

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-1

AGENDA ITEM SUMMARY

Meeting Date: November 21, 2006

☒ Consent

☐ Regular

☐ Workshop

☐ Public Hearing

Department: Office of Financial Management and Budget

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve a negotiated settlement offer in the amount of \$3,200.00 for the full satisfaction of a Code Enforcement Lien that was entered against Robert J. Smith on January 31, 2004.

Summary: The Code Enforcement Special Master (CESM) entered an Order on June 4, 2003 giving Robert J. Smith until October 2, 2003 to obtain a change of use permit for a single family unit, which was converted to and being used as a veterinary hospital. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$50.00 per day was imposed. The CESM then entered a claim of lien against Robert J. Smith on January 31, 2004. The cited code violations were fully corrected as of May 12, 2004. The total accumulated lien amount through September 30, 2006, the date settlement discussions began, totaled \$15,876.67, of which Robert J. Smith has agreed to pay the County \$3,200.00 (20.2%) for full settlement of his outstanding Code Enforcement Lien. (District 6) (PM)

Background and Policy Issues: The initial violation that gave rise to this code enforcement case was for converting and utilizing a single family home as a veterinary hospital without a required change of use permit. The Special Master gave Mr. Smith until October 2, 2003 to obtain compliance or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on October 15, 2003 confirmed that the property was still not in compliance and that the required use change permit had not been obtained. A code lien was then entered against Robert J. Smith on January 31, 2004. The Collections Section of OFMB was recently contacted by Mr. Smith's planning & zoning consultant who assisted him through the process to discuss a settlement of the outstanding code lien. The Collections Section of OFMB, after careful review, evaluation, and discussions, agreed to present the proposed settlement offer in the amount of \$3,200.00 to the Board for approval.

(Continued on Page 2)

Attachments:

Recommended by:


Department Director

11/9/06
Date

Approved by:


County Administrator

11/13/06
Date

Background and Policy Issues Continued
Page 2

The mitigating factors considered during our review and evaluation are as follows:

1. The single family home, previously owned by another veterinarian who had built and resided in the home, became the home of Dr. Smith when the former owner and Dr. Smith's boss retired. Dr. Smith continued the practice and resided on the property until he purchased a new home to live in with his family. However, he still continued to use his former home solely as a veterinary office, which, for that sole purpose, required a change of use permit and some building modifications to comply with ADA regulations for businesses. Dr. Smith then hired a planning and zoning consultant to assist him with obtaining the required use changes and an architect to work on plans for the required building modifications. Although getting all of the issues resolved took longer than the time given to him by the CESM, documents and records show that Dr. Smith, his consultant, and architect were working proactively to resolve the matter.
2. The change of use issue only became an issue when Dr. Smith moved his primary residence off of the property, which, in turn, triggered the need to obtain a use change for the business use as the primary use.
3. The change of use designation from a single family home to a veterinarian office required the relocation of interior walls and the addition of a restroom to comply with ADA requirements. Several architectural design plans were drafted for the interior reconfiguration. The design plans, together with several meetings with building officials regarding the changes, contributed to Dr. Smith's delays in meeting all the CESM's requirements for compliance.
4. The gravity of the violations, together with the fact that there were no life/safety issues involved, warrants consideration of a reduction of Dr. Smith's substantial lien amount.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violations were corrected as of May 12, 2004 and that the property is in full compliance with the CESM's Order. Further, the cited violation did not involve any health/safety issues.

Settlement offers that reduce any debt amount due to Palm Beach County by more than \$2,500 require the approval of the Board of County Commissioners, per Countywide PPM# CW-F-048. This settlement offer exceeds the \$2,500 limit and requires Board approval.

In light of the above stated circumstances, Staff believes that the proposed settlement is fair and in the best interest of Palm Beach County.

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$3,200)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$3,200)</u>	_____	_____	_____	_____

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes _____ No X
Budget Account No.: Fund 0001 Department 600 Unit 6241 Object 5900


Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

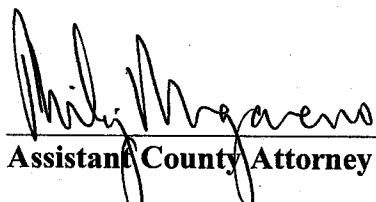
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:


OFMB
CN 11-9-06

N/A
Contract Dev. and Control

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment