

RESOLUTION NO. 11-934

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; TO ACCEPT THE REQUEST OF GUARDIAN CARE SERVICES TO REDUCE THEIR ASSESSED CODE COMPLIANCE FINE FOR NON-COMPLIANCE OF CODE VIOLATION, CITATION NO. C2008-0787, ON THE PROPERTY LOCATED AT 5777 N.W. 151 STREET; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on September 11, 2008, the Town of Miami Lakes, (“Town”), Code Compliance Department, issued Citation No. C2008-0787 to Guardian Care Services (“Violator”); and

WHEREAS, on January 26, 2009, at a hearing, the Special Master provided Violator 60 days to comply with Citation No. C2008-0787; and

WHEREAS, June 9, 2009, an Order imposing fines was signed, providing that Violator pay civil penalties of \$500.00 and comply with the Citation within 60 days of Order, or pay an additional \$500.00 per day; and

WHEREAS, the violation as per Citation No. C2008-0787 was corrected, but due to the deadline, Guardian Care Services was not in compliance with the Order, and incurred a total fine of \$13,162.56; and

WHEREAS, the Town Manager has recommended a 50% reduction in the fine; and

WHEREAS, Guardian Care Services has requested that the Town further reduce the fee; and

WHEREAS, the Town Council wishes to approve a reduction of the fine to the amount of the costs incurred, which is \$735.80, which must be paid within 60 days; and

WHEREAS, the Violator has agreed to sign a release of the Town from any claims relating to the Citation as a condition of the reduction.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

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

Section 2. Reduction of Fine. The civil penalty fine for Code Compliance Case No. C2008-0787 is reduced to \$735.80, subject to Guardian Care Services paying the reduced amount no later than 60 days from the effective date of this Resolution. The Town Manager is authorized to execute appropriate documents, including obtaining a release and waiver by the Violator, Guardian Care Services, for any and all claims relating to the citation and this reduction regarding the property located at 5777 N.W. 151 Street.

Section 3. Conditions. In the event the reduced fine is not paid within sixty (60) days of the effective date of this Resolution, the original fine amount shall be re-instated and continue to accrue interest as if this Resolution had not existed.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 13 day of September, 2011.

Motion to adopt by Councilmember Mestre, second by Councilmember Collins.


FINAL VOTE AT ADOPTION

Mayor Michael Pizzi	<u>Yes</u>
Vice Mayor Nick Perdomo	<u>Yes</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Nelson Hernandez	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Richard Pulido	<u>Absent</u>



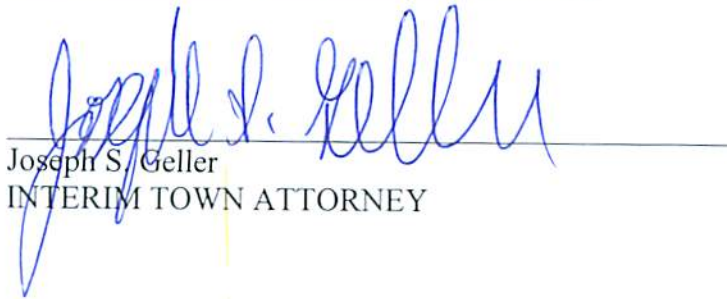
Michael Pizzi
MAYOR

ATTEST:



Marjorie Tejada
TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:



Joseph S. Geller
INTERIM TOWN ATTORNEY