

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

Thursday, May 17, 2018, 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:(02:00:20 PM)

The meeting was called to order by Code Enforcement Chair Matthew Natale 2:00 p.m.

II. Roll Call:

Upon roll call, the following Board members were present: Chair Matthew Natale, Vice Chair Jay N. Nisberg, Members Robert G. Donnelley, Scotch Peloso, Daniel McDonnell, Rosemary G. Carpenter, Linda K. Wartow and Alternate Member Steven Meltzer.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Benjamin Alma, Code Enforcement Officers John T. Moriarty and Julien Felix and Recording Secretary Joan Dunn.

III. Approval of the Minutes of April 19, 2018:(02:01:04 PM)

**MOTION BY MR. DONNELLEY TO APPROVE THE APRIL 19, 2018 MINUTES
SECONDED BY MR. MCDONNELL
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:01:19 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Code Statistics:(02:01:39 PM)

Code Enforcement Officer Felix reviewed the Code Enforcement statistics for the month as follows:

- 544 - year-to-date Code Enforcement cases
- 145 cases initiated since last Code Board Hearing
 - 65 cases self-initiated
 - 80 cases received (not self-initiated)
- 23 cases set to appear at May Code Board
- 13 achieved compliance before Hearing
- 1 Old Business case to be heard today
- 9 new cases to be heard today

VI. Old Business:

A. Case # CE 14-1212, 160 Royal Palm Way, 160 Royal Palm LLC

Violation of Chapter 134, Section 134-326(b) of the Town of Palm Beach Code of Ordinances, application for site plan review must be filed and approved by the Town Council prior to the altering of the use of any land; Violation of Chapter 134, Section 134-7, compliance with requirements of grants of variances or exceptions required; Violation of Chapter 134, Section 134-226, compliance with Declaration of Use Agreements required

Code Enforcement Officer Moriarty announced the case and advised Attorney Cary Glickstein was present to discuss the case.

Attorney Glickstein gave the Board an update on this property, advised that he has been authorized to release \$19,400.00 to the Board as the receiver and requested a 120 day extension of the fine suspension starting June 15, 2018.

MOTION BY MR. MCDONNELL TO GRANT A CONTINUATION OF THE FINE SUSPENSION, FOR AN ADDITIONAL 120 DAYS COMMENCING ON JUNE 15, 2018, CONTINGENT UPON THE PAYMENT OF \$19,400.00 TOWARD THE TOTAL CODE ENFORCEMENT FINE TO DATE OF \$19,400.00.

SECONDED BY MR. NISBERG

MOTION PASSED UNANIMOUSLY

VII. Public Hearings:

A. Case # CE 18-177, 139 N. County Rd. #8, Joseph Paul Davis Interiors & Paramount Church Inc. Lessor Non Profit Group Lessees

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until June 18, 2018 to comply.

Attorney David Klein was present on behalf of the business owner and requested more time to comply.

**MOTION BY MR. DONNELLEY TO POSTPONE THIS CASE TO THE
SEPTEMBER 20, 2018 HEARING
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY**

Note: At the end of the meeting the Board made the decision not to hold the September meeting as the Town Council had recently scheduled a meeting for the same date and venue as the Code Board September meeting. The violator in this case was notified via phone that their case will be postponed until the October 18, 2018 hearing. The Board Order issued for this case reflected the October 18, 2018 date.

B. Case # CE 18-255, 235 Sunrise Ave. #CM23 - CM26, Trainer's Gym of Palm Beach LLC & Palm Beach Hotel & Palm Beach Hotel Condo Assoc. Inc.

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until June 18, 2018 to comply.

Attorney Leslie Evans, Hotel Manager Robert Perez and Serena Weil were present on behalf of the business and property owner and requested more time to comply.

**MOTION BY MS. CARPENTER TO POSTPONE THIS CASE TO THE
SEPTEMBER 20, 2018 HEARING
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

Note: At the end of the meeting the Board made the decision not to hold the September meeting as the Town Council had recently scheduled a meeting for the same date and venue as the Code Board September meeting. The violator in this case was notified via phone that their case will be postponed until the October 18, 2018 hearing. The Board Order issued for this case reflected the October 18, 2018 date.

C. Case # CE 18-223, 216 Bermuda Ln., Dennis & Polly Selkoe

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 or demolish a building or structure, 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 Felix advised this case is now in compliance and requested it be dismissed.

**MOTION BY MR. PELOSO TO DISMISS THE CASE FOR COMPLIANCE
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

D. Case # CE 17-1518, 240 S. County Rd., Thomas & Sandra Campaniello

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all appurtenances and exterior surfaces to be maintained in good and safe repair and painted and, all exterior doors to be constructed and maintained in such a condition to exclude weather elements or insects from entering; Violation of Chapter 42, Section 42-86, grass/weeds in excess of 8 inches in height not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until June 18, 2018 to comply.

The property 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 GIVE UNTIL JUNE 18, 2018 TO COMPLY
SECONDED BY MS. CARPENTER
MOTION PASSED UNANIMOUSLY**

E. Case # CE 18-218, 264 S. County Rd., Carriage House Properties Partners LLC

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

Code Enforcement Officer Moriarty advised the property owner was requesting a postponement of this case as they were unable to be present today. The Town had no objections to the postponement.

MOTION BY MR. NISBERG TO POSTPONE THE CASE UNTIL THE JUNE 18, 2018 MEETING
SECONDED BY MR. PELOSO
MOTION PASSED WITH MR. MCDONNELL OPPOSED

F. Case # CE 18-225, 1263 N. Lake Way, Henry & Susan McIntosh

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, 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 presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until June 18, 2018 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 UNTIL JUNE 18, 2018 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY

G. Case # CE 18-226, 3230 S. Ocean Blvd., #A201, Yvonne M. Anderson

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, 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 presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until June 18, 2018 to comply.

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

MOTION BY MR. NISBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL JULY 16, 2018 TO COMPLY
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY

Note: Ms. Carpenter left the chambers and Mr. Metzler became a voting member

H. Case # CE 18-318, 301 Polmer Park, Braxca Palm Beach Trust

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, 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 Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until June 18, 2018 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 UNTIL JUNE 18, 2018 TO COMPLY
SECONDED BY MR. MELTZER
MOTION PASSED UNANIMOUSLY**

I. Case # CE 18-352, 241 El Dorado Ln., Haifa General Contracting LLC

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances, obstruction of right-of-way

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$250.00 fine.

Randall Moen was present at the hearing 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 ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MR. MELTZER
MOTION PASSED UNANIMOUSLY**

Note: Ms. Carpenter returned during this case, but was not there for the entire testimony so Mr. Meltzer remained a voting member for this case. Ms. Carpenter returned to voting member status after this case and Mr. Meltzer returned to alternate member status.

VIII. Board Comments:(03:07:25 PM)

The Board discussed cancelling or moving the September Hearing date as the Town Council would be using the Chambers on the date of the September Code Board Hearing.

**MOTION BY MR. PELOSO TO CANCEL THE SEPTEMBER CODE
ENFORCEMENT BOARD HEARING
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY**

IX. Adjournment:(03:14:32 PM)

**MOTION BY MR. NISBERG TO ADJOURN THE HEARING
SECONDED BY MS. CARPENTER
MOTION PASSED UNANIMOUSLY**