

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

Thursday, April 17, 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:(02:01:10 p.m.)

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

Chairman Fried acknowledged and thanked Council President Pro-Tem Diamond and Council Members Kleid and Townsend for their presence at the hearing

II. Roll Call:(02:01:33 p.m.)

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

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.

Mr. Fried acknowledged Former Mayor Jack McDonald in the audience.

III. Election of Officers:(02:01:54 p.m.)

Town Attorney Randolph opened the floor for nominations for Chairperson. Mr. Dowell nominated Mr. Fried and there was a second by Mr. Ballentine. There were no other nominations for Chairperson. Ms. Van Buren made the motion to elect Mr. Fried as Chairman and Mr. Fried was elected as Chairman by a unanimous vote.

Chairman Fried opened the floor to nominations for Vice Chairperson and Mr. Donnelley nominated Mr. Ballentine and there was a second by Ms. Greenberg. There were no other nominations for Vice Chairperson. Mr. Dowell made the motion to elect Mr. Ballentine as Vice Chairman and it was seconded by Ms. Van Buren. Mr. Ballentine was elected as Vice Chairman by a unanimous vote.

IV. Approval of the Minutes of March 20, 2014:(02:03:15 p.m.)

**MOTION BY MR. DOWELL TO APPROVE THE MARCH 20, 2014 MINUTES
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

V. Administration of the Oath to Town Staff:(02:03:30 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

VI. Public Hearings:

A. Case # CE 13-1152, 124 Cocoanut Row, 124 Cocoanut Row LLC

Violation of Chapter 126, Section 126-31 of the Town of Palm Beach Code of Ordinances, vegetative growth located within the vicinity of any above ground utility line that has reached a height or is in a condition that might render it dangerous to the public utility line prohibited

Code Enforcement Officer Moriarty advised this case was postponed from last month's hearing and is now in compliance. The Town recommended the Board dismiss this case for compliance.

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

B. 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 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 May 12, 2014 to comply.

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

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 12, 2014 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

C. Case # CE 14-180, 2880 S. Ocean Blvd., Ocean Via Realty LLC & Hojo Partners LLC

Violation of Chapter 134, Section 134-227 of the Town of Palm Beach Code of Ordinances, any expansion, enlargement or modification of an existing special use shall be permitted only upon authorization by the Town Council

Lead Code Enforcement Officer Walton presented the facts of the case and submitted evidence into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and no further action be taken.

Richard Sloan was present on behalf of Ocean Via Realty and testified they did not realize they were in violation of the Town Ordinances and advised they will not schedule any future non-real estate events without first obtaining the proper permissions.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND NO FURTHER ACTION BE TAKEN
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

D. 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

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 May 12, 2014 to comply.

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

**MOTION BY MR. DOWELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 12, 2014 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 14-207, 200 Block of Royal Poinciana Way, Nixon Home Improvement
Violation of Chapter 70, Section 70-2 of the Town of Palm Beach Code of Ordinances, posting or placing on any property, private or public building, any handbills, signs or advertisements without the consent of the owner having first been obtained in writing, not allowed

Lead Code Enforcement Officer Walton presented the facts of the case and submitted evidence into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay the \$125.00 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 ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$125.00 FINE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- F. Case # CE 14-244, 145 Woodbridge Rd., J.F. Brennan Properties, Inc. & JBPB Holdings Inc.

Violation of Chapter 134, Section 134-889 of the Town of Palm Beach Code of Ordinances, the use of any building or land in a residential district for any commercial or quasi-commercial use or purpose is prohibited; Violation of Chapter 114, Section 114-32, business tax receipt required for any person who carries on, engages in or conducts an occupation, business or profession enumerated in Chapter 114-43 of the Code

Lead Code Enforcement Officer Walton presented the facts of the case and submitted evidence into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and give them until May 12, 2014 to comply.

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

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 12, 2014 TO COMPLY
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

G. Case # CE 14-257, 1485 Via Manana, Axel Ulrich Trust

Violation of Chapter 134, Section 134-1728 and Section 134-1729 of the Town of Palm Beach Code of Ordinances, air conditioning equipment and generators to be placed within the required property setbacks; 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; Chapter 42, Section 42-86, pools to be maintained in a clean and sanitary condition and grass/weeds over 8 inches in height not allowed

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 May 12, 2014 to comply.

The property owner was not present at the hearing and there was a finding of proper notice. Allen Mason, the previous owner of the property, testified he did not move the equipment when he lived there.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 12, 2014 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Fine Consideration:

A. Case # CE 14-128, 260 Clarke Ave., Arij Gasiunasen

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

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$250.00 starting April 15, 2014.

Jack McDonald was present on behalf of the property owner and advised most of the fence was removed and requested more time to comply until the property owner could obtain all the permissions needed to keep the remaining fence and gate.

**MOTION BY MR. DONNELLEY TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL APRIL 24, 2014. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY APRIL 24, 2014 , A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON APRIL 25, 2014 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 14-152, 2165 Ibis Isle Rd., #8, Ellis & Nancy Parker

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, demolish or change the occupancy of a building or structure or install, repair, remove, convert or replace any electrical, mechanical or plumbing systems

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$250.00 starting April 15, 2014. Building Officer William Bucklew gave his testimony in the case.

Ellis Parker was present at the hearing and testified he believed his contractor had obtained the proper permits.

**MOTION BY MS. GREENBERG TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON APRIL 15, 2014 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DOWELL
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 5 TO 2

VIII. Fine Reductions:

A. Case # CE 14-930, 253 Royal Poinciana Way, MB Ventures of Palm Beach

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, demolish or change the occupancy of a building or structure or install, repair, remove, convert or replace any electrical, mechanical or plumbing system and requires smoke alarms; Violation of Chapter 42, Section 42-87(4), all windows and doors to the outside to be constructed and maintained in such a condition as to exclude weather and elements or insects from entering; Violation of Chapter 42, Section 87(6 & 7), all appurtenances and stairs to be constructed so as to be safe and in good repair and in conformance with the building code; Violation of Chapter 42, Section 42-86(17), conditions that constitute a fire hazard not allowed; Violation of Chapter 46, Section 46-66 which adopts NFPA 70, electrical components such as wiring to be maintained in a safe manner and in compliance with the National Electrical Code; Violation of Chapter 42, Section 42-86(18), worn-out, scrapped or discarded materials not allowed to be stored on private property

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

Leslie and Jason Evans were present at the hearing and testified as to the reasons they were unable to reach compliance by the date set by the Board.

MOTION BY MS. VAN BUREN TO REDUCE THE FINE TO \$5,000.00. SHE FURTHER MOTIONED THAT THE FINE REDUCTION AMOUNT OF \$5,000.00 BE PAID BY MAY 1, 2014 OR THE FINE REVERTS BACK TO ITS ORIGINAL AMOUNT OF \$7,750.00

**SECONDED BY MR. OCHSTEIN
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION FAILED 4 TO 3

For lack of a further motion, the fine remained at its original amount of \$7,750.00.

Mr. Dowell left the meeting and Mr. Peloso became a voting member

B. Case # CE 11-1024, 1700 S. Ocean Blvd., Gertrude Maxwell Est.

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions, stagnant water, debris on private property and grass greater than 8 inches in height prohibited; Violation of Chapter 106, Section 106-159(b), a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways is to be maintained at all times for the unobstructed passage of vehicles

Lead Code Enforcement Officer Walton briefly reviewed the case. The town had no recommendation.

Ashley Sundar and Donald Stevenson were present at the hearing and testified about the reasons they believed a fine reduction should be considered.

MOTION BY MS. VAN BUREN TO REDUCE THE FINE TO \$30,000.00. SHE FURTHER MOTIONED THAT THE FINE REDUCTION AMOUNT OF \$30,000.00 BE PAID BY MAY 1, 2014 OR THE FINE REVERTS BACK TO ITS ORIGINAL AMOUNT OF \$45,750.00

SECONDED BY MR. PELOSO

MOTION OPPOSED

ROLL CALL VOTE

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

MOTION PASSED 4 TO 3

C. Case # CE 12-1607, 1700 S. Ocean Blvd., Gertrude Maxwell Est.

Violation of Chapter 18, Section 18-747 of the Town of Palm Beach Code of Ordinances, self-closing and self latching pool enclosures required; Violation of Chapter 42, Section 42-87 exterior surfaces to be painted and in good repair; Violation of Chapter 46, Section 46-66 and NFPA 70 electrical components to be maintained in a safe manner and in compliance with National Electrical Code; Violation of Chapter 42, Section 42-86 accumulation of debris not allowed

Lead Code Enforcement Officer Walton briefly reviewed the case. The town had no recommendation.

Ashley Sundar and Donald Stevenson were present at the hearing and testified about the reasons they believed a fine reduction should be considered.

There was no motion made to reduce the fine therefore the fine remains at \$2,000.00.

- D. Case # CE 13-440, 1700 S. Ocean Blvd., Gertrude Maxwell Est.
REPEAT Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, all appurtenances such as swimming pools to be kept in a safe and good state of repair

Lead Code Enforcement Officer Walton briefly reviewed the case. The town had no recommendation.

Ashley Sundar and Donald Stevenson were present at the hearing and testified about the reasons they believed a fine reduction should be considered.

**MOTION BY MR. BALLENTINE TO REDUCE THE FINE TO \$23,500.00.
HE FURTHER MOTIONED THAT THE FINE REDUCTION AMOUNT
OF \$23,500.00 BE PAID BY MAY 1, 2014 OR THE FINE REVERTS BACK
TO ITS ORIGINAL AMOUNT OF \$38,500.00
SECONDED BY MR. DONNELLEY
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 4 TO 3

IX. Old Business:

- A. Case # CE 13-621, 235 Sunrise Ave., The Palm Beach Hotel Condo Assn.
Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, maximum permissible dBA noise level exceeded for the geographic area

Lead Code Enforcement Officer Walton advised the Board ordered this case come back to this hearing for an update on their status. Mr. Walton advised this case is now in compliance.

X. Board Comments:(04:19:50 p.m.)

There were no Board comments.

XI. Adjournment:(04:19:53 p.m.)

The meeting was adjourned without benefit of a motion.

