

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

Thursday, May 16, 2013, 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:(1:59:13 p.m.)

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

II. Roll Call:(1:59:19 p.m.)

Upon roll call, the following Board members were present: Chairman Harris S. Fried, Vice Chairman James Ballentine, Members Larry Ochstein, Madelyn Greenberg, W. Anthony Dowell, Alan S. Golboro and alternate member Scotch Peloso. Member Cynthia Van Buren had an unexcused absence. Mr. Fried advised Mr. Peloso would be a voting member today.

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 April 18, 2013:(1:59:40 p.m.)

**MOTION BY MR. GOLBORO TO APPROVE THE APRIL 18, 2013 MINUTES
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff: (2:00:09 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

Mr. Fried welcomed Councilman Diamond to the meeting.

V. Public Hearings:

A. Case # CE 13-348, 336 S. County Rd., Roosevelt N. Methelus

Violation of Chapter 130, Section 130-105 of the Town of Palm Beach Code of Ordinances, no parking or standing within the town unless specifically designated as a taxi stand

Code Enforcement Officer Moriarty presented the facts of the case and advised it was issued by Road Patrol Officer Wallach. Officer Wallach testified about her involvement 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 \$250.00 fine.

Roosevelt N. Methelus was present at the hearing and stated the taxi stand was full of illegally parked vehicles and he was waiting for a fare.

Various Board members asked questions to clarify their understanding of the case.

MOTION BY MR. OCHSTEIN 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. BALLENTINE

MOTION OPPOSED

ROLL CALL VOTE

MR. OCHSTEIN YES

MR. BALLENTINE YES

MS. GREENBERG NO

MR. GOLBORO NO

MR. PELOSO NO

MR. DOWELL YES

MR. FRIED NO

MOTION FAILS 4 TO 3

MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$50.00 FINE

SECONDED BY MR. GOLBORO

MOTION OPPOSED

ROLL CALL VOTE

MS. GREENBERG YES
MR. GOLBORO YES
MR. PELOSO NO
MR. OCHSTEIN NO
MR. BALLENTINE NO
MR. DOWELL YES
MR. FRIED YES

MOTION PASSED 4 TO 3

B. Case # CE 13-406, 240 Worth Ave., #M, Jackie Rogers

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances, obstruction of Right of Way

Lead Code Enforcement Officer Walton presented the facts of the case, advised it was a result of a citizen's complaint and submitted photographs into evidence. 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.

Amy Negron was present on behalf of the business owner and requested a postponement as the business owner was not able to attend the meeting.

The postponement was not granted by virtue of a motion to accept the Town's recommendation.

MOTION BY MR. DOWELL 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. OCHSTEIN

Town Attorney Randolph interrupted this motion and advised if the Town was going forward with this case Ms. Negron should be allowed to give her testimony. Ms. Negron advised since she was not the business owner, she could not provide the Board with any further testimonial information.

MOTION BY MR. DOWELL 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. GOLBORO
MOTION PASSED UNANIMOUSLY

C. Case # CE 13-411, 240 Worth Ave., #M, Jackie Rogers

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances, obstruction of Right of Way

Lead Code Enforcement Officer Walton presented the facts of the case, advised it was a result of a citizen's complaint and advised this citation was issued by Road Patrol Officer Walley who was present at the hearing. Officer Walley testified about his involvement 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 \$250.00 fine.

Amy Negron was present on behalf of the business owner and requested a postponement as the business owner was not able to attend the meeting.

The postponement was not granted and Ms. Negron advised that she did not have any further testimony in this case.

**MOTION BY MS. GREENBERG 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. BALLENTINE
MOTION PASSED UNANIMOUSLY**

D. Case # CE 13-176, 336 El Vedado Rd., Mark Futch

Violation of Chapter 14, Section 14-32 of the Town of Palm Beach Code of Ordinances, taking off or landing of aircraft in the water of Lake Worth in the corporate limits not allowed

Lead Code Enforcement Officer Walton advised Mr. Futch's attorney is not available until the July 18, 2013 hearing and the town is not opposed to an extension. The Town recommended a postponement of this case until the July 18, 2013 meeting.

**MOTION BY MR. OCHSTEIN TO POSTPONE THIS CASE UNTIL THE JULY 18, 2013 HEARING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

E. Case # CE 13-219, 314 Dunbar Rd., Marilyn R. Sultan

REPEAT Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all appurtenances to be kept in a safe and good state of repair, exterior surfaces to be in a good state of repair and painted and roofs to be maintained so as not to leak; Violation of Chapter 42, Section 42-86, accumulation of debris on private property, dead or dying vegetation or vegetation

infested with pests such as whitefly not allowed; Chapter 18, Section 18-241, electrical wiring to be maintained in a safe condition

Lead Code Enforcement Officer Walton advised this case was postponed from April 18, 2013 meeting. He advised the property owner has now come into compliance. The Town recommended this case be dismissed for compliance.

**MOTION BY MR. OCHSTEIN TO DISMISS THIS CASE FOR COMPLIANCE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- F. Case # CE 13-307, 281 Royal Poinciana Way, Psychic Visions & E R Bradley's Saloon South Inc.

Violation of Chapter 18, Section 18-241 and Section 18-242 of the Town of Palm Beach Code of Ordinances, permits required to construct, enlarge, alter, repair, move or demolish any structure or building

Lead Code Enforcement Officer Walton presented the facts of the case, advised it was a result of a routine inspection 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 14, 2013 to comply.

**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 14, 2013 TO COMPLY
SECONDED BY MR. GOLBORO
MOTION PASSED UNANIMOUSLY**

- G. Case # CE 13-317, 2842 S. Ocean Blvd., 2842 S. Ocean LLC & Omphoy Hotel

Violation of Chapter 18, Section 18-241 and Section 18-242 of the Town of Palm Beach Code of Ordinances, permits required to construct, enlarge, alter, repair, move or demolish any structure or building; Violation of Chapter 42, Section 42-228, maximum permissible noise levels exceeded

Lead Code Enforcement Officer Walton presented the facts of the case, advised it was a result of a citizen's complaint 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 14, 2013 to comply.

Tom Mulroy, general manager for the Omphoy was present and testified that they are working on getting the proper paperwork and permits and requested more time to comply, until July 18, 2013. Zoning Administrator Paul Castro testified about the approvals they would need for this remodel.

**MOTION BY MR. GOLBORO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JUNE 14, 2013 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

- H. Case # CE 13-321, 318 Worth Ave., Arcature Fine Art & The Everglades Club
Violation of Chapter 114, Section 114-32 and 114-43 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 it was a result of a notification from the Town's Business Tax Receipts Specialist. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to obtain their Business Tax Receipt.

**MOTION BY MS. GREENBERG 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. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- I. Case # CE 13-342, 2145 S. Ocean Blvd., Dieuvert Joseph
Violation of Chapter 130, Section 130-61 of the Town of Palm Beach Code of Ordinances, taxi permit required

Code Enforcement Officer Moriarty presented the facts of the case, advised it was a result of a routine inspection and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the \$250.00 fine.

Dieuvert Joseph was present at the hearing and advised he had just dropped off a passenger at the Four Seasons and did not believe he was in violation of the ordinance.

**MOTION BY MR. OCHSTEIN TO DISMISS THIS CASE
SECONDED BY MR. GOLBORO
MOTION OPPOSED**

ROLL CALL VOTE

**MR. OCHSTEIN YES
MR. GOLBORO YES
MS. GREENBERG NO
MR. PELOSO YES
MR. BALLENTINE NO**

MR. DOWELL	NO
MR. FRIED	YES

MOTION PASSED 4 TO 3

VI. Fine Consideration:

A. Case # CE 13-181, 445 Brazilian Ave., Shorehaven, LLC

Violation of Chapter 42, Section 42-87 and Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, all appurtenances and exterior surfaces to be painted and in a good state of repair

Lead Code Enforcement Officer Walton briefly reviewed the facts. The Town recommended a fine in the amount of \$100.00 a day commence on May 11, 2013 and continue until compliance is achieved.

**MOTION BY MR. OCHSTEIN THAT A FINE IN THE AMOUNT OF
\$100.00 A DAY COMMENCE ON MAY 11, 2013 AND CONTINUE UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

VII. Fine Reductions:

A. Case # CE 13-117, 1053 N. Lake Way, Angelika Dude

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, dead or dying vegetation not allowed

Code Enforcement Officer Moriarty briefly reviewed this case and advised the daughter of the property owner was present to request a fine reduction. The Town had no recommendation.

Vivian Dude, daughter of the property owner, testified that the property is now in compliance and the delay was due to her mother's illness. She requested a dismissal of the accrued fine.

**MOTION BY MR. DOWELL TO RESCIND THE ACCUMULATED FINE
SECONDED BY MS. GREENBERG
MOTION OPPOSED**

ROLL CALL VOTE

MR. DOWELL	YES
MS. GREENBERG	YES
MR. GOLBORO	NO
MR. PELOSO	NO
MR. OCHSTEIN	YES

MR. BALLENTINE YES
MR. FRIED YES

MOTION PASSED 5 TO 2

VIII. Board Comments: (3:12:40 p.m.)

Various Board members expressed their concern over the fines associated with the taxi ordinance and asked if a fine schedule could be revised to reflect the severity of the infraction. Mgr. Houston advised this issue could be presented at the ORS Committee.

Mr. Fried advised the Board the Town Council will be discussing term limits for the Code Enforcement Board.

IX. Adjournment: (3:23:15 p.m.)

The meeting was adjourned without benefit of a motion.