

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

Thursday, March 21, 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:(2:00:03 p.m.)

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

II. Roll Call:(2:00:26 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Members Larry Ochstein, Cynthia VanBuren, James Ballentine, W. Anthony Dowell and alternate member Alan S. Golboro. Member Madelyn Greenberg and alternate member Scotch Peloso had unexcused absences.

Mr. Hoffman advised Mr. Golboro that he would be a voting member.

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

III. Approval of the Minutes of February 21, 2013(2:00:29 p.m.)

MOTION BY MR. GOLBORO TO APPROVE THE FEBRUARY 21, 2013 MINUTES

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(2:00:47 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

- A. Case # CE 13-183, 100 Block Worth Ave., Lopez Group Inc.
Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances, Landscape work outside allowable hours (in season)

Lead Code Enforcement Officer Walton presented the facts of the case and advised the violator paid the fine prior to the hearing. The Town recommended the Board accept the payment of the fine and no further action be taken.

MOTION BY MR. FRIED TO ACCEPT PAYMENT OF THE FINE AND NO FURTHER ACTION BE TAKEN
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY

Mr. Hoffman advised Mr. Ramenda would be the Board's counsel for the hearing.

- B. Case # CE 12-1522, 1070 N. Lake Way, Sidney & Dorothy Kohl
Violation of Chapter 42, Section 42-86 and Chapter 62, Section 62-77 of the Town of Palm Beach Code of Ordinances, seawalls required to be maintained in a state of good repair so as not to allow the erosion of the adjacent land

Lead Code Enforcement Officer Walton presented the facts of the case and advised this case was the result of a complaint. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and requested the Board adopt the stipulation agreement which would require them to reach compliance by August 31, 2013 or a fine would ensue.

Mr. Joseph Mendina of Murphy construction was present on behalf of the property owner. He testified that they are working toward compliance and believed they could reach compliance by the time given in the stipulation agreement.

Various Board members asked questions of Mr. Mendina to clarify information about this case.

MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ADOPT THE STIPULATION AGREEMENT
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY

- C. 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 presented the facts of the case, advised this case 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 give them until April 5, 2013 to comply. There were no representatives for the property owner present at the hearing.

**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 APRIL 5, 2013 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

D. Case # CE 13-44, 8 Via Los Incas, Bryce M. Lingo

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code, Section 105, permits required to construct, enlarge, alter, repair, move or demolish any structure or building

Lead Code Enforcement Officer Walton presented the facts of the case, advised this case was a result of a citizen's complaint and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until April 12, 2013 to comply.

Nicholas Raich was present on behalf of the property owner and testified that they are working toward compliance and believed they would be completed by the time recommended by the code officer.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL APRIL 12, 2013 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

E. Case # CE 13-67, 127 Root Trail, Michele C. White

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, unsightly or unsanitary conditions not allowed and roofs required to be maintained in good condition; Violation of Chapter 42, Section 42-87, all exterior surfaces to be kept painted in good repair

Code Enforcement Officer Moriarty presented the facts of the case, advised this case was a result of a citizen's complaint and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until April 12, 2013 to comply. The homeowner was not present at the hearing.

Members of the Board commented that they believed the repairs would be extensive and possibly require permits.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL APRIL 12, 2013 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

F. 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 presented the facts of the case, advised this case 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 give them until April 12, 2013 to comply. The property owner was not present at the hearing.

Some Board members indicated that they believed the hedge may need more time to grow back.

**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 APRIL 12, 2013 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED 5 TO 2 WITH MR. DOWELL AND MR. GOLBORO OPPOSED**

G. 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 testified that he was notified by the bank that a check has been issued, but has not yet arrived. The Town recommended the Board postpone this case until the April 18, 2013 meeting.

**MOTION BY MR. GOLBORO TO POSTPONE THIS CASE UNTIL THE APRIL 18, 2013 MEETING
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

H. 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

Code Enforcement Officer Moriarty presented the facts of the case, advised this case was a result of a citizen's complaint and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them April 12, 2013 to comply

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL APRIL 12, 2013 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration

A. Case # CE 12-354, 1560 S. Ocean Blvd., Stanley & Roberta Bogen

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances to be maintained in a safe and good state of repair

Lead Code Enforcement Officer Walton briefly reviewed the case and advised Mike Ruttino was present on behalf of the homeowners to request additional time to comply.

Mr. Ruttino testified that the structure is completed and they are waiting for their DEP inspection. He requested additional time to comply, until the end of April, 2013 to comply.

**MOTION BY MR. FRIED TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL MAY 14, 2013
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

B. Case # CE 12-1607, 1700 S. Ocean Blvd., Estate of Gertrude Maxwell

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 briefly reviewed the case. He testified that the mortgage company has been working at the property and advised several of the violations have been corrected. The Town recommended the Board dismiss the

violations of Chapter 18, Section 18-747, Chapter 46, Section 46-66, NFPA 70 of the National Electrical Code, Chapter 42, Section 42-86 for compliance and a fine in the amount of \$100.00 a day for the violation of Chapter 42, Section 42-87 commence on March 16, 2013 and continue until compliance is achieved. Manager Houston briefly reviewed the abandoned property ordinance.

Various Board members discussed giving the mortgage company additional time to comply.

**MOTION BY MR. BALLENTINE TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL APRIL 4, 2013. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY APRIL 4, 2013, A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON APRIL 5, 2013 CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. OCHSTEIN
MOTION PASSED 6 TO 1 WITH MS. VAN BUREN OPPOSED**

VII. Board Comments: (3:04:29 p.m.)

Manager Houston reminded the Board of the change in the Florida State Statute which requires the property owner be given thirty days to sign the violation notice.

VIII. Adjournment: (3:05:33 p.m.)

The meeting was adjourned without the benefit of a motion.