

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

Thursday, June 21, 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:(02:01:30 PM)

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

II. Roll Call:(02:01:38 PM)

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

Staff present: Attorney for the Board Karl Sanders, Code Enforcement Manager Benjamin Alma, Code Enforcement Officers John T. Moriarty and Julien Felix and Recording Secretary Joan Dunn.

III. Election of Vice Chair:(02:01:55 PM)

Chair Matthew Natale requested nominations for the Code Enforcement Board Vice Chair. Ms. Carpenter nominated Scotch Peloso. Mr. Donnelley seconded the nomination.

MR. PELOSO IS UNANIMOUSLY VOTED IN AS THE NEW CODE ENFORCEMENT VICE CHAIR

IV. Approval of the Minutes of May 17, 2018:(02:02:39 PM)

**MOTION BY MR. MELTZER TO APPROVE THE MAY 17, 2018 MINUTES
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY**

V. Administration of the Oath to Town Staff:(02:02:57 PM)

The Town staff were sworn in by Recording Secretary Dunn.

VI. Code Statistics:(02:03:15 PM)

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

- 699 - year-to-date Code Enforcement cases
- 155 cases initiated since last Code Board Hearing
 - 69 cases self-initiated
 - 86 cases received (not self-initiated)
- 56 cases set to appear at June Code Board
- 46 achieved compliance before Hearing
- 6 new cases to be heard today
- 1 Fine Consideration cases to be heard today
- 3 Fine Reduction cases to be heard today

VII. Public Hearings:

A. Case # CE 18-138, 224 W. Indies Dr., Peter, Graham & Carolyn Klemm Tr.

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 July 16, 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 JULY 17, 2018 TO COMPLY
SECONDED BY MS. CARPENTER
MOTION PASSED UNANIMOUSLY**

B. Case # CE 18-218, 264 S. County Rd., Carriage House Properties Partners LLC

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

Code Enforcement Officer Moriarty advised this case is now in compliance and requested it be dismissed.

MOTION BY MR. DONNELLEY TO DISMISS THE CASE FOR COMPLIANCE

SECONDED BY MR. MELTZER

MOTION PASSED UNANIMOUSLY

C. Case # CE 18-342, 228 Worth Ave. AKA 224 Worth Ave., Palm V Assoc. LTD

Violation of Chapter 22, Section 22-57 and Section 22-58 of the Town of Palm Beach Code of Ordinances, vacant store front screening 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 July 16, 2018 to comply.

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 JULY 17, 2018 TO COMPLY

SECONDED BY MS. WARTOW

MOTION PASSED UNANIMOUSLY

D. Case # CE 18-400, 2840 S. Ocean Blvd. #223, Margaret O'Brien

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 July 16, 2018 to comply.

Husnija Spahic was present at the hearing and advised he is the new owner of the unit. He gave his testimony in the case and requested more time to comply.

MOTION BY MR. MELTZER TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL AUGUST 14, 2018 TO COMPLY

SECONDED BY MR. MAJTLIS

MOTION PASSED UNANIMOUSLY

- E. 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 Moriarty 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 July 16, 2018 to comply.

Neither the property owner nor the business owner were present at the hearing and there was a finding of property notice.

Mr. Donnelley recused himself from this case as he sits on the Board of Trustees.

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

- F. Case # CE 18-467, 127 Everglade Ave., All American Roofing 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

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 \$250.00 fine.

The violator 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 ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY**

VIII. Fine Considerations:

A. Case # CE 18-318, 301 Polmer Park, Braxca Palm Beach 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 briefly reviewed the case. The Town recommended a daily fine in the amount of \$250.00 a day commence on June 19, 2018, the day after compliance was ordered by the Board 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 MR. MELTZER TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON JUNE 19, 2018 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY**

IX. Fine Reduction Considerations:

A. Case # CE 17-122, 150 Worth Ave. #234, Costa Palm Beach LLC & Wilson 150 Worth LLC

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 had no recommendation.

Yvonne Jones and Francis Dray were present at the hearing on behalf of the property owner and requested a fine reduction.

**MOTION BY MR. DONNELLEY TO REDUCE THE FINE TO \$14, 850.00. HE FURTHER MOTIONED THE REDUCED FINE OF \$14,850.00 TO BE PAID WITHIN 30 DAYS OR IT RETURNS TO THE ORIGINAL AMOUNT OF \$74,250.00
SECONDED BY MR. MELTZER
MOTION OPPOSED**

ROLL CALL VOTE

MR. DONNELLEY	YES
MR. MELTZER	YES
MR. PELOSO	NO
MS. CARPENTER	NO
MS. WARTOW	NO
MR. MAJTLIS	NO
MR. NATALE	YES

MOTION FAILS 4 TO 3

MOTION BY MR. PELOSO TO REDUCE THE FINE TO \$10,000.00. HE FURTHER MOTIONED THE REDUCED FINE OF \$10,000.00 TO BE PAID WITHIN 30 DAYS OR IT RETURNS TO THE ORIGINAL AMOUNT OF \$74,250.00

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

B. Case # CE 17-1210, 215 Arabian Rd., 215 Arabian LLC

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, accumulations of vegetative debris and trash and accumulations of stagnant water not allowed

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

Jennifer Roach, property owner, was present at the hearing and requested a fine reduction.

MOTION BY MR. DONNELLEY TO REDUCE THE FINE TO \$12,000.00. HE FURTHER MOTIONED THE REDUCED FINE OF \$12,000.00 TO BE PAID WITHIN 30 DAYS OR IT RETURNS TO THE ORIGINAL AMOUNT OF \$38,000.00

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

C. Case # CE 17-1281, 215 Arabian Rd., 215 Arabian LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, conditions which provide harborage for rats, mice, snakes or other vermin and decayed or decaying buildings not allowed; Violation of Chapter 42, Section 42-87 all windows to be maintained in such a condition to exclude weather elements or insects from entering

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

Jennifer Roach, property owner, was present at the hearing and requested a fine reduction.

**MOTION BY MR. DONNELLEY TO REDUCE THE FINE TO \$5,000.00 AND THE \$150 ADMINISTRATIVE COSTS. HE FURTHER MOTIONED THE REDUCED FINE OF \$5,000.00 AND THE \$150.00 ADMINISTRATIVE COSTS TO BE PAID WITHIN 30 DAYS OR IT RETURNS TO THE ORIGINAL AMOUNT OF \$33,150.00
SECONDED BY MR. MELTZER
MOTION PASSED UNANIMOUSLY**

X. Board Comments:(03:52:12 PM)

There were no Board comments

XI. Adjournment:(03:52:24 PM)

**MOTION BY MS. WARTOW TO ADJOURN THE HEARING
SECONDED BY MR. MAJTILIS
MOTION PASSED UNANIMOUSLY**