

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

Thursday, October 16, 2014, 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:(01:59:10 PM)

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

II. Roll Call:(01:59:10 PM)

Upon roll call, the following Board members were present: Chairman Harris S. Fried, Vice Chairman James Ballentine, Members Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, W. Anthony Dowell and Robert G. Donnelley and alternate members Scotch Peloso and Matthew Natale.

Staff present: Matthew Ramenda, attorney for the Board, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer John Moriarty and Recording Secretary Joan Dunn.

III. Approval of the Minutes of September 18, 2014:

MOTION BY MS. GREENBERG TO APPROVE THE SEPTEMBER 18, 2014 MINUTES

SECONDED BY MR. DOWELL

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(01:59:58 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 14-1036, Clarke Beach, David Estrada

Violation of Chapter 74, Section 74-193 of the Town of Palm Beach Code of Ordinances, intoxicating beverages not allowed on the public beach

Lead Code Enforcement Officer Walton presented the facts of the case and submitted evidence into the record. Road Patrol Officer Pumalo was present at the hearing and testified as to his involvement in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$75.00 fine.

David Estrada was present at the hearing and testified that he was not drinking.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$75.00 FINE
SECONDED BY MS. GREENBERG
MOTION OPPOSED**

ROLL CALL VOTE

MR. BALLENTINE	YES
MS. GREENBERG	YES
MS. VAN BUREN	YES
MR. OCHSTEIN	NO
MR. DOWELL	NO
MR. DONNELLEY	NO
MR. FRIED	NO

MOTION FAILED 4 TO 3

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, WAIVE THE ADMINISTRATIVE COSTS AND ORDER THEM TO PAY THE \$75.00 FINE
SECONDED BY MR. OCHSTEIN
MOTION OPPOSED**

ROLL CALL VOTE

MR. DONNELLEY	YES
MR. OCHSTEIN	YES
MS. GREENBERG	NO
MS. VAN BUREN	NO
MR. BALLENTINE	NO

MR. DOWELL	YES
MR. FRIED	YES

MOTIONED PASSED 4 TO 3

B. Case # CE 14-1018, Clarke Beach, John W. Sauls

Violation of Chapter 74, Section 74-193 of the Town of Palm Beach Code of Ordinances, intoxicating beverages not allowed on the public beach

Lead Code Enforcement Officer Walton presented the facts of the case and submitted evidence into the record. Road Patrol Officer Zeller was present at the hearing and testified as to his involvement in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$75.00 fine.

John Sauls was present at the hearing and testified that he was not aware that drinking was not allowed on the beach.

**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 \$75.00 FINE
SECONDED BY MR. OCHSTEIN
MOTION OPPOSED**

ROLL CALL VOTE

MS. GREENBERG	YES
MR. OCHSTEIN	YES
MS. VAN BUREN	YES
MR. BALLENTINE	NO
MR. DOWELL	NO
MR. DONNELLEY	YES
MR. FRIED	NO

MOTIONED PASSED 4 TO 3

C. Case # CE 14-873, 425 Chilean Ave., Mark S. Fowler Tr Titl Hldr

Violation of Chapter 126, Section 126-31 of the Town of Palm Beach Code of Ordinances, vegetative growth located within the vicinity of any above ground utility line that has reached a height or is in a condition that might render it dangerous to the public utility line not allowed

Lead Code Enforcement Officer Walton presented the facts of 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 December 15, 2014.

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

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL DECEMBER 15, 2014 TO COMPLY
SECONDED BY MR. DOWELL
MOTION PASSED WITH MR. OCHSTEIN OPPOSED**

- D. Case # CE 14-961, 2300 S. Ocean Blvd. N., David & Susan Burris
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior surfaces to kept in a state of good repair and painted

Code Enforcement Officer Moriarty presented the facts of 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 November 14, 2014.

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

**MOTION BY MR. DOWELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 14, 2014 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 14-990, 401 Australian Ave., Patricia Yunghanns
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 an accumulation of vegetative debris not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into the record. He advised the violation was corrected before the hearing, but not by the time specified in the notice letter and pursuant to Section 2-246 the Board may consider the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and no further action be taken.

The property owner 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 NO FURTHER ACTION BE TAKEN

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

- F. Case # CE 14-1091, 160 Royal Palm Way, 160 Royal Palm LLC
REPEAT Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, maximum permissible dBA noise level exceeded for geographic area

Lead Code Enforcement Officer Walton presented the facts of the case and submitted evidence into the record. The Town recommended the Board find the violator in REPEAT non-compliance, assess administrative costs in the amount of \$150.00 and assess a fine in the amount of \$250.00 a day commencing September 22, 2014 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 MR. BALLENTINE TO FIND THE VIOLATOR IN REPEAT NON- COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON SEPTEMBER 22, 2014 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

- A. Case # CE 14-926, 290 S. County Rd., Thomas Campaniello
Violation of Chapter 22, Section 22-57 and Section 22-58 of the Town of Palm Beach Code of Ordinances, all windows and doors of vacant buildings or buildings under construction located within the commercial zoning district whose windows and doors can be viewed from the public street and expose the interior of the building to provide approved screening in accordance with the revised "Vacant or Under Construction Window Treatment Policy"

Lead Code Enforcement Walton briefly reviewed the case and advised the property reached compliance 11 days after the date specified for compliance in the previous Board Order. The Town recommended the Board assess a fine in the amount of \$50.00 a day for the 11 days out of compliance for a total fine of \$550.00.

MOTION BY MR. DONNELLEY TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY FOR THE 11 DAYS OUT OF COMPLIANCE FOR A TOTAL FINE OF \$550.00

**SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VII. Fine Reduction:

A. Case # CE 14-501, 1230 S. Ocean Blvd., SMM Realty LLC

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

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

David Goldstein was present on behalf of the property owners, testified as to the reasons he believed a fine reduction should be granted and requested the fine be reduction to \$2,550.00.

MOTION BY MS. VAN BUREN THAT THE FINE BE REDUCED TO \$4,350.00. SHE FURTHER MOTIONED THAT THE REDUCED FINE BE PAID BY OCTOBER 31, 2014 OR IT RETURNS TO THE ORIGINAL AMOUNT OF \$8,700.00

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

B. Case # CE 14-982, Clarke Beach, Santiago Montenegro Jr.

Violation of Chapter 74, Section 74-191 of the Town of Palm Beach Code of Ordinances, dogs not allowed on public beaches

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

Santiago Montenegro was present at the hearing and testified as to the reasons he believed a fine and administrative costs reduction should be granted and requested the fine and administrative costs be reduced.

MOTION BY MR. DONNELLEY TO WAIVE THE ADMINISTRATIVE COSTS AND ORDER THEM TO PAY THE \$125.00 FINE

**SECONDED BY MR. OCHSTEIN
MOTION OPPOSED**

ROLL CALL VOTE

MR. DONNELLEY	YES
MR. OCHSTEIN	YES
MS. GREENBERG	NO

MS. VAN BUREN	NO
MR. BALLENTINE	NO
MR. DOWELL	YES
MR. FRIED	NO

MOTION FAILED 4 TO 3

MOTION BY MS. VAN BUREN THAT THE ADMINISTRATIVE COSTS OF \$150.00 REMAIN AND THE FINE BE REDUCED TO \$50.00 FOR A TOTAL OF \$200.00. SHE FURTHER MOTIONED THAT IF THE ADMINISTRATIVE COSTS AND REDUCED FINE ARE NOT PAID BY OCTOBER 31, 2014, THE FINE RETURNS TO THE ORIGINAL AMOUNT OF \$125.00 WITH ADMINISTRATIVE COSTS FOR A TOTAL OF \$275.00

**SECONDED BY MR. BALLENTINE
MOTION OPPOSED**

ROLL CALL VOTE

MS. VAN BUREN	YES
MR. BALLENTINE	YES
MS. GREENBERG	NO
MR. OCHSTEIN	NO
MR. DOWELL	YES
MR. DONNELLEY	NO
MR. FRIED	YES

MOTION PASSED 4 TO 3

VIII. Board Comments:(03:50:44 PM)

Mr. Ballentine asked if an NOV citation notes that \$150.00 administrative costs could be imposed at the hearing. He was advised that the citations mention the administrative costs on the face of the document, but do not mention the exact amount. Staff advised that when they have a contact number for the violator, they do advise them on the phone that an administrative cost of a \$150.00 is associated with bringing a case to a hearing.

Ms. Greenberg and Mr. Fried inquired about getting the backup material for the cases ahead of the hearing so they can read it before the hearing. Staff advised they would check with Mr. Randolph if this was appropriate for this type of quasi-judicial hearing.

Mr. Peloso commented that he was pleased with the Town's update to the parking ticket website which makes it easier to pay a ticket online.

IX. Adjournment:(04:01:08 PM)

The meeting was adjourned without benefit of a motion.