

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

Thursday, April 18, 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:(1:59:50 p.m.)

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

II. Roll Call:(2:00:17 p.m.)

Upon roll call, the following Board members were present: Vice Chairman Harris S. Fried, Members Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James Ballentine, W. Anthony Dowell, Alan S. Golboro and alternate member Scotch Peloso

Staff present: Matthew Ramenda, attorney for the Board, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer John Moriarty and Recording Secretary Joan Dunn.

III. Election of Officers:(2:00:20 p.m.)

Mrs. Houston began to conduct the election of the officers in Mr. Ramenda's absence. Mr. Ramenda arrived before the elections started.

Mr. Fried asked Matthew Ramenda to conduct the election of officers. Mr. Ramenda opened the floor for nominations for Chairman. Ms. Greenberg nominated Mr. Fried and there was a second by Mr. Ballentine. There were no other nominations for Chairman and Mr. Fried was elected as Chairman by a unanimous vote. Mr. Fried then conducted the rest of the election and opened the floor for nominations for Vice Chairman. Ms. Greenberg nominated Mr. Ochstein but there was no second. Mr. Dowell nominated Mr. Ballentine and there was a second by Mr. Golboro. Ms. Greenberg nominated Ms. Van Buren and

there was a second by Mr. Ochstein. There were no other nominations and a paper ballot was issued. Mr. Ballentine was elected Vice Chairman by a 4 to 3 vote.

Mr. Golboro wanted to know if he should be sworn in. Mrs. Houston stated she did not believe he needed to be sworn in as all board members had been sworn in some time ago. Mr. Fried announced that Mr. Golboro was elected a regular member of the Board by the Town Council at its last meeting.

Mr. Fried welcomed Councilman Diamond to the meeting.

IV. Approval of the Minutes of March 21, 2013:(2:05:34 p.m.)

**MOTION BY MS. VAN BUREN TO APPROVE THE MARCH 21, 2013 MINUTES
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

V. Administration of the Oath to Town Staff: (2:06:49 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

VI. Public Hearings:

A. Case # CE 13-134, 140 N. County Rd., Bank of America & 140 North County Road LLC

Violation of Chapter 38, Section 38-35(b) of the Town of Palm Beach Code of Ordinances, unpaid alarm fines

Lead Code Enforcement Officer Walton advised that payment had been received in this case. The Town recommended the Board accept payment of the fine and no further action be taken.

**MOTION BY MR. DOWELL TO DISMISS THE CASE FOR COMPLIANCE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

B. Case # CE 13-203, 350 S. County Rd., Buccan, Ember Group LLC and Three 50 Realty Corp.

Violation of Chapter 134, Section 134-227 of the Town of Palm Beach Code of Ordinances, Town Council approval required for any expansion, enlargement or modification to an existing special exception

Lead Code Enforcement Officer Walton presented the facts of the case, advised it was a result of a citizen's complaint and directed the Board to read the information about this case in their packets. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until May

10, 2013 to comply. Zoning Administrator Paul Castro spoke about the issues involved in this case.

Shannon Dye, Manager for Buccan, advised they have already made some of the changes needed and are discussing their options with Mr. Castro.

**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 MAY 10, 2013 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED 6 TO 1 WITH MR. GOLBORO OPPOSED**

C. 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; Violation of Chapter 114, Section 114-32 and Section 114-43, business tax receipt required

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 dismiss the violation of Chapter 114, Section 114-43 for compliance and find the violator in non-compliance for the violations of Chapter 42, Section 42-87 and Section 42-86, assess administrative costs of \$150.00 and give them until May 10, 2013 to comply.

Various Board members had questions about the violations and the safety of the building. Mr. Walton advised some of the violations have been corrected and did not believe the building was a safety hazard.

**MOTION BY MR. BALLENTINE TO DISMISS THE VIOLATION OF CHAPTER 114, SECTION 114-43 FOR COMPLIANCE AND FIND THE VIOLATOR IN NON-COMPLIANCE FOR THE VIOLATION OF CHAPTER 42, SECTION 42-87 AND SECTION 42-86, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 10, 2013 TO COMPLY
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

D. Case # CE 13-191, 755 N. County Rd., Palm Beach County Film & Television Institute, Inc.

Violation of Chapter 78, Section 78-101 of the Town of Palm Beach Code of Ordinances, permit required for charitable solicitations

Lead Code Enforcement Officer Walton presented the facts of the case, advised it was a result of a routine inspection and directed the Board to read the information about this case in their packets. He advised the violation was corrected just prior to

the hearing, but not by the time specified in the notice by the code enforcement officer. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and no further action be taken.

MOTION BY MR. GOLBORO TO WAIVE THE HEARING COSTS IN THIS CASE

MOTION FAILED DUE TO LACK OF A SECOND

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND NO FURTHER ACTION BE TAKEN

SECONDED BY MS. VAN BUREN

MOTION PASSED 6 TO 1 WITH MR. GOLBORO OPPOSED

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 he was working with this property owner and they are starting to come into compliance but are out of Town and could not appear at this meeting. The Town recommended this case be postponed until the May 16, 2013 meeting

MOTION BY MS. GREENBERG TO POSTPONE THE CASE UNTIL THE MAY 16, 2013 MEETING

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

F. Case # CE 13-249, 264 Seminole Ave., Jennifer Condie

Violation of Chapter 130, Section 130-61 of the Town of Palm Beach Code of Ordinances, operation of taxi cab without permit

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. Mgr. Houston reviewed the taxi ordinance.

Jennifer Condie was present at the hearing and testified that she did not believe she was in violation of the Town ordinance.

**MOTION BY MS. VAN BUREN 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. GOLBORO
MOTION PASSED UNANIMOUSLY**

G. 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 the violator's attorney and the Town Attorney are reviewing some issues with this case. The Town recommended postponement of this case until the May 16, 2013 meeting.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE MAY 16, 2013 MEETING
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

VII. Fine Consideration:

A. Case # CE 13-42, 234 S. County Rd., 230 South County Road 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 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 briefly reviewed the facts of the case. The Town recommended a fine in the amount of \$50.00 a day commence on April 6, 2013 and continue until compliance is achieved.

**MOTION BY MR. DOWELL THAT A FINE IN THE AMOUNT OF \$50.00 A DAY COMMENCE ON APRIL 6, 2013 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED 6 TO 1 WITH MR. OCHSTEIN OPPOSED**

B. Case # CE 13-117, 1053 N. Lake Way, Angelika Duda

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 the facts of the case. The Town recommended a fine in the amount of \$50.00 a day commence on April 13, 2013 and continue until compliance is achieved.

Various Board members questioned whether or not the vegetation would recover if given time.

**MOTION BY MR. OCHSTEIN THAT A FINE IN THE AMOUNT OF \$50.00
A DAY COMMENCE ON APRIL 13, 2013 AND CONTINUE UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MR. DOWELL
MOTION PASSED 5 TO 2 WITH MR. GOLBORO AND MR. BALLENTINE
OPPOSED**

C. Case # CE 13-136, 184 Sunset Ave., #39, 184 Sunset LP

Violation of Chapter 18, Section 18-241 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 briefly reviewed the facts of the case. The Town recommended a fine in the amount of \$250.00 a day commence on April 13, 2013 and continue until compliance is achieved.

Thais Boucher appeared on behalf of the property owner and advised they are in the process of obtaining permits and are working toward compliance. She requested more time to comply.

**MOTION BY MR. OCHSTEIN THAT A FINE IN THE AMOUNT OF \$250.00
A DAY COMMENCE ON APRIL 13, 2013 AND CONTINUE UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VIII. Foreclosure Hearing:

A. Case # CE 12-761, 264 Bahama Ln., BOAG

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, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Lead Code Enforcement Officer Walton briefly reviewed the case and advised the property owner has decided to demolish the house to come into compliance. The Town recommended postponement of the case until the June 20, 2013 meeting.

Jason Evans, attorney for the property owner, testified that the property owner is going to apply for demolition. Peter Geisler, neighbor to the property owner, gave his opinion about the case.

**MOTION BY MR. GOLBORO TO POSTPONE THE CASE UNTIL THE
JUNE 20, 2013 MEETING
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

IX. Board Comments: (3:34:34 p.m.)

Mrs. Houston advised the Board that she called Mr. Hoffman to thank him for his years of service on the Code Enforcement Board and directed the Board members to the letter in their packet from Mr. Hoffman. Mr. Fried read the letter into the record.

Mr. Fried and Ms. Greenberg spoke about Mr. Hoffman's service and his dedication to the Code Board and what it meant to them.

Mr. Ballentine requested a motion be made to thank Mr. Hoffman for his service and wishing him well.

**MOTION BY MR. FRIED ON BEHALF OF THE CODE ENFORCEMENT BOARD
EXPRESSING THEIR THANKS AND GRATITUDE TO MR. HOFFMAN FOR HIS
MANY YEARS OF SERVICE ON THE BOARD AS A MENTOR AND FRIEND
AND WISHING HIM SUCCESS IN THE FUTURE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

Mr. Peloso advised since he will not be on the record voting for this motion as he is an alternate, he wanted to be on the record showing that he concurred with the motion.

Mr. Golboro wanted to know if staff could report back to the Board about a certain case that has been closed. Mrs. Houston advised reporting to the Board on closed cases was inappropriate but, advised on that particular case the violator has obtained their Business Tax Receipt and would not have been able to do so if they did not come into compliance.

Mr. Ballentine asked if that included the Board getting information about foreclosure cases after they have gone to the Town Council. Mrs. Houston advised that was a different circumstance and staff could provide the Board with information about information on the payment of fines and the results on foreclosure cases.

X. Adjournment: (3:40:34 p.m.)

The meeting was adjourned without benefit of a motion.