

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

Thursday, May 15, 2014, 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:

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

II. Roll Call:(02:00:58 p.m.)

Upon roll call, the following Board members were present: Chairman Harris S. Fried, Vice Chairman James Ballentine, Members Madelyn Greenberg, Cynthia Van Buren, W. Anthony Dowell, Robert G. Donnelley and alternate members Scotch Peloso and Matthew Natale. Member Larry Ochstein had an unexcused absence and Mr. Peloso was told he 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 17, 2014:(02:01:02 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE APRIL 17, 2014 MINUTES
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:01:18 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

- A. Case # CE 14-216, 2100 S. Ocean Blvd., The 2100 Condominium Assoc. Inc.
Violation of Chapter 18, Section 18-241 and 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 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 in the amount of \$150.00 and give them until June 16, 2014 to comply. Building Administrator William Bucklew testified that there were no immediate safety concerns in his opinion.

Kim Fishman was present on behalf of the business, testified they are working toward compliance and requested more time to comply.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JUNE 16, 2014 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

- B. Case # CE 14-307, 331 Worth Ave., Worth Avenue Holdings LLC
Violation of Chapter 22, Section 22-57 and Section 22-58 of the Town of Palm Beach Code of Ordinances, all windows and doors of vacant buildings or buildings under construction located within the commercial zoning district whose windows and doors can be viewed from the public street and expose the interior of the building to provide approved screening in accordance with the revised "Vacant or Under Construction Window Treatment Policy"

Lead Code Enforcement Officer Walton 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 in the amount of \$150.00 and give them until June 2, 2014 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 2, 2014 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- C. Case # CE 14-315, 205 Worth Ave., #201, Raymond James & Associates, Inc. & Lendan, Inc.

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

Lead Code Enforcement Officer Walton 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 June 16, 2014 to comply.

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 IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JUNE 16, 2014 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- D. Case # CE 14-323, 205 Worth Ave., #320, Talarcyk Merrill LLC & Lendan, Inc.

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

Lead Code Enforcement Officer Walton advised the business owner attempted to rectify this violation this morning but was unable to meet with Town staff. The Town recommended the Board postpone this case until the June 19, 2014 meeting.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE JUNE 19, 2014 MEETING
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

Mr. Fried welcomed and thanked Council woman Townsend for her attendance at the hearing.

VI. Fine Consideration:

- A. Case # CE 14-173, 256 Seminole Ave., Maximilian & Louise Kaufmann

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, repair, remove, convert or replace any electrical, mechanical or plumbing systems;
Violation of Chapter 42, Section 42-86, accumulated debris on private property not allowed

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$250.00 starting May 13, 2014. Safety concerns about the work done without permits were addressed by Building Official Bucklew. He advised the Board he would do a site inspection the next day with the Fire Marshall.

Camilo Garcia and Maximilian Kaufman were present at the hearing. Mr. Garcia testified that they are in the process of obtaining permits and requested more time to comply.

**MOTION BY MR. BALLENTINE TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON MAY 13, 2014 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DONNELLEY
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION FAILED 4 TO 3

**MOTION BY MS. VAN BUREN TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL JUNE 1, 2014. SHE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY JUNE 1, 2014, A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON JUNE 2, 2014 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

B. Case # 14-190, 252 Oleander Ave., Oleander Ventures LLC

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all windows and doors to be constructed and maintained in such a condition as to exclude weather elements or insects from entering, appurtenances such as stairs and decks to be maintained in a safe and sound condition and in good repair and interior walls to be structurally sound; Violation of Chapter 18, Section 18-241 and Section 18-242, building permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, repair, remove, convert or replace any electrical, mechanical

or plumbing systems; Violation of Chapter 42, Section 42-86, vegetation infested with pests such as whitefly not allowed

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$250.00 starting May 13, 2014.

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

**MOTION BY MR. BALLENTINE TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON MAY 13, 2014 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Board Comments:(03:03:59 p.m.)

There were no Board comments.

VIII. Adjournment:(03:04:09 p.m.)

The meeting was adjourned without benefit of a motion.