

**Town of Palm Beach
Code Enforcement Board
Minutes**

Thursday, December 17, 2015, 2:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Joan Dunn, Secretary to the Code Enforcement Board at (561) 227-6388. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order:(01:59:22 PM)

II. Roll Call:(01:59:35 PM)

Upon roll call, the following Board members were present: Chairman Harris S. Fried, Vice Chairman James Ballentine, Members Madelyn Greenberg, Cynthia Van Buren, Robert G. Donnelley, Matthew Natale, Scotch Peloso and Alternate Member Jay N.Nisberg.

Staff present: Town Attorney John Randolph, Code Enforcement Officer John Moriarty, Road Patrol Officer Craig Newby and Recording Secretary Joan Dunn.

III. Approval of the Minutes of November 19, 2015:(01:59:59 PM)

MOTION BY MS. GREENBERG TO APPROVE THE NOVEMBER 19, 2015 MINUTES

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(02:00:12 PM)

The Town staff were sworn in by Recording Secretary Dunn.

Code Officer Moriarty presented the statistical information about the Code Enforcement actions for the past month.

V. Public Hearings:

A. Case # CE 15-1068, 302 S. County Rd., Sheldon L. Kramer & Savecard Advertising

Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, solicitation without a permit

Code Enforcement Officer Moriarty presented the case and submitted evidence into the record. Road Patrol Officer Newby gave his testimony in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the \$250.00 fine.

Jamie Tomas, complainant in the case, gave her testimony in the case.

The violator was not present at the hearing and there was a finding of proper notice.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 15-1031, 212 Oleander Ave., JLZ Realty South LLC & Judy L. Zacher
Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, Business Tax Receipt required as enumerated in Chapter 114, Section 114-43

Code Enforcement Officer Moriarty presented the case and submitted evidence into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to obtain their Business Tax Receipt.

Mr. Fried disclosed that he does live in this building.

The violator was not present at the hearing and there was a finding of proper notice.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO OBTAIN THEIR BUSINESS TAX RECEIPT
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

The Board discussed adding a due date onto the last motion.

MOTION BY MR. NATALE TO RE-CONSIDER THE LAST CASE IN ORDER TO ADD A DUE DATE FOR OBTAINING A BUSINESS TAX RECEIPT

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO OBTAIN THEIR BUSINESS TAX RECEIPT BY JANUARY 18, 2016

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

C. Case # CE 15-1036, 330 Peruvian Ave., Love III LLC

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, Business Tax Receipt required as enumerated in Chapter 114, Section 114-43

Code Enforcement Officer Moriarty presented the case and submitted evidence into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to obtain their Business Tax Receipt.

The violator was not present at the hearing and there was a finding of proper notice.

MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO OBTAIN THEIR BUSINESS TAX RECEIPT BY JANUARY 18, 2016

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

D. Case # CE 15-1039, 302 S. County Rd., The Sweet Spot Inc. & Milton Partnership LTD

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty advised this case is now in compliance and requested it be dismissed.

MOTION BY MR. PELOSO TO DISMISS THE CASE FOR COMPLIANCE

**SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 15-1074, 302 S. County Rd., The Sweet Spot, Inc. & Milton Partnership LTD

REPEAT Violation of Chapter 134, Section 134-2372 (7) of the Town of Palm Beach Code of Ordinances, logos not allowed to be painted on awnings

Code Enforcement Officer Moriarty presented the case and submitted photographs into the record. He advised they are now in compliance but were out of compliance for 38 days and that they were a repeat offender. The Town recommended the Board find the violator in REPEAT non-compliance, assess administrative costs in the amount of \$150.00 and pay a daily fine for the 38 days out of compliance to be determined by the Board, not to exceed \$500.00 a day.

Thomas and Jamie Tomas gave their testimony in the case.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN REPEAT NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY A FINE IN THE AMOUNT OF \$50.00 A DAY FOR THE 38 DAYS OUT OF COMPLIANCE. HE FURTHER ORDERED THAT THE ADMINISTRATIVE COSTS AND FINE BE PAID WITHIN 30 DAYS
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

- F. Case # CE 15-1059, 960 N. Ocean Blvd., Alan & Kathleen Bleznak

Violation of Chapter 106, Section 106-159 (b) of the Town of Palm Beach Code of Ordinances, a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways is to be maintained at all times for the unobstructed passage of vehicles

Code Enforcement Officer Moriarty presented the case and submitted photographs into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and give them until January 15, 2016 to achieve compliance.

Kathleen Bleznak was present at the hearing, gave her testimony and requested more time to gradually trim the hedge back.

**MOTION BY MR. NATALE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 16, 2016 TO ACHIEVE COMPLIANCE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

G. Case # CE 15-1064, 991 N. Lake Way, Joan Alleman

Violation of Chapter 106, Section 106-159 (b) of the Town of Palm Beach Code of Ordinances, a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways is to be maintained at all times for the unobstructed passage of vehicles

Code Enforcement Officer Moriarty presented the case and submitted photographs into the record. He advised that although the violation was corrected prior to the hearing, it was not corrected before the time specified in the notice by the Code Enforcement Officer and pursuant to Section 2-426, the Board may still consider the case. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and no further action be taken.

Joan Alleman was present at the hearing and gave her testimony in the case.

**MOTION BY MR. NATALE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND NO FURTHER ACTION BE TAKEN
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

A. Case # CE 15-969, 218 La Puerta Way, Champion Venture Holdings LLC

Violation of Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances, any site in which reconstruction does not commence within 30 days after demolition to be irrigated and sodded

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$150.00 a day commencing on November 28, 2015 and continuing until compliance is achieved.

Paul Maloney of Woolems Construction was present at the hearing on behalf of the property owner and gave his testimony in the case.

**MOTION BY MR. DONNELLEY TO ASSESS A FINE IN THE AMOUNT OF \$150.00 A DAY COMMENCING ON NOVEMBER 28, 2015 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 15-987, 237 Brazilian Ave., Florida Capital Mgmt LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass/weeds in excess of 8 inches in height, accumulation of vegetative debris, nor stagnant water not allowed; Violation of Chapter 106,

Section 106-159 a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks and bike trails in the Town to be maintained at all times for the unobstructed passage of pedestrians and others using such sidewalks and bike trails

Code Enforcement Officer Moriarty briefly reviewed the case. He advised the violation of the grass and hedges has come into compliance. The Town recommended the Board assess a fine in the amount of \$100.00 a day for the remaining violation commencing on December 4, 2015 and continuing until compliance is achieved.

The property owner was not present at the hearing and there was a finding of proper notice.

**MOTION BY MS. VAN BUREN TO ASSESS A FINE FOR THE
REMAINING VIOLATION IN THE AMOUNT OF \$150.00 A DAY
COMMENCING ON DECEMBER 4, 2015 AND CONTINUING UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Fine Reduction:

- A. Case # CE 15-358, 363 Cocoanut Row, Chesterfield Hotel & Chesterfield PB Hotel Property Inc.

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, noise level exceeds maximum allowable dBA level for the area

Code Enforcement Officer Moriarty briefly reviewed the case. Building Official William Bucklew gave his testimony in the case. The Town had no recommendation.

Natalie LeClerc was present at the hearing on behalf of the property owner, gave her testimony in the case and requested a fine reduction. Jose Rodriguez, project manager, gave his testimony in the case.

**MOTION BY MR. NATALE TO REDUCE THE FINE TO \$2,000.00. HE
FURTHER MOTIONED THAT IF THE REDUCED FINE OF \$2,000.00
WAS NOT PAID WITHIN 30 DAYS IT WOULD RETURN TO ITS
ORIGINAL AMOUNT OF \$6,000.00
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VIII. Board Comments:(03:50:34 PM)

Mr. Natale asked about the Code Enforcement Manager vacancy and when it would be filled.

IX. Adjournment:(03:52:13 PM)

The meeting was adjourned without benefit of a motion.