

MINUTES OF MEETING
DANIA BEACH CITY COMMISSION
ABATEMENT HEARING
WEDNESDAY, JUNE 1, 2016 – 5:00 P.M.

1. Call to Order

Commissioner Grace called the meeting to order at 5:00 p.m.

2. Roll Call

Present:

Commissioners:	Chickie Brandimarte Paul Fetscher Bobbie H. Grace
City Manager:	Robert Baldwin
City Attorney:	Thomas J. Ansbro
Deputy City Clerk:	Tom Schneider
Code Attorney:	Tim Ryan

Absent:

Mayor:	Marco A. Salvino, Sr.
Vice-Mayor:	Albert C. Jones

3. Abatement Requests

1. Abatement Request from Joseph Herold, 4542 SW 25 Avenue, Case #12-1026 (Folio # 5042-29-05-0580)

Attorney Ryan noted this case involved 5 violations. The fine ran for 774 days for a total of \$161,371.00, including the recording/admin fees of \$271.00. The out of pocket cost to the City is \$1,500.00. The Special Magistrate recommends an abatement of \$8,880.00.

Joseph Herold, property owner, said he cannot afford the fine. The City signed off on the fence, but has no record of it and his records were destroyed due to a house flood. Due to medical issues, there was a delay bringing his property into compliance, but eventually it was.

Attorney Ryan noted they had made a reduction and explained that the Special Magistrate is hesitant to go below 10% of the total fine when there is a recorded lien, but did so since there are extenuating circumstances.

Commissioner Fetscher motioned to abate the lien to \$8,880.00, as recommended by the Special Magistrate, to be paid in 90 days; seconded by Commissioner Brandimarte. The motion carried on the following 3-0 Roll Call vote:

Commissioner Brandimarte	Yes	Commissioner Grace	Yes
Commissioner Fetscher	Yes		

2. Abatement Request from ALJJ Holdings LLC, 4896 SE 28 Terrace, Case #11-1215 (Folio# 0232-08-0340)

Attorney Ryan noted this case involved 6 violations. The fine ran for 1,516 days for a total of \$303,454.00, including the recording/admin fees of \$254.00. The out of pocket cost to the City is \$2,000.00. The Special Magistrate recommends an abatement of \$30,300.00.

Matthew Militzok, attorney representing the property owner, requested that the fine be reduced further because it is about 25% of the property value. He said the owner never received notices because they were sent to the wrong address, and first started receiving them after they applied for permits for home improvements and the address was updated with the City.

Attorney Ryan noted the certified mail notices were not sent to the property address, but were sent to the mailing address of record with the Broward County Property Appraiser and Tax Collector, in conformance with state law. It is the owner's responsibility to notify the property appraiser and tax collector when they update their mailing address.

Commissioner Fetscher motioned to abate the lien to \$30,300.00, as recommended by the Special Magistrate, to be paid in 60 days; seconded by Commissioner Brandimarte. The motion carried on the following 3-0 Roll Call vote:

Commissioner Brandimarte	Yes	Commissioner Grace	Yes
Commissioner Fetscher	Yes		

3. Abatement Request from SDS Development & Trust LLC, 2632 W Griffin Road, Case #13-0583 (Folio #0232-02-0440)

Attorney Ryan noted this case involved 1 violation. The fine ran for 534 days for a total of \$107,104.00, including the recording/admin fees of \$304.00. The out of pocket cost to the City is \$1,200.00. The Special Magistrate recommends an abatement of \$10,600.00.

Michael S. Bloom, attorney representing the property owner, asked that the fine be reduced to the City's out of pocket cost. His clients were misinformed by the contractor doing the removal of the trees, and the trees are now considered an invasive species which do not require a permit for removal, under City code.

Eric Walton, Code Compliance Manager, explained the City's plan for compliance. He noted that due to the fact the trees were removed before our arborist could determine what type of trees they were, the property owner was required to post a bond to the City.

Mr. Bloom noted a \$5,000.00 cash bond has been deposited to the City to ensure replacement of the trees, and explained the delay in arriving at a process to resolve the matter.

City Attorney Ansbro advised that the evidence of what trees were removed was sketchy and the lawyer worked diligently with him to find a resolution.

Commissioner Fetscher motioned to abate the lien to \$10,600.00, as recommended by the Special Magistrate. Motion died for lack of a second.

Commissioner Brandimarte motioned to abate the lien to \$5,300.00 to be paid in 30 days; seconded by Commissioner Fetscher. The motion carried on the following 3-0 Roll Call vote:

Commissioner Brandimarte	Yes	Commissioner Grace	Yes
Commissioner Fetscher	Yes		

4. Approval of the settlement received for Edward Gonzalez, 4751 SW 42 Terrace, Case #13-1899, for \$2,000.00 due to sale of property
5. Approval of the settlement received for Barbara Arutt, 610 NE 3 Street, Case #10-0912, for \$3,762.01 due to sale of property
6. Approval of the settlement received for Gristina Girard, 731 Phippen Road, Case #09-0796, #15-1284, and #16-0026, for \$3,500.00 due to sale of property
7. Approval of the settlement received for Ricardo & Ismalie Jean Charles, 3951-3953 SW 51 Street, Case #11-0473 and #13-1361, for \$3,268.56 due to sale of property
8. Approval of the settlement received for Karen Wright, 4700 SW 34 Terrace, Case #07-1810, #07-2149 and #12-0289, for \$8,256.72 due to sale of property
9. Approval of the settlement received for Jacqueline Wright, 249 SW 12 Street, Case #13-1243, for \$1,500.00 due to sale of property
10. Approval of the settlement received for Live Cheap LLC, 129 SW 5 Court, Case #14-2297, for \$6,500.00 due to sale of property
11. Approval of the settlement received for Lonnie Wright Est. & Federal National Mortgage, 134 NW 11 Avenue, Case #12-1108 and #15-1168, for \$3,500.00 due to foreclosure of property
12. Approval of the settlement received for Elaine Law, 250 SW 7 Street, Case #12-0133, for \$2,500.00 due to sale of property

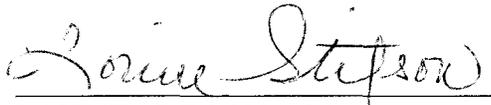
13. Approval of the settlement received for Scott B. Stuart, Est., 5431 SW 44 Avenue, Case #13-0259, for \$24, 131.71 due to foreclosure of property

There was a consensus of the Commission to approve the settlement received for Items 4-13.

4. Adjournment

Commissioner Grace adjourned the meeting at 5:37 p.m.

ATTEST:



LOUISE STILSON, CMC
CITY CLERK

CITY OF DANIA BEACH



MARCO A. SALVINO, SR.
MAYOR

Approved: June 28, 2016

