

Thursday, March 21, 2019, 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 the the Code Enforcement Board Secretary at (561) 227-7080. 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:(02:00:00 PM)

The meeting was called to order by Code Enforcement Chair Matthew Natale 2:00 p.m.

II. Roll Call:

Upon roll call, the following Board members were present: Chair Matthew Natale, Vice Chair Scotch Peloso, Members Robert G. Donnelley, Daniel McDonnell, Rosemary G. Carpenter, Linda K. Wartow, Steven Meltzer, Alternate Members Bram Majtli and Herbert A. Roemmele.

Staff present: Code Enforcement Manager Benjamin Alma, Code Enforcement Officer Julien Felix, Code Enforcement Officer John Moriarty, Zoning Administrator Paul Castro and Recording Secretary Carla Marcote.

III. Approval of the Minutes of February 21, 2019 :(02:00:38 PM)

MOTION BY MR. MELTZER TO APPROVE THE FEBRUARY 21, 2019 MINUTES SECONDED BY MS. CARPENTER

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(02:00:49 PM)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics:(02:01:04PM)

- 310 - year-to-date Code Enforcement cases
- 114 cases initiated since last Code Board Hearing
 - 54 cases self-initiated
 - 60 cases received (not self-initiated)
- 18 cases set to appear at March Code Board
- 12 achieved compliance before Hearing • 3 New Cases to be heard today
- 2 Fine Consideration Cases to be heard today • 1 Fine Reduction Consideration cases to be heard today
- 0 Old Business case to be heard today

VII. Public Hearings:(02:01:58 PM)

A. Case # CE 18-1550, 100 Emerald Beach Way, 100 Emerald Beach Way C/o Lamia Jacobs

Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits 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 evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and given to April 15, 2019 to obtain all permits and inspections to come into compliance. Zoning Administrator Paul Castro gave testimony regarding the case.

Amanda Hand and Jeff Schneider were present on behalf of the property owner and gave testimony in the

case and submitted evidence into the record.

James McGuire and Robert Critton Jr. were present on behalf of the complainant and gave testimony in the case and submitted evidence into the record. MOTION BY MR. DONNELLEY TO DISMISS WITHOUT PREJUDICE. SECONDED BY MS. CARPENTER
CHAIR CALLED FOR A ROLL CALL VOTE

MR. DONNELLEY YES MR. PELOSO NO MR. MCDONNELL NO
MS. CARPENTER YES
MS. WARTOW YES
MR. MELTZER NO MR. NATALE NO
MOTION FAILED

MOTION BY MR. PELOSO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVEN UNTIL JUNE 17, 2019. MODIFIED TO DECEMBER 17, 2019 TO COME INTO COMPLIANCE.

SECONDED BY MR. MELTZER
CHAIR CALLED FOR A ROLL CALL VOTE
MR. DONNELLEY NO MR. PELOSO YES
MR. MCDONNELL YES
MS. CARPENTER NO
MS. WARTOW NO MR. MELTZER YES MR. NATALE YES

MOTION PASSED
Representatives for the Violator asks the Board for reconsideration.

MOTION BY MR. DONNELLEY TO RECONSIDER.
SECONDED BY MS. CARPENTER
CHAIR CALLED FOR A ROLL CALL VOTE MR. DONNELLEY YES
MR. PELOSO YES
MR. MCDONNELL NO
MS. CARPENTER YES MS. WARTOW YES MR. MELTZER NO
MR. NATALE YES

MOTION PASSED MOTION BY MR. DONNELLEY TO DEFER UNTIL SEPTEMBER 17, 2019
SECONDED BY MS. CARPENTER

MR. DONNELLEY YES MR. PELOSO YES MR. MCDONNELL YES
MS. CARPENTER YES
MS. WARTOW YES
MR. MELTZER YES MR. NATALE YES
MOTION PASSES

B. Case # CE 19-96, 323 Chilean Ave., Mark & Nancy Gilbert
Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances requires all outside appurtenances such be kept in a state of good repair. Code Enforcement Officer Moriarty advised the Board that the property owner requests a postponement.

Code Enforcement Officer Moriarty advised the Board that the Town recommends the case be postponed until the April Code Board Hearing.

MOTION BY MR. DONNELLEY TO POSTPONE THE CASE UNTIL THE APRIL 18, 2019 CODE BOARD HEARING.
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY

C. Case # CE 19-47, 401 Peruvian Ave., #402, Lugo Jorge & Mary Rodriguez

Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits 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 evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and a compliance date of April 15, 2019. The property owner was not present at the hearing and there was a finding of proper notice.

MOTION BY MR. PELOSO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVEN A COMPLIANCE DATE OF APRIL 15, 2019. SECONDED BY MR. MCDONNELL MOTION PASSED UNANIMOUSLY

VII. Fine Consideration:(04:11:06 PM)

A. Case # 18-843, 3450 S. Ocean Blvd., The Patrician of Palm Beach Condo Apts. Inc. Chapter 42 Section 42-87 of the Town of Palm Beach Code of Ordinances requires all outside appurtenances to be kept in a state of safe and good repair

Code Enforcement Officer Moriarty presented the facts of the case and stated the Town recommended a fine in the amount of \$250.00 a day commencing on March 20, 2019 and continuing until compliance is achieved.

The property owner was not present but was represented by Mr. Rathburn. Mr. Rathburn stated his case for fine consideration MOTION BY MR. MCDONNELL TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY COMMENCING ON MARCH 20, 2019 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED. SECONDED BY MR. DONNELLEY MOTION PASSED UNANIMOUSLY

B. Case # 18-1292, 200 Bradley Pl., L'Ermitage Palm Beach Condo Assoc. Inc. Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances prohibits docks, walls or other structures in a failing or dangerous condition

Code Enforcement Officer Moriarty presented the facts of the case and stated the Town recommended a fine in the amount of \$250.00 a day commencing on February 19, 2019 and continuing until compliance is achieved.

The property owner was not present but was represented by Mr. R. Britt. Mr. Britt stated his case for fine consideration.

MOTION BY MR. DONNELLEY TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY AND GIVEN UNTIL ON JUNE 18, 2019 TO COME INTO COMPLIANCE OR THE FINE WILL BE RETROACTIVE TO FEBRUARY 19, 2019 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED. SECONDED BY MR. MELTZER MOTION PASSED UNANIMOUSLY

VIII. Fine Reduction Consideration: (04:29:55 PM)

A. Case # 18-798, 101 El Brillo Way, Kim J. Davis Chapter 18, Section 18-233 and Section 18-234 of the Town of Palm Beach Code of Ordinances requires building permits 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. Chapter 42, Section 42-86 does not allow overgrown grass/weeds in excess of 8 inches in height.

Code Enforcement Officer Moriarty presented the facts of the case and stated the Town has no recommendations except that the fine be paid within 30 days or the payment reverts to the original amount of the fine.

The property owner Kim J. Davis was present along with her representative Mr. Curry. Ms. Davis stated her case for a fine reduction.

MOTION BY MR. DONNELLEY TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$7500.00 TO BE PAID WITHIN 30 DAYS OR THE PAYMENT REVERTS TO THE ORIGINAL AMOUNT OF \$22,750.00
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY

IX. Board Comments:(04:50:31 PM)

Chair Mr. Natale presented Mr. Donnelley with a plaque upon his retirement from the Code Enforcement Board and thanked him for his service to the Board and the Town of Palm Beach.

X. Adjournment:(04:54:31 PM)

MOTION BY MR. DONNELLEY TO ADJOURN THE MEETING
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY