

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

Thursday, February 19, 2015, 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:(02:00:43 PM)

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

Chairman Fried acknowledged Town Council Members Townsend and Moore in the audience and thanked them for their attendance at the hearing.

II. Roll Call:(02:00:53 PM)

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 and Robert G. Donnelley and Alternate Members Scotch Peloso (arrived at 2:04 p.m.) and Matthew Natale.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Raychel Houston, Code Enforcement Officer John Moriarty, Road Patrol Officer Erick Ward, Recording Secretary Joan Dunn and Zoning Administrator Paul Castro.

III. Approval of the Minutes of January 15, 2015:(02:01:12 PM)

**MOTION BY MS. GREENBERG TO APPROVE THE JANUARY 15, 2015
MINUTES
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:01:48 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

- A. Case # CE 14-1356, 400 Chilean Ave., #3, Matthew & Kathryn Robertson
Violation of Chapter 10, Section 10-6 of the Town of Palm Beach Code of Ordinances, animals creating nuisances not allowed

Code Enforcement Officer Moriarty 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. Road Patrol Officer Ward gave his testimony in the case.

Matthew Robertson was present at the hearing and gave his testimony in the case.

Michael and Robin Sexton, neighbors to Mr. Robertson, gave their testimony in the case.

**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 \$125.00 FINE
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

- B. CE 14-1145, 210 Ridgeview Dr., Brian and Jane Hurley
Violation of Chapter 42, Section 42-96 of the Town of Palm Beach Code of Ordinances, standing water 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, waive the administrative costs and give them until May 18, 2015 to comply.

Rick Reikenis, engineer for the property owner, testified they are working toward compliance. Brian Hurley was present at the hearing but did not testify.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, WAIVE THE ADMINISTRATIVE COSTS AND GIVE THEM UNTIL MAY 18, 2015 TO COMPLY.
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

- C. Case # CE 14-1360, 129 Chilean Ave., Robert & Beverly Lowden
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, no outside storage of debris on private property

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 March 16, 2015 to comply.

Chairman Fried suggested a shorter time to comply, until February 26, 2015.

**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 FEBRUARY 26, 2015 TO COMPLY.
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

- D. Case # CE 14-1386, 189 Bradley Pl., Three Pearls LLC
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, doors and windows to be maintained in a good condition as to exclude weather elements or insects from entering; Violation of Chapter 18, Section 18-241 and Section 18-242, dryer exhausts to be vented to the outside; 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

Code Enforcement Officer Moriarty requested this case be postponed to the March 19, 2015 meeting due to a tenant/landlord issue that did not allow the property owner access to the areas in question.

**MOTION BY MR. DONNELLEY TO POSTPONE THIS CASE UNTIL THE MARCH 19, 2015 MEETING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 15-25, 330 Peruvian Ave., Love III LLC
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

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs 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 March 16, 2015 to comply.

Burt Handelsman, property owner, was present at the hearing and gave his testimony in the case. Jane Rankin, attorney for the property, was present at the hearing. Rob McAfee, electrical contractor for the property owner, gave his testimony in the case.

Elizabeth Maass, resident of the neighboring property gave her testimony in the case.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 16, 2015 TO COMPLY.
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

- F. Case # CE 15-38, 350 S. County Rd., Buccan & 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; Violation of Chapter 114, Section 114-32, business tax receipt required

Code Enforcement Manager Houston advised this case is now in compliance. The Town recommended the case be dismissed for compliance.

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

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

VI. Fine Reduction:

- A. Case # CE 13-433, 232 Cherry Ln., Louisa A. Dean
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass/weeds in excess of 8 inches in height, accumulated debris, dead or dying hedges or vegetation and whitefly infestation not allowed; Violation of Chapter 42, Section 42-87, all exterior surfaces to be painted and in a good state of repair

Code Enforcement Officer Moriarty briefly reviewed the case.

Johsua Leader, current owner of the property, testified as to the reasons a fine reduction should be considered.

**MOTION BY MR. DONNELLEY TO REDUCE THE FINE TO \$40,200.00, TO BE PAID WITHIN 30 DAYS. HE FURTHER ORDERED IF THE REDUCED FINE IS NOT PAID WITHIN 30 DAYS IT RETURNS TO THE ORIGINAL AMOUNT OF \$80,400.00
SECONDED BY MR. BALLENTINE
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 5 TO 2

B. 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

Code Enforcement Manager Houston briefly reviewed the case.

Nick Jackson, representative for the current owner Central Mortgage, testified as to the reasons a fine reduction should be considered. He requested the fine be reduced to \$1,600.00 plus administrative costs of \$150.00.

DUE TO THE LACK OF A MOTION THE FINE REMAINS AT THE ORIGINAL AMOUNT OF \$16,000.00

C. 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

Code Enforcement Manager Houston briefly reviewed the case.

Nick Jackson, representative for the current owner Central Mortgage, testified as to the reasons a fine reduction should be considered. He requested the fine be reduced to zero plus administrative costs of \$150.00.

The prospective buyer of the property gave his testimony in the case.

**MOTION BY MS. VAN BUREN TO REDUCE THE FINE TO \$57,750.00,
TO BE PAID WITHIN 30 DAYS. SHE FURTHER ORDERED IF THE
REDUCED FINE IS NOT PAID WITHIN 30 DAYS IT RETURNS TO THE
ORIGINAL AMOUNT OF \$115,500.00**

SECONDED BY MR. BALLENTINE

MOTION PASSED WITH MR. OCHSTEIN OPPOSED

VII. Board Comments:(04:02:47 PM)

Town Attorney Randolph spoke to the Board about disclosing ex-parte communications.

VIII. Adjournment:(04:23:12 PM)

The meeting was adjourned without benefit of a motion.