



Legislation Details (With Text)

File #: 21-4376 **Name:** RESOLUTION NO. R2021-21 (CODE COMPLIANCE FINE REDUCTION FOR 2635 YARMOUTH DRIVE)

Type: Discussion Item **In control:** Village Council

On agenda: 4/27/2021 **Final action:**

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A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL COMPROMISING A LIEN ASSOCIATED WITH A CODE COMPLIANCE ACTION NOH-15-750, 2635 YARMOUTH DRIVE, PURSUANT TO SECTION 2-199 OF T

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Code sections:

Attachments: 1. 1. Resolution R2021-21 (1).pdf, 2. 2. 7 NOH-15-750 Fine Reduction Request

Date	Ver.	Action By	Action	Result
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ITEM: RESOLUTION NO. R2021-21 (CODE COMPLIANCE FINE REDUCTION FOR 2635 YARMOUTH DRIVE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL COMPROMISING A LIEN ASSOCIATED WITH A CODE COMPLIANCE ACTION NOH-15-750, 2635 YARMOUTH DRIVE, PURSUANT TO SECTION 2-199 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

REQUEST: Consideration of the request for reduction of a lien associated with code compliance action NOH-15-750, 2635 Yarmouth Dr., Resolution No. R2021-21, of Paula Bernstein and Barry Bernstein's settlement in the amount of \$2,500.00.

EXPLANATION: Property owners, Paula Bernstein and Barry Bernstein, submitted a fine reduction application seeking a reduction of liens associated with a compliance action. The Bernsteins submitted an initial settlement offer in the amount of \$0. Staff reviewed the application and offered a settlement in the amount of \$33,696.00, a reduction from the original amount of \$168,275.79. The Bernsteins declined Wellington's offer and submitted a counter offer in the amount of \$2,500.00. A copy of the reduction application is attached. The Village Council's authority to reduce a lien is found in Wellington Code of Ordinances Section 2-199, "a lien arising from a fine imposed pursuant to this article runs in favor of the village council, and the village council may execute a satisfaction or release of lien entered pursuant to this article."

Code Compliance case NOH-15-750 was initiated based on a proactive inspection. The initial inspection was conducted on October 29, 2014. The Courtesy Violation Notice was issued on November 10, 2014, providing

30 days to address three expired building permits; 99-4261 pool/spa, 00-5215 electrical, and 03-6130 mechanical air conditioner change out. A subsequent inspection found the issues were not corrected.

The Notice of Violation/Notice of Hearing was issued on November 17, 2014, providing a compliance date of December 3, 2014, and a potential hearing date of January 15, 2015. The certified mail was not returned and the property was posted on December 15, 2014.

The action was presented to the Special Magistrate on January 15, 2015. The Special Magistrate found the owners in violation and ordered compliance on or before January 30, 2015. The Magistrate ordered a potential fine in the amount of \$25.00 per day/per permit.

A follow up inspection found the violations were not corrected as ordered. A fine certification hearing was held on February 19, 2015. The Special Magistrate ordered a fine in the amount of \$25.00 per day/per permit commencing January 31, 2015.

On March 4, 2021, Ms. Bernstein contacted staff and explained that tenants were in the home and she was unaware of the violations or liens. Staff explained the violations and how to obtain a reduction once the violations were corrected. The building permits were finalized on March 23, 2021. Total fines, 2,243 days of non-compliance, \$168,225.00, costs incurred \$50.79, total lien \$168,275.75.

BUDGET AMENDMENT REQUIRED: NO

PUBLIC HEARING: NO **QUASI-JUDICIAL:**

FIRST READING: **SECOND READING:**

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: N/A

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Consider the request for reduction of a lien associated with code compliance action NOH-15-750, 2635 Yarmouth Dr., Resolution No. R2021-21, of Paula Bernstein and Barry Bernstein's settlement in the amount of \$2,500.00