

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

Thursday, February 15, 2018, 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:(02:02:00 PM)

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

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

Upon roll call, the following Board members were present: Chairman James M. Ballentine Jr., Members Robert G. Donnelley, Matthew Natale, Scotch Peloso, Daniel McDonnell, and Alternate Members Rosemary G. Carpenter and Linda K. Wartow. Vice Chair Cynthia Van Buren had an unexcused absence. Member Jay N. Nisberg had an excused absence.

Staff present: Attorney Karl Sanders, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty and Recording Secretary Joan Dunn.

III. Approval of the Minutes of January 18, 2018:(02:03:12 PM)

**MOTION BY MR. DONNELLEY TO APPROVE THE JANUARY 18, 2018
MINUTES
SECONDED BY MS. CARPENTER
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:03:15 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Code Statistics(02:03:18 PM)

Code Enforcement Officer Moriarty reviewed the Code Enforcement statistics for the month as follows:

- 129 - year-to-date Code Enforcement cases
- 84 cases initiated since last Code Board Hearing
 - 28 cases self initiated
 - 56 cases received (not self initiated)
- 35 cases set to appear at February Code Board
- 27 achieved compliance before Hearing
- 1 Old Business case to be heard today
- 4 new cases to be heard today
- 3 fine reduction considerations to be heard today

VI. Old Business:

A. Case # CE 14-1212, 160 Royal Palm Way, 160 Royal Palm LLC

Violation of Chapter 134, Section 134-326(b) of the Town of Palm Beach Code of Ordinances, application for site plan review must be filed and approved by the Town Council prior to the altering of the use of any land; Violation of Chapter 134, Section 134-7, compliance with requirements of grants of variances or exceptions required; Violation of Chapter 134, Section 134-226, compliance with Declaration of Use Agreements required

Code Enforcement Officer Moriarty announced the case and advised Attorney Cary Glickstein was present to discuss the case.

Attorney Glickstein gave the Board an update on this property, advised that he has been authorized to release \$50,000.00 to the Board as the receiver and requested a 120 day extension of the fine suspension starting February 15, 2018.

MOTION BY MR. DONNELLEY TO GRANT A CONTINUATION OF THE FINE SUSPENSION, FOR AN ADDITIONAL 120 DAYS COMMENCING ON FEBRUARY 15, 2018, CONTINGENT UPON THE PAYMENT OF \$50,000.00 TOWARD THE TOTAL CODE ENFORCEMENT FINE TO DATE OF \$69,400.00.

SECONDED BY MR. NATALE

MOTION PASSED UNANIMOUSLY

VII. Public Hearings:

A. Case # CE 17-299, 220 Kawama Ln., Barbara Dauphin Duthuit Trust

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 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

Code Enforcement Officer Moriarty advised this case is now in compliance and requested it be dismissed.

MOTION BY MR. DONNELLEY TO DISMISS THE CASE FOR COMPLIANCE

SECONDED BY MS. CARPENTER

MOTION PASSED UNANIMOUSLY

B. Case # CE 17-1380, 710 S. County Rd., Joan Granlund Tr.

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, noise exceeding maximum decibel levels established for the geographic area

Code Enforcement Officer Moriarty advised this case is now in compliance and requested it be dismissed.

MOTION BY MR. MCDONNELL TO DISMISS THE CASE FOR COMPLIANCE

SECONDED BY MR. DONNELLEY

MOTION PASSED UNANIMOUSLY

C. Case # CE 17-1397, 257 Royal Poinciana Way, 257 RPW 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 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

Code Enforcement Officer Moriarty requested this case be postponed to the March 15, 2018 meeting

MOTION BY MS. CARPENTER TO POSTPONE THIS CASE UNTIL THE MARCH 15, 2018 MEETING

SECONDED BY MS. WARTOW

MOTION PASSED UNANIMOUSLY

D. Case # CE 17-1482, 1 Via Los Incas, Klaus G. Mistelbauer

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 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

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 them until March 9, 2018 to comply.

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

**MOTION BY MR. NATALE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL MARCH 9, 2018 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

VIII. Fine Reduction Consideration:

A. Case # CE 17-30, 1237 N. Lake Way, Geryl T. Pearl

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; Violation of Chapter 18, Section 18-175, ARCOM approval required prior to the issuance of certain permits

Code Enforcement Officer Moriarty briefly reviewed the case.

Brian Arendale and Geryl Pearl were present at the hearing and Mr. Arendale gave his testimony in the case.

**MOTION BY MS. CARPENTER TO REDUCE THE FINE TO \$4,400.00.
SHE FURTHER MOTIONED THAT IF THE REDUCED FINE OF \$4,400.00
IS NOT PAID WITHIN 30 DAYS IT WILL RETURN TO THE ORIGINAL
AMOUNT OF \$23,700.00
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

B. Case # CE 17-1421, 202 Onondaga Ave., 202 Onondaga LLC

Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, collections of standing water in which mosquitos breed or are likely to breed not allowed

Code Enforcement Officer Moriarty briefly reviewed the case.

Property Owner James DiBiase was present at the hearing and gave his testimony in the case.

MOTION BY MR. NATALE TO REDUCE THE FINE TO \$12,700.00. HE FURTHER MOTIONED THAT IF THE REDUCED FINE OF \$12,700.00 IS NOT PAID WITHIN 30 DAYS IT WILL RETURN TO THE ORIGINAL AMOUNT OF \$25,400.00

**SECONDED BY MR. MCDONNELL
MOTION OPPOSED**

ROLL CALL VOTE

MR. NATALE	YES
MR. MCDONNELL	YES
MR. DONNELLEY	YES
MR. PELOSO	NO
MS. CARPENTER	NO
MS. WARTOW	YES
MR. BALLENTINE	YES

MOTION PASSED 5 TO 2

C. Case # CE 17-907, 1290 N. Ocean Blvd, 1290 Investments 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; 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; Violation of Chapter 42, Section 42-87, all exterior surfaces to be maintained in a good and safe condition and painted

Code Enforcement Officer Moriarty briefly reviewed the case.

Arthur Tiedeman was present at the hearing and gave his testimony in the case.

**MOTION BY MR NATALE TO REDUCE THE FINE TO \$1,200.00.
SECONDED BY MR. MCDONNELL
MOTION PASSED UNANIMOUSLY**

It should be noted that the original fine was already paid and a refund of \$5,200.00 will be issued pursuant to this fine reduction order.

IX. Board Comments:(04:03:58 PM)

No Board comments

X. Adjournment:(04:04:52 PM)

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