

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 22, 2023

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 \$54,616.00 for the full satisfaction of two code enforcement liens entered against Top Cut Lawn Services North, LLC on July 10, 2019.

Summary: The Code Enforcement Special Magistrate (CESM) executed an order on August 24, 2018 for two adjacent properties owned by Top Cut Lawn Services North, LLC (Top Cut Lawn), giving it until February 28, 2019 to bring their property located at 6723 Park Ln W and 6845 Park Lane Rd, Lake Worth, Florida into full code compliance. The two properties were cited for landscape service operations without zoning approval and construction without a building permit. Compliance with the CESM’s order was not achieved, and a fine of \$250 per day for each case/property was imposed. The CESM executed two orders imposing the code liens against Top Cut Lawn Services North, LLC on July 10, 2019. The Code Enforcement Division (Code Enforcement) issued affidavits of compliance for both properties on April 18, 2022. The total fine on January 5, 2023 was \$546,157.10, the date on which settlement discussions began. Top Cut Lawn has agreed to pay Palm Beach County \$54,616 (10%) for full settlement of its outstanding code enforcement liens. District 6 (RS)

Background and Policy Issues: The properties were cited for landscape service operations in the Agricultural Residential zoning district without approval. In addition, two barns were constructed and electrified without required building permits. Prior to the hearing held on July 18, 2018, the parties requested to resolve the matter by way of an Agreed Order. The CESM granted the signed order stating that Top Cut Lawn had agreed to correct the issues by February 28, 2019. Top Cut Lawn’s attorney was present at the hearing. A follow-up inspection by Code Enforcement on March 8, 2019 confirmed non-compliance. The orders imposing the two code liens were executed on July 10, 2019.

The negotiation between Top Cut Lawn and Collections initially began in 2022 but ended because the two parties were unable to reach an agreement. Top Cut Lawn’s attorney, Mr. Michael Weimer, resumed discussions with the Collections Section of OFMB in January of 2023 and finalized the settlement of the code liens on May 22, 2023. These are non-homestead properties.

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

Attachments: none

Recommended by: Sherry M 7/25/2023
Department Director Date

Approved by: W Baker 7/27/23
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures					
Operating Costs					
External Revenues	(54,616)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(54,616)				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

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

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:

Sum Mate 7/25/23
OFMB 9A 7/25
CB 7/25 MYS 7/25/23

N/A
 Contract Dev. and Control

B. Legal Sufficiency:

 *7/24/23*
 Assistant County Attorney

C. Other Department Review:

N/A
 Department Director

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