

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

Thursday, May 17, 2012, 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:(1:59:39 p.m.)

The meeting was called to order by Chairman Hoffman at 2:00 p.m. He welcomed and thanked Councilman Diamond for his presence at the meeting.

II. Roll Call:(1:59:56 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Members Joel Koepfel, Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James Ballentine, and alternate members W. Anthony Dowell and Scotch Peloso.

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

III. Approval of the Minutes of April 19, 2012 (2:00:24 p.m.)

**MOTION BY MR. FRIED TO APPROVE THE APRIL 19, 2012 MINUTES
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff: (2:00:47 p.m.)

The Town staff was sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 12-281, 207 Bahama Ln., Bahama Beach Holding LLL

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton advised this case was postponed from the April 19, 2012 meeting. He advised the fine has been paid. The Town recommended the Board accept payment of the fine and no further action be taken.

**MOTION BY MR. KOEPPEL TO ACCEPT PAYMENT OF THE FINE AND
NO FURTHER ACTION BE TAKEN
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

B. Case # CE 12-287, 235 Cocoanut Row, Jane B. Baker

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton advised this case was postponed from the April 19, 2012 meeting. He advised documentation of new plantings had been provided. The Town recommended the Board dismiss the case due to this evidence.

**MOTION BY MR. KOEPPEL TO DISMISS THE VIOLATION
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

C. Case # CE 12-368, 311 Brazilian Ave., Robert Deziel

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton advised this case was postponed from the April 19, 2012 meeting. He advised documentation of repair had been provided. The Town recommended the Board dismiss the case due to this evidence.

**MOTION BY MS. GREEBERG TO DISMISS THE VIOLATION
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

(Mr. Hoffman welcomed and thanked Councilman Kleid for his presence at the meeting.)

D. Case # CE 12-389, 434 Seaspray Ave., Christopher & Andrea Kaufmann

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, 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 others using such sidewalks and bike trails

Code Enforcement Officer Moriarty reviewed 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 May 25, 2012 to comply.

Christopher Kaufmann was present at the hearing and requested more time to comply.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 25, 2012 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

E. Case # CE 12-424, 756 Hi Mount Rd., Odette L. Humphreys Tr.

Violation of Chapter 18, 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 any electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty reviewed 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 June 15, 2012 to comply.

Peter Broberg, attorney for the property owner, was present at the hearing and testified that they are working toward compliance and believed they could be in compliance by June 15, 2012.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JUNE 15, 2012 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

F. Case # CE 12-527, 303 Arabian Rd., Jeremy Vassalotti, Inc. Masonry Specialist

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinance, construction work not allowed on Saturdays (in season)

Code Enforcement Officer Moriarty reviewed 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 \$500 fine.

Jeremy Vassalotti was present at the hearing and testified that he was aware that he was in violation and explained the circumstances.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$500 FINE
SECONDED BY MR. KOEPPEL
MOTION OPPOSED**

ROLL CALL VOTE

MR. FRIED	YES
MR. KOEPPEL	YES
MS. GREENBERG	NO
MS. VAN BUREN	YES
MR. OCHSTEIN	NO
MR. BALLENTINE	YES
MR. HOFFMAN	YES

MOTION PASSED 5 TO 2

G. Case # CE 12-687, 218 Worth Ave., Luca Luca & Napoleon Palm Beach LLC

Violation of Chapter 22, Section 22-57 and Section 22-58 of the Town of Palm Beach Code of Ordinances, all windows and doors of vacant buildings or buildings under construction located within the commercial zoning district whose windows and doors can be viewed from the public street and expose the interior of the building to provide approved screening in accordance with the revised "Vacant or Under Construction Window Treatment Policy"

Lead Code Enforcement Officer Walton reviewed 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 May 25, 2012 to comply.

Peter Broberg, attorney for the property owner, was present at the hearing and testified that they are working toward compliance and believed they could be in compliance by May 25, 2012.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 25, 2012 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

H. Case # CE 12-478, 310 Plantation Rd., Patricia P. Francis Trust

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton reviewed 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 fine of \$125.00. The property owner was not present at the hearing.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$125.00 FINE
SECONDED BY MR. KOEPEL
MOTION PASSED UNANIMOUSLY**

I. Case # CE 12-517, 353 N. Lake Way, Frances Eisenberg Tr.

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton advised proof of repairs was supplied to staff just prior to the hearing. The Town recommended the Board dismiss this case due to this evidence.

**MOTION BY MR. KOEPEL TO DISMISS THE VIOLATION
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

J. Case # CE 12-526, 220 Indian Rd., Francis Fraenkel & Frances Sweeney

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton reviewed 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 fine of \$125.00. The property owner was not present at the hearing.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$125.00 FINE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

K. Case # CE 12-491, 229 Via Las Brisas, Shirley Fiterman Tr.

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton reviewed 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 fine of \$250.00. The property owner was not present at the hearing.

**MOTION BY MS. GREENBERG 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 MR. FRIED
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration

A. Case # CE 12-267, 1178 N. Ocean Blvd., Frank Jensen Tr.

Violation of Chapter 18, 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 any electrical, mechanical or plumbing system; Violation of Chapter 42, Section 42-86 storage of debris and unsightly, unsafe or unsanitary conditions not allowed

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$250.00 a day starting on May 5, 2012 and continuing until compliance is achieved.

Mark Smith, contractor for the property owner, was present at the hearing and testified that they are working toward compliance.

**MOTION BY MR. KOEPEL TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY, COMMENCING ON MAY 5, 2012 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 12-315, 211 Caribbean Rd., James R. Thompson Est.

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, stagnant water or unsanitary conditions not allowed

Lead Code Enforcement Officer Walton briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$250.00 a day starting on May 1, 2012 and continuing until compliance is achieved. The property owner was not present at the hearing.

MOTION BY MR. FRIED TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY, COMMENCING ON MAY 1, 2012 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED

**SECONDED BY MR. KOEPPPEL
MOTION PASSED UNANIMOUSLY**

VII. Old Business

A. Case # CE 12-181, 150 Woodbridge Rd., DLP Land Inc.

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton explained the reason the property owner was unable to attend the March 22, 2012 hearing and advised the fine was paid. He advised the property owner was requesting the administrative costs assessed at the March 22, 2012 hearing be rescinded.

**MOTION BY MR. KOEPPPEL TO RESCIND THE ADMINISTRATIVE
COSTS ASSESSED IN THIS CASE ON MARCH 22, 2012
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VIII. Board Comments: (2:55:19 p.m.)

Mr. Hoffman advised he presented the Code Enforcement annual report to the Town Council. He informed the Board of the Town Council's complimentary comments about Board and its members.

There was discussion about the re-scheduling of the November 2012 meeting

Mr. Koeppel voiced his concerns about the parking situation for members of boards. Board members Mr. Hoffman, Mr. Fried, Ms. Greenberg, Ms. Van Buren and Mr. Ballentine also commented on the issue.

Mr. Peloso asked if there were circumstances where the homeowner would be cited instead of a contractor. Mr. Walton said the homeowner is sometimes cited depending on the circumstances.

IX. Adjournment: (3:16:31 p.m.)

The meeting was adjourned without benefit of a motion.