

# ATTACHMENT 1

# PAVESE LAW FIRM

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February 21, 2020

Derek Rooney, Esquire  
GrayRobinson Law Firm  
1404 Dean Street, Suite 300  
Fort Myers, Florida 33901

Via email: [derek.rooney@gray-robinson.com](mailto:derek.rooney@gray-robinson.com)

RE: RaceTrac Petroleum, Inc. - 22350 S. Tamiami Trail, Estero, Florida  
STRAP No. 04-47-25-E1-53000.0010  
Case No. 17060006 - Mitigation of Lien Request  
Our File #82256.034

Dear Mr. Rooney:

Thank you for taking the time to speak with me yesterday.

As you and I discussed, at the Village Council hearing on February 19, 2020, RaceTrac requested that RaceTrac's approximately \$188,000<sup>00</sup> lien be mitigated to \$7,500<sup>00</sup>. RaceTrac requested this reduction because RaceTrac had not received proper notice of the violation and the accruing fine. In fact, as soon as RaceTrac's corporate office was made aware of the violation and accompanying fine (coincidentally not by the Village, but rather by a phone call from a reporter asking why a large fine was accruing for such a minor violation) RaceTrac immediately requested the paperwork for the violation and removed the offending sign in less than a week's time. This was RaceTrac's first violation. Please understand, RaceTrac did not flaunt the regulations or disagree with them. Simply put, RaceTrac didn't know that the offending sign was too big for the window.

Also at the hearing, RaceTrac was informed that there were prohibited signs on the property (of which notice had not been provided to RaceTrac until the hearing). During the Council's discussion, Councilman Levitan also suggested that RaceTrac should now be required to apply to the Village for pre-approval of any future signs. The Village Council tabled further discussion for two weeks until the prohibited signs could be addressed and a new proposal worked out with the Village Staff. At the request of Code Compliance Manager, Stanley Knight, I went to the store with him after the meeting. He informed the onsite manager that the two small sandwich boards outside the front door were not permissible, and that the printed tubes around some of the parking bollards were also impermissible. RaceTrac immediately removed the offending signs, bringing the site into compliance within minutes.

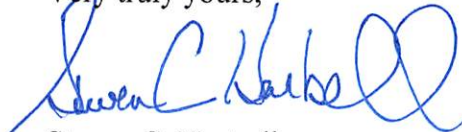
Having resolved the compliance as requested, RaceTrac revises its prior offer as follows:

1. RaceTrac shall ensure that the property remain in compliance with all Village sign requirements;

2. RaceTrac has provided the Village Code Compliance Manager with the contact information for RaceTrac Operations Supervisor Cory Lewallen at (678) 665-2999 ([CLewallen@racetrac.com](mailto:CLewallen@racetrac.com)) and RaceTrac's Associate General Counsel Loren Friedman at (770) 431-7600, ext. 4112 ([LFriedman@racetrac.com](mailto:LFriedman@racetrac.com)) so that if any future code enforcement issues arise they can be directly and expeditiously addressed and resolved;
3. RaceTrac shall pay \$12,000<sup>00</sup>, plus costs, in full mitigation of the fine to release the lien; and
4. RaceTrac agrees that before any new outdoor signs are put into place, it will obtain a permit where a permit is required. If no permit is required then RaceTrac agrees that for one full year from the lien mitigation date, 10 days before placing any sign outside, RaceTrac will notify the Village in writing of any plans to place a sign outside of the store and request approval from the Village Code Compliance Manager. If the Village does not respond to RaceTrac within 10 days that the sign is prohibited, then RaceTrac may proceed in accordance with the Village's sign requirements.

Above all, as I indicated at the meeting, RaceTrac wants to be a good corporate citizen of Estero and hopes that this revised offer allows the lien mitigation to be resolved amicably and that they may continue to operate cooperatively within the Village.

Very truly yours,



Steven C. Hartsell

SCH:llp

cc: Loren Friedman, Associate General Counsel ([LFriedman@racetrac.com](mailto:LFriedman@racetrac.com))  
Cory Lewallen, Operations Supervisor ([CLewallen@racetrac.com](mailto:CLewallen@racetrac.com))