



**TOWN OF DAVIE
RECORD OF
SPECIAL MAGISTRATE HEARING EMERGENCY
JULY 23, 2019**



1. CALL SESSION TO ORDER

The hearing was called to order at 11:30 A.M. Present were Special Magistrate Alan Gabriel, Code Compliance Official Danny Stallone, Code Compliance Supervisor Rick Berni, Code Compliance Inspector Kim Massey, Code Compliance Inspector Catherine Velez, Code Compliance Inspector Mayra Hernandez, Code Compliance Inspector Stephanie Silber, Code Compliance Inspector Sarah Santisteban, Animal Control Officer Karen Borsoni, and Recording Secretary Grace Farrar

2. CALL OF THE CASES

Respondents were present for Case 19-047972

3. UNCONTESTED CASES

3.1 CASE #19-047972: Miguel Henry d.b.a. Ochi Farms LLC, 6610 Hawkes Bluff Ave (permitted uses/storage of abandoned property on public or private land/overgrowth/ trash waste and garbage/nuisance: health, safety and welfare violation) ^{DP}

Christine Santoro, 6410 Olde Moat Way, was present

Brian Kowal, Esq. on behalf of the Ochi Farms LLC, 7351 Wiles Road. Ste 103 Pompano Beach FL

Miguel Henry, 8516 Beekman Dr., Miramar FL

Stafford Griffiths, 13450 Stirling Road

Inspector Phillips read the violation into the record. Service was achieved by hand delivery. A copy of the signed delivery notice along with an Affidavit of Posting was submitted as Town's Composite Exhibit 1 without objection. Photographs taken on April 30, 2019, July 1, 11 and 12, 2019 along with the Broward County Property Appraiser aerial photograph was submitted as Town's Composite Exhibit 2 without objection.

Mr. Stallone addressed the respondent as to the permitted uses on the property. A discussion was held on the landscape debris being brought onto the property by other landscape companies.

Ms. Santoro testified to the conditions that are affecting the neighborhood and their quality of life. Ms. Santoro is concerned for the property values in the Hawkes Bluff neighborhood.

Mr. Kowal, Esq. questioned Ms. Santoro as to her observations at the time she visited the property.

Mr. Henry testified to the process he uses to breakdown the landscape debris results in fertilizer for the vegetation he grows on the property.

Mr. Stafford Griffiths spoke to the complaint of foul odor from the property. At one time due to the installation of FPL poles some wildlife were killed and the smell that emanated from the property was the result.

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A discussion was held on the termination of the lease between the Town of Davie and Ochi Farms LLC. Special Magistrate Gabriel explained the issue today is based on the violations of the Town of Davie codes and nothing to do with the lease agreement. The tenant can make the necessary changes needed to eliminate the neighboring issues.

Mr. Stallone stated the Town expects the respondent to no longer accept outside landscape debris. The Town is expecting compliance with the violations and discontinue accepting outside landscape materials but to use the landscape debris that is on the property at this time.

Mr. Stallone recommended a final order with fourteen (14) days to comply with violations of town code section 12-32, 11-17, 9-51(b), 9-2 and 12-33(U).

Special Magistrate Gabriel explained to Mr. Henry it is our understanding the Town is seeking eviction or voluntary relinquishment of the property. It is the occupant's responsibility to balance Ochi Farms interest and needs to work with the Town and be in compliance with the violations of town code.

Mr. Henry stated he needed to bring in materials to use for his farming. Prior to acceptance, contact needs to be made with the Town.

Special Magistrate Gabriel provided twenty-one (21) days along with cost recovery fee of \$350.00.

ADJOURNMENT

There being no further matters to discuss, the hearing was adjourned at 12:40 P.M.