

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

Thursday, June 18, 2015, 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:(01:59:52 PM)

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

II. Roll Call:(01:59:53 PM)

Upon roll call, the following Board members were present: Chairman Harris S. Fried, Vice Chairman James Ballentine, Members Madelyn Greenberg, Cynthia Van Buren, Robert G. Donnelley, Matthew Natale and Alternate Member Scotch Peloso. Chairman Fried advised Mr. Peloso he would be a voting member today. Member Jay N. Nisberg had an unexcused absence.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Raychel Houston, Code Enforcement Officer John Moriarty, Code Enforcement Officer David Nault, Business Tax Receipt Specialist Debby Morakis and Recording Secretary Joan Dunn.

III. Approval of the Minutes of May 21, 2015:(02:00:05 PM)

**MOTION BY MS. GREENBERG TO APPROVE THE MAY 21, 2015 MINUTES
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:00:27 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

- A. Case # CE 15-288, 302 S. County Rd., The Sweet Spot & Milton Partnership LTD
Violation of Chapter 18, Section 18-175 of the Town of Palm Beach Code of Ordinances, ARCOM approval required prior to any changes to the appearance of a building visible from the right-of-way; Violation of Chapter 134, Section 134-2372(7), painted logos not allowed on awnings

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs 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 10, 2015 to comply.

Thomas Tomas was present at the hearing and requested a postponement as his attorney was not able to be present.

**MOTION BY MR. NATALE TO POSTPONE THE CASE UNTIL THE
JULY 16, 2015 MEETING
SECONDED BY MS. GREENBERG
MOTION OPPOSED**

ROLL CALL VOTE

MR. NATALE	YES
MS. GREENBERG	YES
MS. VAN BUREN	NO
MR. BALLENTINE	YES
MR. DONNELLEY	YES
MR. PELOSO	YES
MR. FRIED	NO

MOTION PASSED 5 TO 2

- B. Case # CE 15-428, 302 S. County Rd., The Sweet Spot
Violation of Chapter 106, Section 106-257(4) of the Town of Palm Beach Code of Ordinances, use of balloons in connection with special event prohibited

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

Thomas Tomas, Jamie Tomas and Robert Roddy were present and gave their testimony in the case.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE AND ASSESS ADMINISTRATIVE COSTS OF \$150.00
SECONDED BY MS. GREENBERG
MOTION PASSED WITH MS. VAN BUREN IN OPPOSITION**

- C. Case # CE 15-333, 166 Everglade Ave., Elizabeth Carroll Trust
Violation of Chapter 38, Section 38-62(b) of the Town of Palm Beach Code of Ordinances, unpaid alarm fines due

Code Enforcement Officer Nault presented the facts of the case. 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 10, 2015 to comply.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL JULY 10, 2015 TO COMPLY
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

- D. Case # CE 15-349, 401 Australian Ave., Patricia Yunghanns
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 grass in excess of 8 inches in height and accumulations of vegetative debris not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs 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 \$2,200.00 fine for the 22 days out of compliance.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND ORDER THEM TO PAY A \$2,200.00 FINE FOR THE 22 DAYS OUT OF COMPLIANCE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 15-369, 209 Worth Ave., Gregory James Diamonds International LLC

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

Code Enforcement Officer Nault presented the facts of the case. 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 10, 2015 to obtain their Business Tax Receipt.

Gregory James Beady and Ryan Gersak were present at the hearing and testified that they are no longer doing business under this name. Business Tax Receipt Specialist Morakis reviewed the paperwork presented and advised it would be sufficient to dismiss the case. Code Enforcement Manager Houston had no objection to dismissing the case.

**MOTION BY MR. DONNELLEY TO DISMISS THE CASE
SECONDED BY MR. BALLENTINE
MOTION PASSED WITH MS. VAN BUREN OPPOSED**

- F. Case # CE 15-399, 205 Worth Ave., #201, Mirror Mirror Imagination Group Inc. & Lendan Inc.

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

Code Enforcement Manager Houston presented the facts of the case. She advised she had been in touch with the business owner and they are intending to pay. 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 10, 2015 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 OF \$150.00 AND GIVE THEM UNTIL JULY 10, 2015 TO OBTAIN THEIR BUSINESS TAX RECEIPT
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

- A. Case # CE 15-168, 3030 S. Ocean Blvd, #435, John & Sherry Sorochnik Tr.
Violation of Chapter 18, Section 18-241 and 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. The Town recommended a fine in the amount of \$50.00 a day commence on June 16, 2015 and continue until compliance is achieved.

**MOTION BY MS. VAN BUREN TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY COMMENCING ON JUNE 16, 2015 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 15-169, 3030 S. Ocean Blvd, #442, Doug Campbell

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. The Town recommended a fine in the amount of \$50.00 a day commence on June 16, 2015 and continue until compliance is achieved.

**MOTION BY MS. GREENBERG TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY COMMENCING ON JUNE 16, 2015 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

C. Case # CE 15-224, 411 S. County Rd., Hals Realty Associates LTD

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, accumulation of debris/trash on private property not allowed

Code Enforcement Officer Moriarty briefly reviewed the case. He advised that the property came into compliance 11 days after being ordered to do so by the Board. The Town recommended a \$50.00 a day fine for the 11 days out of compliance for a total of a \$550.00 fine.

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

**MOTION BY MR. NATALE TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY FOR THE 11 DAYS OUT OF COMPLIANCE FOR A TOTAL OF A \$550.00 FINE
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

D. Case # CE 15-300, 224 Worth Ave., Palm V Assoc. LTD

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions and the storage of trash/debris on private property not allowed; Violation of Chapter 102, Section 102-71, suitable watertight containers of sufficient size and number to handle the accumulation of garbage, rubbish and waste matter required; Violation of Chapter 102, Section 102-73, the area where cans or containers are kept pending collection to be maintained in a clean condition, free of spilled garbage or foul-smelling water or residue; Section 102, Section 102-77, requires all garbage containers to be kept tightly covered at all times

Code Enforcement Officer Moriarty briefly reviewed the case. He advised that the property came into compliance 4 days after being ordered to do so by the Board. The Town recommended a \$50.00 a day fine for the 4 days out of compliance for a total of a \$200.00 fine.

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

MOTION BY MR. DONNELLEY TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY FOR THE 4 DAYS OUT OF COMPLIANCE FOR A TOTAL OF A \$200.00 FINE

SECONDED BY MR. PELOSO

MOTION PASSED UNANIMOUSLY

E. Case # CE 15-334, 256 Worth Ave., #T, Jackie Rogers & Power Love Assoc.

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

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a fine in the amount of \$50.00 a day commence on June 16, 2015 and continue until compliance is achieved.

Zlata Kotmina was present at the hearing on behalf of the business owner and requested more time to comply. She advised they had recently submitted their permit.

MOTION BY MR. BALLENTINE TO GIVE THEM MORE TIME TO COMPLY UNTIL JULY 13, 2015. HE FURTHER MOTIONED THAT IF COMPLIANCE WAS NOT ACHIEVED BY JULY 13, 2015, A FINE IN THE AMOUNT OF \$50.00 A DAY WOULD COMMENCE ON JULY 14,

**2015 RETROACTIVELY TO JUNE 16, 2015 AND CONTINUE UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Board Comments:(03:20:52 PM)

There were no Board comments.

VIII. Adjournment:(03:21:00 PM)

The meeting was adjourned without benefit of a motion.

