

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

Thursday, May 19, 2016, 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:

II. Roll Call:(02:00:01 PM)

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

Staff present: Attorney Jamie Gavigon, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Patrol Officer Ryan Burgoon, Road Patrol Officer Fred Waymire and Recording Secretary Joan Dunn.

III. Approval of the Minutes of April 21, 2016:(02:00:24 PM)

**MOTION BY MR. DONNELLY TO APPROVE THE APRIL 21, 2016 MINUTES
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:00:42 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 16-330, 251 Royal Palm Way, Grayson Bauer Flory

Violation of Chapter 42, Section 42-197 of the Town of Palm Beach Code of Ordinances, loudspeakers, amplifiers or similar devices used to attract attention not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. Road Patrol Officer Waymire 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.

Grayson Bauer Flory was present at the hearing and gave his testimony in the case.

MOTION BY MS. GREENBERG TO POSTPONE THIS CASE
SECONDED BY MR. PELOSO
MOTION OPPOSED

ROLL CALL VOTE

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

MOTION FAILED 5 TO 2

MOTION BY MS. VAN BUREN 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 MR. DONNELLEY
MOTION PASSED UNANIMOUSLY

Mr. Ballentine recognized and thanked Councilman Kleid for attendance at the hearing.

B. Case # CE 16-332, 251 Royal Palm Way, Benjamin Lian Reynoso

Violation of Chapter 42, Section 42-197 of the Town of Palm Beach Code of Ordinances, loudspeakers, amplifiers or similar devices used to attract attention not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. Road Patrol Officer Waymire 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.

Benjamin Lian Reynoso 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 MR. NISBERG
MOTION PASSED UNANIMOUSLY**

C. Case # CE 16-213, 207 Seaview Ave. AKA 234 S. County Rd., J.K. Kling & 230 South County Road LLC

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, Business Tax Receipt required for any person who carries on, engages in or conducts an occupation, business or profession enumerated in Chapter 114-43 of the Code

Patrol Officer Burgoon presented the facts of the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to obtain a business tax receipt paying all outstanding fines and fees.

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

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM OBTAIN THEIR BUSINESS TAX RECEIPT PAYING ALL OUTSTANDING FINES AND FEES
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

D. Case # CE 16-155, 113 Kings Rd., Gilbert C. Rapaille

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 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 June 10, 2016 to comply.

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

**MOTION BY MR. NISBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JUNE 10, 2016 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

E. Case # CE 16-159, 1080 S. Ocean Blvd, Jennie K. Scaife

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances required 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 June 10, 2016 to comply.

Dane Leitner was present on behalf of the property owner, gave his testimony in the case and requested more time to comply.

**MOTION BY MR. PELOSO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JULY 15, 2016 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

F. Case # CE 16-179, 70 Middle Rd., Jennifer J. Naegele

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinance, dead or dying trees not allowed; Violation of Chapter 42, Section 42-87, all exterior surfaces to be maintained in good condition and painted and windows to be maintained in such a condition as to exclude weather elements or insects from entering

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 June 10, 2016 to comply.

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

**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 JUNE 10, 2016 TO COMPLY
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

G. 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 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 June 3, 2016 to comply.

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

The Board discussed alternative compliance dates.

**MOTION BY MR. NATALE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 27, 2016 TO COMPLY
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

H. Case # CE 16-236, 102 Jungle Rd., Thomas Maier Tr.

Violation of Chapter 134, Section 134-1473 of the Town of Palm Beach Code of Ordinances, hedges grown eastwardly of Ocean Boulevard to be maintained at a height no greater than four feet above the surface of Ocean Boulevard

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 June 3, 2016 to comply.

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

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JUNE 3, 2016 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

A. Case # CE 16-138, 2773 S. Ocean Blvd., Carlyle House Association, Inc.

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 recommended the Board assess a \$100.00 a day fine commencing on May 19, 2016 and continuing until compliance is achieved

Wendy Barber was present on behalf of the property owner, gave her testimony and requested more time to comply.

**MOTION BY MR. DONNELLEY TO GIVE THEM MORE TIME TO COMPLY, UNTIL JULY 19, 2016. HE FURTHER MOTIONED IF COMPLIANCE WAS NOT ACHIEVED BY JULY 19, 2016 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON JULY 20, 2016 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

VII. Board Comments:(03:22:23 PM)

Mr. Peloso commented about the recent change to the agenda which made it more helpful to the Board members.

VIII. Adjournment:(03:23:01 PM)

**MOTION BY MR. DONNELLEY TO ADJOURN THE MEETING
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**