

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Daniel J. Stallone, Code Compliance Official: 797-1121
Mark A. Kutney, AICP, Development Services Director: 797-1101

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. 02-849 FROM \$37,250.00 TO \$6,669.19; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The property owners were cited for the following violation of the Town of Davie Code:

Section 12-32: Non-permitted uses. The use of the property as an auto sales and finance company is prohibited.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The respondents agreed with the Mitigation Guidelines recommendation.

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S): The violation has been corrected and the correction verified by an on site inspection conducted on January 6, 2005. The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$6,669.19 should be considered by the Town Council and the respondent/applicant given 45 days to pay the mitigated amount.

Attachment(s): Resolution, Mitigation Request Summary, Mitigation Worksheet, Mitigation Inspection Report and Mitigation Guidelines.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO. 02-849 FROM \$37,250.00 TO \$6,669.19; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Tao Ling and Yen Ling Wu, has requested a mitigation of Code Compliance liens from \$37,250.00 to \$6,669.19; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Section 12-32 was corrected; and

WHEREAS, the mitigation amount of \$6,669.19 is in accordance with the mitigation guidelines; and

WHEREAS, Tao Ling and Yen Ling Wu, and the Town of Davie Code Compliance Division are agreeable to such mitigation; and

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 02-849 in the amount of \$37,250.00, against Tao Ling and Yen Ling Wu, is hereby mitigated in amount to \$6,669.19.

SECTION 2. That this mitigated amount of \$6,669.19 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$6,669.19 not be paid within the specified time the lien shall revert to the original amount of \$37,250.00.

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

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005

MITIGATION REQUEST SUMMARY

DATE: April 25, 2005

NAME: Tao Ling and Yen Ling Wu

ADDRESS: 5555 SW 61 Avenue

CASE: 02-849

SUMMARY:

Date respondent cited:		June 20, 2002
Date of Final Order:		September 5, 2002
Non-Compliance Hearing(s):	March 16, 2004	June 8, 2004
Fine/Lien(s) Imposed:	\$ 9,500.00	\$27,750.00

Department Guideline recommended mitigation amount:	\$ 6,669.19
Amount the respondent desires to pay:	\$ 6,669.19

The property owner was cited for the following violation of the Town of Davie Code:

Section 12-32: Non-Permitted Uses. The use of the property as an auto sales and finance company is prohibited.

The violation has been corrected and the correction verified by an on site inspection conducted on January 6, 2005, therefore mitigation is now possible.

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$6,669.19 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL

**TOWN OF DAVIE CODE COMPLIANCE
MITIGATION WORKSHEET
CASE #02-849**

Respondent(s): Tao Ling and Yen Ling Wu

Address: 5555 SW 61 Avenue, Davie, FL

Fine/Lien Amount: Two liens totaling \$37,250.00

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

a) 10% of \$37,250.00	=	\$ 3,725.00
b) 6% of \$37,250.00 149 days of non-compliance equals 2% of lien/fine per 60 days of non-compliance	=	\$ 2,235.00
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 709.19
Total	=	\$ 6,669.19



DEVELOPMENT SERVICES DEPARTMENT

Administration 954-797-1101
Planning & Zoning 954-797-1103
Building & Occupational Licensing 954-797-1111
Code Compliance 954-797-1121
Engineering 954 797-1113

TOWN OF DAVIE 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399

MITIGATION INSPECTION REPORT

CASE NO. 02-849 DATE MITIGATION REQUESTED December 10, 2004
DATE FINAL ORDER ISSUED 9/5/02 REINSPECTION DATE December 14, 2004
RESPONDENT(S) Tao Ling and Yen Ling Wu
PROPERTY ADDRESS 5555 SW 61 Avenue

VIOLATIONS COMPLIED ...X... NOT COMPLIED (check one)

MITIGATION HEARING DATE (if applicable) _____

LIST VIOLATIONS COMPLIED: 12-32 NON PERMITTED USE

NO EVIDENCE OF AUTO SALES BUSINESS IN OPERATION AT TIME OF INSPECTION.

LIST VIOLATIONS NOT COMPLIED: _____

INSPECTOR RICK BERNI

DATE January 6, 2005

TOWN OF DAVIE MITIGATION GUIDELINES

<u>FINE AMOUNT</u>	<u>RECOMMENDATION</u>
Fine to \$10,000	2.5% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$10,000 - \$20,000	5.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$20,001 - \$30,000	7.5% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$30,001 - \$40,000	10.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$40,001 - \$50,000	12.5% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$50,001 - \$60,000	15.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$60,001 - \$70,000	17.5% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$70,001 - \$80,000	20.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$80,001 - \$90,000	22.5% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
\$90,001 - \$100,000	25.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.
Over \$100,000	30.0% of the amount plus an additional 2% For each sixty (60) days of violation plus actual costs incurred by the Town.

This schedule would be utilized for first time violators and repeat violators.

MITIGATION BASE FEE (COST OF CASE ADMINISTRATION AND DEVELOPMENT) SHALL BE ADDED TO THE TOTAL DERIVED FROM APPLICATION OF ABOVE GUIDELINES. THE MITIGATION BASE FEE IS BASED UPON THE EXPENSES INCURRED BY TOWN EMPLOYEES AND ALL ACCOMPANYING COSTS.

MITIGATION BASE FEE* \$709.19

***Subject to revision as per current staff salaries**