

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

Thursday, January 21, 2016, 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:(02:01:09 PM)

II. Roll Call:

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

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

III. Approval of the Minutes of December 17, 2015:(02:01:38 PM)

**MOTION BY MS. GREENBERG TO APPROVE THE DECEMBER 17, 2015
MINUTES
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:02:08 PM)

The Town staff were sworn in by Recording Secretary Dunn.

Code Officer Moriarty presented the statistical information about the Code Enforcement actions for the past month.

V. Public Hearings:

A. Case # CE 16-2, 313 1/2 Worth Ave., Bice Restaurante, 313 Worth Ave. LLC & Via 313 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

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 order them to pay a \$1,000.00 fine.

Jose Gonzalez was present at the hearing on behalf of the business and gave his 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 ORDER THEM TO PAY A \$1,000.00 FINE
SECONDED BY MR. DONNELLEY
MOTION PASSED WITH MS. VAN BUREN IN OPPOSED**

B. 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

Code Enforcement Officer Moriarty presented the case and submitted photographs into the record. The Town recommended the Board find the violator in REPEAT non-compliance, assess administrative costs in the amount of \$150.00 and assess a daily fine as determined by the Board, not to exceed \$500.00 a day commencing on November 25, 2015 and continuing until compliance is achieved.

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 REPEAT NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY A FINE IN THE

**AMOUNT OF \$150.00 A DAY COMMENCING NOVEMBER 25, 2015 AND
CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

C. 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

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 in the amount of \$150.00 and give them until February 12, 2016 to achieve compliance.

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

**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 12, 2016 TO
ACHIEVE COMPLIANCE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

D. 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

Code Enforcement Officer Moriarty presented 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 February 12, 2016 to achieve compliance. Building Official Bucklew gave his testimony in the case.

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 FEBRUARY 12, 2016 TO ACHIEVE COMPLIANCE

SECONDED BY MR. BALLENTINE

MOTION PASSED UNANIMOUSLY

E. Case # CE 16-7, 100 Blk. Chilean Ave., The Sweet Spot

Violation of Chapter 70, Section 70-2 of the Town of Palm Beach Code of Ordinances, unlawful to post, paint or place on any property, private or public any handbills, signs, pictures or advertisements whatsoever without the consent of the owner

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 order them to pay the \$125.00 fine.

Lyman Bradford, attorney for the violator, was present at the hearing and gave his testimony in the case.

MOTION BY MR. DONNELLY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO THE \$125.00 FINE

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

F. Case # CE 16-18, 100 Blk. Chilean Ave., The Sweet Spot

Violation of Chapter 70, Section 70-2 of the Town of Palm Beach Code of Ordinances, unlawful to post, paint or place on any property, private or public any handbills, signs, pictures or advertisements whatsoever without the consent of the owner

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 order them to pay the \$250.00 fine.

Lyman Bradford, attorney for the violator, was present at the hearing and gave his testimony in the case. Thomas Tomas was present at the hearing and gave his testimony in the case.

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 THE \$250.00 FINE

SECONDED BY MR. DONNELLEY

MOTION OPPOSED

ROLL CALL VOTE

MS. VAN BUREN	YES
MR. DONNELLEY	YES
MS. GREENBERG	NO
MR. BALLENTINE	NO
MR. NATALE	NO
MR. NISBERG	NO
MR. FRIED	YES

MOTION FAILED 4 TO 3

**MOTION BY MR. NATALE TO DISMISS THIS CASE
SECONDED BY MR. BALLENTINE
MOTION OPPOSED**

ROLL CALL VOTE

MR. NATALE	YES
MR. BALLENTINE	YES
MS. VAN BUREN	NO
MS. GREENBERG	YES
MR. DONNELLEY	NO
MR. NISBERG	YES
MR. FRIED	YES

MOTION PASSED 5 TO 2

VI. Fine Reductions:

- A. Case # CE 14-1023, 191 Bradley Pl., Meat Market Palm Beach LLC & NDL Palm Beach Property LLC

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, exceeding maximum allowable dBAs for geographical area

Code Enforcement Officer Moriarty briefly reviewed the case. The Town had no recommendation.

Maura Ziska, attorney for the property owner, gave her testimony in the case and requested a reduction in the fine.

**MOTION BY MR. BALLENTINE TO REDUCE THE FINE TO \$12,000.00.
HE FURTHER MOTIONED THAT IF THE REDUCED FINE OF
\$12,000.00 WAS NOT PAID WITHIN 30 DAYS IT WOULD RETURN TO
ITS ORIGINAL AMOUNT OF \$32,400.00
SECONDED BY MS. GREENBERG**

MOTION OPPOSED

ROLL CALL VOTE

MR. BALLENTINE	YES
MS. GREENBERG	YES
MS. VAN BUREN	YES
MR. DONNELLEY	YES
MR. NATALE	YES
MR. NISBERG	NO
MR. FRIED	NO

MOTION PASSED 5 TO 2

- B. Case # CE 15-947, 232 Via Marila, Charles F. Willis IV Tr.
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, hedges infested with pests such as whitefly not allowed

Code Enforcement Officer Moriarty briefly reviewed the case and submitted the letter from the property owner's assistant into the record. The Town was not in favor of waiving the administrative costs.

The property owner's assistant submitted a letter explaining her circumstances but was not present at the hearing.

**MOTION BY MR. NISBERG TO DENY THE REQUEST TO WAIVE THE ADMINISTRATIVE COSTS
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

- C. Case # CE 15-969, 218 La Puerta Way, Champion Venture Holdings LLC
Violation of Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances, any site in which reconstruction does not commence within 30 days after demolition to be irrigated and sodded

Code Enforcement Officer Moriarty briefly reviewed the case. The Town was not in favor of a fine reduction.

John Cordero was present at the hearing on behalf of the property owner, gave his testimony in the case and requested a fine reduction.

**DUE TO A LACK OF A MOTION TO REDUCE THE FINE, IT
REMAINED AT THE ORIGINAL AMOUNT OF \$3,600.00.**

D. Case # CE 15-1074, 302 S. County Rd., The Sweet Spot, Inc. & Milton Partnership LTD

REPEAT Violation of Chapter 134, Section 134-2372 (7) of the Town of Palm Beach Code of Ordinances, logos not allowed to be painted on awnings

Code Enforcement Officer Moriarty briefly reviewed the case and advised the fine had already been paid. The Town had no recommendation.

Lyman Bradford, attorney for the violator, gave his testimony in the case and requested a fine reduction.

DUE TO A LACK OF A MOTION TO REDUCE THE PAID FINE, NO FINE REFUND WAS GRANTED

VII. Board Comments:(04:20:02 PM)

Mr. Nisberg inquired into the progress of Code Enforcement staffing efforts. Lt. Caristo gave an update on that issue.

VIII. Adjournment:(04:21:44 PM)

The meeting was adjourned without benefit of a motion.