

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

Thursday, April 20, 2017, 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.

Call to Order:(01:59:35 PM)

I.

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

II. Roll Call:(01:59:53 PM)

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

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

III. Election of Officers(02:00:11 PM)

Mr. Donnelley nominated Mr. Ballentine as Chair. There were no other nominations and he was voted in as Chair unanimously.

Mr. Donnelley nominated Ms. Van Buren as Vice Chair. Mr. Peloso nominated Mr. Nisberg as Vice Chair. Mr. Nisberg advised he would remove his name from the running. Ms. Van Buren was unanimously voted in as Vice Chair.

IV. Approval of the Minutes of March 16, 2017:

**MOTION BY MS. VAN BUREN TO APPROVE THE MARCH 16, 2017
MINUTES**

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

V. Administration of the Oath to Town Staff:(02:04:26 PM)

The Town staff were sworn in by Recording Secretary Dunn.

VI. Code Statistics(02:04:29 PM)

Code Enforcement Officer Felix reviewed the Code Enforcement statistics for the month.

VII. Public Hearings:

A. Case # CE 17-30, 1237 N. Lake Way, Geryl T. Pearl

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 any electrical, mechanical or plumbing system; Violation of Chapter 18, Section 18-175, ARCOM approval required prior to the issuance of certain permits

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into the record. The Town recommended the Board order a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until May 16, 2017 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 THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 16, 2017 TO COMPLY
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

B. Case # CE 17-221, 302 S. County Rd. AKA 296 S. County Rd., Le Macaron Palm Beach LLC & Milton Partnership LTD

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 any electrical, mechanical or plumbing system; Violation of Chapter 18, Section 18-175, ARCOM approval required prior to the issuance of certain permits

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into the record. The Town recommended the Board order a finding of non-

compliance, assess administrative costs in the amount of \$150.00 and give them until May 16, 2017 to comply.

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

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 16, 2017 TO COMPLY
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

C. Case # CE 17-236, 301 Polmer Park Rd., Building Designs Inc.

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances, construction with noise outside allowable hours or days (in season)

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

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 THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

D. Case # CE 17-301, 216 Sandpiper Dr., LC Construction Florida Inc.

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances, construction with noise outside allowable hours or days (in season)

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

Chad Davis was present at the hearing on behalf of LC Construction and gave his testimony in the case.

Ms. Van Buren made a motion which was not voted on due to ongoing discussions which resulted in the motion being changed for better clarification and agreement.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND WAIVE THE FINE
SECONDED BY MR. NATALE
MOTION PASSED WITH MR. McDONNELL IN OPPOSITION**

VIII. Fine Consideration:

A. Case # CE 16-1107, 301 Australian Ave., Brazilian Court Hotel

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, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Felix briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$250.00 a day commencing on April 18, 2017 and continuing until compliance is achieved.

Richard Shlesinger was present at the hearing on behalf of the hotel and requested more time to comply.

Building Official William Buckley and Zoning Administrator John Lindgren gave their testimony in the case.

Landmarks Preservation Commission Vice Chair Richard Silvin gave his testimony in the case.

**MOTION BY MR. DONNELLEY TO GIVE MORE TIME TO COMPLY, UNTIL JUNE 12, 2017. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY JUNE 12, 2017 A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON JUNE 13, 2017, RETROACTIVE TO APRIL 18, 2017
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 16-1116, 226 Pendleton Ave., Susan C. Gibson

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

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$100.00 a day commencing on April 18, 2017 and continuing until compliance is achieved.

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

**MOTION BY MR. NISBERG TO ASSESS A FINE IN THE AMOUNT OF \$100.00
A DAY COMMENCING ON APRIL 18, 2017 AND CONTINUING UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

IX. Board Comments:(03:11:18 PM)

The Board discussed the monthly stats and if the Town had any other recourse for unresponsive property owners.

X. Adjournment:(03:16:51 PM)

**MOTION BY MS. VAN BUREN TO ADJOURN THE MEETING
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**