

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

Thursday, June 16, 2016, 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:(01:59:49 PM)

II. Roll Call:(02:00:15 PM)

Upon roll call, the following Board members were present: Chair James Ballentine, Jr., Vice Chair Madelyn Greenberg, Members Cynthia Van Buren, Robert G. Donnelley, Matthew Natale, Scotch Peloso, Jay N. Nisberg and Alternate Member Donald B. Scott, Jr.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Patrol Officer Jose Rodriguez and Recording Secretary Joan Dunn.

III. Approval of the Minutes of May 19, 2016:(02:00:18 PM)

**MOTION BY MS. GREENBERG TO APPROVE THE MAY 19, 2016 MINUTES
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

IV. Code Enforcement Board Member Oath:(02:00:34 PM)

Newly appointed alternate member Donald B. Scott, Jr. was sworn in.

V. Administration of the Oath to Town Staff:(02:02:25 PM)

The Town staff were sworn in by Recording Secretary Dunn.

VI. Public Hearings:

- A. Case # CE 16-406, 2145 S. Ocean Blvd. (Phipps Ocean Park), Yoel Concepcion
Violation of Chapter 6, Section 6-9 of the Town of Palm Beach Code of Ordinances, Alcoholic beverages prohibited in public places including public parks and beaches

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. Road Patrol Officer Rodriguez gave his testimony in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the \$125.00 fine.

Yoel Concepcion was present at the hearing and gave his testimony in the case.

**MOTION BY MR. DONNELLEY 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 MS. GREENBERG
MOTION PASSED WITH MR. PELOSO IN OPPOSITION**

- B. Case # CE 15-1037, 304 S. County Rd., Thomas Campaniello
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all appurtenances to be kept in a state of safe and good repair

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until July 18, 2016 to comply.

Mirta Signo-Diaz from FPL was present on behalf of the property owner, gave her testimony in the case and requested more time to comply.

**MOTION BY MR. NATALE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 15, 2016 TO COMPLY
SECONDED BY MR. PELOSO
MOTION PASSED WITH MS. VAN BUREN AND MR. BALLENTINE OPPOSED**

- C. Case # CE 16-173, 101 El Mirasol, Joral 2014 Property Trust & Jeffrey Blidner Tr. & Howard Carr Tr.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all appurtenances to be kept in a state of safe and good repair

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until September 12, 2016 to comply.

Josh Pertnoy was present on behalf of the property owner and gave his testimony in the case.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 12, 2016 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

D. Case # CE 16-172, 6 Via Los Incas, Sean M. Healey

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

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until September 12, 2016 to comply.

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

**MOTION BY MR. NATALE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 12, 2016 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

E. Case # CE 16-367, 259 Oleander Ave., ABK South Properties LLC

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

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until July 11, 2016 to comply.

Patricia Pitts was present on behalf of the property owner, gave her testimony in the case and requested more time to comply.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 15, 2016 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Fine Consideration:

A. Case # CE 16-225, 221 Oleander Ave., Barnacle PB LLC

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 passages of pedestrians and others using such sidewalks and bike trails; Violation of Chapter 106, Section 106-1, vegetation obstructing street signs, regulatory signs, street lighting or traffic signals not allowed

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a \$50.00 a day fine commencing on May 28, 2016 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. DONNELLEY TO ASSESS A \$50.00 A DAY FINE COMMENCING ON MAY 28, 2016 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

VIII. Fine Reduction Consideration:

Ms. Van Buren left the meeting and Mr. Scott became a voting member for the fine reduction consideration cases.

Case A was heard after cases B and C as the property owner was not yet present at the hearing.

A. Case # CE 15-978, 250 Seminole Ave., #4, Scott Derrin & Rhona Lieberman

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 and electrical, mechanical or plumbing system

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

Mr. Derrin was present at the hearing, gave his testimony in the case and requested a fine reduction.

MOTION BY MR. PELOSO TO GRANT A FINE REDUCTION TO \$4,850.00. HE FURTHER MOTIONED IF THE REDUCED FINE OF \$4,850.00 WAS NOT PAID WITHIN 30 DAYS IT WOULD RETURN TO ITS ORIGINAL AMOUNT OF \$9,700.00.

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

B. Case # CE 10-182, 237 Brazilian Ave., Florida Capital Mgmt LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful to have any building or other structure which is in such a dilapidated condition that it is unfit for human habitation and Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances which requires foundations and structural members to provide a firm and substantial base and support for the structure and interior walls and ceilings to be structurally sound and for exterior walls to be kept painted and in good repair and appurtenances such as walls, fences and balconies to be kept in a safe and good state of repair

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

Jason Dollard was present on behalf of the property owner at the hearing, gave his testimony in the case and requested a fine reduction.

MOTION BY MR. PELOSO TO GRANT A FINE REDUCTION TO \$20,000.00. HE FURTHER MOTIONED THAT IF THE REDUCED FINE OF \$20,000.00 WAS NOT PAID WITHIN 30 DAYS IT WOULD RETURN TO ITS ORIGINAL AMOUNT OF \$54,750.00

MOTION FAILED FOR LACK OF A SECOND

MOTION BY MR. NATALE TO GRANT A FINE REDUCTION TO \$24,750.00. HE FURTHER MOTION THAT IF THE REDUCED FINE OF \$24,750.00 WAS NOT PAID WITHIN 30 DAYS IT WOULD RETURN TO ITS ORIGINAL AMOUNT OF \$54,750.00.

MOTION FAILED FOR LACK OF A SECOND

MOTION BY MR. NATALE TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$24,750.00. HE FURTHER MOTIONED THAT IF THE REDUCED FINE OF

\$24,750.00 WAS NOT PAID WITHIN 10 DAYS IT WOULD RETURN TO ITS ORIGINAL AMOUNT OF \$54,750.00

SECONDED BY MR. NISBERG

MOTION OPPOSED

ROLL CALL VOTE

MR. NATALE	YES
MR. NISBERG	YES
MS. GREENBERG	NO
MR. DONNELLEY	NO
MR. PELOSO	YES
MR. SCOTT	NO
MR. BALLENTINE	NO

MOTION FAILED 4 TO 3

MOTION BY MR. NATALE TO REDUCE THE FINE TO \$35,000.00. HE FURTHER MOTIONED IF THE REDUCED FINE OF \$35,000.00 WAS NOT PAID WITHIN 10 DAYS IT WOULD RETURN TO ITS ORIGINAL AMOUNT OF \$54,750.00

SECOND BY MR. NISBERG

MOTION OPPOSED

ROLL CALL VOTE

MR. NATALE	YES
MR. NISBERG	YES
MS. GREENBERG	NO
MR. DONNELLEY	NO
MR. PELOSO	YES
MR. SCOTT	YES
MR. BALLENTINE	YES

MOTION PASSED 5 TO 3

C. Case # CE 15-987, 237 Brazilian Ave., Florida Capital Mgmt LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, accumulation of vegetative debris, nor stagnant water allowed

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

Jason Dollard was present on behalf of the property owner at the hearing, gave his testimony in the case and requested a fine reduction.

MOTION BY MR. NATALE TO REDUCE THE FINE TO \$10,000.000. HE FURTHER MOTIONED IF THE REDUCED FINE OF \$10,000.00 WAS NOT PAID WITHIN 30 DAYS IT WOULD RETURN TO ITS ORIGINAL AMOUNT OF \$15,200.00

MOTION FAILED FOR LACK OF A SECOND

Due to no subsequent motion to reduce the fine, the fine remains at the original amount of \$15,200.00.

IX. Board Comments:(04:13:38 PM)

No comments were made by the Board.

X. Adjournment:(04:14:02 PM)

**MOTION BY MR. DONNELLEY TO ADJOURN THE MEETING
SECOND BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**