



Legislation Text

File #: 20-62, Version: 1

CITY COUNCIL AGENDA ITEM

Memo Date: January 23, 2020
Agenda Date: February 26, 2020
Prepared By: Darla Crowl, Code Enforcement Coordinator
Through: Michael Cantaloupe, Police Chief
Requested Action:
Approve the Code Enforcement Lien for the property located at 315 Belmont Dr. be Reduced to \$2,000.00, as recommended by the Code Enforcement Board.

BACKGROUND:

CASE # 18-183

The Code Enforcement Board held a public hearing on **2/21/2019**, at which time the Board found the owner, **Di Bello, Francesco** in violation of the following:

Exterior General Condition Ch 6 Sec. 6-1003 (a), Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, Accessory Structures Ch 6 Sec. 6-1001 (g), Weeds, Ch 6 Sec. 6-1001(d)

The Code Enforcement Board provided the owner enough time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a lien was recorded against the property effective **4/18/19** The lien ran at **\$100.00** per day from **3/24/2019** until compliance was achieved on **11/25/2019**. Code records show onsite inspections were conducted with the attorney representing the family. The current owner, **Di Bello, Francesco Estate**, is requesting that the lien be reduced to **zero**, due to the fact that the owner is deceased, and the property is going through probate.

Staff utilized the following factors in making its recommendation to reduce the lien:

- Whether the current owner owned the property at the time the violation(s) occurred;
Yes
- The number of violations related to the subject lien; **Four**
- Number of Inspections performed: **10**
- The length of time the property was in violation **185 days - \$18,500**
- Previous Code Violations: **Yes, Case #17-340:** Sec. 6-1003 (b) protective treatment, 6-

900 (b) (9) parking in yard, 6-1001 (g) accessory structures, 6-900 (b) (1) a-d junk/debris, 6-900 (b) (8) unregistered vehicles, 6-900 (b) (9) parking in the yard and 6-902 (b) (1) (2) inoperable vehicles

- Property Taxes: **2019 are due, No outstanding Tax Bills**
- Other Liens: **Records show no outstanding liens on the property. No Water Liens**
- Property Inspection: **1/15/19 and was in compliance before Code Board Hearing. An inspection will occur prior to the Council Meeting**
- Any other mitigating circumstances: **Since the father became unable to care for the property Staff directed all conversations to Mario Di Bello**

The current market value of the subject property; the current market value is **\$132,970** according to the Brevard County Property Appraiser.

Staff submits their cost sheet for **\$1677.50** and recommends reducing the lien to City Cost which is close to 10% of the existing fine.

Staff's recommendation is based on the gravity of the violations, the amount of time it took the property to come into compliance, and the total amount of the fine

Per the City Code, this is only a recommendation to the City Council. If the Council reduces the amount owed, payment of the reduced amount is required within thirty (30) days of the Council's decision or the lien amount reverts back to the original amount owed, and a subsequent lien reduction request cannot be made for a one-year period of time.

STRATEGIC PLAN CONNECTION:

Crime, Image and Community Development

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

The Code Enforcement Board, at its regular meeting January 16, 2020, recommended that the lien be reduced to \$2,000.00.

RECOMMENDED MOTION:

Approve the Code Enforcement Lien for the property located at 315 Belmont Dr. be Reduced to

\$2,000.00, as recommended by the Code Enforcement Board.