

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

Thursday, September 18, 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:(01:59:12 PM)

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

Chairman Fried acknowledged Town Council President Pro Tem Diamond and Town Council Member Townsend at the meeting and thanked them for their attendance.

II. Roll Call:(01:59:38 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 August 21, 2014:(01:59:56 PM)

MOTION BY MS. GREENBERG TO APPROVE THE AUGUST 21, 2014 MINUTES

SECONDED BY MR. DONNELEY

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(02:01:02 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

- A. Case # CE 14-952, 300 Blk. S. Ocean Blvd., Joseph Toussaint & Yellow Cab
Violation of Chapter 130, Section 130-105 (d) of the Town of Palm Beach Code of Ordinances, standing or parking only allowed in designated taxi stands

Lead Code Enforcement Officer Walton presented the facts of the case and submitted evidence into the record. Road Patrol Officer Reed 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 \$250.00 fine.

Joseph Toussaint was present at the hearing and testified that he was waiting on a fare.

**MOTION BY MR. OCHSTEIN 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 MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- B. Case # CE 14-1018, Clarke Beach, John W. Saults
Violation of Chapter 74, Section 74-193 of the Town of Palm Beach Code of Ordinances, drinking of intoxicating beverages on public beaches not allowed

Lead Code Enforcement Officer Walton advised the violator has contacted staff and requested a postponement as he could not attend this hearing. The Town recommended the Board postpone this case until the October 16, 2014 hearing.

**MOTION BY MR. OCHSTEIN TO POSTPONE THIS CASE UNTIL THE OCTOBER 16, 2014 HEARING
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

- C. 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 presented the facts of the case and submitted evidence into the record. Road Patrol Officer Riley was present at the hearing to answer any questions from the Board. 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 \$125.00 fine.

Santiago Montenegro 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 PAY THE \$125.00 FINE
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

D. Case # CE 14-1037, Clarke Beach, Brielle Kathryn Buckland

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 presented the facts of the case and submitted evidence into the record. Road Patrol Officer Riley 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 \$125.00 fine.

Brielle Buckland was present at the hearing, testified that she was not aware dogs were not allowed on the beach and requested the fine and administrative costs be waived.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, WAIVE THE ADMINISTRATIVE AND ORDER THEM TO PAY A \$250.00 FINE
MOTION FAILED FOR LACK OF A SECOND**

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND WAIVE THE FINE
MOTION FAILED FOR LACK OF A SECOND**

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, WAIVE THE ADMINISTRATIVE COSTS AND ORDER THEM TO PAY A \$75.00 FINE
SECONDED BY MS. GREENBERG
MOTION PASSED WITH MR. DOWELL OPPOSED**

E. Case # CE 14-943, Clarke Beach, Mitchell A. Corpe

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

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 non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$75.00 fine.

Mitchell Corpe 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 \$75.00 FINE
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

F. 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 advised that FPL will be trimming the vegetation, presumably before the next hearing date. The Town recommended the Board postpone this case until the October 16, 2014 hearing.

**MOTION BY MR. DONNELLEY TO POSTPONE THIS CASE UNTIL THE OCTOBER 16, 2014 HEARING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

G. 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 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 October 3, 2014 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 THEM UNTIL OCTOBER 3, 2014 TO COMPLY

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

H. Case # CE 14-935, 210 Emerald Ln., 210 Emerald Lane LLC

Violation of Chapter 18, Section 18-241 and Section 18-242 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

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 October 6, 2014 to comply.

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 OCTOBER 6, 2014 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

I. Case # CE 14-948, 144 Wells Rd., 486426 Ontario Limited

Violation of Chapter 18, Section 18-241 and Section 18-242 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 presented the facts of the case and submitted photographs into the record. Plans Examiner Bill Bucklew was present at the hearing and answered questions from the Board in reference to permit requirements. 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 17, 2014 to comply.

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 NOVEMBER 17, 2014 TO COMPLY

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

- J. Case # CE 14-989, 313 1/2 Worth Ave., Bice Restaurant
Violation of Chapter 106, Section 106-40 of the Town of Palm Beach Code of Ordinances, illegal discharge onto street

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 order them to pay the \$250.00 fine.

Jose Gonzalez was present on behalf of the business and testified they would ensure this does not happen again in the future.

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

VI. Fine Consideration:

- A. Case # CE 14-727, 169 Everglade Ave., Keith Frankel
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 prohibited

Lead Code Enforcement Officer Walton advised that FPL will be trimming the vegetation, presumably before the next hearing date. The Town recommended the Board grant them additional time until the October 16, 2014 hearing.

**MOTION BY MR. DOWELL TO POSTPONE THIS CASE UNTIL THE OCTOBER 16, 2014 HEARING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Fine Reductions:

- A. Case # CE 13-680, 445 Brazilian Ave., Shorehaven LLC
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, discarded building materials or accumulated debris not allowed on private property; Violation of Chapter 18, Section 241 and Section 18-242, building permits required to construct, enlarge, alter, repair, move, demolish or

change the occupancy of any 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 had no recommendation for the Board. Code Enforcement Manager Houston responded to questions that the Board had about the case.

Whitney Carroll, attorney for the property owner, gave her client's explanation as to the delay in compliance and requested a reduction of the fine to \$18,350.00.

**MOTION BY MR. DONNELLEY TO REDUCE THE FINE TO \$53,000.00.
MR. DONNELLEY FURTHER MOTIONED THAT PAYMENT BE MADE
BY OCTOBER 31, 2014 OR THE FINE RETURNS TO THE ORIGINAL
AMOUNT OF \$91,750.00.**

SECONDED BY MR. OCHSTEIN

MOTION PASSED WITH MS. GREENBERG OPPOSED

VIII. Foreclosure Hearings:

A. Case # CE 13-680, 445 Brazilian Ave., Shorehaven LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, discarded building materials or accumulated debris not allowed on private property; Violation of Chapter 18, Section 241 and Section 18-242, building permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of any building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty advised due to the outcome of the above case the Town recommends the Board postpone the foreclosure hearing on this case until the November 20, 2014 hearing.

**MOTION BY MR. DONNELLEY TO POSTPONE THE FORECLOSURE
HEARING ON THIS CASE UNTIL THE NOVEMBER 20, 2014 HEARING
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

IX. Board Comments:(03:46:24 PM)

There were no comments from the Board.

X. Adjournment:(03:46:35 PM)

The meeting was adjourned without benefit of a motion.