

MINUTES OF MEETING  
DANIA BEACH CITY COMMISSION  
ABATEMENT HEARING  
THURSDAY, JANUARY 17, 2013 – 6:00 P.M.

1. Call to Order

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

2. Roll Call

Present:

Mayor:	Walter B. Duke, III
Vice-Mayor:	Albert C. Jones
Commissioners:	Chickie Brandimarte Patricia A. Flury
Asst. City Manager:	Colin Donnelly
City Attorney:	Thomas J. Ansbro
City Clerk:	Louise Stilson
Code Attorney:	Tim Ryan

Absent:

Commissioner:	Bobbie H. Grace
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**Vice-Mayor Jones motioned to excuse the absence of Commissioner Grace; seconded by Commissioner Flury. The motion carried unanimously.**

3. Abatement Requests

- 3.1 Consideration of the abatement request for Bruce Kodner, for a Public Services sidewalk replacement lien for property located at 112 NW 1 Avenue, Case #05-0962 (Folio #0234-01-1540)

Nick Lupo, Code Compliance Manager, noted this involves a violation for sidewalk maintenance and repairs. The cost of the repair was \$3,900.00, with the owner's share totaling \$1,950.00 under the City's 50/50 Plan. The owner's share was not paid and the total cost of the sidewalk repair was recorded as a lien. The fine ran for 2,611 days for a total of \$7,340.17, including an administration fee of \$90.00. The Public Services Director recommends an abatement of \$2,040.00.

**Commissioner Brandimarte motioned to abate the lien to \$2,040.00, as recommended by the Public Services Director, to be paid in 5 days; seconded by Vice-Mayor Jones. The motion carried on the following 4-0 Roll Call vote:**

<b>Commissioner Brandimarte</b>	<b>Yes</b>	<b>Vice-Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>	<b>Mayor Duke</b>	<b>Yes</b>
<b>Commissioner Grace</b>	<b>Absent</b>		

- 3.2 Consideration of the abatement request for Walgreen Company #03002, Tax Department, for property located at 202 S Federal Highway, Case #11-0209 (Folio #1203-02-0010)

Attorney Ryan noted this case involved one violation for paving and asphalt repairs done without the required permit. The fine ran for 146 days for a total of \$22,154.00, including recording and administration fees. The Special Magistrate recommended an abatement of \$5,000.00. At the November 15, 2012 Abatement Hearing, Commissioner Duke suggested the abatement money be spent on landscaping to improve the appearance of the property, as opposed to the money being paid to the City; therefore, the case was continued until this meeting.

Nick Lupo, Code Compliance Manager, noted that a site plan has been submitted, and staff is recommending an additional reduction of \$2,500.00, in addition to the landscaping requirement. The plan submitted meets the City's landscaping requirements, and Walgreen will always be required to maintain what is on the plan.

Commissioner Flury recommended that the Commission review the plans submitted.

**Vice-Mayor Jones motioned to reduce the lien to \$2,500.00, subject to landscape plan review by the Commission; seconded by Commissioner Brandimarte.**

Steven Zerkowitz, Managing Shareholder of Gray Robinson PA, representing Walgreen Company, noted the cost proposal for the work is \$5,525.00, and that is the amount they would like to have approved as the abatement.

**Vice-Mayor Jones clarified the motion is to reduce the lien to \$2,500.00, and for Walgreen to proceed with the landscape plan, subject to review by the Commission, and for Walgreen to pay the \$5,525.00 cost for the landscaping; seconded by Commissioner Brandimarte. The motion carried on the following 4-0 Roll Call vote:**

<b>Commissioner Brandimarte</b>	<b>Yes</b>	<b>Vice-Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>	<b>Mayor Duke</b>	<b>Yes</b>
<b>Commissioner Grace</b>	<b>Absent</b>		

Mayor Duke noted the Commissioners will be in touch with Mr. Lupo to review the landscape plan at their discretion, and if they don't, by their silence he can assume that they are fine with it and we trust his judgment on it.

- 3.3 Approval of the settlement received for James Newbold for property located at 716 SW 7 Terrace, Case #98-1053 (Folio #1203-34-0660)

Attorney Ryan noted the City received the full amount of \$23,475.00 as settlement for the lien due to a tax deed sale.

- 3.4 Approval of the settlement received for Rosa Golden for property located at 30 NW 13 Avenue, Case #06-0185 (Folio #0233-00-0503)

Attorney Ryan noted the City received \$1,884.58 as a partial settlement for the lien due to a tax deed sale. The lien will remain on the property and the new owner will be notified of the lien and what remains to be complied.

- 3.5 Approval of the settlement received for Henry E. Anderson & Odessa S. Owens for property located at 385 Phippen Road, Case #09-0881 (Folio #1203-38-0020)

Attorney Ryan noted the City received \$1,344.94 as settlement for the lien due to a tax deed sale.

- 3.6 Approval of the settlement received for Eleanor G. Zenobia for property located at 238 SE 3 Place, Cases #10-1332 & #11-1789 (Folio #1203-40-0500)

Attorney Ryan noted the City received \$27,955.26 as settlement for the two liens due to a tax deed sale.

**Commissioner Flury motioned to approve the settlements for Items #3.3 - #3.6, as recommended by Attorney Ryan; seconded by Commissioner Brandimarte. The motion carried on the following 4-0 Roll Call vote:**

<b>Commissioner Brandimarte</b>	<b>Yes</b>	<b>Vice-Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>	<b>Mayor Duke</b>	<b>Yes</b>
<b>Commissioner Grace</b>	<b>Absent</b>		

#### 4. Adjournment

Mayor Duke adjourned the meeting at 6:17 p.m.

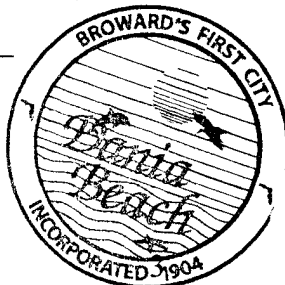
ATTEST:



LOUISE STILSON, CMC  
CITY CLERK

Approved: February 12, 2013

Minutes of Abatement Hearing  
Dania Beach City Commission  
Thursday, January 17, 2013 – 6:00 p.m.



CITY OF DANIA BEACH

  
WALTER B. DUKE, III  
MAYOR