

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

Thursday, January 16, 2014, 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:(01:03:30 p.m.)

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

II. Roll Call:(01:03:34 p.m.)

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, Robert G. Donnelley and alternate members Scotch Peloso and Matthew Natale.

Mr. Fried welcomed Councilman Diamond to the meeting.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer John Moriarty and Secretary Debby Morakis.

III. Approval of the Minutes of December 19, 2013:

**MOTION BY MS. GREENBERG TO APPROVE THE DECEMBER 19, 2013
MINUTES**

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(01:05:00 p.m.)

The Town staff were sworn in by Secretary Debby Morakis.

V. Public Hearings:

A. Case # CE 13-1176, 126 Peruvian Ave., Veale Keller Family Trust

Violation of Chapter 42, Section 42-87(2) of the Town of Palm Beach Code of Ordinances, all appurtenances and exterior surfaces to be painted and in a good state of repair; Chapter 42, Section 42-86(7), decayed or decaying buildings or structures not allowed; Chapter 42, Section 42-87(5), roofs required to be constructed and maintained so as not to leak; Chapter 42, Section 42-86 (11), disagreeable or obnoxious odors not permitted; Chapter 42, Section 42-86(8), conditions which allow harborage of vermin not permitted; Chapter 18, Section 18-241 and 18-242, permits required to construct, enlarge, alter, repair, move or demolish any structure or building; Chapter 42, Section 42-86(22), vegetation infested with pests such as whitefly not allowed; and Chapter 114, Section 114-32, business tax receipt required

Lead Code Enforcement Officer Walton 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 of \$150.00 and give them until February 14, 2014 to comply.

Mr. Daniel Veale was present at the hearing and believed he could reach compliance by the date given by the code enforcement officer.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL FEBRUARY 14, 2014 TO COMPLY
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

B. Case # CE 13-1057, 1720 S. Ocean Blvd., Ruby S. Rinker Trust

Violation of Chapter 18, Section 18-175 of the Town of Palm Beach Code of Ordinances, alterations to buildings, structures or appurtenances requires ARCOM and zoning approval

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs into evidence. Planning Administrator John Lingren answered questions from the Board about application deadline dates should the property owner want to seek a variance as opposed to lowering or moving the statues or moving them. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until February 14, 2014 to comply.

Ruby Rinker was present at the hearing and advised she has had health issues which prevented her from previously complying. She requested more time to comply.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 9, 2014 TO COMPLY
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

- C. Case # CE 13-1035, 239 S. County Road, Wells Fargo Bank, First Union Natl Bank of FL

Violation of Chapter 134, Section 134-2179 of the Town of Palm Beach Code of Ordinances, effective screening required for off-street parking

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 of \$150.00 and give them until February 17, 2014 to comply.

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

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL FEBRUARY 17, 2014 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- D. Case # CE 13-1129, 910 S. Ocean Blvd., PBC Realty

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as walls to be kept in a good state of repair and painted

Lead Code Enforcement Officer Walton requested this case be postponed until the February 20, 2014 hearing when a stipulation agreement will be brought to the Board for consideration.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE FEBRUARY 20, 2014 HEARING
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 13-1128, Vacant Lot, S. Ocean Blvd., M&C Properties LLC
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as walls to be kept in a good state of repair and painted

Lead Code Enforcement Officer Walton requested this case be postponed until the February 20, 2014 hearing when a stipulation agreement will be brought to the Board for consideration.

**MOTION BY MR. DONNELLEY TO POSTPONE THIS CASE UNTIL THE
FEBRUARY 20, 2014 HEARING
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- F. Case # CE 13-1184, 214 List Road, Adam's Air
Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, air conditioning duct work without building permit

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 of \$150.00 and order them to pay the \$250.00 fine.

Matthew Allen was present at the hearing on behalf of the company. He testified about the circumstances surrounding this case and requested the case be dismissed.

**MOTION BY MR. DONNELLEY TO DISMISS THE VIOLATION AND FINE
AND ASSESS THE ADMINISTRATIVE COSTS IN THE AMOUNT OF
\$150.00.**

**SECONDED BY MR. DOWELL
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION FAILED 4 TO 3

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND WAIVE THE \$250.00 FINE
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

G. Case # CE 13-1098, 8 S. Lake Trail, Jocelin Grieffin

Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances, oversize leaf blower in use, in excess of 65 dBA and Violation of Chapter 118, Section 118-14, commercial vehicle without required markings

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 of \$150.00 and order them to pay the \$75.00 fine and the \$250.00 fine.

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

**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 \$75.00 FINE AND THE \$250.00 FINE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

H. Case # CE 13-1209, 209 Worth Ave., Gregory James

Violation of Chapter 134, Section 134-1262 of the Town of Palm Beach Code of Ordinances, potted plants must be placed adjacent to the building

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 of \$150.00 and order them to pay a fine of \$250.00.

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

**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 FINE OF \$250.00
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

I. Case # CE 13-1238, 249 Miraflores Dr., Vivian Wilson & Certified Management Inc.

Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, door to door solicitation without the required permit

Code Enforcement Officer Moriarty presented the facts of the case. Road Patrol Officers Weymire and Alber gave their testimony in the case. 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.

The violator 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 ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

J. Case # CE 13-1239, 201 El Vedado Road, Malquane R. Jackson & Certified Management Inc.

Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, door to door solicitation without the required permit

Code Enforcement Officer Moriarty presented the facts of the case. Road Patrol Officer Scarborough gave his testimony in the case. 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.

The violator 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 ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

A. Case # CE 13-988, 265 Emerald Ln., Peter, Pauline, Paul & Louise Stephaich & Peggy Guinness

Violation of Chapter 18, Section 18-241 and 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 and electrical, mechanical or plumbing system

Mr. Dowell stepped out of the meeting and Mr. Peloso became a voting member on this case.

Code Enforcement Officer Moriarty briefly reviewed the case and advised Matthew Beasley was present on behalf of the property owners to request more time. The Town recommended if the Board granted more time that a fine in the amount of \$250.00 commence at the end of that time if compliance was not achieved and the fine be retroactive to January 14, 2014, the original date for compliance.

Matthew Beasley was present at the hearing on behalf of the property owners, gave his testimony as to the delays in achieving compliance and requested more time to comply.

**MOTION BY MR. BALLENTINE TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL FEBRUARY 17, 2014. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY FEBRUARY 17, 2014 , A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON FEBRUARY 18, 2014 RETROACTIVE TO JANUARY 14, 2014 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 5 TO 2

Mr. Dowell returned to the meeting and Mr. Peloso was no longer a voting member.

B. Case # CE 13-1025, 401 Australian Ave., Patricia Yunghanns

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, vegetation infested with pests such as whitefly not allowed; Violation of Chapter 106, Section 106-159 requires a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks and bike trails in the Town to be maintained at all times for the unobstructed passage of pedestrians and other using such sidewalks and bike trails

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a fine in the amount of \$50 a day commence on January 11, 2014 and continue until compliance is achieved.

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

**MOTION BY MS. GREENBERG TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY COMMENCE ON JANUARY 11, 2014 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

C. Case # CE 13-979, 326 Chilean Ave., Sylvia Hemingway

Violation of Chapter 106, Section 106-40 of the Town of Palm Beach Code of Ordinances, discharge of water from any premise onto the public right of way prohibited

Code Enforcement Officer Moriarty briefly reviewed the case and he advised Sylvia Hemingway was present to request additional time. The Town recommended if the Board granted more time that a fine in the amount of \$50.00 commence at the end of that time if compliance was not achieved and the fine be retroactive to January 10, 2014, the original date for compliance.

Sylvia Hemingway was present at the hearing and testified about the issues she has been having reaching compliance and asked for more time to comply.

**MOTION BY MS. GREENBERG TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL FEBRUARY 17, 2014. SHE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY FEBRUARY 17, 2014 , A FINE IN THE AMOUNT OF \$50.00 A DAY WILL COMMENCE ON FEBRUARY 18, 2014 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

VII. Board Comments:(02:50:16 p.m.)

There were no comments from the Board

VIII. Adjournment:

**MOTION BY MR. DOWELL TO ADJOURN THE MEETING
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY** 