

MINUTES OF MEETING
DANIA BEACH CITY COMMISSION
ABATEMENT HEARING
WEDNESDAY, DECEMBER 7, 2016 – 5:00 P.M.

1. Call to Order

Mayor James called the meeting to order at 5:05 p.m.

2. Roll Call

Present:

Mayor:	Tamara James
Vice-Mayor:	Bill Harris
Commissioners:	Chickie Brandimarte Bobbie H. Grace
City Manager:	Robert Baldwin
City Attorney:	Thomas Ansbro
Deputy City Clerk:	Tom Schneider
Code Attorney:	Tim Ryan

Absent:

Commissioner:	Marco A. Salvino, Sr.
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3. Abatement Requests

- 3.1 Abatement request from 2080 Griffin Holdings LLC, 2080 Griffin Road, Case #2014-0242 (Folio #0233-08-0160)

Attorney Ryan noted this case involved 2 violations. The fine ran for 381 days for a total of \$38,354.00, including recording fees of \$254.00. The out of pocket cost to the City is \$2,000.00. The Special Magistrate recommends an abatement of \$3,810.00.

Brian Winger, representing the landowner, noted they appreciate the reduction of the fine to \$3,810.00 because the violations were not the fault of the tenant or landlord; it was the fault of the third parties who were contracted to do the necessary work.

Commissioner Grace motioned to abate the lien to \$3,810.00 as recommended by the Special Magistrate, 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 Harris	Yes
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Commissioner Grace

Yes

Mayor James

Yes

3.2 Abatement request from Richard Judge, 112 NW 4 Avenue, Case #15-0104 (Folio #0234-01-1290)

Attorney Ryan noted this case involved 11 violations. The fine ran for 305 days for a total of \$30,574.00, including recording fees of \$254.00. The out of pocket cost to the City is \$1,500.00. The Special Magistrate recommends an abatement of \$3,050.00.

Richard Judge, 115 NW 4th Avenue, stated most of the violations were cleared up in the first several months, but he was held up for a year regarding the doors due to an uncooperative tenant.

Commissioner Grace motioned to abate the lien to \$3,050.00 as recommended by the Special Magistrate, to be paid in 30 days; seconded by Commissioner Brandimarte.

Mr. Judge requested more time to pay as he has property taxes that are due.

Commissioner Grace rescinded the motion.

Commissioner Grace motioned to abate the lien to \$3,050.00 as recommended by the Special Magistrate, to be paid in 60 days and if not paid by then, the fine will go back to the original amount of \$30,574.00; seconded by Commissioner Brandimarte. The motion carried unanimously.

3.3 Abatement request from Wells Fargo Bank NA, 4501 SW 25 Terrace, Case #15-0401 (Folio #0229-05-0010)

Attorney Ryan noted this case involved 7 violations. The fine ran for 408 days for a total of \$61,454.00, including recording fees of \$254.00. The out of pocket cost to the City is \$1,500.00. The Special Magistrate recommends an abatement of \$30,600.00.

Attorney Ryan confirmed the abatement amount is \$30,600.00, not \$30,200.00, as indicated in the top paragraph of the Agenda Request Form.

Ms. Mehwish Yousuf stated Wells Fargo Bank ultimately took control of the property and demolished the house for a cost of \$30-40,000.00. She requested a further reduction of the recommended abatement amount because of the demolition expense.

Attorney Ryan said compliance was actually achieved by the house being demolished.

Commissioner Grace motioned to abate the lien to \$30,600.00 as recommended by the Special Magistrate, to be paid in 90 days; seconded by Commissioner Brandimarte. The motion carried unanimously.

Attorney Ryan noted item #3.4 and #3.5 are for the same property and would be discussed together.

3.4 Abatement request from Rocio Zamora, 719 SW 5 Street, Case #11-0711 (Folio #1203-34-0950)

Attorney Ryan noted this case involved 13 violations. The fine ran for 1,689 days for a total of \$253,612.50, including recording fees of \$262.50. The out of pocket cost to the City is \$2,000.00. The Special Magistrate recommends an abatement of \$12,000.00.

3.5 Abatement request from Rocio Zamora, 719 SW 5 Street, Case #11-1006 (Folio #1203-34-0950)

Attorney Ryan noted this case involved 1 violation. The fine ran for 1,650 days for a total of \$165,262.50 including recording fees of \$262.50. The out of pocket cost to the City is \$2,000.00. The Special Magistrate recommends an abatement of \$4,000.00.

Rocio Zamora, property owner, stated these are inherited violations from when she purchased the property in 2011. She described subsequent personal events and said she hired a property manager who did not take care of the violations as he was supposed to do. She then used all of her \$10,000.00 savings to bring the property into compliance and thought the cases were closed. She added this is an investment property, but she also has a mortgage on it and her finances are tight.

Commissioner Brandimarte questioned cases involving open electrical boxes and what is done with the boxes to make them safe as fines are accumulating.

Barbara Urow, Lead Code Compliance Inspector, noted staff does not secure electrical boxes, as they do with doors and windows.

Attorney Ryan noted Ms. Zamora could have corrected some of these violations after the order by the Special Magistrate was entered, but they would not show as being in compliance until all were corrected. He recommends taking the Special Magistrate recommendations and having her pay \$400.00 per month, which would be \$200.00 on each case.

Commissioner Grace motioned to abate the liens to \$12,000.00 and \$4,000.00, respectively, as recommended by the Special Magistrate, to be paid in monthly payments of \$600.00; seconded by Commissioner Brandimarte. The motion carried unanimously.

Attorney Ryan noted item #3.6 and #3.7 are for the same property and would be considered together.

3.6 Abatement request from Vincent Ireland, 257 SW 4 Street, Case #12-1126 (Folio #1203-05-0060)

Attorney Ryan noted this case involved 8 violations. The fine ran for 1,038 days for a total of \$155,700.00; the out of pocket cost to the City is \$2,000.00. On July 12, 2016 Mr. Ireland presented a letter of financial hardship to Code Compliance, and made a payment of \$100.00

toward the fine. The Special Magistrate recommends an abatement of \$2,500.00, with a payment plan of \$50.00 per month with the first payment due December 21, 2016.

- 3.7 Abatement request from Vincent Ireland, 257 SW 4 Street, Case #01-0142 (Folio #1203-05-0060)

Attorney Ryan noted this case involved 2 violations. The fine ran for 2,906 days for a total of \$581,300.00 for the first violation; the fine ran for 2,891 days for a total of \$144,650 for the second violation, for a grand total of \$725,950.00. At the October 22, 2009 Abatement Hearing, Mr. Ireland was ordered to pay \$2,000.00 within 180 days (4/20/2010); no payment has been made. Mr. Ireland is now requesting the City Commission reconsider the previous order with a payment plan of \$50.00 per month, with the first payment due on December 21, 2016. The out of pocket cost to the City is \$2,000.00.

Attorney Ryan noted that the Property owner was not present. Generally under such circumstances, the abatement request is denied without prejudice and if re-application is made, they are put on the next calendar.

Commissioner Grace motioned to deny abatement requests #3.6 and #3.7; seconded by Commissioner Brandimarte. The motion carried unanimously.

- 3.8 Approval of the settlement received for Redmond Jay Manning, 4416 SW 28 Terrace, Case #13-1210, for \$23,000.00 due to sale of property

Commissioner Grace motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.

- 3.9 Approval of the settlement received for Michael & Elizabeth Soler, 2411 SW 52 Street, Case #12-1035, for \$1,200.00 due to sale of property

Commissioner Grace motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.

- 3.10 Approval of the settlement received for Wells Fargo Bank, NA, 4930 SW 29 Avenue, Case #15-0141 & #15-1412, for \$20,500.00 due to sale of property

Commissioner Grace motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.

- 3.11 Approval of the settlement received for Walter & Hannelore Simmons and Maureen & Mick Nolte, 2360 SW 51 Court, Case #11-0253, for \$3,466.36

Commissioner Grace motioned to approve the settlement agreement; seconded by Vice-Mayor Harris. The motion carried unanimously.

3.12 Approval of the settlement received for Gary Nemi & Maksim Nemirovsky, 105 SW 7 Street, Hallandale Beach, 4124 SW 21 Street, Ft. Lauderdale, Vacant Lot at NE 21 Court, Wilton Manors, Case #06-0185 and Case #12-1086, for \$5,250.00 for partial release due to sale of property

Commissioner Grace motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.

4. Adjournment

Mayor James adjourned the meeting at 5:33 p.m.

ATTEST:

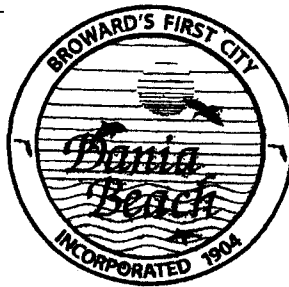
CITY OF DANIA BEACH



LOUISE STILSON, CMC
CITY CLERK



TAMARA JAMES
MAYOR



Approved: January 10, 2017