

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

Thursday, July 19, 2018, 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:(02:00:35 PM)

The meeting was called to order by Code Enforcement Chair Matthew Natale 2:00 p.m.

II. Roll Call:(02:00:49 PM)

Upon roll call, the following Board members were present: Chair Matthew Natale, Vice Chair Scotch Peloso, Members Robert G. Donnelley, Daniel McDonnell, Rosemary G. Carpenter, Steven Meltzer and Alternate Bram Majtlis. Member Linda K. Wartow had an unexcused absence.

In Ms. Wartow's absence, Mr. Majtlis became a voting member

Staff present: Town Attorney John Randolph, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer Julien Felix, Acting Planning, Zoning and Building Department Director Paul Castro, Finance Accounting Supervisor Amy Wood, Business Tax Receipt Specialist Debby Moody, Planning Administrator John Lindgren and Recording Secretary Joan Dunn.

III. Approval of the Minutes of June 21, 2018:(02:01:05 PM)

**MOTION BY MR. MELTZER TO APPROVE THE JUNE 21, 2018 MINUTES
SECONDED BY MS. CARPENTER
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:01:24 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Code Statistics(02:01:38 PM)

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

- 826 - year-to-date Code Enforcement cases
- 127 cases initiated since last Code Board Hearing
 - 73 cases self-initiated
 - 54 cases received (not self-initiated)
- 32 cases set to appear at July Code Board
- 20 achieved compliance before Hearing
- 10 new cases to be heard today
- 2 Fine Consideration cases to be heard today

VI. Public Hearings:

A. Case # CE 18-537, 2660 S. Ocean Blvd., #105N, Courtney Begel

Violation of Chapter 38, Section 38-62 of the Town of Palm Beach Code of Ordinances, alarm users to first obtain a permit; Violation of Chapter 38, Section 38-35, service charges and late penalties to be assessed to alarm system owners who exceed the maximum allowable false alarms

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until August 13, 2018 to comply.

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

**MOTION BY MR. MELTZER TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL AUGUST 13, 2018 TO COMPLY
SECONDED BY MR. MAJTLIS
MOTION PASSED UNANIMOUSLY**

B. Case # CE 18-579, 336 S. County Rd., House of Lavande, Lavande PB Inc & 336 Partners Inc.

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess

administrative costs in the amount of \$150.00 and give them until August 13, 2018 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 AUGUST 13, 2018 TO COMPLY
SECONDED BY MR. MELTZER
MOTION PASSED UNANIMOUSLY**

C. Case # CE 18-582, 125 Worth Ave., #115, Ken Davis, Frank Cassi Beauty & Whalou Properties III LLC

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until August 13, 2018 to comply. Business Tax Receipt Specialist Debby Moody gave her testimony in the case.

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

**MOTION BY MS. CARPENTER TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL AUGUST 13, 2018 TO COMPLY BY OBTAINING THEIR BUSINESS TAX RECEIPT OR ENSURE KEN DAVIS CEASES WORKING AT THE BUSINESS AND HIS NAME IS REMOVED FROM THE WEBSITE
SECONDED BY MR. MCDONNELL
MOTION PASSED UNANIMOUSLY**

D. Case # CE 18-584, 301 S. County Rd., Lori Jayne Monogramming, Lori Jayne Inc., Pems Partnership LTD

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until August 13, 2018 to comply. Business Tax Receipt Specialist Debby Moody gave her testimony in the case.

The business owner, Lori Jayne Bernstein, was present at the hearing, gave her testimony in the case and requested more time to comply.

**MOTION BY MR. MAJTLIS TO DEFER THIS CASE TO THE AUGUST 16, 2018 CODE ENFORCEMENT BOARD HEARING
SECONDED BY MR. DONNELLEY
MOTION PASSED 6 TO 1 WITH MR. PELOSO OPPOSED**

E. Case # CE 18-428, 380 Cocconut Row, Alban Family Trust

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, 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 Felix advised the representative for this property owner has requested a postponement in the case and the Town had no objections. The Town recommended a postponement in this case until the August 16, 2018 hearing.

**MOTION BY MR. MELTZER TO POSTPONE THIS CASE UNTIL AUGUST 16, 2018 CODE ENFORCEMENT BOARD HEARING
SECONDED BY MR. MAJTLIS
MOTION PASSED UNANIMOUSLY**

F. Case # CE 18-532, 893 S. County Rd., Joseph & Helen Asir

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, 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 18, Section 18-175, ARCOM approval required prior to the issuance of certain permits

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until August 13, 2018 to comply. Acting PZB Department Director Castro gave his testimony in the case. Planning Administrator John Lindgren gave his testimony in the case.

Joseph Asir was present at the hearing and gave his testimony in the case.

**MOTION BY MR. MCDONNELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL OCTOBER 16, 2018 TO COMPLY
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

After the Motion passed, Mr. Asir requested the administrative costs be waived. There was no motion by any Board Member to consider this request so the administrative costs stand.

G. Case # CE 18-563, 127 Everglade Ave., Howard & Lana Russeck

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, 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 Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until August 13, 2018 to comply and to pay the \$150.00 administrative costs and \$250.00 fine from their contractors June 21, 2018 Code Enforcement Board Hearing case.

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

**MOTION BY MR. MAJTLIS TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL AUGUST 13, 2018 TO COMPLY. HE FURTHER ORDERED THEY PAY THE \$150.00 ADMINISTRATIVE COSTS AND THE \$250.00 FINE FROM THEIR CONTRACTOR'S JUNE 21, 2018 CODE BOARD HEARING CASE
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

H. Case # CE 18-641, 299 Tradewind Dr., Faye Falcone

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, 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 Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess

administrative costs in the amount of \$150.00 and give them until August 13, 2018 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 AUGUST 13, 2018 TO COMPLY
SECONDED BY MR. MAJTLIS
MOTION PASSED UNANIMOUSLY**

I. Case # CE 18-706, 259 Clarke Ave., Wood's Lawn & Gardens

Violation of Chapter 42, Section 42-197 of the Town of Palm Beach Code of Ordinances, gas blower not allowed on properties less than 1 acre

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$125.00 fine.

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

Recording Secretary Dunn advised that there was a typo in the agenda and the ordinance violated should read Chapter 42, Section 42-197. Ofc. Felix read the correct ordinance violation into the record during his case summary and the original violation typo is corrected in these minutes above.

**MOTION BY MS. CARPENTER 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. MCDONNELL
MOTION PASSED UNANIMOUSLY**

J. Case # CE 18-756, 100 Worth Ave., #709, Fine Line Construction Contractor

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances, obstruction of right-of-way

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$125.00 fine.

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

**MOTION BY MR. MCDONNELL 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. MELTZER
MOTION PASSED UNANIMOUSLY**

VII. Fine Consideration:

A. Case # CE 18-226, 3230 S. Ocean Blvd., #A201, Yvonne M. Anderson

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, 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 Felix briefly reviewed the case. The Town recommended a fine be assessed in the amount of \$250.00 a day commencing on July 17, 2018 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. MELTZER TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON JULY 17, 2018 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. MAJTLIS
MOTION PASSED UNANIMOUSLY**

B. Case # CE 18-443, 2 Four Arts Plaza, Embassy Corp & The Society of the Four Arts Inc.

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, 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 134, Section 134-1727 landmark commission approval required to construct, erect or place a statue or sculpture in excess of six feet

Code Enforcement Officer Felix briefly reviewed the case. The Town recommended a fine be assessed in the amount of \$250.00 a day commencing on July 17, 2018 and continuing until compliance is achieved.

Mr. Donnelley recused himself from the voting on this case due to being on the Board of the Society of the Four Arts. His voting conflict was previously recorded during the first hearing of this case on June 21, 2018.

Kenneth Lewis was present at the hearing on behalf of the organization and requested more time to comply.

**MOTION BY MR. PELOSO GIVE THEM MORE TIME TO COMPLY, UNTIL OCTOBER 15, 2018. HE FURTHER ORDERED THAT IF NO COMPLIANCE IS ACHIEVED BY OCTOBER 15, 2018 A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON OCTOBER 16, 2018 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. MCDONNELL
MOTION PASSED WITH 6 VOTES AND WITH MR. DONNELLEY
ABSTAINING**

VIII. Board Comments:(03:31:22 PM)

No comments from the Board

IX. Adjournment:(03:31:46 PM)

**MOTION BY MR PELOSO TO ADJOURN THE HEARING
SECONDED BY MR. MELTZER
MOTION PASSED UNANIMOUSLY**