



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING
JANUARY 29, 2019**



1. CALL SESSION TO ORDER

The hearing was called to order at 10:00 A.M. Present were Special Magistrate Alan Gabriel, Code Compliance Official Danny Stallone, Code Compliance Supervisor Rick Berni, Code Compliance Inspector Dana Phillips, Code Compliance Inspector Kim Massey, Code Compliance Inspector Catherine Velez, Code Compliance Inspector Mayra Hernandez, Animal Control Officer Karen Borsoni, and Recording Secretary Grace Farrar

2. CALL OF THE CASES

Respondents were present for Case #18-075900, #18-075520, #18-074003, #18-077209, #18-029345, #18-046786, #18-074389

3. UNCONTESTED CASES

4.1 Case #18-020034 : First Impression II Lake Owners Association Inc., public land Town of Davie parcel located on the south-side intersection of SW 55th Avenue and SW 57th Street (continued from November 20, 2018)⁵(damaging public property prohibited/right-of-way restrictions violation) ^{MH}

A continuance to the Special Magistrate hearing of February 26, 2019 was requested by the Respondent in order to have the engineering division visit the property to verify compliance; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

4.2 Case #18-054494 : Peter Mineo Jr. and Pillar Consultants Inc., 5600 Davie Road (continued from December 04, 2019)¹(tree removal/relocation permit required/remedial actions required for tree abuse violation) ^{MH}

A continuance to the Special Magistrate hearing of March 12, 2019 was requested by the Town; no cost recovery fee was assessed.

4.3 Case #18-068386: Matthew Goforth, 5220 SW 57 Court (general regulations/storing of abandoned property on public or private lands; prohibited; exception violation) ^{MH}

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4.5 Case #18-071152: Robert and Linda Mignacca, 10701 SW 27 Street (minimum landscape standards violation) ^{CV}

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4.7 Case #18-074003: Joan Puma, 1970 SW 115 Avenue (nuisance and eyesore violation)

^{CV}

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The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4.9 Case #18-074157: Joseph Moran and Occupant, 5840 SW 53 Terrace (commercial vehicles parking prohibited/storage of abandoned property on public or private land violation)_{MH}

A continuance to the Special Magistrate hearing of March 12, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

4.12 Case #18-075900: Lerner 7701 LLC, 7701 NW 36 Street (non -permitted uses prohibited/adoption of Florida building code; building permit required violation)_{KB}
Marc Lerner property owner was present

Edward Gonzalez, General Contractor, 211 SW 95 Terrace was present

A continuance to the Special Magistrate hearing of March 12, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

4.14 Case #18-077087: Grove Creek HOA Inc., 4000 block of Trotter Boulevard (miscellaneous requirements/minimum landscape standards violation)_{RB}

The violations were cancelled prior to the hearing; no cost recovery fees were assessed.

4. FORMAL HEARINGS OF CONTESTED MATTERS

4.4 Case #18-069267: Josef and Golda Hudec, 11301 SW 22 Court (nuisance conditions in public or private rights-of-way; town's right to correct certain conditions potentially injurious to citizens violation)_{CV}

Inspector Velez read the violation into the record. Service was achieved by certified mail. A copy of the electronic notification was submitted as Town's Composite Exhibit 1 without objection. Photographs taken by the inspector were submitted as Town's Composite Exhibit 2 without objection.

A discussion was held on the boulders in the front of the property.

The special magistrate issued a final order for violation of town code section 6-39(1) providing for seven (7) days to comply.

Special Magistrate Gabriel so ordered.

4.6 Case #18-071281: Ann Doan and Occupant, 13221 SW 7 Place (storage of abandoned property on public or private land/accumulation of garbage or trash/overgrowth violation)_{KM}

Inspector Massey obtained an agreed final order with the respondent to remain in compliance with town code sections 11-17, 9-27 and 9-51(B) along with a cost recovery fee of \$150.00. The Consent agreement was submitted as Town's Exhibit 2 without objection.

Special Magistrate Gabriel so ordered

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4.8 Case #18-074156: Amanda J. Chase, 4011 SW 82 Terrace (dog attack/running at large prohibited, declared nuisance/license and rabies vaccination violation) ^{KB}

Inspector Borsoni obtained an agreed final order with the respondent to remain in compliance with town code sections 4-63.1, 4-63 and 4-62 along with a cost recovery fee of \$150.00. The Consent agreement along with a photograph was submitted as Town's Exhibit 2 without objection.

Special Magistrate Gabriel so ordered.

4.10 Case #18-074389: Donna M. Mallion and HSBC Bank USA, 12680 SW 34 Place (running at large prohibited, declared nuisance/vicious dogs/license and rabies vaccination violation) ^{KB}

Donna Mallion 12680 SW 34 Place was present earlier in the hearing

Inspector Borsoni obtained an agreed final order with the respondent to remain in compliance with town code sections 4-63 and 4-62. The town dismissed violation of town code section 4-64 based on no evidence presented at the hearing by the complainants. The Consent agreement was submitted as Town's Exhibit 2 without objection.

Special Magistrate Gabriel so ordered.

4.11 Case #18-075520: Essential Secrets Nail Spa Corp., 3000 SW 116 Avenue (noise disturbance prohibited violation) ^{CV}

Lourdes Rivero, 3000 SW 116 Avenue, property owner

Melinda Schwartz, 2980 SW 16 Avenue, complainant

Inspector Velez read the violation into the record. Service was achieved by certified mail. A copy of the electronic notification was submitted as Town's Composite Exhibit 1 without objection. A composite exhibit with dates, times and neighborhood log documenting the noise for the vehicle "train horn" as documented by Ms. Schwartz was submitted as Town's Composite Exhibit 2 without objection.

Ms. Melinda Schwartz testified to the disturbance by the vehicle's alarm which sounds like a "train horn" which is causing a nuisance to her quality of life. A detailed list was compiled with dates and times of the occurrences some of which resulted in police being dispatched although no violation was heard. Ms. Schwartz testified the horn volume has decreased but still remains a nuisance when the alarm is triggered.

Ms. Lourdes Rivero testified the vehicle was vandalized while in the driveway on Thanksgiving. The alarm was installed by Viper and has since been adjusted so as not to be so sensitive to sound or movement.

A discussion was held on the horn blaring and the disregard to the neighbors affected by the sounds. The detailed log indicates the consistency of the nuisance. Special magistrate Gabriel advised the respondent if violation of the final order was to be found to exist liens in the amount of \$250.00 per day could be assessed. A final order was issued providing for seven (7) days to comply with violation of town code section 15-3 along with cost recovery fee of \$350.00

Special Magistrate Gabriel so ordered.

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4.13 Case #18-075941: Theodore Stronkowsky and Diana F. Stronskowsky, 9105-C SW 19 Place (running at large prohibited, declared nuisance/license and rabies vaccination violation) _{KB}

Inspector Borsoni obtained an agreed final order with the respondent to remain in compliance with town code sections 4-63.1, 4-63 and 4-62 along with a cost recovery fee of \$150.00. The property owner has agreed to muzzle the dog while outside of the property. The Consent agreement was submitted along with a photograph of the dog as Town's Exhibit 1 without objection.

Special Magistrate Gabriel so ordered

4.15 Case #18-077209: DJD Land Development LLC, 1355 S. Flamingo Road (damaging public property prohibited/nuisances violation) _{DP}

Mark Dodds, property owner was present

Gil Goldenberg, occupant was present

Mr. Dodds advised the Special Magistrate he has obtained the services Mr. Laystrom, Esq. as his attorney. Mr. Dodds asked for a two (2) week continuance.

The continuance request was objected by the Town due to the potential safety hazard at the equestrian trail. Mr. Stallone stated this violation was raised two (2) years ago. Special Magistrate Gabriel granted the continuance request of Mr. Dodd based on attorney representation for a period of two (2) weeks. A continuance to the Special Magistrate hearing of February 12, 2019 was ordered to be sent regular mail.

5. NON COMPLIANCE

5.1 Case #18-029345: John and Florence Patitucci, 12701 Kapok Lane (continued from January 15, 2019)³(minimum landscape standards/maintenance of exterior premises/minimum standards for maintenance of premises (j) Swimming pool maintenance and disposal of pool water violation) _{KM}

William Ford, 12702 SW 26 Street, Davie complainant

Inspector Massey presented the case and read the violation into the record. Service was achieved by certified mail and posting. A copy of the electronic notification along with an Affidavit of posting was submitted as Town's Composite Exhibit 1 without objection. Photographs taken by the inspector showing the condition of the property were submitted as Town's Composite Exhibit 2 without objection.

Inspector Massey stated she has been working with the family to bring the property into compliance although the remaining violation of town code section 6-37(a)(1)(2)(3) minimum landscape standards continues unabated.

Mr. Ford was pleased with the efforts of the inspector to assist with his property as it relates to the damaged trees and fence which occurred during hurricane Irma.

A lien was issued for violation of town code section 6-37(a)(1)(2)(3) for a period of 153 days at \$100.00 per day for a lien in the amount of \$15,300 along with cost recovery fee of \$500.00 for a total lien in the amount of \$15,800.00.

Special Magistrate Tell ordered.

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5.2 Case #18-046786: Agrawal Kalpana and Kalpana Invest of Florida LLC, 5500 Davie Road (stop work orders/tree removal/relocation permit required/engineering permit required/clearing and grubbing permit required/establishment of fine, lien and cost recovery procedures; establishment of cost recovery schedule of fines violation) ^{MH} John Mortimer, 5500 Davie Road, was present

Mr. Stallone advised the magistrate the property owner has moved forward with the submittal for the permits.

A continuance to the Special Magistrate hearing of March 12, 2019 was requested by the Respondent; no cost recovery fee was assessed.

Special Magistrate Gabriel so ordered.

5.3 Case #2018-0026: Roni and Sharona Elgazar, First Call 24/7 Inc., 1650 SW 117 Avenue (continued from December 04, 2018)⁵(non permitted uses prohibited/storage on residential property prohibited/commercial vehicles parking prohibited/nuisance/eyesore/vehicle signage code violation/location of license; zoning regulation/local business tax receipt required/minimum landscaping standards violation) ^{SES/DP}

Mr. Stallone stated contact has been made with the respondent's attorney and at this time the violations were corrected and this action is dismissed without prejudice to the existing final order that remains in full force and effect.

6. NEW BUSINESS

7. OLD BUSINESS

8. CITATION AGENDA

9. ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 11:15 A.M.