

# 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 1

**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. 00-413 FROM \$38,500. IN AMOUNT TO \$709.19; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** Title to the subject property was held in the names of Kenneth Medeiros and Janyce L. Medeiros. Upon filing for mitigation the following facts were revealed:

1. The property was now in compliance with the applicable Town code sections.
2. The resident owner of the property, Kenneth Medeiros was killed in an automobile accident on March 20, 2004.
3. Thereafter, co-owner Janyce L. Medeiros and Georgia Lay-Henry, mortgagee of the property learned of the town liens on said property.
4. That prior to that time Ms. Medeiros had not resided in Broward County for a period of ten (10) years and had no contact with the deceased. Ms. Lay-Henry resides in North Carolina.
5. That Ms. Medeiros nor Ms. Lay-Henry had any actual knowledge or notice of the violation or liens and therefore no opportunity to correct the violations or contest the liens.

The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$709.19 may be considered by the Town Council based upon the Special Master's advisory recommendation and the respondent given 45 days to pay the mitigated amount.

**PREVIOUS ACTIONS:** Not applicable.

**CONCURRENCES:**The respondent agreed with the Special Master's recommendation.

**FISCAL IMPACT:** Not applicable.

**RECOMMENDATION(S):** The Code Compliance Special Master has recommended a mitigation amount equal to \$709.19.

**Attachment(s):** Resolution, Mitigation Request Summary, Mitigation Worksheet 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. 00-413 FROM \$38,500. IN AMOUNT TO \$709.19; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Janyce L. Medeiros on behalf of herself and Kenneth Medeiros (deceased), has requested a mitigation of Code Compliance liens from \$38,500. in amount to \$709.19; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Sections 9-2 and 9-51(b) were corrected; and

WHEREAS, the Town of Davie Code Compliance Special Master has proscribed a mitigation amount equal to \$709.19; and

WHEREAS, Janyce L. Medeiros on behalf of herself and Kenneth Medeiros (deceased), 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 00-413 in the amount of \$38,500., against Kenneth Medeiros and Janyce L. Mediros, are hereby mitigated in amount to \$709.19.

SECTION 2. That this mitigated amount of \$709.19 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$709.19 not be paid within the specified time the liens shall revert to the original amount of \$38,500.

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

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004

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

ATTEST:

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

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004

## MITIGATION REQUEST SUMMARY

NAME: Kenneth Medeiros (deceased) and Janyce L. Medeiros

ADDRESS: 6300 SW 41 Court

CASE: 00-413

### SUMMARY:

Date respondent cited:	July 27, 2000
Date of Final Order:	August 23, 2000

Non-Compliance Hearing(s):	2/25/03	6/3/03
Fine/Lien Imposed:	\$6,000.	\$32,500.
Total:	\$38,500.	

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Date respondent requested mitigation:	May 4, 2004
Date of Mitigation Hearing by Special Master:	May 11, 2004

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1. The property is now in compliance with the applicable Town code sections.
2. The resident owner of the property, Kenneth Medeiros was killed in an automobile accident on March 20, 2004.
3. Thereafter, co-owner Janyce L. Medeiros and Georgia Lay-Henry, mortgagee of the property learned of the town liens on said property.
4. That prior to that time Ms. Medeiros had not resided in Broward County for a period of ten (10) years and had no contact with the deceased. Ms. Lay-Henry resides in North Carolina.
5. That Ms. Medeiros nor Ms. Lay-Henry had any actual knowledge or notice of the violation or liens and therefore no opportunity to correct the violations or contest the liens.

The mitigation guidelines recommended the amount of \$6,099.19, Ms. Medeiros felt that considering the circumstances the Special Master would reduce the amount further. At the Special Master Hearing of May 11, 2004, Special Master Conner recommended a reduced amount of \$709.19.

The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$709.19 may be considered by the Town Council based upon the Special Master's advisory recommendation and the respondent given 45 days to pay the mitigated amount.

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DANIEL J. STALLONE  
CODE COMPLIANCE OFFICIAL

**TOWN OF DAVIE CODE COMPLIANCE  
MITIGATION WORKSHEET  
CASE #00-413**

**Respondent(s):** Kenneth Medeiros and Janyce L. Medeiros

**Address:** 6300 SW 41 Court, Davie, FL

**Fine/Lien Amount:** \$38,500.

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

a) 10% of \$38,500	=	\$ 38,500.00
b) 4% of \$38,500 85 days of non-compliance equals 2% of lien/fine per 60 days of non-compliance	=	\$ 1,540.00
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 709.19
Total	=	\$ 6,099.19

**RICHARD E. CONNER**

*Attorney at Law  
Qualified Arbitrator  
9623 Forest Ridge Circle  
Davie, FL 33328-6791  
(954) 424-7144  
Fax (954) 382-1127*

May 12, 2004

Daniel Stallone, Code Compliance Official  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314-3399

Re: Mitigation Request  
Case No. 00-413  
Respondents: Kenneth Medeiros and  
Janyce L. Medeiros

Dear Mr. Stallone:

That pursuant to Town Code Section 6-9.1(e)(2) the above styled mitigation request came on to be heard at the Special Master hearing, after notice on the 11<sup>th</sup> day of May, 2004 and my recommendation is as follows:

Findings of Fact:

The property involved is:

Lot 11, Block 1, DAVIE PARK, according to the plat thereof  
Recorded in Plat Book 32, at Page 42 of the Public Records of  
Broward County, Florida  
a/k/a 6300 S. W. 41<sup>st</sup> Court, Town of Davie  
Folio No: 504126 10 01110

Town liens:

Dated February 26, 2003 in the amount of \$ 6,000.00 recorded in O.  
R. Book 34721 at page 713 of the Public Records on March 10, 2003.

*Town liens continued:*

*Dated June 3, 2003 in the amount of \$ 32,500.00, recording information not available.*

*Total Liens: \$ 38,500.00*

*New Mitigation Guidelines:*

*Fine Amount: 30,000.00 - \$ 40,000.00 10% Of the amount plus and additional 2% for each 60 days of violation plus actual costs incurred by the town.*

*Computed in the instant case as: \$ 6,099.19*

*Mitigation Base Fee for Town costs incurred by the Code Compliance Division = \$709.19.*

*Title to the subject property was held in the names of Kenneth Medeiros and Janyce L. Medeiros.*

*That dated May 4, 2004 co-owner of the property Janyce L. Medeiros filed a Mitigation Application For Review noting for the record that:*

- 1. That Respondent/Applicant is now in compliance with the applicable Town Code Sections 9-2 and 9-51(b).*
- 2. The resident owner of the property, Kenneth Medeiros was killed in an automobile accident on March 20, 2004.*
- 3. Thereafter, co-owner Janyce L. Medeiros and Georgia Lay-Henry, mortgagee of the property learned of the town liens on said property.*
- 4. That prior to that time Ms. Medeiros had not resided in Broward County for a period of ten(10) years and had no contact with the deceased, Kenneth Medeiros. Also Ms. Lay-Henry resides in North Carolina.*

5. That it appears from the record submitted that neither Ms. Medeiros nor Ms. Lay-Henry had any actual knowledge or notice of the violations or that liens had been placed on the property. Ms. Medeiros had no opportunity to correct the violations or contest the filing of the liens.

*Conclusion:*

*That based upon the mitigating and extenuating circumstances, the Special Master recommends that the Town liens be mitigated from \$ 6,099.19 to the minimum based fee for Code Compliance incurred costs in the amount of \$ 709.19.*

*Respectfully submitted,*



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*Richard E. Conner  
Special Master*

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