

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

Thursday, June 20, 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:(1:59:13 p.m.)

The meeting was called to order by Chairman Fried at 2:00 p.m. He thanked Councilman Diamond for his appearance at the meeting.

II. Roll Call:(1:59:43 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, Alan S. Golboro and alternate member Scotch Peloso.

Staff present: Town Attorney John Randolph, 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 May 16, 2013:(1:59:47 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE MAY 16, 2013 MINUTES
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff: (2:00:02 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 13-481, 100 Block Bradley Place, Jennifer A. Condie

Violation of Chapter 130, Section 130-105 of the Town of Palm Beach Code of Ordinances, parking outside designated area and displayed signs not allowed;
Violation of Chapter 130, Section 130-61, taxi permit required

Code Enforcement Officer Moriarty presented the facts of the case and advised it was issued by Road Patrol Officer Serenot. Officer Serenot testified about his involvement in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and her them to pay the \$500.00 fine.

Jennifer Condie was present at the hearing and testified she had a medical issue which caused her to stay on the island longer than expected. She requested the fine be waived.

MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER HER TO PAY THE \$500.00 FINE

SECONDED BY MR. OCHSTEIN

MOTION OPPOSED

ROLL CALL VOTE

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

MOTION FAILED 5 TO 2

MOTION BY MR. GOLBORO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER HER TO PAY THE \$250.00 FINE

SECONDED BY MR. BALLENTINE

MOTION OPPOSED

ROLL CALL VOTE

MR. GOLBORO	YES
MR. BALLENTINE	YES
MS. GREENBERG	NO
MS. VAN BUREN	NO
MR. OCHSTEIN	NO

MR. DOWELL	YES
MR. FRIED	YES

MOTION PASSED 4 TO 3

B. Case # CE 13-503, 300 Block S. County Rd., Gulson Francois

Violation of Chapter 130, Section 130-105 of the Town of Palm Beach Code of Ordinances, parking outside designated area

Code Enforcement Officer Moriarty presented the facts of the case and advised it was issued by Road Patrol Officer Lane who was not present at the hearing. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and him them to pay the \$250.00 fine.

Gulson Francois was present at the hearing and advised he was there to pick up a charter. He agreed to a postponement of this case until the July 18, 2013 meeting so the officer could be present to testify.

**MOTION BY MR. GOLBORO TO POSTPONE THE CASE UNTIL THE
JULY 18, 2013 MEETING
SECONDED BY MR. BALLENTINE
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 5 TO 2

C. Case # CE 13-275, 357 Seabreeze Ave., First Palm Beach Prop Inc.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all appurtenances and exterior surfaces to be painted and in a good state of repair so as not to allow weather elements or insects to enter the building; Violation of Chapter 106, Section 106-159, a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks and bike trails in the Town shall be maintained at all times for the unobstructed passage of pedestrians and others using such sidewalks and bike trails

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs of the violations. He advised that the violation of Chapter 106, Section 106-159 is now in compliance. The Town recommended the Board

dismiss the violation of Chapter 106, Section 106-159 for compliance and find the violator in non-compliance for the violation of Chapter 42, Section 42-87, assess administrative costs of \$150.00 and order the violator to work with staff on a stipulation agreement to be presented at the next Code Board meeting on July 18, 2013.

Maura Ziska, attorney for the property owner, advised they are working toward compliance and agreed to work with staff on a stipulation agreement to be presented at the next Code Board meeting on July 18, 2013.

MOTION BY MS. GREENBERG TO DISMISS THE VIOLATION OF CHAPTER 106, SECTION 106-159 FOR COMPLIANCE. SHE FURTHER MOTIONED TO FIND THE VIOLATOR IN NON-COMPLIANCE FOR THE VIOLATION OF CHAPTER 42, SECTION 42-87, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND ORDER THEM TO WORK WITH STAFF ON A STIPULATION AGREEMENT TO BE SUBMITTED FOR APPROVAL AT THE JULY 18, 2013 CODE ENFORCEMENT MEETING

**SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

D. Case # CE 13-405, 340 Royal Poinciana Way, Sidney Spiegel Tr# 31520371

Violation of Chapter 134, Section 134-7 of the Town of Palm Beach Code of Ordinances, failure to comply with conditions established in connection with grants of variances or special exceptions constitutes a zoning violation; Violation of Chapter 134, Section 134-Section 134-2237, tandem parking may be permitted on a parking lot with a full time attendant, provided that not more than two cars may be parked in tandem at each parking space location

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs of the violations. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until July 12, 2013 to comply.

Craig Mueller was present on behalf of the property owner and testified that they are working toward compliance and believed they could reach compliance by July 12, 2013.

MOTION BY MR. DOWELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JULY 12, 2013 TO COMPLY

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

E. Case # CE 13-318, 1495 N. Ocean Way, Howard Sontag Tr Title Hldr & R H Limbaugh

Violation of Chapter 18, Section 18-242 and Section 18-241 of the Town of Palm Beach Code of Ordinances, permits required to construct, enlarge, alter, repair, move or demolish any structure or building; Violation of Chapter 18, Section 18-175 alterations to buildings, structures or appurtenances require ARCOM approval

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs of the violations. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until July 5, 2013 to comply.

Raymond Anthony Lopez was present on behalf of the property owner and testified that they are working toward compliance and requested more time, until July 19, 2013, to comply.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JULY 17, 2013 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

F. Case # CE 13-395, 400 Hibiscus Ave., Gasuinasen Gallery & Love II LLC

Violation of Chapter 38, Section 38-35(b) of the Town of Palm Beach Code of Ordinances, unpaid alarm fines

Lead Code Enforcement Officer Walton presented the facts of the case and advised it was referred by the Town's Finance Department. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the outstanding alarm fines.

The business owner was present at the hearing but had left the room and was not present for this case.

**MOTION BY MR. GOLBORO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE OUTSTANDING ALARM FINES
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

After this case was heard, the business owner returned to the meeting and requested that the case be re-heard as he was out of the room.

**MOTION BY MR. GOLBORO TO FIND RE-HEAR THE CASE NOW
THAT THE VIOLATOR WAS PRESENT
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

Lead Code Enforcement Officer Walton advised his testimony remained the same. The Town again recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the outstanding alarm fines.

Business owner Arij Gasuinasen testified that he believed the fines were excessive.

**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 OUTSTANDING ALARM
FINES
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- G. Case # CE 13-248, 212 Sunset Ave., Vesenaz Holding Corp.
Violation of Chapter 134, Section 134-1733 of the Town of Palm Beach Code of Ordinances, all dumpsters and recycle containers to be screen from public view, from public right-of-ways and from abutting properties

Code Enforcement Officer Moriarty testified the violator was unable to attend this hearing and requested a postponement until they were able to speak at the hearing. The Town recommended the Board postpone this case until the July 18, 2013 meeting.

**MOTION BY MS. VAN BUREN TO POSTPONE THIS CASE UNTIL THE
JULY 18, 2013 HEARING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- H. Case # CE 13-304, 296 S. County Rd., Woof Gang Bakery and Milton Partnership LTD

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 114, Section 114-44, Business Tax Receipt required

Code Enforcement Officer Moriarty testified that this case is now in compliance. The Town recommended the Board dismiss the case for compliance

**MOTION BY MR. OCHSTEIN TO DISMISS THIS CASE FOR
COMPLIANCE**

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

- I. Case # CE 13-417, 240 Worth Ave., #M, Jackie Rogers & Power Love Assoc.
Violation of Chapter 114, Section 114-32 and 114-43 of the Town of Palm Beach
Code of Ordinances, Business Tax Receipt required

Lead Code Enforcement Officer Walton testified this business is no longer operating in the Town. The Town recommended the Board dismiss this case as the business is no longer in operation.

**MOTION BY MR. DOWELL TO DISMISS THIS CASE AS THE
BUSINESS IS NO LONGER IN OPERATION
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- J. Case # CE 13-430, 44 Cocoanut Row #T-6, RAR Architect Inc. & Anita E. Manuel
Revocable Trust
Violation of Chapter 114, Section 114-32 and 114-43 of the Town of Palm Beach
Code of Ordinances, Business Tax Receipt required

Lead Code Enforcement Officer Walton testified that this case is now in compliance. The Town recommended the Board dismiss the case for compliance

**MOTION BY MR. OCHSTEIN TO DISMISS THIS CASE FOR
COMPLIANCE
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

- K. Case # CE 13-440, 1700 S. Ocean Blvd., Estate of Gertrude Maxwell & Financial
Freedom
REPEAT Violation of Chapter 42, Section 42-86 of the Town of Palm Beach
Code of Ordinances, all appurtenances such as swimming pools to be kept in a
safe and good state of repair

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs of the violations. The Town recommended the Board fine the violator in non-compliance for a REPEAT violation, assess administrative costs in the amount of \$150.00 and a daily running fine in the amount of \$500.00 commence on May 24, 2013 and continue until compliance is achieved.

**MOTION BY MS GREENBERG TO FIND THE VIOLATOR IN REPEAT
NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00
AND THAT A FINE IN THE AMOUNT OF \$500.00 A DAY COMMENCE
ON MAY 24, 2013 AND CONTINUE UNTIL COMPLIANCE IS
ACHIEVED**

**SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

L. Case # CE 13-526, 141 Dolphin Rd., Dr. Doc Electric

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, permits required to construct, enlarge, alter, repair, move or demolish any structure or building

Code Enforcement Officer Moriarty testified the violator had paid the fine thereby submitting a guilty plea in this case. The Town recommended the Board accept the guilty plea and payment of the fine and no further action be taken.

**MOTION BY MR. GOLBORO TO ACCEPT THE GUILTY PLEA AND
PAYMENT OF FINE AND NO FURTHER ACTION BE TAKEN
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

M. Case # CE 13-356, 2842 S. Ocean Blvd., 2842 S. Ocean LLC and Omphoy Hotel

Violation of Chapter 114, Section 114-32 and 114-43 of the Town of Palm Beach Code of Ordinances, Business Tax Receipt required

Lead Code Enforcement Officer Walton presented the facts of the case and advised it was referred by the Town's Business Tax Receipts Specialist, Debby Morakis. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to obtain their Business Tax Receipt. Debby Morakis answered questions from the Board in reference to Business Tax Receipt procedures.

Joe Ruggeri was present on behalf of the property owner and testified they are working toward compliance.

**MOTION BY MR. GOLBORO TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND
GIVE THEM UNTIL AUGUST 9, 2013 TO COMPLY
SECONDED BY MR. DOWELL
MOTION PASSED WITH MS. VAN BUREN AND MS. GREENBERG
OPPOSED**

VI. Fine Consideration:

A. Case # CE 13-317, 2842 S. Ocean Blvd., 2842 S. Ocean LLC & Omphoy Hotel

Violation of Chapter 18, Section 18-241 and Section 18-242 of the Town of Palm Beach Code of Ordinances, permits required to construct, enlarge, alter, repair, move or demolish any structure or building; Violation of Chapter 42, Section 42-228, maximum permissible noise levels exceeded

Lead Code Enforcement Officer Walton briefly reviewed the case. The Town recommended a daily fine in the amount of \$250.00 commence on June 15, 2013 and continue until compliance is achieved. Building Official Jeff Taylor and Planning, Zoning and Building Director John Page answered questions from the Board about zoning and permitting issues.

Joe Ruggeri was present on behalf of the property owner and requested more time to comply.

**MOTION BY MR. DOWELL THAT A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCE ON JUNE 15, 2013 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

VII. Foreclosure Proceedings:

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

Lead Code Enforcement Officer Walton briefly reviewed the case. The Town recommended the Board present this case to the Town Council for foreclosure consideration.

Jason Evans, attorney for the property owner, was present at the hearing and testified his client has applied for a demolition permit and requested the Board postpone presenting this case to the Town Council for foreclosure consideration. Lead Code Enforcement Officer Walton advised the Town was not opposed to a postponement.

**MOTION BY MR. OCHSTEIN TO POSTPONE THE COMMENCEMENT OF THE FORECLOSURE ACTION UNTIL AUGUST 15, 2013 MEETING
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

VIII. Board Comments: (3:57:56 p.m.)

Code Enforcement Manager Houston advised the Board that term limits for Code Enforcement members passed the first reading with the Town Council and the second reading will be at the July Town Council meeting.

IX. Adjournment: (4:05:35 p.m.)

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