

**TOWN OF BAY HARBOR ISLANDS
LITIGATION COMMITTEE MEETING
AGENDA
APRIL 1, 2022**

CALL TO ORDER: Set for 12:00 Noon

PLEDGE OF ALLEGIANCE

ROLL CALL

NEW BUSINESS

1. **Approval or denial of a settlement agreement** for several Notice of Violations for properties located at 1047 92nd Street and 1055 92nd Street and owned by BHI The Club 2 LLC. The properties wish to settle all outstanding violations. Below is a listing of all the violations. The fines and liens total \$1,115,100.00. **Counsel for the property owners has proposed a settlement of \$111,510.00 to be paid as follows: \$25,000 upon and through closing on the pending loan (which should occur within the following 10 business days at most) and \$80,070.00 to be paid within 180 days of the date of any corresponding and formal acceptance of the offer; plus the offer of some form of security for the settlement amount in the form of a Letter of Credit, promissory note, or the like, in consideration for the contemplated “payment plan”.**
 - a. Notice of Violation 19-001626, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$1,600.00 – Complaint of standing water at the site.
 - b. Notice of Violation 19-001842, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$6,6650 – Construction fence located on the Town’s property. Dust screen not installed and silt fencing to be replaced along the inside of the construction fence to prevent run-off.
 - c. Notice of Violation 20-000732, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$271,250.00 – Stagnant water and debris on the construction site.
 - d. Notice of Violation 20-001264, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$381,375.00 – Abandoned Sophie Project contains water, foundation piles, construction materials, building materials, equipment, well, partial structures, electrical connections, plumbing connections, temporary electric pole, construction fence, trenches, and lot not properly graded and sodded. Foundation Permit B18-0004450 expired on 5/19/2019.

e. Notice of Violation 20-001643, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$500.00 – Landscaping activity on Saturday.

f. Notice of Violation 21-000462, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$7,950.00 – Overgrown Landscaping at Construction Site.

g. Notice of Violation 20-001269, 1055 92nd Street, BHI The Club 2 LLC – Total Fine \$381,375.00 – Abandoned Sophie Project contains stagnant water, foundation piles, construction material, building material, equipment, well, partial structures, electrical connections, plumbing connections, temporary electric pole, construction fence, ditches, lot not properly graded and sodded. Foundation Permit #B18-000440 expired on 5/19/2019.

h. Notice of Violation 20-000967, 1047 92nd Street, BHI The Club 2 LLC – Total Fine \$64,400.00 – Permit must be reactivated within 20 days of this notice or any work which has commenced must be removed from site as per Florida Building Code 105.4.1.2 within 20 days of this notice.

2. **Approval or denial of a settlement agreement** for Notice of Violation No. 20-001912, 1025 93rd Street, Cyneri Properties, Inc. Fine imposed by the Special Master on 12/15/2021 in the amount \$7,050.00 – Hire a licensed contractor to repair the ceiling in Unit 7. A permit is required to repair the ceiling in Unit 7 and an after-the-fact permit is required for the roof repair. **Counsel for Cyneri Properties, Inc. is proposing a Settlement Offer of the Administrative Fee for \$150.00.**
3. **Approval or denial of a settlement agreement** for Notice of Violation No. 19-000011, 1001 91st Street, #311, Benito Arnaldo Barletta TRS Benito Arnaldo Barletta and Ramona Pereira Joint Living Trust Ramona Pereira. Fine imposed by the Special Master on 7/17/2019 in the amount of \$8,150.00 – Permits shall be required and must be obtained for all structures erected, constructed, moved, reconstructed or structurally altered or other work done on such structures. **The property owner is proposing a Settlement Offer of \$1,000.00.**

ADJOURNMENT