

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

36-2

AGENDA ITEM SUMMARY

Meeting Date: April 15, 2008

Consent
 Workshop

Regular
 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 \$15,000.00 for the full satisfaction of a Code Enforcement Lien that was entered against Alexander Braverman on October 4, 2006.

Summary: The Code Enforcement Special Master (CESM) entered an Order on February 1, 2006 giving Mr. Braverman until April 2, 2006 to secure all open and accessible structures, to clean up the overgrown trees, vegetation, trash, and debris, and to repair the deteriorating wood on the structure, and fence on the property. 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 Alexander Braverman on October 4, 2006. The cited code violations were fully corrected as of May 1, 2007. The total accumulated lien amount through October 15, 2007, the date settlement discussions began, totaled \$25,623.94, of which Alexander Braverman has agreed to pay the County \$15,000.00 (58.5%) for full settlement of his outstanding Code Enforcement Lien. (District 2) (PGE)

Background and Policy Issues: The initial violations that gave rise to this code enforcement case were for open and accessible structures, overgrown trees, vegetation, trash and debris and deteriorating wood on the structures and fence on the property. The Special Master gave Alexander Braverman until April 2, 2006 to obtain compliance or a fine of \$50.00 per day would begin to accrue. A follow-up inspection by Code Enforcement on April 3, 2006 confirmed that the property was still not in compliance. A code lien was then entered against Alexander Braverman on October 4, 2006. The Collections Section of OFMB was recently contacted by Mr. Braverman to discuss a settlement of his 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 \$15,000.00 to the Board for approval.

(Continued on Page 3)

Attachments:

Recommended by:


Department Director

4-7-08

Date

Approved by:


County Administrator

4/8/08

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>20011</u>	<u>2012</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$7,875)</u>	<u>(\$4,500)</u>	<u>(\$2,625)</u>	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>(\$7,875)</u>	<u>(\$4,500)</u>	<u>(\$2,625)</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

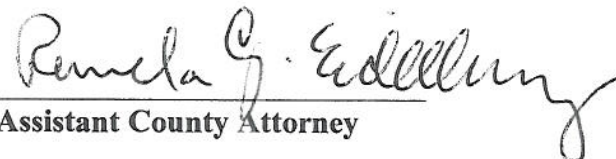
A. OFMB Fiscal and/or Contract Dev. and Control Comments:



OFMB

N/A
Contract Dev. and Control

B. Legal Sufficiency:



Assistant County Attorney

C. Other Department Review:

N/A
Department Director

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

Background and Policy Issues Continued
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The mitigating factors considered during our review and evaluation are as follows:

1. Mr. Braverman purchased the subject property on March 16, 2005, with the intent to redevelop the property. Soon after he acquired the property, he discovered that, although a former business operated on the property, it was not zoned for the industrial use that he had planned. The property was cited with code violations on October 19, 2005, less than one (1) week before hurricane Wilma which caused additional damage to the property. After the hurricane it was almost impossible to get a contractor and the first estimate that he did receive was for \$33,000, which he did not have at the time due to his poor financial condition. By January, 2007, he was able to hire a contractor to do the work for \$17,500. The structure, fence, and dead trees and vegetation were completely removed from the property as of May 1, 2007 and full compliance with the CESM's Order was achieved.
2. During the early stages of the violations, Mr. Braverman was totally consumed with taking care of his mother who was battling cancer. She passed away on June 2, 2006.
3. The value of the subject property has plummeted sharply since Mr. Braverman's purchase and he now owes more on the mortgage than the property's market value. Further, the business that had originally been on the property had operated without the proper Zoning approval and was removed from the property prior to Mr. Braverman's purchase, which also had a negative impact on the property's valuation.
4. Mr. Braverman has agreed to pay the County \$6,000 as a down payment on the proposed lien settlement amount followed by monthly payments in the amount of \$375.00 until the unpaid settlement balance is paid off.
5. The gravity of the violations, together with the fact that there were no life/safety issues involved, warrants consideration of a reduction of his substantial lien amount.

An Affidavit of Compliance has been issued by Code Enforcement and states that the cited violations were corrected as of May 1, 2007 and that the property is in full compliance with the CESM's Order. Further, the cited violation did not involve any health, live or 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.