

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Daniel J. Stallone, Code Compliance Official: 797-1121

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIENS IN CASE NO. 97-310 FROM \$75,352.22. IN AMOUNT ( \$46,000 PLUS \$29,352.22 IN INTEREST AND RECORDING FEES) TO \$8,385.00; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The property owners were cited for maintaining a reported (and continual) neighborhood nuisance which consisted of a garage door which was in disrepair. A neighbor had backed his lawn care truck and trailer into the garage door, of the vacant home. A conflict developed between the neighbors regarding the repairs, plus personal and financial problems kept the violation from being corrected. There were four non-compliance hearings at which fines were levied. The violation was corrected shortly after the last non-compliance hearing in 1998, and mitigation is now possible

**PREVIOUS ACTIONS:** Not applicable.

**CONCURRENCES:** The respondents agreed with the amount as per the mitigation guidelines.

**FISCAL IMPACT:** Not applicable.

**RECOMMENDATION(S):**

The Code Compliance Division's recommended mitigation amount, as per our approved guidelines, equals \$8,385.00 with 45 days to pay the mitigated amount.

**Attachment(s):** Resolution, Mitigation Request Summary, Worksheets and Special Master's recommendation letter.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO. 97-310 FROM \$75,352.22. IN AMOUNT ( \$46,000 PLUS \$29,352.22 IN INTEREST AND RECORDING FEES) TO \$8,385.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, A. Altschuler and Linda Altschuler & Mr. & Mrs. Alan Altschuler, requested a mitigation of Code Compliance liens from \$75,352.22 in amount (\$46,000 plus \$29,352.22 in interest and recording fees) to \$8,385.00; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violations of Code Section 12-33(u) was corrected; and

WHEREAS, the Town of Davie Code Compliance Division mitigation guidelines proscribed a mitigation amount equal to \$8,385.00; and

WHEREAS, A. Altschuler and Linda Altschuler & Mr. & Mrs. Alan Altschuler, and the Town of Davie Code Compliance Division are agreeable to such mitigation.

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance liens arising out of Case 97-310 in the amount of \$75,352.22 (\$46,000 plus \$29,352.22 in interest and recording fees) to \$8,385.00, against A. Altschuler and Linda Altschuler & Mr. & Mrs. Alan Altschuler, are hereby mitigated in amount to \$8,385.00.

SECTION 2. That this mitigated amount of \$8,385.00 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$8,385.00 not be paid within the specified time the liens shall revert to the original amount of \$75,352.22 (\$46,000 plus \$29,352.22 in interest and recording fees).

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003  
MITIGATION REQUEST SUMMARY

DATE: July 22, 2003

NAME: A. Altschuler and Linda F. Altschuler & Mr. & Mrs. Alan Altschuler

ADDRESS: 8304 SW 26 Place

CASE: 97-310

SUMMARY:

Date respondent cited: August 11, 1997

Date of Final Order: September 3, 1997

Non-Compliance Hearing(s):	10/14/97	12/2/97	1/20/98	3/31/98
Fine/Lien Imposed:	\$6,250.00	\$11,750.00	\$11,500.00	\$16,500.00
Administrative fees/interest:	<u>\$4,164.84</u>	<u>\$ 7,656.89</u>	<u>\$ 7,333.74</u>	<u>\$10,196.75</u>
Total:	\$10,414.84	\$19,406.89	\$18,833.74	\$26,696.75
Grand Total as of May 29, 2003:	\$75,352.22			

---

Department Guideline recommended mitigation amount: \$ 8,385.00

Date respondent requested mitigation: 5/21/03

Date of Mitigation Hearing by Special Master: June 19, 2003

---

The property owners were cited for maintaining a reported (and continual) neighborhood nuisance which consisted of a garage door which was in disrepair. A neighbor had backed his lawn care truck and trailer into the garage door, of the vacant home. A conflict developed between the neighbors regarding the repairs, plus personal and financial problems kept the violation from being corrected. There were four non-compliance hearings at which fines were levied. The violation was corrected shortly after the last non-compliance hearing in 1998, and mitigation is now possible.

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$ 8,385.00 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

---

ROBERT HARRIS  
CHIEF CODE COMPLIANCE INSPECTOR

for  
DANIEL J. STALLONE  
CODE COMPLIANCE OFFICIAL

**TOWN OF DAVIE CODE COMPLIANCE  
MITIGATION WORKSHEET  
CASE # 97-310**

**Respondent(s):** A. Altschuler and Linda F. Altschuler & Mr. & Mrs. Alan Altschuler

**Address:** 8304 SW 26 Place

**Fine/Lien Amount:** \$6,250

**with Administrative fees/interest:** \$10,414.84

**Hearing Date:** 10/14/97

**Mitigation Recommendation:**  
**(as per approved mitigation guidelines)**

		with interest
a) 2.5 % of \$6,250	=	\$260.37
b) 2.0 % of \$6,250 (25 days of non-compliance; 2% of lien/fine per 60 days	=	\$ 208.30
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 709.19
Total	=	\$ 1,177.86

**TOWN OF DAVIE CODE COMPLIANCE  
MITIGATION WORKSHEET  
CASE # 97-310**

**Respondent(s):** A. Altschuler and Linda F. Altschuler & Mr. & Mrs. Alan Altschuler

**Address:** 8304 SW 26 Place

**Fine/Lien Amount:** \$11,750.

**with Administrative fees/interest:** \$19,406.89

**Hearing Date:** 12/2/97

**Mitigation Recommendation:**  
**(as per approved mitigation guidelines)**

		with interest
a) 2.5 % of \$11,750	=	\$970.35
b) 2.0 % of \$11,750 (47 days of non-compliance; 2% of lien/fine per 60 days	=	\$ 388.14
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 709.19
Total	=	\$ 2,067.68

**TOWN OF DAVIE CODE COMPLIANCE  
MITIGATION WORKSHEET  
CASE # 97-310**

**Respondent(s):** A. Altschuler and Linda F. Altschuler & Mr. & Mrs. Alan Altschuler

**Address:** 8304 SW 26 Place

**Fine/Lien Amount:** \$11,500.

**with Administrative fees/interest:** \$18,833.74

**Hearing Date:** 1/20/98

**Mitigation Recommendation:**  
**(as per approved mitigation guidelines)**

		with interest
a) 5 % of \$11,500	=	\$ 941.69
b) 2.0 % of \$11, 500 (46 days of non-compliance; 2% of lien/fine per 60 days	=	\$ 376.68
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 709.19
Total	=	\$2,027.56

**TOWN OF DAVIE CODE COMPLIANCE  
MITIGATION WORKSHEET  
CASE # 97-310**

**Respondent(s):** A. Altschuler and Linda F. Altschuler & Mr. & Mrs. Alan Altschuler

**Address:** 8304 SW 26 Place

**Fine/Lien Amount:** \$16,500.

**with Administrative fees/interest:** \$26,696.75

**Hearing Date:** 3/31/98

**Mitigation Recommendation:**  
**(as per approved mitigation guidelines)**

		with interest
a) 5 % of \$16,500	=	\$1,334.84
b) 4 % of \$16,500 (66 days of non-compliance; 2% of lien/fine per 60 days	=	\$1,067.87
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 709.19
Total	=	\$ 3,111.90



**MEAH ROTHMAN TELL, ESQ.**

**Phone: (954) 733-5000**

**Fax: (954) 733-2320**

**Suite 110  
7471 W. Oakland Park Blvd.  
Fort Lauderdale, FL 33319**

**SE HABLA ESPAÑOL**

Daniel Stallone, Supervisor  
Code Compliance  
Town of Davie  
6591 Orange Drive  
Davie, Florida 33314

June 19, 2003

RE: REQUEST FOR MITIGATION/ CASE NO. 97-310

A. ALTSCHULER and LINDA ALTSCHULER and Mr. and Mrs. Alan Altschuler  
Property Address: 8304 S.W. 16th Place, Davie, Florida

Dear Mr. Stallone:

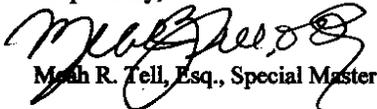
This Request for Mitigation came on to be heard at the Special Master Hearing on June 17, 2003.

The Special Master finds that there were four (4) orders imposing liens dated (1) April 1, 1998 (\$16,500.00), (2) January 21, 1998 (\$11,500.00), (3) December 3, 1997 (\$11,750.00) and (4) October 15, 1997 (\$6,250.00) involved in this Mitigation Request. A substantial amount of administrative time and effort was involved in imposing these liens and notifying the Respondents of these liens. Five special master hearings were held in connection with the violations on this property. The Special Master finds that personal difficulties with the neighbor and that arose in the Altschuler's personal lives contributed to the failure to rectify these violations within a period of approximately five (5) months, and that these violation(s) have been corrected for a substantial period of time.

Mrs. Altschuler filed a request for mitigation of the liens on May 21, 2003. The mitigation guideline amount of these liens as of May 29, 2003 were calculated by the Town officials to be in the amount of EIGHT THOUSAND THREE HUNDRED EIGHTY FIVE DOLLARS AND 00/100 cents (\$8,385.00). Accordingly, it is recommended that the Request for Mitigation be GRANTED and that all four (4) liens be mitigated to the total amount of:

EIGHT THOUSAND THREE HUNDRED EIGHTY FIVE DOLLARS AND 00/100 cents  
(\$8,385.00).

Respectfully,

  
Meah R. Tell, Esq., Special Master