

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

Thursday, February 18, 2016, 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:(01:59:01 PM)

II. Roll Call:(01:59:10 PM)

Upon roll call, the following Board members were present: Chairman Harris S. Fried, Vice Chairman James Ballentine, Members Madelyn Greenberg, Robert G. Donnelley, Matthew Natale, Scotch Peloso and Alternate Member Jay N. Nisberg. Member Cynthia Van Buren had an unexcused absence.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Benjamin Alma Road Patrol Officer Ryan Burgoon, Building Official William Bucklew and Recording Secretary Joan Dunn.

III. Approval of the Minutes of January 21, 2016:(01:59:29 PM)

**MOTION BY MS. GREENBERG TO APPROVE THE JANUARY 21, 2016
MINUTES
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(01:59:56 PM)

The Town staff were sworn in by Recording Secretary Dunn.

Road Patrol Officer Burgoon presented the statistical information about the Code Enforcement actions for the past month.

V. Public Hearings:

- A. Case # CE 15-1166, 1556 N. Ocean Blvd., Fatemeh & Niaz Nazarian
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior surfaces required to be painted and in a good state of repair;
Violation of Chapter 42, Section 42-86, overgrown grass/weeds in excess of 8 inches in height or accumulations of vegetative debris not allowed

Patrol Officer Burgoon presented the case and submitted photographs into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until March 10, 2016 to comply.

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

**MOTION BY MR. NISBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 10, 2016 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

- A. Case # CE 15-1129, 265 Park Ave., WSB Partners LLC
Violation of Chapter 18, Section 18-233 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

Road Patrol Officer Burgoon briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$100.00 a day commencing on February 13, 2016 and continuing until compliance is achieved. Building Official Bucklew gave his testimony in the case.

John Higgott was present on behalf of the property owner and gave his testimony in the case.

**MOTION BY MS. GREENBERG TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY COMMENCING ON FEBRUARY 13, 2016 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

B. Case # CE 15-1131, 151 Worth Ave., Wilson 151 Worth LLC

Violation of Chapter 18, Section 18-233 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

Road Patrol Officer Burgoon briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$100.00 a day commencing on February 13, 2016 and continuing until compliance is achieved. Building Official Bucklew gave his testimony in the case.

Linda Savino, a neighboring property owner, gave her testimony in the case.

Michael Ceppa was present on behalf of the property owner, gave his testimony in the case and requested more time to comply.

**MOTION BY MR. BALLENTINE TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL FEBRUARY 29, 2016. HE FURTHER MOTIONED IF COMPLIANCE IS NOT ACHIEVED BY FEBRUARY 29, 2016, A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON FEBRUARY 29, 2016, RETROACTIVE TO FEBRUARY 13, 2016 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DONNELLEY**

MOTION PASSED WITH MR. FRIED IN OPPOSITION

VII. Fine Reductions:

A. Case # CE 15-1106, 224 Worth Ave., Palm V Assoc. Ltd

REPEAT violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions and storage of trash and debris on private property not allowed; Violation of Chapter 102, Section 102-71, suitable watertight containers of sufficient size to handle the accumulation of garbage, rubbish or waste matter on the premise during the interval between collections without being filled within 4 inches of the top required; Violation of Chapter 102, Section 102-73, area where cans or containers are kept pending collection shall be maintained in a clean condition, free of spilled garbage or foul-smelling water or residue; Violation of Chapter 102, Section 102-77, all garbage containers to be kept tightly covered at all times

Road Patrol Officer Burgoon briefly reviewed the case. The Town had no recommendation.

Jane Rankin, attorney for the property owner, was present at the hearing and requested a fine reduction.

**DUE TO THE LACK OF A MOTION TO GRANT A FINE REDUCTION,
THE OUTSTANDING FINE IN THE AMOUNT OF \$8,700.00 REMAINS
IN EFFECT**

VIII. Board Comments:(03:03:29 PM)

Mr. Natale and Mr. Nisberg congratulated the staff on the amount of compliance achieved for this month's cases.

Newly hired Code Enforcement Manager Benjamin Alma introduced himself to the Board.

IX. Adjournment:(03:04:36 PM)

The meeting was adjourned without benefit of a motion.