

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

Thursday, September 15, 2016, 02:00 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:

II. Roll Call:(02:00:45 PM)

Upon roll call, the following Board members were present: Chair James Ballentine, Jr., Vice Chair Madelyn Greenberg, Members Cynthia Van Buren, Matthew Natale, Scotch Peloso and Alternate Member Donald B. Scott, Jr. Member Robert G. Donnelley had an unexcused absence. It was noted that Mr. Scott would be a voting member today.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Code Enforcement Officer Julien Felix, Road Patrol Officer Ryan Burgoon, Zoning Administrator Paul Castro, Business Tax Receipt Specialist Debby Moody and Recording Secretary Joan Dunn.

III. Approval of the Minutes of August 18, 2016:

MOTION BY MS. GREENBERG TO APPROVE THE AUGUST 18, 2016 MINUTES

SECONDED BY MR. NISBERG

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(02:01:05 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 16-497, 221 Oleander Ave., Barnacle PB LLC

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required for any person who carries on, engages in or conducts an occupation, business or profession enumerated in Chapter 114-43 of the Code

Road Patrol Officer Burgoon presented the facts of the case and submitted evidence into the record. Zoning Administrator Castro gave his testimony in the case. Business Tax Receipt Specialist Moody gave her testimony 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 obtain their Business Tax Receipt paying all fees and fines within 30 days.

Maura Ziska, attorney for the property owner, gave her testimony in the case.

**MOTION BY MR. NISBERG 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 PAYING ALL FEES AND FINES WITHIN 30 DAYS
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

B. Case # CE 16-498, 415 Australian Ave., Matthew S. Holt

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required for any person who carries on, engages in or conducts an occupation, business or profession enumerated in Chapter 114-43 of the Code

Road Patrol Officer Burgoon 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 obtain their Business Tax Receipt paying all fees and fines within 30 days.

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 ORDER THEM TO OBTAIN THEIR BUSINESS TAX RECEIPT PAYING ALL FEES AND FINES WITHIN 30 DAYS
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

C. Case # CE 16-536, 1436 N. Ocean Way, Tony Nader Trust

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, vegetation infested with pests such as whitefly not allowed

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 of \$150.00 and give them until October 3, 2016 to comply.

The property owner 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 GIVE THEM UNTIL OCTOBER 3, 2016 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

A. Case # CE 16-172, 6 Via Los Incas, Sean M. Healey

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

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a fine in the amount of \$100.00 a day commence on September 13, 2016 and continue until compliance is achieved.

Josh Pertnoy 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. NISBERG TO GIVE THEM MORE TIME TO COMPLY, UNTIL SEPTEMBER 30, 2016. HE FURTHER MOTIONED IF COMPLIANCE WAS NOT ACHIEVED BY SEPTEMBER 30, 2016 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON OCTOBER 1, 2016 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 16-173, 101 El Mirasol, Joral 2014 Property Trust & Jeffrey Blidner Tr. & Howard Carr Tr.

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

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a fine in the amount of \$100.00 a day commence on September 13, 2016 and continue until compliance is achieved.

Josh Pertnoy 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. NISBERG TO GIVE THEM MORE TIME TO COMPLY, UNTIL SEPTEMBER 30, 2016. HE FURTHER MOTIONED IF COMPLIANCE WAS NOT ACHIEVED BY SEPTEMBER 30, 2016 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON OCTOBER 1, 2016 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. SCOTT
MOTION PASSED UNANIMOUSLY**

C. Case # CE 16-429, 2600 S. Ocean Blvd., #501S & 508S, 101 Churchill Road LLC & David Alexanian

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 fine in the amount of \$100.00 a day commence on September 13, 2016 and continue until compliance is achieved. Zoning Administrator Castro and Planning, Zoning and Building Assistant Director Veronica Close gave their testimony in the case.

David Alexanian was present at the hearing, gave his testimony in the case and requested more time to comply.

**MOTION BY MS. GREENBERG TO GIVE THEM MORE TIME TO COMPLY, UNTIL SEPTEMBER 30, 2016. SHE FURTHER MOTIONED IF COMPLIANCE WAS NOT ACHIEVED BY SEPTEMBER 30, 2016 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON OCTOBER 1, 2016 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

VII. Board Comments:(02:56:36 PM)

Mr. Natale asked why some of the older cases have not been foreclosed upon. Mr. Randolph answered his questions.

VIII. Adjournment:(03:00:17 PM)

**MOTION BY MS. GREENBERG TO ADJOURN THE MEETING
SECONDED BY MR. SCOTT
MOTION PASSED UNANIMOUSLY**