

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

Thursday, August 15, 2013, 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:(1:59:45 p.m.)

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

II. Roll Call:(1:59:45 p.m.)

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 alternate member Scotch Peloso. Member Alan S. Golboro had an unexcused absence.

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 July 18, 2013:(2:00:02 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE JUNE 18, 2013 MINUTES
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff: (2:00:25 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 13-654, 350 S. County Rd., Share our Strength & Buccan

Violation of Chapter 78, Section 78-101 of the Town of Palm Beach Code of Ordinances, permit required for solicitation of contributions for any charitable purpose in the Town of Palm Beach

Lead Code Enforcement Officer Walton advised the charitable solicitations permit has been obtained and this case is now in compliance. The Town recommended this case be dismissed for compliance.

MOTION BY MS. GREENBERG TO DISMISS THIS CASE FOR COMPLIANCE

SECONDED BY MR. BALLENTINE

MOTION PASSED UNANIMOUSLY

B. 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 18-241 and Section 18-242, building permits required to construct, enlarge, 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 evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until September 13, 2013 to comply. Building Official Jeff Taylor gave testimony in this case.

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

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 13, 2013 TO COMPLY

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

C. Case # CE 13-697, 211 Royal Poinciana Way, Ste. A, La Barre by Anushka & Vesenaz Holding Corp.

Violation of Chapter 134, Section 134-2372 of the Town of Palm Beach Code of Ordinances, permit required for the erection or installation of any sign within the Town; Violation of Chapter 18, Section 18-175, ARCOM approval required prior to the issuance of certain permits

Code Enforcement Officer Moriarty advised the business owner was now in compliance. The Town recommended this case be dismissed for compliance.

**MOTION BY MS. GREENBERG TO DISMISS THIS CASE FOR COMPLIANCE
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

D. Case # CE 13-765, 111 Atlantic Ave., Sandell Corp.

REPEAT Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, 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; Violation of Chapter 42, Section 42-86, unsafe, unsanitary or unsightly conditions and grass in excess of 8 inches in height not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. He advised the Board that although the violation was corrected prior to the Board hearing, pursuant to Chapter 2, Section 2-427 the Board may still consider the repeat violation case and impose the payment of reasonable enforcement fees. The Town recommended the Board find the violator in REPEAT non-compliance, assess administrative costs of \$150.00 and order them to pay a **\$1,250.00** fine.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN REPEAT NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PURSUANT TO CHAPTER 2, SECTION 2-427, ORDER THEM TO PAY A \$1250.00 FINE
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

A. Case # CE 13-433, 232 Cherry Ln., Louisa A. Dean

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, accumulated debris, dead or dying hedges or vegetation and whitefly infestation not allowed; Violation of Chapter 42, Section 42-87, all exterior surfaces to be painted and in a good state of repair

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a daily fine in the amount of \$250.00 commence on August 10, 2013 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 MS. GREENBERG THAT A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCE ON AUGUST 10, 2013 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

B. Case # CE 13-442, 403 Hibiscus Ave., Peruvian Avenue Corp.

Violation of Chapter 134, Section 134-2179 of the Town of Palm Beach Code of Ordinances, effective screening for off-street parking required; Violation of Chapter 42, Section 42-86, dead/dying trees or vegetation infested with pests such as whitefly not allowed

Lead Code Enforcement Officer Walton briefly reviewed the case and advised they are working toward compliance.

Tod Kirik was present on behalf of the property owner. He testified they are working toward compliance and requested more time.

**MOTION BY MS. VAN BUREN TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL SEPTEMBER 13, 2013. SHE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY SEPTEMBER 13, 2013, A FINE IN THE AMOUNT OF \$150.00 A DAY WILL COMMENCE ON SEPTEMBER 14, 2013 CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

C. Case # CE 13-443, 240 Chilean Ave., Peruvian Avenue Corp.

Violation of Chapter 134, Section 134-2179 of the Town of Palm Beach Code of Ordinances, effective screening for off-street parking required; Violation of Chapter 42, Section 42-86, dead/dying trees or vegetation infested with pests such as whitefly not allowed

Lead Code Enforcement Officer Walton briefly reviewed the case and advised they are working toward compliance.

Tod Kirik was present on behalf of the property owner. He testified they are working toward compliance and requested more time.

MOTION BY MS. VAN BUREN TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL SEPTEMBER 13, 2013. SHE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY

**SEPTEMBER 13, 2013, A FINE IN THE AMOUNT OF \$150.00 A DAY
WILL COMMENCE ON SEPTEMBER 14, 2013 CONTINUE UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

D. Case # CE 13-594, 267 Atlantic Ave., Paolo Bergmann Tr.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, roof to be maintained in good condition so as not to leak, all exterior windows and doors to be reasonably free of cracks or holes through which weather elements can enter the building and interior walls, ceilings and floors to be structurally sound

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a daily fine in the amount of \$250.00 commence on August 10, 2013 and continue until compliance is achieved.

Wayne D'Angelo and Grace Brown were present on behalf of the property owner, testified that they are working toward compliance and the property is under contract to be sold. They requested more time to comply, until August 31, 2013.

**MOTION BY MS. VAN BUREN TO GIVE THEM ADDITIONAL TIME
TO COMPLY, UNTIL SEPTEMBER 2, 2013. SHE FURTHER
MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY
SEPTEMBER 2, 2013, A FINE IN THE AMOUNT OF \$250.00 A DAY
WILL COMMENCE ON SEPTEMBER 3, 2013 CONTINUE UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Foreclosure Hearing:

A. Case # CE 12-761, 264 Bahama Ln., BOAG

Violation of Chapter 18, 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 briefly reviewed the case and advised the house is in the process of demolition.

Leslie Evans, attorney for the property owner, confirmed the house is being demolished and requested more time to comply.

**MOTION BY MR. BALLENTINE TO POSTPONE THE COMMENCEMENT OF THE FORECLOSURE HEARING AND GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL SEPTEMBER 13, 2013. HE FURTHER MOTIONED IF COMPLIANCE WAS NOT ACHIEVED AS PRESCRIBED BY THE BOARD THAT THE FORECLOSURE ACTION WILL BE CONSIDERED AT THE SEPTEMBER 19, 2013 MEETING
SECONDED BY MR. PELOSO
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 4 TO 3

VIII. Board Comments: (3:01:38 p.m.)

Mr. Ballentine asked about the progress of the changes in the taxi ordinance. Manager Houston explained this issue has gone to ORS and is currently being discussed.

Ms. Greenberg asked if the Code Enforcement Board term limits resolution had passed. Manager Houston advised the Town Council had approved limiting the terms of Code Enforcement Members.

IX. Adjournment: (3:01:43 p.m.)

**MOTION BY MS. VAN BUREN TO ADJOURN THE HEARING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**