

**TOWN OF BAY HARBOR ISLANDS
MORRIS N. BROAD COMMUNITY CENTER
1175 95TH STREET
BAY HARBOR ISLANDS, FL 33154**

**LITIGATION COMMITTEE MEETING
AGENDA**

**February 7, 2024
6:30 PM**

CALL TO ORDER: Set for Approximately 6:30 p.m.:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

1. **Approval or Denial** of a settlement agreement for Notice of Violation No. 21-001813 - Section 5-6(a) of the Town Code - Performing construction work without the required building permit. Installation of pavers around the pool. 1145 101 Street. Babak, LLC, 1145 101 Street, Bay Harbor Islands, FL 33154. The fine was assessed at \$171,500.00. The Special Magistrate mitigated the fine to \$85,950.00. **The property owner is proposing a Settlement Offer of \$8,562.00.**
2. **Approval or Denial** of a settlement agreement for Notice of Violation No. 22-000227 - Section 23-72(a) of the Town Code - Operating a vacation rental without registering the property with the town. Philoxenia, LLC, 1145 101 Street, Bay Harbor Islands, FL 33154. The fine assessed was \$62,000 plus a \$200.00 Administrative Fee. On September 27, 2023, the Special Magistrate mitigated the fine to \$31,200.00. **The property owner is proposing a Settlement Offer of \$1,000.00.**
3. **Approval or Denial** of a settlement agreement for Violation No. 19-000538 - Sections 23-12(1) and Section 23-12(11) for repairing/replacing the seawall without the required permit. Colony Bay Condominium, 9250 West Bay Harbor Drive, Bay Harbor Islands, FL 33154. On September 29, 2021 the Special Magistrate imposed a fine in the amount of \$32,350.00. **The Condominium Association is proposing that the fine be reduced to \$0.00.**
4. **Approval or Denial** of a settlement agreement for Violation No. 22-000164 - Section 5-6(a) of the Town Code for performing construction work without the required permit. David Shimunov, 10350 West Bay Harbor Drive, Unit 7H, Bay Harbor Islands, FL 33154. The assessed fine was \$28,250.00. On May 31, 2023 the Special Master mitigated the fine to \$14,325.00. **Counsel for the property owner, Barry T. Shevlin, Esq., is proposing that the fine be reduced to \$0.00.**
5. **Approval or Denial** of a settlement agreement for Violation No. 23-000878 - Section 12-26(1)(a) of the Town Code: Found painters operating a machinery before 9:00 a.m. Mansard Condominium, 9501 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. On September 27, 2023 the Special Magistrate mitigated a \$1,000.00 fine and \$200 Administrative Fee to \$700. **Mr. David Arrow, President of the Condominium Association, is proposing a Settlement Offer of \$350.00.**

6. **Approval or Denial** of a settlement agreement for several Notices of Violation for Bal Harbour Investments, LLC - 1060 95 Street, 1080 93 Street and 1060 95th Street, Bay Harbor Islands, FL 33154.

1060 95th Street - Notice of Violation No. 18-000421 - Section 23-12(22)(h) of the Town Code - Installation of wooden fence without the required permit. Found that the unfinished side of the wooden fence is facing the adjoining property and the street. The fine amount is \$6,575.00.

1060 95th Street - Notice of Violation No. CC2016-2319 - Section 23-12(1) of the Town Code - Failure to comply with a Courtesy Notice to hire a licensed contractor to remove the chain-link fence located along the second floor balcony, obtain permit and install handrails. The fine amount is \$45,500.00.

1080 Partners, LLC - 1080 93 Street Notice of Violation No. CC2016-2260 - Section 24-13(a) of the Town Code - Failure to repair pool wall; planters repaired and repainted. Section 23-12(22)(f) of the Town Code - Failure to install hedges along the entire length of the pool wall planted 2 feet apart and 50% the height of the wall. The fine amount is \$64,125.000.

1080 93 Street - Notice of Violation No. CC2017-2395 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is \$19,150.00.

1080 93 Street - Notice of Violation No. CC2017-2477 - Section 5-6(a) of the Town Code for performing plumbing work without the required permit. The amount of the fine is \$68,150.00.

1080 93 Street - Notice of Violation No. CC2017-2399 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is \$19,150.00.

1080 93 Street - Notice of Violation No. CC2017-2396 - Section 13-18(1)(a) of the Town Code for operating a business without the required Business Tax Receipt. The amount of the fine is \$19,150.00.

The property owner is proposing a Settlement Offer of \$50,000 for all the above violations.

7. **Approval or Denial** of a settlement agreement for Notice of Violation No. 21-001505 for failure to obtain the 40-year re-certification as required by Miami-Dade County. Rexleigh Apartments, Inc., 9881 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. The assessed fine was \$28,700.00. On September 27, 2023, the Special Magistrate mitigated the fine to \$14,550.00. **Counsel for the property owner, Soren Law Group, PA, is proposing the fine be reduced to \$0.00.**

8. **Approval or Denial** of a settlement agreement for Notice of Violation No. 18-002329 for failure to obtain the required permits to correct the deficiencies in the 40-year re-certification. Kingsley Arms Apartments, Inc., 9291 East Bay Harbor Drive, Bay Harbor Islands, FL 33154. The fine was assessed at \$89,850.00. On September 27, 2023 the Special Magistrate mitigated the fine to \$44,925.00 plus a \$200 Administrative Fee. **Counsel for the applicant, Soren Law Group, PA, is proposing the fine be reduced to \$0.00.**

ADJOURNMENT:

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.