



Agenda Item Summary

File ID: 18-0712

CNST-9

Meeting Date: 9/11/2018

PLACEMENT: Consent

TITLE:

REQUEST FOR FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF JEANINE JOHNSTON

EXECUTIVE SUMMARY:

Pursuant to the provisions of Section 1.98.B, General Ordinance, Martin County Code, the Board of County Commissioners is asked to consider approval of a Fine Reduction and Agreed Recommended Order regarding the Code Enforcement case of Jeanine Johnston.

DEPARTMENT: Building

PREPARED BY: **Name:** Dawn Matias
Title: Business Operations Manager

REQUESTED BY: Leisure Village, Inc. of Stuart

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

A. Code Enforcement Statistics - Fiscal Year 2017

During fiscal year 2017, the Code Enforcement Division responded to approximately 7,231 Requests for Service (Investigations) of which approximately 97.8% (7,073) were resolved prior to the close of the fiscal year. Over this same period of time, the Code Enforcement Division resolved a total of 7,424 Code Enforcement cases.

Of those 7,231 code enforcement investigations, 4,045 of these investigations were directly related to alleged violations of the Martin County Code(s). Over the course of the fiscal year, the Magistrate ultimately issued compliance orders which could result in an accruing fine/lien upon property for 77 of the code enforcement actions.

During fiscal year 2017 a total of 15 fine reduction recommendations were forwarded from the Code Enforcement Magistrate to the Board of County Commissioners in accordance with Martin County Code and the average fine reduction equated to approximately 7.15% of the face value of the fine.

B. Leisure Village, Inc. of Stuart Fine Reduction Request:

The attached Fine Reduction Stipulation and Agreed Recommended Order involves property located at 256 SE Trafalgar Terrace, Stuart, within Leisure Village.

On June 17, 2009, the Code Enforcement Magistrate issued an Order Finding Violation to Respondent Jeanine Johnston for a violation of Section 105.1 Florida Building Code (FBC) - Required, as incorporated by Section 21.1, General Ordinances, Martin County Code for construction without a permit. Compliance was required by July 20, 2009. On October 9, 2009, an Affidavit of Non-Compliance was issued. To date, compliance has not been achieved and the assessed costs of \$575.00 have not been paid.

The Respondent died on November 17, 2014. Pursuant to the February 17, 2017 Order of Summary Administration, the homestead property of the Respondent was distributed to the Respondent's daughter Yolanda Barfield.

Ms. Barfield is willing to convey the mobile home to Leisure Village, Inc. of Stuart (hereinafter Leisure Village) as well as terminate her rights, title and interest to the Proprietary Lease and the Stock Certificate. Leisure Village is amenable to the conveyance and to bringing the property into compliance in consideration for a fine reduction.

Staff has determined that consideration of a fine reduction is warranted based upon Leisure Village's agreement to pay the outstanding costs of \$575.00 within 30 days of the date of approval of the fine reduction by the Board of County Commissioners. In addition, Leisure Village has agreed to either remove the room addition and the windows replaced without permits, or in the alternative to apply for and receive the required permits for retaining the addition and the windows. The permits shall be applied for within 90 days of the date of approval of the fine reduction by the Board of County Commissioners and all work completed and required final inspections received by September 30, 2019. In its evaluation of this matter, staff has considered the \$14,550 assessed value of the property.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board accept the Magistrate's recommendation that the lien on the property be reduced to \$575.00 and accepted as full payment, subject to payment within thirty (30) days of the Board's approval. In the event said amount is not paid within thirty (30) days, the fine should revert to the accrued amount prior to the reduction. In addition, the removal of the room addition and the windows replaced without permits, or in alternate the required permits for retaining the addition and windows shall be applied for within 90 days of the date of approval of the fine reduction by the Board of County Commissioners and all work completed and required final inspections received by

September 30, 2019.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda.
Provide staff with further directions.

FISCAL IMPACT:

RECOMMENDATION

None

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☐ Resolution
☐ Other: