

MINUTES OF MEETING
DANIA BEACH CITY COMMISSION
ABATEMENT HEARING
THURSDAY, MAY 16, 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 Bobbie H. Grace
City Manager:	Robert Baldwin
City Attorney:	Thomas J. Ansbro
City Clerk:	Louise Stilson
Code Attorney:	Tim Ryan

3. Abatement Requests

- 3.1 Consideration of the abatement request for Alon Elbaz, for property located at 2456 SW 58 Manor, Case #11-1390 (Folio #0232-25-0030)

Attorney Ryan noted this case involved 2 violations: property being used for rental purposes without a Business Tax Receipt, and a tree with foliage extending less than fourteen feet above the street level. The fine ran for 423 days for a total of \$63,704.00, including recording/admin fees of \$254.00. The Special Magistrate recommended an abatement of \$3,000.00.

Michael Fishler, representing Mr. Elbaz, noted his client agrees to the abatement and requested 90 days to pay the \$3,000.00.

Commissioner Grace motioned to abate the lien to \$3,000.00, as recommended by the Special Magistrate, to be paid in 90 days; seconded by Commissioner Brandimarte. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Jones	Yes
Commissioner Flury	Yes	Mayor Duke	Yes
Commissioner Grace	Yes		

3.2 Consideration of the abatement request for Robert Perlberg, for property located at 235 NE 2 Place, Case #11-1201 (Folio #0234-08-0090)

Attorney Ryan noted this case involved 7 violations: garbage cart in front yard after the day of collection; engaging in a business without a Business Tax Receipt; foliage extending less than 8 feet above the sidewalk; and beginning construction without a permit. The fine ran for 378 days for a total of \$56,954.00, including recording/admin fees of \$254.00. The Special Magistrate recommended an abatement of \$3,000.00.

Vice-Mayor Jones motioned to abate the lien to \$3,000.00, as recommended by the Special Magistrate, to be paid in 30 days; seconded by Commissioner Grace. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Jones	Yes
Commissioner Flury	Yes	Mayor Duke	Yes
Commissioner Grace	Yes		

3.3 Consideration of the abatement request for Vandrea & Kirk White, for property located at 4710 SW 34 Terrace, Case #09-2029 (Folio #0230-04-0080)

Attorney Ryan noted this case involved 8 violations: aluminum frames missing from canopy covers; debris in the front yard; garbage container stored in the front yard after collection date; property used for rental property without a Business Tax Receipt; and street numbers not displayed on the front of the house. The fine ran for 1,108 days for a total of \$221,858.00, including recording/admin fees of \$258.00. The Special Magistrate recommended an abatement of \$5,000.00.

Linda Mannix Burt, Re/Max Preferred Realty in Ft. Lauderdale, said she has a contract on the property for \$259,000.00; however the payoff note from the bank is \$775,083.85. The abatement will be paid by the buyer who has agreed to pay the \$5,000.00.

Commissioner Grace motioned to abate the lien to \$5,000.00, as recommended by the Special Magistrate, to be paid in 30 days; seconded by Vice-Mayor Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Jones	Yes
Commissioner Flury	Yes	Mayor Duke	Yes
Commissioner Grace	Yes		

3.4 Approval of the settlement received for Maria M. Ortiz for property located at 692 SW 7 Terrace, Case #s 08-0582 & 09-1685 (Folio #1203-35-0110)

Attorney Ryan noted the City received \$5,790.00 as settlement for the fines, and \$1,970.70 for nuisance abatement liens for a total of \$7,760.70 due to foreclosure.

Vice-Mayor Jones motioned to approve the settlement, as recommended by Attorney Ryan; seconded by Commissioner Flury. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Jones	Yes
Commissioner Flury	Yes	Mayor Duke	Yes
Commissioner Grace	Yes		

- 3.5 Approval of the settlement received for James Raymer for property located at 270 SW 9 Street, Case #09-1367 (Folio #1203-41-0240)

Attorney Ryan noted the City received \$4,000.00 as settlement for the fines, and \$1,878.58 for nuisance abatement liens for a total of \$5,878.58 due to foreclosure.

Vice-Mayor Jones motioned to approve the settlement, as recommended by Attorney Ryan; seconded by Commissioner Flury. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Jones	Yes
Commissioner Flury	Yes	Mayor Duke	Yes
Commissioner Grace	Yes		

- 3.6 Approval of the settlement received for Jacob Stewart Wendel & Nadia Wendel for property located at 4389 SW 52 Street, Case #09-1677 (Folio #0136-02-0650)

Attorney Ryan noted the City received \$5,000.00 as settlement for the fines due to foreclosure.

Commissioner Grace motioned to approve the settlement, as recommended by Attorney Ryan; seconded by Vice-Mayor Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Jones	Yes
Commissioner Flury	Yes	Mayor Duke	Yes
Commissioner Grace	Yes		

City Attorney Ansbro reminded the Commission that these abatement hearings could be presented at a regular Commission meeting.

Commissioner Flury preferred to keep Abatement Hearings separate from Commission Meetings.

4. Adjournment

Mayor Duke adjourned the meeting at 6:22 p.m.

ATTEST:

Louise Stilson

LOUISE STILSON, CMC
CITY CLERK

CITY OF DANIA BEACH

Walter B. Duke, III
WALTER B. DUKE, III
MAYOR

Approved: May 28, 2013

