

# 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 LIEN IN CASE NO. 04-452 FROM \$31,250.00 TO \$5,709.19; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The property owner was cited for the following violation of the Town of Davie Code:

Section 8-16: Building permit required for addition to house.

The violation has been corrected by removal of the structure and the correction verified by Town of Davie Building Inspector Cesar Santiago on June 8, 2005.

**PREVIOUS ACTIONS:** Not applicable.

**CONCURRENCES:** The respondent agreed with the Mitigation Guidelines recommendation.

**FISCAL IMPACT:** Not applicable.

**RECOMMENDATION(S):** The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$5,709.19 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, and Mitigation Guidelines.

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

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF A CODE COMPLIANCE LIEN IN CASE NO. 04-426 FROM \$31,250.00 TO \$5,709.19; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Jorge Miranda, has requested a mitigation of a Code Compliance lien from \$31,250.00 to \$5,709.19; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Section 8-16 has been corrected.

WHEREAS, the mitigation amount of \$5,709.19 is in accordance with the mitigation guidelines; and

WHEREAS, Jorge Miranda, 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 lien arising out of Case 04-426 in the amount of \$31,250.00, against Jorge Miranda, is hereby mitigated in amount to \$5,709.19.

SECTION 2. That this mitigated amount of \$5,709.19 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$5,709.19 not be paid within the specified time the lien shall revert to the original amount of \$31,250.00.

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: June 15, 2005

NAME: Jorge Miranda

ADDRESS: 6241 SW 41 Place

CASE: 04-426

### SUMMARY:

|                            |                 |
|----------------------------|-----------------|
| Date respondent cited:     | March 22, 2004  |
| Date of Final Order:       | April 13, 2004  |
| Non-Compliance Hearing(s): | August 31, 2004 |
| Fine/Lien(s) Imposed:      | \$ 31,250.00    |

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|   |             |
|---|-------------|
| Department Guideline recommended mitigation amount: | \$ 5,709.19 |
| Amount the respondent desires to pay:               | \$ 5,709.19 |

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Section 8-16: Building Permit required for addition to house.

The violation has been corrected by removal of the structure and the correction verified by Town of Davie Building Inspector Cesar Santiago on June 8, 2005.

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$5,709.19 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 # 04-426**

**Respondent(s):** Jorge Miranda

**Address:** 6241 SW 41 Place

**Fine/Lien Amount:** \$31,250.00

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

|   |   |              |
|---|---|--------------|
| a) 10% of \$31,250.00   | = | \$ 31,250.00 |
| b) 6% of \$31,250.00<br>125 days of non-compliance<br>equals 2% of lien/fine per 60 days<br>of non-compliance | = | \$ 1,875.00  |
| c) Mitigation Base Fee<br>(Town costs incurred by<br>Code Compliance)   | = | \$ 709.19    |
| Total   | = | \$ 5,709.19  |

## TOWN OF DAVIE MITIGATION GUIDELINES

### FINE AMOUNT

### RECOMMENDATION

**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**

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