

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
March 4, 2020

Agenda Item:

Consider a lien mitigation request from Racetrac Petroleum, Inc., relating to the property at 22350 S Tamiami Trail, located at the corner of U.S. 41 and Galloway Ford Drive, just North of Coconut Point Ford.

Description:

This agenda item was heard at the February 19, 2020 Council meeting and continued until March 4th to ensure that there were no other sign violations and to further discuss the mitigation amount. The staff has inspected the site on the afternoon of February 19th and found no sign violations. The staff will return for a reinspection prior to the March 4th Council meeting. The attorney for Racetrac has sent a letter to the Village which is attached for your information. At the March 4th meeting, the attorney offered a payment of \$10,000.00 plus administrative costs for mitigation. Council requested the staff provide a recommendation at the continued meeting. Staff is recommending \$12,000 plus administrative costs, which is agreed to in the attached letter from Racetrac's attorney.

Background:

The owner acquired the commercial property at 22350 S Tamiami Trail in 2015. The owner was cited in March, 2017 for window signage exceeding the allowed 30% coverage of the window glass surface area. A hearing was held on August 17, 2017. The owner was not present. The Special Magistrate imposed a fine beginning in October, 2017. A code enforcement lien in the amount of \$188,581.50 has accrued based on 753 days of lien accumulation at \$250 a day (the maximum available under state law).

The owner said they were unaware of any code violations until a newspaper reporter contacted them in October, 2019. The owner has alleged that while notice was provided to Racetrac corporate, such notice was not provided consistent with the requirements of state law. Upon receiving notice of the violation from the press the property was quickly brought into compliance on November 8, 2019.

Pursuant to prior direction of Council, liens in excess of \$100,000 must be approved by the Village Council. The case for fine review was heard by the Special Magistrate on December 19, 2019. The Special Magistrate recommended a mitigation amount of approximately \$75,000.00 or a reduced fine of \$100 per day for the 753 days. Under the Council's prior direction a 10 % for commercial properties reduction would be \$18,858.00.

At the meeting on February 19th, Racetrac offered to pay a mitigation amount of \$10,000.00 plus administrative costs. The Council discussed the amount and continued the hearing pending a recommendation from staff.

Action Requested:

Approve the lien mitigation request releasing any outstanding liens against the Property in exchange for payment of a reduced fine of \$12,000 and \$331.50 for administrative costs.

Financial Impact:

The Village will recover its out-of-pocket costs for the Code Enforcement Case against the Property.

Attachments:

1. Letter from Racetrac Attorney dated February 21, 2020
2. Code Enforcement Case Overview
3. Request for Fine Review
4. Special Magistrate Order Finding Violation
5. Special Magistrate Order of Imposition of Fine