

Thursday, January 17, 2019, 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 the the Code Enforcement Board Secretary at (561) 227-7080. 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:(02:00:21 PM)

The meeting was called to order by Code Enforcement Chair Matthew Natale 2:00 p.m.

II. Roll Call:

Upon roll call, the following Board members were present: Chair Matthew Natale, Members Robert G. Donnelley, Daniel McDonnell, Rosemary G. Carpenter, Linda K. Wartow, Steven Meltzer, Alternate Members Bram Majtli and Herbert A. Roemmele.

Staff present: Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Code Enforcement Officer Julien Felix, Recording Secretary Carla Marcote.

III. Approval of the Minutes of December 20, 2018:(02:00:55 PM)

MOTION BY MR. MCDONNELL TO APPROVE THE DECEMBER 20, 2018 MINUTES SECONDED BY MR. MELTZER MOTION PASSED UNANIMOUSLY

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

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics(02:01:16PM)

- 41 - year-to-date Code Enforcement cases
 - 195 cases initiated since last Code Board Hearing
 - 42 cases self-initiated
 - 53 cases received (not self-initiated)
 - 26 cases set to appear at November Code Board
 - 16 achieved compliance before Hearing
 - 8 New Cases to be heard today • 1 Fine Reduction Consideration cases to be heard today
 - 1 Old Business case to be heard today Code Enforcement Board Minutes 11/15/18
- A motion was made by Chair Matthew Natale to move the discussion of Old Business from last on the agenda to the first topic on the agenda. This was seconded by Mr. Donnelley.

VI. Old Business Consideration:(02:02:028 PM)

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 any land; Violation of Chapter 134, Section 134-7, compliance with requirements of grants or variances or exceptions required; Violation of Chapter 134, Section 134-226, compliance with Declaration of Use Agreements required. Code Enforcement Officer Moriarty advised the Board that the Town had no recommendations at this time.

Mr. Glickstein was present on behalf of the property owner and gave his testimony in the case. He requested the Board approve the amended conditional settlement agreement with the payment extension.

MOTION BY MS. WARTOW TO ACCEPT THE AMENDED CONDITIONAL SETTLEMENT AGREEMENT. SECONDED BY MR. MELTZER MOTION PASSED UNANIMOUSLY

VII. Public Hearings:(02:08:21 PM)

A. Case # CE 18-1553, 200 Block of Royal Poinciana Way, Como Home and Design
Violation of Chapter 106, Section 106-281 of the Town of Palm Beach Code of Ordinances, coordinate/hosting a special event without a special event permit.

Code Enforcement Officer Felix 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 a Fine of \$250.00.

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

MOTION BY MR. MELTZER TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND A FINE OF \$250.00.

SECONDED BY MR. MCDONNELL

MOTION PASSED UNANIMOUSLY Code Enforcement Board Minutes 11/15/18

B. Case # CE 18-1538, 2100 S. Ocean Blvd. #304N, Rita Taca

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits 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 evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until February 18, 2019 to comply.

Property owner Ms. Rita Taca was present and gave her testimony in the case.

MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF

\$150.00 AND GIVE UNTIL MARCH 18, 2019 TO COMPLY

SECONDED BY MS. CARPENTER

MOTION PASSED UNANIMOUSLY

C. Case # CE 18-1494, 113 E. Inlet Drive, 113 E Inlet LLC

Violation of Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances requires any site in which reconstruction does not commence within 30 days after demolition to be irrigated and sodded so as to assure the property will have a neat and clean landscaped appearance. Chapter 42, Section 42-86 does not allow accumulation of vegetative debris to remain upon a property.

Code Enforcement Officer Felix 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 give them until February 18, 2019 to comply.

Mr. Banner was present on behalf of the property owner and gave his testimony in the case.

MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL FEBRUARY 18, 2019 TO COMPLY SECONDED BY MR. MAJTLIS

MOTION PASSED UNANIMOUSLY

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D. Case # CE 18-1493, 3030 S. Ocean Blvd. #437, Suzanne Stuart
Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits 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. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until March 18, 2019 to comply.
The property owner was not present at the hearing and there was a finding of proper notice.

MOTION BY MR. MELTZER TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL MARCH 18, 2019 TO COMPLY SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY

E. Case # CE 18-1423, 123 Chilean Ave., Nancy Shubert
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances does not allow vegetation infested with pests such as whitefly.

Code Enforcement Officer Moriarty advised the Board that the Town recommends the case be dismissed for compliance.
The property owner was not present at the hearing and there was a finding of proper notice.

MOTION BY MR. DONNELLEY TO DISMISS THE CASE.
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY

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F. Case # CE 18-1398, 240 Worth Ave. #110 - Only Authentics - AKA 224 Worth Ave., Only Authentics LLC & Palm V. Assoc. LTD
Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances requires a business tax receipt for any person who carries on, engages in or conducts an occupation, business or profession enumerated in Chapter 114-43 of the Code. Chapter 134, Section 134-2373 requires a permit and architectural review for the erection or installation of any sign within the Town.

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 give them until February 18, 2019 to comply.
The property owner was not present at the hearing and there was a finding of proper notice.

MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL FEBRUARY 18, 2019 TO COMPLY SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY

G. Case # CE 18-1372, 535 N. County Rd., 535 North County Road LLC
Violation of Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances requires property owner's to abide by the ARCOM conditions placed upon the property that are part of the granting of a demolition permit, such as preserving certain landscaping on the property Code Enforcement Officer Moriarty advised the Board that the Town recommends the case be postponed until February 21, 2019 Code Board Hearing.

MOTION BY MR. DONNELLEY TO POSTPONE THE CASE UNTIL THE FEBRUARY 21, 2019 CODE BOARD HEARING. SECONDED BY Mr. MCDONNELL
MOTION PASSED UNANIMOUSLY

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H. Case # CE 18-1292, 200 Bradley Pl., L'Ermitage Palm Beach Condo Assoc. Inc
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances prohibits docks, walls or other structures in a failing or dangerous condition.

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 give them until February 18, 2019 to comply

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

MOTION BY MR. MCDONNELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL FEBRUARY 18, 2019 TO COMPLY
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY

VII. Fine Reduction Consideration:(02:21:11 PM)

A. Case # CE 18-580, 328 Chilean Ave., James Pirrie & Marianne Carey
Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances, which adopts the Florida Building Code, which requires building permits 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 Felix presented the facts of the case. The Town recommended Non-Compliance with a daily running fine of \$100.00 retroactive from December 19, 2018 until compliance is met.

MOTION BY MR. MELTZER TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS A DAILY RUNNING FINE OF \$100.00 RETROACTIVE TO DECEMBER 19, 2018 UNTIL COMPLIANCE IS MET. SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY

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VIII. Fine Reduction Consideration:(02:46:23 PM)

A. Case # CE 16-1107, 301 Australian Ave., Brazilian Court Hotel
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, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Felix briefly presented the facts of the case. The Town had no recommendations, however if granted pay within 30 days, if not payed within 30 days the fine goes back to the original amount

The property owner was not present and represented by Ms. Ziska.

MOTION BY MR. DONNELLEY TO REDUCED THE FINE TO \$12,500.00.

FINE MUST BE PAID WITHIN 30 DAYS OR THE FINE REVERTS BACK TO

THE ORIGINAL AMOUNT. SECONDED BY MS. CARPENTER MOTION PASSED UNANIMOUSLY

IX. Board Comments:(03:01:11 PM)

There were no Board comments.

X. Adjournment:(03:01:16 PM)

MOTION BY MSc. WARTOW TO ADJOURN THE MEETING SECONDED BY MR. MELTZER

MOTION PASSED UNANIMOUSLY