

MINUTES OF MEETING
DANIA BEACH CITY COMMISSION
ABATEMENT HEARING
THURSDAY, OCTOBER 10, 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 Bobbie H. Grace
Asst. City Manager:	Colin Donnelly
City Attorney:	Thomas J. Ansbro
City Clerk:	Louise Stilson
Code Attorney:	Tim Ryan

3. Abatement Requests

- 3.1 Consideration of the abatement request for My Darling LLC, for property located at 4433 Stirling Road (AKA: SW 60 Street), Case #07-2287 (Folio #0136-03-0160)

Attorney Tim Ryan noted this case involved 2 violations: operating a business without an occupational license, and operating a restaurant with outdoor seating. The fine ran for 227 days for a total of \$56,891.00, including recording fees. The Commission approved abatement to \$28,000.00 on March 18, 2010; and a reconsideration of the abatement reduced the lien to \$17,000.00 on March 15, 2012. Two payments of \$1,000.00 were received until June 14, 2012 after which no further payments were received. Staff recommends \$18,000.00 with 90 days for payment.

- 3.2 Consideration of the abatement request for My Darling LLC, for property located at 4409 SW 60 Street, Case #09-1864 (Folio #0136-03-0140)

Attorney Tim Ryan noted this case involved 12 violations: windows lack operable hardware and are secured shut; tall grass and weeds; trash and litter; no occupational license; building altered without permits; residence used for business use; and electrical work performed without permits. The fine ran for 572 days for a total of \$114,641.00, including recording fees. The Commission approved abatement to \$12,000.00 on January 19, 2012. Four payments of \$1,000.00 were

received until June 14, 2012 after which no further payments were received. Staff recommends \$11,000.00 with 90 days for payment.

Commissioner Grace motioned to abate the liens for Items #3.1 and #3.2 to \$29,000.00, to be paid in 90 days; seconded by Vice-Mayor Jones The motion carried on the following 4-0 Roll Call vote:

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

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

Attorney Ryan noted this case involved 6 violations: fence in disrepair; trash and litter; untended vegetation; and a van and boat parked on the lawn. The fine ran for 77 days for a total of \$19,250.00, plus recording fees. An abatement of \$2,000.00 was granted by the Commission on September 15, 2011; however the abatement was not paid and the fine reverted back to the original amount. This is a request for reconsideration of the abatement. Staff recommends lien of \$4,000.00 to be paid in 30 days.

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

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

- 3.4 Consideration of the abatement request for Nelson Wu, for property located at 54 SW 16 Street, Case #10-1054 (Folio #1203-10-5570)

Attorney Ryan noted this case involved 6 violations: inoperable and damaged windows; front yard lacks sod and vegetation; and a business tax receipt is required. The fine ran for 200 days for a total of \$30,280.00, including recording fees. The Special Magistrate recommends abatement to \$3,000.00.

Nelson Wu, owner of the property, said the tenant was renting the property as a halfway house; once he found out, he had the tenant move out. He was unaware that fines were accumulating.

Vice-Mayor Jones motioned to abate the lien to \$1,500.00, to be paid in 30 days; seconded by Commissioner Grace. The motion carried on the following 4-0 Roll Call vote:

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

- 3.5 Consideration of the abatement request for 800 Marine Technical Center Inc, for property located at 800 Old Griffin Road, Case #10-1142 (Folio #0234-14-0270)

Attorney Ryan noted this case involved 5 violations: building needs paint; portion of roof missing; junk and debris on property; and no permits obtained for work performed. The fine ran for 859 days for a total of \$129,129.50, including recording fees. The Special Magistrate recommends abatement to \$12,150.00.

Attorney Larry Adair, 2400 West Sample Road, Pompano Beach, representing the land owner, provided a history of the building. He produced the permits for all work performed on the building over the previous 20 years. He said that former Code Compliance Manager Nick Lupo indicated that he would recommend that the fine be reduced to \$2,500.00. Attorney Adair requested to fully abate the lien with the exception of the \$2,500.00 administrative fee.

Eric Walton, Acting Code Compliance Manager, noted the City cost is approximately \$4,000.00.

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

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

3.6 Consideration of the abatement request for Marco F Osorio, for property located at 127 SE 1 Avenue, Case #10-1842 (Folio #0234-18-0260)

Attorney Ryan noted this case involved 3 violations: no business tax receipt for rental unit, no permit for exterior electrical work; and fence permit needs to be finalized. The fine ran for 543 days for a total of \$54,554.00, including recording fees. The Special Magistrate recommends abatement to \$5,400.00.

Attorney Ansbro recommended no action be taken because the applicant was not present.

3.7 Consideration of the abatement request for R H Investments Properties LLC, for property located at 60 SW 15 Street, Case #11-0238 (Folio #1203-10-5770)

Attorney Ryan noted this case involved 7 violations: holes in the walls and foundation exposed; building needs maintenance and paint; debris and overgrown vegetation; and no permit for interior work. The fine ran for 348 days for a total of \$87,296.50, including recording fees. The Special Magistrate recommends abatement to \$8,700.00.

Eric Walton, Acting Code Compliance Manager, noted the City cost is approximately \$2,000.00.

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

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

- 3.8 Consideration of the abatement request for All Dunn Investment Group Inc, for property located at 3310 SW 45 Court, Case #11-0789 (Folio #0230-10-0060)

Attorney Ryan noted this case involved 7 violations: building exterior is deteriorated and requires paint; portion of yard lacks vegetative cover; trash and litter; untended vegetation; garbage cart placed in front yard more than 24 hours prior to collection and after collection; and vehicle without a valid tag. The fine ran for 624 days for a total of \$156,254.00, including recording fees. The Special Magistrate recommends abatement to \$15,600.00.

Eric Walton, Acting Code Compliance Manager, noted the City cost is approximately \$2,000.00.

Commissioner Grace motioned to abate the lien to \$8,000.00, be paid in 60 days; seconded by Vice-Mayor Jones. The motion carried on the following 4-0 Roll Call vote:

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

- 3.9 Consideration of the abatement request for Hector & Tina Rodriguez, for property located at 2741 Griffin Road, Case #11-1008 (Folio #0229-14-0080)

- 3.10 Consideration of the abatement request for Eliane Naamad H/E & Ezra Mansur, for property located at 2471 SW 58 Manor W, Case #11-1610 (Folio #0232-21-0090)

Vice-Mayor Jones motioned to deny Items #3.6, #3.9, and #3.10, because no one was present for these cases; seconded by Commissioner Grace. The motion carried on the following 4-0 Roll Call vote:

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

- 3.11 Approval of the settlement received for A & J Subachan Invest Inc for property located at 380 S Federal Highway, Case #s 07-0158, 07-1861, 08-0178, & 10-1027 (Folio #1203-04-0010)

Attorney Ryan noted the City received \$2,000.00 as settlement ordered by the circuit court, and \$6,000.00 for settlement of the code cases.

- 3.12 Approval of the settlement received for Aurora Ramentol for property located at 5201 SW 27 Terrace, Case #s 08-0787, 08-1252, & 10-1453 (Folio #0232-11-0150)

Attorney Ryan noted the City received \$1,294.50 as settlement for the code cases due to foreclosure.

- 3.13 Approval of the settlement received for Joseph Thomas for property located at 2921 SW 46 Court, Case # 10-0541 (Folio #0229-27-0040)

Attorney Ryan noted the City received \$5,629.00 as settlement for the code fines and \$371.00 for a Public Services lien for nuisance abatement.

3.14 Approval of the settlement received for Jonathan G Falco & Tiffany L Kuboske for property located at 4649 SW 37 Avenue, Case # 10-1186 (Folio #0230-07-0060)

Attorney Ryan noted the City received \$5,000.00 for the code fines and \$2,634.00 for a Public Services lien for nuisance abatement.

3.15 Approval of the settlement received for Phillipe & Claire Tronel and Lea Souza & Wilson Souza for property located at 715 SW 9 Street, Case # 10-1741 (Folio #1203-34-0140)

Attorney Ryan noted the City received \$3,000.00 as settlement for the fine due to bankruptcy.

3.16 Approval of the settlement received for Joshua Levitt for property located at 125 NE 2 Avenue, Case #s 10-1921 & 11-1608 (0234-32-0040)

Attorney Ryan noted the City received \$4,000.00 as settlement due to foreclosure.

Commissioner Grace motioned to accept the settlements for Items #3.11 through #3.16, as recommended by Attorney Ryan; seconded by Vice-Mayor Jones. The motion carried on the following 4-0 Roll Call vote:

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

4. Adjournment

Mayor Duke adjourned the meeting at 6:55 p.m.

ATTEST:

Louise Stilson

LOUISE STILSON, CMC
CITY CLERK

CITY OF DANIA BEACH

Walter B. Duke, III

WALTER B. DUKE, III
MAYOR



Approved: October 22, 2013