

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

Thursday, February 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:(2:00:31 p.m.)

The meeting was called to order by Chairman Hoffman at 2:00 p.m. He welcomed and thanked Councilman Diamond for his attendance at the meeting.

II. Roll Call:(2:00:41 p.m.)

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

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.

III. Approval of the Minutes of January 17, 2013

**MOTION BY MR. FRIED TO APPROVE THE JANUARY 17, 2013 MINUTES
SECONDED BY MR. GREENBERG
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff: (2:01:12 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 13-129, 239 Pendleton Ave., Qunidell Johnson

Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, solicitation without a permit

Lead Code Enforcement Officer Walton presented the facts of the case and advised this case was a result of a citizen complaint. 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.

Mr. Fried voiced his concern about the recent frequency of solicitors on the island without permit. Code Enforcement Manager Houston explained that we have not had any repeat violators.

**MOTION BY MR. OCHSTEIN 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 MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

B. Case # CE 13-103, 340 Royal Poinciana Way, Sidney Spiegel Tr# 31520371

Violation of Chapter 134, Section 134-2182 of the Town of Palm Beach Code of Ordinances, supplemental off-site shared parking in the C-PC zoning district not allowed

Lead Code Enforcement Officer Walton presented the facts of the case, advised this case was a result of a citizen complaint 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 no longer allow supplemental off-site parking on their property without prior approval from the Town.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO NO LONGER ALLOW SUPPLEMENTAL OFF-SITE PARKING ON THEIR PROPERTY WITHOUT PRIOR TOWN COUNCIL APPROVAL
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

John Grosskopf, general manager of the Palm Beach Towers, thanked the Board for their actions today and suggested an alternate location for this event in the upcoming years.

C. Case # CE 12-1492, 160 Royal Palm Way, 160 Royal Palm LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, dead or dying hedges or hedges infested with whitefly not allowed

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 find the violator in non-compliance, assess administrative costs of \$150.00 and give them until March 1, 2013 to comply.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 1, 2013 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

D. Case # CE 12-1619, 231 Kenlyn Rd., Robert A. Roddy

REPEAT Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, dead or dying vegetation, accumulation of debris and grass/weed in excess of 8" in height not allowed; Violation of Chapter 42, Section 42-87 all appurtenances such as swimming pools to be kept in a safe and good state of repair; Violation of Chapter 18, Section 18-617, swimming pool filters required to be capable of maintaining the clarity of the water

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. Mr. Walton advised that although the violations were corrected prior to the Code Enforcement hearing, they were not corrected by the date specified by the Code Officer. The Town recommended the Board find the violator in non-compliance for a repeat violation, assess administrative costs of \$150.00 and order them to pay a \$500 fine.

George Ord, attorney for the property owner, advised his client straightened up the miscellaneous items stacked on the side of the house and he believed that was sufficient and there was a pool pump malfunction. He testified that his client has since removed the items and the pool water is clear.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$500.00 FINE
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

E. Case # CE 13-6, 111 Atlantic Ave., Sandell Corp.

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of 8 feet measured vertically from the edges and extending the full width of all sidewalks and bike trails in the Town to be maintained at all

times for the unobstructed passage of pedestrians and others using such sidewalks and bike trails; Violation of Chapter 42, Section 42-86, unsafe, unsanitary or unsightly conditions and grass in excess of 8" in height not allowed

Code Enforcement Officer Moriarty presented the facts of the case, advised it was a result of a routine inspection and submitted photographs into evidence. He advised the property has been cited in the past for these violations but has not previously been brought to Code Board as the violations were corrected. He testified that the property was brought into compliance prior to this Code Board hearing, but after the date specified by the Code Officer and pursuant to Chapter 2, Section 2-426 the Board may still hear the case. 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. 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. GREENBERG
MOTION PASSED UNANIMOUSLY**

- F. Case # CE 12-1573, 313 1/2 Worth Ave., Bice Restaurante & Via 303 1/2 Worth Ave. LTD

Violation of Chapter 134, Section 134-7 of the Town of Palm Beach Code of Ordinances, failure to comply with conditions established in connection with grants of variances or special exceptions

Lead Code Enforcement Officer Walton presented the facts of the case and advised it was a result of a referral from Planning, Building and Zoning. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until March 15, 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 MARCH 15, 2013 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- G. 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 Walton 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 give them until March 15, 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 MARCH 15, 2013 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

H. Case # CE 13-99, Brazilian Docks, Dany Saintiris

Violation of Chapter 130, Section 130-61 of the Town of Palm Beach Code of Ordinances, taxi permit required to operate in Town

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.

Mr. Fried commented that charging small business people \$250.00 might be too onerous. Mr. Walton advised that the fine amount is the prescribed amount as authorized by the Town Council.

**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. OCHSTEIN
MOTION PASSED 6 TO 1 WITH MR. FRIED OPPOSED**

Ms. Van Buren commented on the importance of enforcing the new taxi ordinances as directed by the Town Council.

VI. Fine Consideration

A. Case # CE 12-1533, 350 S. County Rd., Buccan & Ember Group LLC & Three 50 Realty Corp.

Violation of Chapter 134, Section 134-7 of the Town of Palm Beach Code of Ordinances, failure to comply with conditions established in connection with grants of variances or special exceptions

Lead Code Enforcement Officer Walton briefly reviewed the facts of the case. The Town recommended a fine of \$60.00 be assessed for each of the eight vehicles found parked on the street after compliance was ordered by the Board, for a total of \$480.00.

Shannon Dye, General Manager of Buccan, was present at the hearing and advised the violations were now corrected and they were willing to pay the fine.

**MOTION BY MR. FRIED TO ORDER THE VIOLATOR TO PAY A FINE IN THE AMOUNT OF \$60.00 PER EACH OF THE EIGHT VIOLATIONS FOUND AFTER THE COMPLIANCE DATE FOR A TOTAL OF FOUR HUNDREND AND EIGHTY DOLLARS (\$480.00)
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

VII. Fine Reduction:

A. Case # 08-2585, 242 Cherry Ln., Charles W. Smith

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls to be reasonably free of cracks or holes through which weather elements can enter the building or structure, roofs to be maintained so as not to leak and all exterior surfaces and appurtenances to be painted and in good repair

Lead Code Enforcement Officer advised that a representative from the bank was here to speak on this case. The Town had no recommendation

Miguel A. Gonzalez was present on behalf of Central Mortgage Company and testified the bank was still not the owner of record on this property and that foreclosure proceedings were still in progress.

Due to lack of a motion to grant a fine reduction, the outstanding fine in the amount of \$16,000.00 remained in effect.

B. Case # CE 11-200, 242 Cherry Ln., Charles W. Smith

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways to be maintained in good condition and all exterior and interior walls and ceilings to be kept in good condition and roofs to be maintained so as not to leak

Lead Code Enforcement Officer advised that a representative from the bank was here to speak on this case. The Town had no recommendation

Miguel A. Gonzalez was present on behalf of Central Mortgage Company and testified the bank was still not the owner of record on this property and that foreclosure proceedings were still in progress.

Due to lack of a motion to grant a fine reduction, the outstanding fine in the amount of \$115,500.00 remained in effect.

VIII. Board Comments: (3:11:39 p.m.)

Mr. Ballentine asked if the Board could be informed of the final dispositions of properties that had been to Code Board and had subsequently reached settlements with the Town. Manager Houston advised that staff could provide that information to the Board.

IX. Adjournment: (3:25:24 p.m.)

The meeting was adjourned without the benefit of a motion.