

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

1. Call to Order

Commissioner Grace called the meeting to order at 5:01 p.m.

2. Roll Call

Present:

Vice-Mayor:	Albert C. Jones
Commissioners:	Chickie Brandimarte Paul Fetscher Bobbie H. Grace
City Manager:	Robert Baldwin
City Attorney:	Thomas J. Ansbro
City Clerk:	Louise Stilson
Code Attorney:	Tim Ryan

Absent:

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

3.1 Abatement Request from Isela Gonzalez, 2 SW 6 Avenue, Case# 08-0473 (Folio #0234-01-2560)

Attorney Ryan noted the City Commission abated the lien to \$20,000.00 at the March 2, 2016 Abatement Hearing, to be paid within 90 days. Ms. Gonzalez is requesting that the Commission reconsider the fine reduction and approve a payment plan with an initial payment of \$5,000.00 and monthly payments of \$750.00 for a total of 20 months.

Isela Gonzalez, 3531 Lone Wolf Trail, St. Augustine, property owner, noted she has been saving money to pay the lien, and she could make an initial payment of \$5,000.00 and monthly payments of \$750.00 for 20 months.

Commissioner Fetscher questioned if she was willing to sign an agreement that if she misses a payment, the amount will be due in full. Ms. Gonzalez responded in the affirmative.

Attorney Ryan noted that his office will prepare the agreement.

**Commissioner Fetscher motioned to accept the initial payment of \$5,000.00 with monthly payments of \$750.00 per month for 20 months; 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 Fetscher</b>	<b>Yes</b>	<b>Mayor Salvino</b>	<b>Absent</b>
<b>Commissioner Grace</b>	<b>Yes</b>		

3.2 Abatement Request from Berthum & Carolyn Knight, 227 NW 8 Avenue, Case #2014-1023 (Folio #0234 20 0040)

Attorney Ryan noted this case involved 6 violations. The fine ran for 334 days for a total of \$33,607.50, including recording fees of \$207.50. The out of pocket cost to the City is \$1,200.00. The Special Magistrate recommends an abatement of \$3,400.00.

Berthum Knight, 227 NW 8<sup>th</sup> Avenue, requested monthly payments of \$300.00 per month.

**Vice-Mayor Jones motioned to abate the lien to \$1,200.00, to be paid in 4 monthly installments of \$300.00 per month; seconded by Commissioner Grace. 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 Fetscher</b>	<b>Yes</b>	<b>Mayor Salvino</b>	<b>Absent</b>
<b>Commissioner Grace</b>	<b>Yes</b>		

3.3 Abatement Request from Inval LC % Geoffrey Wayne, VAC LOT E of 4032 SW 52 Street, Case #14-0858 (Folio #0136 02 0971)

Attorney Ryan noted this case involved 3 violations. The fine ran for 695 days for a total of \$69,754.00, including recording fees of \$254.00. The out of pocket cost to the City is \$1,200.00. The Special Magistrate recommends an abatement of \$6,950.00.

Attorney David Bage, representative for the property owner, stated that notices were sent to an incorrect address. He requested the fine be completely abated because it was a minor violation on a vacant lot.

Attorney Ryan confirmed the notices were sent to the address from the Broward County Property Appraiser's office, as required by state law.

Rafael Fernandez, 14011 NW 13 Street, Pembroke Pines, representative of Inval LC, noted he was very lucky to receive the last notice sent by the City in July. They were unaware that they were responsible for maintaining the swale area outside of their fenced property. He is willing to pay around \$3,000.00.

Vice-Mayor Jones motioned to abate the lien to \$3,000.00. Motion died for lack of a second.

**Commissioner Fetscher motioned to abate the lien to \$6,950.00, as recommended by the Special Magistrate, to be paid in 60 days; 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 Fetscher</b>	<b>Yes</b>	<b>Mayor Salvino</b>	<b>Absent</b>
<b>Commissioner Grace</b>	<b>Yes</b>		

3.4 Abatement Request from 4214 Building LLC, 42 SW 14 Street, Case #14-1982 (Folio #1203 10 5980)

Attorney Ryan noted this case involved 3 violations. The fine ran for 517 days for a total of \$129,554.00, including recording fees of \$304.00. The out of pocket cost to the City is \$1,500.00. The Special Magistrate recommends an abatement of \$7,755.00.

Alexi Salopian, 1951 NE 185 Terrace, North Miami Beach, representative for 4214 Building LLC, was present at the meeting. He noted the previous property owner stole more than \$20,000.00 from them.

Rafi Huck, 2645 NE 207 Street, Aventura, property manager, noted he took care of the minor violations when he was hired after the previous property manager was fired, however, it took longer to get the funds to repave the parking lot.

**Commissioner Fetscher motioned to abate the lien to \$7,755.00, as recommended by the Special Magistrate, to be paid in 90 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 Fetscher</b>	<b>Yes</b>	<b>Mayor Salvino</b>	<b>Absent</b>
<b>Commissioner Grace</b>	<b>Yes</b>		

3.5 Abatement Request from Floridian Costal Properties LLC, 417 SW 7 Terrace, Case #15-0854 (Folio #1203 35 0100)

Attorney Ryan noted this case involved 4 violations. The fine ran for 213 days for a total of \$53,512.50, including recording fees of \$262.50. The out of pocket cost to the City is \$1,800.00. The Special Magistrate recommends an abatement of \$5,325.00.

Eric Bosh, 25 N Albany Avenue, Atlantic City, New Jersey, explained they corrected the violation for the sidewalk repairs, and they were unaware of the parties being held by their tenant. They knew they were going to evict her, and they misunderstood that they had to attend the Special Magistrate meeting. After evicting the tenant, she continued to come back and have parties on the property.

**Vice-Mayor Jones motioned to abate the lien to \$5,325.00, as recommended by the Special Magistrate, to be paid in 30 days; seconded by Commissioner Brandimarte.**

Robert Goldstein, 4100 Ft. Lauderdale, property owner, noted they told the tenant she had to immediately stop having the parties and put her under eviction. He noted they lost 5 months of rent due to the eviction process. He is not a slum lord and all his properties are well maintained; this was a unique situation.

Commissioner Grace recommended to go half of the Special Magistrate recommendation.

**The motion carried on the following 3-1 Roll Call vote:**

<b>Commissioner Brandimarte</b>	<b>Yes</b>	<b>Vice-Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Fetscher</b>	<b>Yes</b>	<b>Mayor Salvino</b>	<b>Absent</b>
<b>Commissioner Grace</b>	<b>No</b>		

Mr. Goldstein expressed his dissatisfaction with the City Commission's decision.

The Commission noted that BSO needs to attend Abatement Hearings.

- 3.6 Approval of the Settlement Received for David Quillen, 813 NW 6 Avenue, Case #14-0942, for \$3,500.00 due to sale of property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.**

- 3.7 Approval of the Settlement Received for Scott Cory Hamilton Est., 224 NW 8 Avenue, Case #14-1049, for \$6,000.00 as settlement for release of lien

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.**

- 3.8 Approval of the Settlement Received for Pasquale M Riccitelli, 4236 SW 49 Street, Case #14-2055, for \$2,800.00 due to sale of property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.**

- 3.9 Approval of the Settlement Received for Alfred Corneallus Beason, 4407 SW 25 Terrace, Case #12-0159 and #15-1065, for \$8,500.00 due to sale of property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Fetscher. The motion carried unanimously.**

- 3.10 Approval of the Settlement Received for Jose Bencosme, 3040 SW 44 Court, Case #11-1115 and #16-0615, for \$6,500.00 due to sale of property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.**

- 3.11 Approval of the Settlement Received for Armaury Dominguez, 4932 SW 45 Avenue, Case #11-0597 and #15-1611, for \$1,400.00 to release lien on property

Attorney Ryan noted he will send a letter to the Commissioners on how the agreement was reached.

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Fetscher. The motion carried unanimously.**

- 3.12 Approval of the Settlement Received for Ferframar LLC, 711 SW 9 Street, Case #15-1747, for \$2,100.00 due to sale of property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.**

- 3.13 Approval of the Settlement Received for Rochelle Jackson, 4530 SW 43 Avenue, Case #08-2020 and #15-0572, for \$21,000.00 due to sale of property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Fetscher. The motion carried unanimously.**

- 3.14 Approval of the Settlement Received for Joyce Loftus, 4676 SW 37 Avenue, Case #14-1590, for \$2,500.00 for release of lien on property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.**

- 3.15 Approval of the Settlement Received for Johnny Sorensen Trstee, 5320 SW 30 Terrace, Case #15-1639, for \$3,000.00 to release lien on property

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

- 3.16 Approval of the Settlement Received for Wilbur & Gloria Fernander, 112 SW 7 Avenue, Case #12-0105 and #13-1639, for \$4,350.65 due to sale of property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.**

- 3.17 Approval of the Settlement Received for Jason Schaffer, 109 NE 2 Place, Case #14-0520, for \$554.00 for release of lien on property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.**

3.18 Approval of the Settlement Received for Catherine Weston, 4584 SW 24 Avenue, Case #94-0208, for \$168.00 for release lien on property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Fetscher. The motion carried unanimously.**

3.19 Approval of the Settlement Received for Bank of New York Mellon Trstee MS 005, 4851 SW 44 Avenue, Case #15-1668, for \$1,500.00 for release of lien on property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Brandimarte. The motion carried unanimously.**

3.20 Approval of the Settlement Received for Ray & Ester Rex, 4940 SW 45 Avenue, Case #11-0598 and #16-0591, for \$8,500.00 due to sale of property

**Vice-Mayor Jones motioned to approve the settlement agreement; seconded by Commissioner Fetscher. The motion carried unanimously.**

4. Adjournment

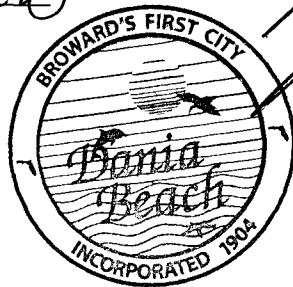
Commissioner Grace adjourned the meeting at 5:55 p.m.

ATTEST:

CITY OF DANIA BEACH

  
LOUISE STILSON, CMC  
CITY CLERK

  
MARCO A. SALVINO, SR.  
MAYOR



Approved: September 27, 2016