



Legislation Text

File #: 21-4666, Version: 1

ITEM: RESOLUTION NO. R2021-52 (CODE COMPLIANCE LIEN REDUCTION FOR 1141-1143-1145-1147 GOLDENROD RD)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL COMPROMISING LIENS ASSOCIATED WITH A CODE COMPLIANCE ACTIONS NOH-09-3646, NOH-14-2046, NOH-15-226, AND NOH-19-1369 FOR 1141-1143-1145-1147 GOLDENROD ROAD, PURSUANT TO SECTION 2-199 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

REQUEST: Request for reduction of liens associated with code compliance actions NOH-09-3646, NOH-14-2046, NOH-15-226, and NOH-19-1369 for 1141, 1143, 1145, and 1147 Goldenrod Rd (Resolution R2021-52). Council consideration of Mr. Scott Epstein's settlement offer in the amount of \$3,500.00.

EXPLANATION: Property owner, Scott Epstein, submitted a lien reduction application seeking a reduction of liens associated with four (4) Code Compliance actions for the property at 1141-1143-1145-1147 Goldenrod Road. A copy of the reduction application is attached. Mr. Epstein submitted a settlement offer in the amount of \$3,500.00. Wellington offered a settlement in the amount of \$29,129.79, a reduction from the original total lien amount of \$144,726.52. Mr. Epstein declined the settlement offer and requested Council consideration. 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."

The four (4) Code Compliance Actions summarized in the following table are detailed below.

Compliance Action	Total days of non-compliance	Total Lien
NOH-09-3646	124	\$2,965.36
NOH-14-2046	1,132	\$130,149.16
NOH-15-226	117	\$11,565.35
NOH-19-1369	0	\$45.65
TOTAL	1,373	\$144,725.52

Code Compliance action NOH-09-3646 was initiated based on a proactive inspection. The initial inspection was conducted on August 31, 2009. The Notice of Violation/Notice of Hearing was issued on September 11, 2009, providing 30 days to address stains on the sidewalk and parking area, broken gate, and dead trees. The certified mail was returned unclaimed and the notice was posted on the property as outlined by Ordinance. Subsequent inspections found the sidewalk, parking area cleaned, and fence repaired but the dead trees remained.

The action was presented to the Special Magistrate on December 10, 2009. The Special Magistrate found the property in violation and ordered correction on or before January 21, 2010, to correct the violations and outlined a potential fine of \$50.00 per day. The owner was not present. A follow up inspection on January 25, 2010, found the violation uncorrected.

The violations were not corrected and the action was presented to the Special Magistrate on February 18, 2010. The Magistrate ordered a fine in the amount of \$50.00 per day/per violation commencing on January 22, 2010. The property was found in compliance on May 26, 2010. Total fines 124 days of non-compliance, \$2,965.36, costs incurred were paid for the owner to receive a partial lien release.

Code Compliance action NOH-14-2046 was initiated based on a proactive inspection. The initial inspection was conducted on March 24, 2014. The Courtesy Notice was issued on April 1, 2014, providing 30 days to address rear gate broken, trash containers not screened, motorcycle parked in side yard, broken windows, above ground pool, vines and stains on the fence, dead and bare areas in the lawn, and invasive Scheffleras and Brazilian Pepper. The property owner responded to the notice.

A follow up inspection identified only the gate repaired. The Notice of Violation/Notice of Hearing was issued on July 10, 2014, providing a compliance date of August 10, 2014. The certified mail was returned unclaimed and the notice was posted on the property as outlined by Ordinance.

The action was presented to the Special Magistrate on August 21, 2014. The Special Magistrate found the property in violation and ordered correction on or before September 18, 2014, a potential fine of \$50.00 per day/per violation was ordered. The owner was not present. A subsequent inspection found the violations were uncorrected. The fine certification hearing was held on October 16, 2014. The Magistrate found the property in violation and ordered a fine in the amount of \$50.00 per day/per violation commencing September 19, 2014. Staff was in contact with the homeowner. A subsequent inspection on February 17, 2015, found vines removed from the fence, and pool removed. A follow up inspection on March 27, 2014, identified the fence cleaned. The remaining violations were corrected on October 24, 2017. Total fines 1,132 days of non-compliance, \$129,965.35, costs incurred \$183.81, total lien \$130,149.16.

Code Compliance action NOH-15-226 was initiated based on a proactive inspection. The initial inspection was conducted on December 23, 2014. The Notice of Violation/Notice of Hearing was issued on January 14, 2015, providing 30 days to address, stained walls, siding, roof and trim, house hold items, broken windows, landscaping issues, and a broken gate. A subsequent inspection found the issues not corrected. The certified mail was returned unclaimed and the notice was posted on the property as outlined by Ordinance. Follow up inspection found the walls, siding, roof, and trim stained. Rear gate broken and landscaping issues were not corrected. The case was presented to the Special Magistrate on March 19, 2015. The Magistrate found the property in violation and ordered compliance on or before April 16, 2015. A potential fine of \$50.00 per day/violation was ordered. The owner was not present at the hearing.

Follow up inspections found the sidewalk and parking area cleaned, window replaced and the gate repaired, all other violations remained. The action was heard by the Special Magistrate on May 21, 2015. The Magistrate ordered a fine in the amount of \$50.00 per day/per violation commencing April 17, 2015. The property was found in compliance on August 12, 2015. Total fines for 117 days of non-compliance, \$11,565.35, costs incurred were previously paid. Total lien in the amount of \$11,565.35.

Code Compliance action NOH-19-1369 was initiated based on a proactive inspection. The initial inspection was conducted on January 22, 2019. A courtesy notice was issued to address stained roof, trim, walls, fence, broken light fixture, unscreened trash containers, and landscape issues. A subsequent inspection found work was in progress and the code officer contacted the owner. Follow up inspections found multiple issues remained, landscaping violations, stained parking stalls, and trash containers not screened.

The Notice of Violation/Notice of Hearing was issued on March 19, 2019 providing 30 days to address the remaining issues. A subsequent inspection found, the parking area and trash container issues corrected. The certified mail was returned unclaimed and the notice was posted on the property as outlined by Ordinance. The case was presented to the Special Magistrate on March 16, 2015. The Magistrate found the property in violation and ordered compliance on or before June 20, 2019. A potential fine of \$25.00 per day was ordered.

The owner was not present at the hearing. The remaining violations were corrected and only costs in the amount of \$45.65 are owed.

Four combined liens total \$144,725.52.

BUDGET AMENDMENT REQUIRED: NO

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

FIRST READING: YES **SECOND READING:** N/A

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: N/A

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Request for reduction of liens associated with code compliance actions NOH-09-3646, NOH-14-2046, NOH-15-226, and NOH-19-1369 for 1141, 1143, 1145, and 1147 Goldenrod Rd (Resolution R2021-52). Council consideration of Mr. Scott Epstein's settlement offer in the amount of \$3,500.00.