

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

Thursday, November 16, 2017, 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:(01:59:19 PM)

The meeting was called to order by Chairman Ballentine at 2:00 p.m.

II. Roll Call:(01:59:41 PM)

Upon roll call, the following Board members were present: Chairman James Ballentine Jr., Vice Chair Cynthia Van Buren, Members Robert G. Donnelley, Matthew Natale, Daniel McDonnell, Scotch Peloso, Alternate Members Donald B. Scott, Jr. and Rosemary G. Carpenter. Member Jay N. Nisberg had an excused absence. Mr. Ballentine informed Mr. Scott that he would be a voting member in Mr. Nisberg's absence.

Staff present: Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty and Recording Secretary Joan Dunn.

III. Approval of the Minutes of October 19, 2017 :(01:59:59 PM)

**MOTION BY MS. VAN BUREN TO APPROVE THE OCTOBER 19, 2017
MINUTES
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:00:27 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Code Statistics(02:00:42 PM)

Code Enforcement Officer Moriarty reviewed the Code Enforcement statistics for the month as follows:

- 1369 - year-to-date Code Enforcement cases
- 101 cases initiated since last Code Board Hearing
 - 50 cases self initiated
 - 51 cases received (not self initiated)
- 34 cases set to appear at November Code Board
- 26 achieved compliance before Hearing
- 2 new cases to be heard today
- 4 fine consideration to be heard today
- 1 fine reduction consideration to be heard today
- 1 old Business to be heard today

VI. Public Hearings:

A. Case # CE 17-1204, 208 Sandpiper Dr., 208 Sandpiper LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, accumulations of stagnant water not allowed; Violation of Chapter 42, Section 42-126 collections of standing water in which mosquitos breed or are likely to breed not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. He advised the property reached compliance just prior to the meeting but after the date set in his notice letter. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and no further action be taken.

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

**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. SCOTT
MOTION PASSED UNANIMOUSLY**

B. Case # CE 17-1210, 215 Arabian Rd., 215 Arabian 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, accumulations of vegetative debris and trash and accumulations of stagnant water not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give until November 22, 2017 to comply.

The property owner 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 GIVE UNTIL NOVEMBER 22, 2017 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VII. Fine Consideration:

A. Case # CE 17-776, 301 Polmer Park, Bracxa Palm Beach Trust

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 briefly reviewed the case. The Town recommended a daily running fine of \$250.00 a day to commence on November 15, 2017 and continue until compliance is achieved.

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

**MOTION BY MR. DONNELLEY TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON NOVEMBER 15, 2017 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 17-883, 401 S. County Rd., Hals Realty Associates LTD

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all outside appurtenances to be kept in a state of safe and good repair

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a daily running fine of \$50.00 a day to commence on November 17, 2017 and continue until compliance is achieved.

Ms. Van Buren advised she had ex-parte communications and explained the nature of that conversation.

Daniel Miller was present on behalf of the property, gave his testimony in the case and requested more time to comply.

MOTION BY MR. NATALE TO GIVE MORE TIME TO COMPLY, UNTIL DECEMBER 19, 2017. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY DECEMBER 19, 2017 A FINE IN THE AMOUNT OF \$50.00 A DAY WILL COMMENCE ON DECEMBER 20, 2017, RETROACTIVE TO NOVEMBER 17, 2017 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED

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

C. Case # CE 17-907, 1290 N. Ocean Blvd., 1290 Investments LLC

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; Violation of Chapter 46, Section 46-66 which adopts NFPA 70, electrical components such as wiring to be maintained in a safe manner and in compliance with the National Electrical Code; Violation of Chapter 42, Section 42-87, all exterior surfaces to be maintained in a good and safe condition and painted

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a daily running fine of \$250.00 a day to commence on November 15, 2017 and continue until compliance is achieved.

Arthur Tiedeman was present at the hearing on behalf of the property owner, gave his testimony in the case and requested more time to comply.

MOTION BY MS. VAN BUREN TO GIVE MORE TIME TO COMPLY, UNTIL DECEMBER 19, 2017. SHE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY DECEMBER 19, 2017 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON DECEMBER 20, 2017, RETROACTIVE TO NOVEMBER 15, 2017 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED

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

D. Case # CE 17-1079, 225 Eden Rd., Liselotte Heiligenstein

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 briefly reviewed the case. The Town recommended a daily running fine of \$250.00 a day to commence on November 15, 2017 and continue until compliance is achieved.

Sander Dingle was present at the hearing on behalf of the property owner, gave his testimony in the case and requested more time to comply.

**MOTION BY MR. SCOTT TO GIVE MORE TIME TO COMPLY, UNTIL DECEMBER 19, 2017. SHE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY DECEMBER 19, 2017 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON DECEMBER 20, 2017, RETROACTIVE TO NOVEMBER 15, 2017 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VIII. Fine Reduction Considerations:

- A. Case # CE 16-709, 353 Seaspray Ave., Cornelia M. Lorentzen
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 and accumulations of vegetative debris not allowed

Code Enforcement Officer Moriarty briefly reviewed the case. The Town had no recommendation.

Ms. Lorentzen was present at the hearing and requested the fine be reduced.

**MOTION BY MS. VAN BUREN TO REDUCE THE FINE TO \$2,500.00, WHICH INCLUDES THE ADMINISTRATIVE COSTS TO BE PAID WITHIN 30 DAYS OR THE FINE RETURNS TO THE ORIGINAL AMOUNT OF \$27,150.00 AND THE CASE WILL BE REFERRED TO THE TOWN COUNCIL AT ITS NEXT MEETING FOR FORECLOSURE CONSIDERATION AS PREVIOUSLY ORDERD BY THE BOARD AT ITS JULY 20, 2017 MEETING
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

IX. Old Business:

A. Case # CE 14-1212, 160 Royal Palm Way, 160 Royal Palm LLC

Violation of Chapter 134, Section 134-326(b) of the Town of Palm Beach Code of Ordinances, application for site plan review must be filed and approved by the Town Council prior to the altering of the use of any land; Violation of Chapter 134, Section 134-7, compliance with requirements of grants of variances or exceptions required; Violation of Chapter 134, Section 134-226, compliance with Declaration of Use Agreements required

Code Enforcement Officer Moriarty announced the case and advised Attorney Cary Glickstein was present to discuss the case.

Attorney Glickstein gave the Board an update on this property, advised that he has been authorized to release \$50,000.00 to the Board as the receiver and requested a 120 day extension of the fine suspension starting October 19, 2017.

MOTION BY MR. NATALE TO GRANT A CONTINUATION OF THE FINE SUSPENSION, FOR AN ADDITIONAL 120 DAYS COMMENCING ON OCTOBER 19, 2017, CONTINGENT UPON THE PAYMENT OF \$50,000.00 TOWARD THE TOTAL CODE ENFORCEMENT FINE TO DATE OF \$119,400.00.

SECONDED BY MR. SCOTT

MOTION PASSED UNANIMOUSLY

X. Board Comments:(03:38:16 PM)

Board discussed the possibility of not having meetings on 3/15 and 10/15 of 2018 due to meeting room conflicts. Town Council Member Moore advised they could change their meeting date so as not to conflict with Code Board.

Mr. Ballentine requested an update on the property at 237 Brazilian Ave. Mr. Randolph gave the Board the updated information for this property.

XI. Adjournment:(03:47:05 PM)

MOTION BY MR. DONNELLEY TO ADJOURN THE MEETING

SECONDED BY MR. SCOTT

MOTION PASSED UNANIMOUSLY