

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

Thursday, April 19, 2018, 2:00 p.m.

Please be advised that the minutes 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.

I. Call to Order:(01:59:59 PM)

The meeting was called to order by Code Enforcement Manager Benjamin Alma 2:00 p.m.

II. Roll Call:(02:00:43 PM)

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

Staff present: Attorney Karl Sanders, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer Julien Felix, Building Official William Bucklew and Recording Secretary Joan Dunn.

III. Election of Officers:(02:00:47 PM)

Manager Alma requested nominations for the Code Enforcement Board Chair. Mr. Natale nominated Jay N. Nisberg. Mr. Nisberg deferred and nominated Mr. Natale. No other persons were nominated.

ROLL CALL VOTE

MR. DONNELLEY	YES
MR. PELOSO	YES
MR. NISBERG	YES
MR. MCDONNELL	YES
MS. CARPENTER	YES
MS. WARTOW	YES
MR. NATALE	YES

MR. NATALE IS VOTED IN AS THE NEW CODE ENFORCEMENT CHAIR

Manager Alma turned the meeting over to Mr. Natale. Mr. Natale thanked the Board and asked for nominations for Vice Chair. Ms. Carpenter nominated Mr. Nisberg as Vice Chair. Mr. Nisberg accepted the nomination and several members seconded the nomination.

ROLL CALL VOTE

MR. DONNELLEY	YES
MR. PELOSO	YES
MR. NATALE	YES
MR. MCDONNELL	YES
MS. CARPENTER	YES
MS. WARTOW	YES
MR. NISBERG	YES

MR. NISBERG IS VOTED IN AS THE NEW CODE ENFORCEMENT VICE CHAIR

The meeting was paused to facilitate rearranging the dais

IV. Approval of the Minutes of March 15, 2018:(02:03:57 PM)

MOTION BY MR. DONNELLEY TO APPROVE THE MARCH 15, 2018 MINUTES
SECONDED BY MR. MCDONNELL
MOTION PASSED UNANIMOUSLY

V. Administration of the Oath to Town Staff:(02:03:59 PM)

The Town staff were sworn in by Recording Secretary Dunn.

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

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

- 399 - year-to-date Code Enforcement cases
- 173 cases initiated since last Code Board Hearing
 - 69 cases self initiated
 - 104 cases received (not self-initiated)
- 30 cases set to appear at April Code Board
- 19 achieved compliance before Hearing
- 7 new cases to be heard today
- 1 fine considerations to be heard today
- 3 fine reduction considerations to be heard today

VII. Public Hearings:

A. Case # CE 17-1292, 316 S. County Rd., Thirty Sixty South Ocean Inc.

Violation of Chapter 18, Section 18-922 of the Town of Palm Beach Code of Ordinances, awnings that are temporarily removed due to repair are to be re-installed within 14 days of the storm's passing; Violation of Chapter 18, Section 18-233, 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. Building Official Bucklew gave his testimony in the case. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until May 14, 2018 to comply.

Samantha Kelly & Michelle Botindari were present at the hearing on behalf of the property owner and gave their testimony in the case. They advised they believed they could come into compliance by the date suggested by the Code Enforcement Officer.

**MOTION BY MR. MCDONNELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL MAY 14, 2018 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION OPPOSED**

ROLL CALL VOTE

MR. MCDONNELL	YES
MR. DONNELLEY	YES
MR. NATALE	YES
MR. PELOSO	YES
MR. NISBERG	NO
MS. CARPENTER	NO
MS. WARTOW	NO

MOTION PASSED 4 TO 3

B. Case # CE 17-1397, 257 Royal Poinciana Way, 257 RPW LLC

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 advised this case is now in compliance and requested it be dismissed.

MOTION BY MS. CARPENTER TO DISMISS THE CASE FOR COMPLIANCE

SECONDED BY MR. NISBERG

MOTION PASSED UNANIMOUSLY

C. Case # CE 17-1432, 336 S. County Rd., C. Orrico & 336 Partners Inc.

Violation of Chapter 18, Section 18-922 of the Town of Palm Beach Code of Ordinances, awnings that are temporarily removed due to repair are to be re-installed within 14 days of the storm's passing; Violation of Chapter 18, Section 18-233, 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. Building Official Bucklew gave his testimony in the case. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until May 14, 2018 to comply.

Keith Warman was present at the hearing on behalf of the property owner and gave his testimony in the case.

The Board discussed giving more time to ensure compliance could be met.

MOTION BY MR. PELOSO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL JUNE 14, 2018 TO COMPLY

SECONDED BY MR. DONNELLEY

MOTION PASSED UNANIMOUSLY

D. Case # CE 17-1480, 107 Dolphin Rd., Irwin B. Ackerman

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 May 14, 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 MAY 14, 2018 TO COMPLY
SECONDED BY MS. CARPENTER
MOTION OPPOSED**

ROLL CALL VOTE

MR. NISBERG	YES
MS. CARPENTER	YES
MR. DONNELLEY	NO
MR. PELOSO	YES
MR. MCDONNELL	NO
MS. CARPENTER	YES
MS. WARTOW	YES

MOTION PASSED 5 TO 2

- E. Case # CE 18-10, 901 N. Ocean Blvd., Jack & Lorraine Friedman Trust
Violation of Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances, conditions of demolition permit not adhered to

Code Enforcement Officer Felix advised this case is now in compliance and requested it be dismissed.

Attorney Francis Lynch was present at the hearing and advised he was there to answer any questions the Board may have.

**MOTION BY MR. DONNELLEY TO DISMISS THE CASE FOR COMPLIANCE
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY**

- F. Case # CE 18-223, 216 Bermuda Ln., Dennis & Polly Selkoe
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 advised he has received a request to postpone this case from the property owner as they are unable to be present for the hearing this month. Officer Felix advised the Town has no objection to postponement.

MOTION BY MR. PELOSO TO POSTPONE THIS CASE UNTIL THE MAY 17, 2018 HEARING

SECONDED BY MR. NISBERG

MOTION PASSED UNANIMOUSLY

G. Case # CE 18-48, 200 Via Palma, Herbert & Jeanne Siegel

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances, obstruction of right-of-way; Violation of Chapter 18, Section 18-233, 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; Violation of Chapter 18, Section 18-175, ARCOM approval required prior to the issuance of certain permits

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. Building Official Bucklew gave his testimony in the case. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until May 14, 2018 to comply.

Dan Thomas and Steve Speaks were present on behalf of the property owner, gave their 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 JUNE 14, 2018 TO COMPLY

SECONDED BY MR. PELOSO

MOTION PASSED UNANIMOUSLY

VIII. Fine Consideration:

A. Case # CE 17-1482, 1 Via Los Incas, Klaus G. Mistelbauer

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 briefly reviewed the case. The Town recommended a daily fine in the amount of \$100.00 a day commence on March 10, 2018, the day after compliance was ordered by the Board and continue until compliance is achieved.

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

**MOTION BY MR. DONNELLEY TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY COMMENCING ON MARCH 10, 2018 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. MCDONNELL
MOTION PASSED UNANIMOUSLY**

IX. Fine Reduction Consideration:

A. 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, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Felix briefly reviewed the case. The Town had no recommendation.

Larry Mesches was present on behalf of the property owner and requested a fine reduction.

**MOTION BY MR. MCDONNELL TO REDUCE THE FINE TO \$3,820.00. HE FURTHER MOTIONED THE REDUCED FINE OF \$3,820.00 BE PAID WITHIN 30 DAYS OR IT RETURNS TO THE ORIGINAL AMOUNT OF \$7,675.00
SECONDED BY MS. CARPENTER
MOTION PASSED WITH MR. DONNELLEY OPPOSED**

B. Case # CE 17-776, 301 Polmer Park, Bracxa Palm Beach Trust

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

Code Enforcement Officer Felix briefly reviewed the case. Building Official Bucklew gave his testimony in the case. The Town had no recommendation.

David Kaiser and Elizabeth Zippi were present on behalf of the property owner and requested a fine reduction.

DUE TO THE LACK OF A MOTION TO REDUCE THE FINE, IT REMAINS AT \$6,500.00.

C. Case # CE 17-1221, 223 Orange Grove Rd., Reid & Michelle Boren

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, accumulations of debris/building materials on a property and overgrown grass not allowed; Violation of Chapter 102, Section 102-137, construction sites required to be maintained in a clean and tidy manner

Code Enforcement Officer Felix briefly reviewed the case. Building Official Bucklew gave his testimony in the case. The Town had no recommendation.

MOTION BY MR. PELOSO TO REDUCE THE FINE TO \$1,400.00. HE FURTHER MOTIONED THE REDUCED FINE OF \$1,400.00 BE PAID WITHIN 30 DAYS OR IT RETURNS TO THE ORIGINAL AMOUNT OF \$2,800.00

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

X. Board Comments:(03:59:12 PM)

Mr. Nisberg congratulated Mr. Natale on his nomination as Code Enforcement Chair.

XI. Adjournment:(03:59:48 PM)

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