

3G-1

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 13, 2021

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 \$34,316 for the full satisfaction of a code enforcement lien that was entered against Smigiel Partners VII Ltd. on January 5, 2007.

**Summary:** The Code Enforcement Special Magistrate (CESM) entered an order on April 5, 2006 for the property owned by Smigiel Partners VII Ltd., providing them until August 3, 2006 to bring their property located at 8543 Boynton Beach Blvd., Boynton Beach, FL into full compliance. The property had been cited for 1) mobile homes, electrical work, plumbing work, canopy, signage, shade enclosure, paving parking area without permits. 2) Use of nursery, produce, and other business stands without obtaining zoning approval. 3) Outdoor storage of trash and debris, appliances, construction yard, vehicles, RV, trailers, and other miscellaneous items. 4) Signage not labeled with permit number. 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 Smigiel Partners VII Ltd. on January 5, 2007. The Code Enforcement Division issued an Affidavit of Compliance (AOC) for the property on December 19, 2006 stating that the cited code violations had been fully corrected. The total accrued lien amount through April 9, 2021, the date on which settlement discussions began, totaled \$89,166.74. Smigiel Partners VII Ltd. have agreed to pay Palm Beach County \$34,316 (38%) for full settlement of their outstanding Code Enforcement lien. District 5 (SF)

**Background and Justification:** The violations that gave rise to this Code Enforcement lien were for 1) mobile homes, electrical work, plumbing work, canopy, signage, shade enclosure, paving parking area without permits. 2) Use of nursery, produce, and other business stands without obtaining zoning approval. 3) Outdoor storage of trash and debris, appliances, construction yard, vehicles, RV, trailers, and other miscellaneous items. 4) Signage not label with permit number. The Special Magistrate provided Smigiel Partners VII Ltd. until August 3, 2006 to bring their property into full code compliance or a fine of \$250 per day would begin to accrue. The Code Enforcement Division issued an Affidavit of Compliance for the property on December 19, 2006 stating the cited code violations had been corrected. The Collections Section of OFMB was first contacted by Henry B. Handler, Esq., Legal Representative for Smigiel Partners VII Ltd. on April 9, 2021 to discuss a settlement. Collections, after extensive review, evaluation, and discussions with Code Enforcement Division and the County Attorney's Office, has agreed to present the proposed settlement offer in the amount of \$34,316 to the Board for approval.

(Continued on page 3)

Attachments: none

Recommended by: Henry B. Handler Date 6/23/2021  
Department Director

Approved by: R. Baker Date 6/27/21  
County Administrator

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures					
Operating Costs					
External Revenues	(\$34,316)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(\$34,316)				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

Is Item Included In Current Budget? Yes X No       
 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:**

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**III. REVIEW COMMENTS**

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

*Lisa Martin* 6/24/21  
 OFMB 6/23/21  
*RW* 6/21/21 *WJG* 6/21/21  
 6/26/23

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 (Smigiel Partners VII Ltd.) Page 3**

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

1. The violations that resulted in a Code Enforcement lien being placed against Smigiel Partners VII Ltd. were for 1) mobile homes, electrical work, plumbing work, canopy, signage, shade enclosure, paving parking area without permits. 2) Use of nursery, produce, and other business stands without obtaining zoning approval. 3) Outdoor storage of trash and debris, appliances, construction yard, vehicles, RV, trailers, and other miscellaneous items. 4) Signage not label with permit number. A CESM hearing was held on April 5, 2006 and Smigiel Partners VII Ltd. was given until August 3, 2006 to achieve compliance. On August 4, 2006, the property was still not in compliance with the special magistrate order.
2. Code Enforcement case notes confirmed that the representatives for Smigiel Partners VII Ltd. were in contact with them from August through November 2006. Mr. Frogner, who oversaw the project, took proper measures to reach compliance. More specifically, Mr. Frogner submitted an application to the Zoning Department and when he received the determination from the department that the property's historic comprehensive commercial use was no longer permitted, he notified the Business Operator who immediately stopped all of the operations and discontinued the prohibited activities by removing the mobile homes, the RV, the trailers, and all other prohibited miscellaneous items.
3. The cited violations had been fully corrected and an Affidavit of Compliance was issued by Code Enforcement stating that the cited code violations were fully corrected as of December 19, 2006. Further, the cited violations did not involve any life/safety issues.
4. The owner is in the process of selling their investment property and the proposed \$34,316 settlement amount will be paid from proceeds of the sale.

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.