

36-8

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: September 10, 2019

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 \$60,000 for the full satisfaction of a code enforcement lien that was entered against Florida/Carolina Furniture Outlet Inc. on February 4, 2009.

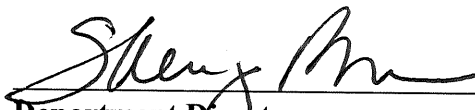
Summary: The Code Enforcement Special Magistrate (CESM) entered an Order on September 3, 2008 for property owned by Florida/Carolina Furniture Outlet Inc. giving them until December 1, 2008 to bring their property located at 3797 S Military Trail in Lake Worth into full code compliance. The property had been cited for multiple violations of the approved zoning site plan and property maintenance code for the subject property. Compliance with the CESM's Order was not achieved by the ordered compliance date and a fine in the amount of \$250 per day was imposed. The CESM then entered a claim of lien against Florida/Carolina Furniture Outlet Inc. on February 4, 2009. The total principal lien amount as of August 1, 2019 was \$175,006, of which Florida/Carolina Furniture Outlet Inc. has agreed to pay Palm Beach County \$60,000 (34%) for full settlement of their outstanding code enforcement lien. District 2 (SF).

Background and Justification: The initial violations that gave rise to this code enforcement lien were for multiple violations of the approved zoning site plan and property maintenance code for the subject property. The Special Magistrate gave Florida/Carolina Furniture Inc. until December 1, 2008 to bring the property into full code compliance or a fine of \$250 per day would begin to accrue. A follow-up inspection by the Code Enforcement Division on December 3, 2008 confirmed that the property was still not in compliance. A code lien was then entered against Florida/Carolina Furniture Outlet Inc. on February 4, 2009. The Collections Section of OFMB was recently contacted by Alfred J. Malefatto, Florida/Carolina Furniture Outlet Inc. attorney, on June 14, 2019 to resume settlement discussions on his client's code lien. Collections, after extensive review, evaluation, and discussions with the Code Enforcement Division, the County Attorney's Office and Florida/Carolina Furniture Outlet Inc.'s Attorney, has agreed to present a proposed settlement offer in the amount of \$60,000 to the Board for approval.

(continued on page 3)

Attachments: none

Recommended by:


Department Director

8/23/19
Date

Approved by:


County Administrator

9/5/19
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures					
Operating Costs					
External Revenues	(\$60,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$60,000)				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

Is Item Included In Current Budget? Yes _____ No X
 Does this item include the use of federal funds? Yes _____ No X

Budget Account No.: Fund 0001 Department 600 Unit 6241 Object 5900

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:

Jan 8/22/19
8/23/19
 OFMB
8/22/19
8/23/19
Raymond Hawker
 8/23/19
RCB

 N/A
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature]

 Assistant County Attorney

C. Other Department Review:

 N/A
 Department Director

Background and Justification Continued (Florida Carolina Furniture Outlet Inc.)

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The factors considered during staff's review and evaluation of this settlement are as follows:

1. The violations began in February 2008, during the economic recession and Florida/Carolina Furniture, due to financial issues, had to give up their off-site storage and moved it to the store's location. Also, there were some additional site plan violations involving the availability of all the required off-street parking spaces, parking lot striping, screening of dumpster from view and maintenance of the parking lot surface. The business owner has acknowledged they should have moved more quickly to resolve the open violations, but were limited due to financial issues and a family tragedy during the violations period which compounded and delayed compliance while the property was under the County's jurisdiction.
2. The County's daily code enforcement fines stopped accruing on November 1, 2010, the date the subject property was annexed into the City of Greenacres. Once annexed, the County's code enforcement jurisdiction and oversight stopped and any code enforcement violations pertaining to the subject property then moved under the control of the city.
3. The code violations did not pose a negative or detrimental impact to the neighboring and surrounding business owners.
4. The subject property is currently in the process of being sold and some of the proceeds from the sale will be used to pay the proposed negotiated lien settlement.
5. None of the cited code violations in this case involved any life/safety issues.

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

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.