

RESOLUTION NO. 22-02-16

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A REDUCTION OF LIEN IN CODE COMPLIANCE CASE NO. CEBDGC20190000273; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL NECESSARY AND EXPEDIENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the "Village") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, in accordance with Chapter 162, Florida Statutes and the Village Code of Ordinances (the "Code"), the Village recorded a code compliance lien in Case No. CEBDGC20190000273 against property located within the Village at 136 Stromboli Drive, Tavernier, Florida 33070 (the "Property"); and

WHEREAS, as of September 03, 2021, the lien totaled Sixty-Six Thousand Five Hundred Dollars (\$66,500.00); and

WHEREAS, the Village's Code Compliance Department has determined that the property was in compliance as of September 03, 2021; and

WHEREAS, on November 16, 2021, in accordance with Section 2-120 of the Village Code, the Village Code Compliance Hearing Officer, after hearing testimony, entered an "Order Reducing Fines" thereby reducing the lien total of Sixty-Six Thousand Five Hundred and 00/100 Dollars (\$66,500.00) by seventy-five percent (75%) to Sixteen Thousand Six Hundred Twenty-Five and 00/100 Dollars (\$16,625.00); and

WHEREAS, Section 2-120(s) of the Code provides that the Village Council may, for good cause shown, reconsider the decision of the Village Code Compliance Hearing Officer and reduce the fine below the fine reduction guidelines; and

WHEREAS, in determining good cause, the Village Council may consider the efforts of the owner to bring the property into compliance, the seriousness of the violation, prior violations, if any, the reduced lien amount approved by the Village Code Compliance Hearing Officer and any other relevant factors; and

WHEREAS, the Village Council finds that hearing of this Request for Reconsideration is appropriate in accordance with Chapter 162, Florida Statutes, and the Village Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Consideration of Reduction. After hearing the request and reconsideration of the matter, the Village Council hereby determines that there **is not** good cause shown to reduce the fine below the fine reduction guidelines. Based on the foregoing, the Village Council further recommends that the fine and lien amount **not** be reduced and that the full accrued fine amount of Sixty-Six Thousand Five Hundred and 00/100 Dollars (\$66,500.00) be reimposed by Code Compliance Hearing Officer.

Section 3. Authorization of Village Officials. The Village Manager is hereby authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilman David Webb, seconded by Councilman Mark Gregg.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA:

Mayor Pete Bacheler	YES
Vice Mayor Henry Rosenthal	NO
Councilman Mark Gregg	YES
Councilman Joseph B. Pinder III	NO
Councilman David Webb	YES

PASSED AND ADOPTED THIS 17th DAY OF FEBRUARY, 2022.



PETE BACHELER, MAYOR

ATTEST:



STEPHANIE CONDE, ACTING VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY