the Special Magistrate recommended an abatement of \$2,800.00.

Pat Sullivan, 529 NW 7<sup>th</sup> Street, property owner, noted he has owned the property for 26 years. He ran a roofing company and stored his equipment on the property. Mr. Sullivan said he was never told he could not store equipment on the site. He advised that the cell tower company landscaped the property, and he no longer receives any revenue for leasing the property to the cell tower company. Mr. Sullivan stated he has a license for the roofing company, but was unaware that a license was required for him to lease the property to the cell tower company,

which also has a license for the cell tower. He said he had no idea he was in violation because he did not receive the certified letters.

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

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

The Commission revisited Item #3.2 because the property owner arrived at the meeting.

Patricia Bass, 4749 SW 33<sup>rd</sup> Avenue, said she has no idea why she is here, and she cannot afford to pay the fines because the property is not rented.

**Commissioner Castro reaffirmed the motion for City cost to be paid in 6 months; seconded by Commissioner Duke. The motion carried on the following 4-0 Roll Call vote:**

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

- 3.7 Approval of the settlement received for Hilario Valdespino Jr. for property located at 434 SE 3 Street, Case # 08-0131 (Folio # 1203-48-0290)

Attorney Ryan noted the City received \$7,485.00 for the code case, and \$149.50 in admin/recording fees, totaling \$7,634.50 as settlement.

- 3.8 Approval of the settlement received for Fercor Latin America Corp for property located at 2300 Coral Reef, Case # 08-0726 (Folio # 0232-AB-3280)

Attorney Ryan noted the City received \$3,500.00 for the code case as settlement.

- 3.9 Approval of the settlement received for John Goodwin for property located at 3901 SW 58 Street, Case # 08-1565 (Folio # 0231-01-0670)

Attorney Ryan noted the City received \$40,767.22 for the code case, and \$100.00 in admin/recording fees, totaling \$40,867.22 as settlement.

- 3.10 Approval of the settlement received for Dahlia L. Saunders for property located at 4917 Leeward Lane 3405, Case # 09-0289 (Folio # 0232-AB-2380)

Attorney Ryan noted the City received \$4,000.00 for the code case as settlement.

- 3.11 Approval of the settlement received for Colleen Anne Moran Rev Tr. Est, Luster F. Smith Trste for property located at 20 SE 12 Street, Case # 09-0668 (Folio # 1203-24-0045)

Attorney Ryan noted the City received \$3,700.00 for the code case; \$100.00 for the Special Magistrate fees; and \$162.50 in admin/recording fees, totaling \$3,962.50 as settlement.

3.12 Approval of the settlement received for Guy Alfie for property located at 2203 Mariner Court, Case # 09-0874 (Folio # 0232-AB-1680)

Attorney Ryan noted the City received \$3,400.00 for the code case, and \$100.00 in admin/recording fees, totaling \$3,500.00 as settlement.

3.13 Approval of the settlement received for Gregory E. Schuknecht for property located at 4630 SW 43 Avenue, Case # 09-1264 (Folio # 0125-04-0160)

Attorney Ryan noted the City received \$8,195.24 for the code case; \$100.00 for the Special Magistrate fees; \$166.50 in admin/recording fees; and \$1,538.26 for nuisance abatement lien, totaling \$10,000.00 as settlement.

3.14 Approval of the settlement received for Joann Karni, for property located at 4711 SW 42 Terrace, Case # 09-1564 (Folio # 1203-48-0290)

Attorney Ryan noted the City received \$6,975.00 for the code case; \$100.00 for the Special Magistrate fees; \$149.50 recording fees; and \$150.00 for a Public Works lien, totaling \$7,374.50 as settlement.

**Commissioner Castro motioned to approve Items #3.7 through #3.14; seconded by Commissioner Duke. The motion carried on the following 4-0 Roll Call vote:**

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

4. Adjournment

Vice-Mayor Grace adjourned the meeting at 6:48 p.m.

ATTEST:

*Louise Stilson*

LOUISE STILSON, CMC  
CITY CLERK

CITY OF DANIA BEACH

*Pat A. Flury*

PATRICIA A. FLURY  
MAYOR

Approved: October 11, 2011

