

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

Thursday, June 19, 2014, 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:(02:05:10 PM)

The meeting was called to order by Chairman Fried at 2:05 p.m.

II. Roll Call:(02:05:12 PM)

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, Robert G. Donnelley and alternate members Scotch Peloso and Matthew Natale.

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 15, 2014:(02:05:31 PM)

**MOTION BY MS. GREENBERG TO APPROVE THE MAY 15, 2014 MINUTES
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:05:49 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

- A. Case # CE 14-323, 205 Worth Ave., #320, Talarcyk Merrill LLC & Lendan, Inc.
Violation of Chapter 114, Section 114-32 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 this case had been postponed from the May meeting. 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. The business 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 ORDER THEM TO OBTAIN THEIR BUSINESS TAX RECEIPT
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY

- B. Case # CE 14-290, 309 Worth Ave., Love LLC
Violation of Chapter 42, Section 42-87(5) of the Town of Palm Beach Code of Ordinances, roofs to be constructed and maintained so as not to leak; Violation of Chapter 42, Section 42-87(2), exterior surfacing materials to be kept painted and in a good state of repair

Lead Code Enforcement Officer Walton 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 give them until July 31, 2014 to comply.

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

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 31, 2014 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY

- C. Case # CE 14-348, 80 Middle Rd., Gregory C. Dryer Tr Titl Hldr & Joseph & Nancy Dryer
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, roofs to be maintained in a state of good repair so as not to leak

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended the Board postpone the case until the August 21, 2014 meeting.

Greg Dryer was present at the hearing and answered the Board's questions.

**MOTION BY MR. OCHSTEIN TO POSTPONE THE CASE UNTIL THE
AUGUST 21, 2014 MEETING
SECONDED BY MS. VAN BUREN
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 4 TO 3

- D. Case # CE 14-501, 1230 S. Ocean Blvd., SMM Realty LLC
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all appurtenances such as private roadways to be kept in a state of safe and good repair

Lead Code Enforcement Officer Walton 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 give them until July 11, 2014 to comply.

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

**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 11, 2014 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 14-651, 231 Kenlyn Rd., Robert A. Roddy
REPEAT Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, dead or dying vegetation, an accumulation of debris on private property and grass/weeds in excess of 8 inches in height not allowed;

Violation of Chapter 42, Section 42-87, 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 evidence into the record. The Town recommended the Board find the violator in REPEAT non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay a \$800.00 fine.

George Ord, attorney for the property owner, was present at the hearing and testified the property is now in compliance. He submitted a letter from the property owner to the Board.

The Board discussed the Town's recommendation with regard to the fine due to the fact this is a repeat violation.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN REPEAT NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY A \$800.00 FINE
SECONDED BY MS. GREENBERG
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 5 TO 2

VI. Foreclosure Proceedings:(03:03:37 PM)

A. 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, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board request the Town Council to proceed with a foreclosure action.

Miguel Perez was present on behalf of the property owners. He testified as to why they had not come into compliance and advised they are working toward correcting the violations. He requested the Board postpone their recommendation of foreclosure to the Town Council.

**MOTION BY MR. OCHSTEIN TO REQUEST THE TOWN COUNCIL TO
PROCEED WITH A FORECLOSURE ACTION
SECONDED BY MR. DOWELL
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION FAILED 4 TO 3

**MOTION BY MR. BALLENTINE TO POSTPONE THEIR
RECOMMENDATION OF FORECLOSURE ACTION TO THE TOWN
COUNCIL UNTIL THE AUGUST 21, 2014 MEETING
SECONDED BY MR. DONNELLEY
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 5 TO 2

VII. Board Comments:(03:30:19 PM)

Manager Houston reminded the Board that there is no Code Enforcement Board meeting in July.

VIII. Adjournment:(03:31:03 PM)

The meeting was adjourned without benefit of a motion.