

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

Thursday, November 17, 2011, 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:(2:01:20 p.m.)

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

II. Roll Call:(2:01:50 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, members Joel Koeppel, 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 October 20, 2011(2:02:09 p.m.)

**MOTION BY MR. FRIED TO APPROVE THE OCTOBER 20, 2011 MINUTES
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(2:02:25 p.m.)

Town Staff who would be testifying were sworn in by Recording Secretary Dunn.

Mr. Hoffman welcomed and thanked Councilman Diamond and Councilman Kleid for their attendance at the meeting.

V. Public Hearings:

A. Case # CE 11-930, 232 Cocoanut Row, Elizabeth S. Thompson

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks and bike trails in the Town shall be maintained at all times for the unobstructed passage of pedestrians and others using such sidewalks and bike trails and Chapter 42, Section 42-87 of the Code, all exterior surfaces to be kept painted and maintained in good condition.

Lead Code Enforcement Officer Walton advised this case was postponed from the previous month and requested this case be dismissed for compliance at this time.

MOTION BY MR. KOEPPEL TO DISMISS THIS CASE FOR COMPLIANCE

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

B. Case # CE 11-1387, 240 Sanford Ave., Amos Dare

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 86, Section 86-92, modifications to a property which may alter the drainage plan must be approved by the Town Engineer.

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised the case resulted from a citizen's complaint. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until December 9, 2011 to comply.

Robert Moore testified on behalf of the property owner and requested until January 18, 2012 to comply.

MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JANUARY 13, 2012 TO COMPLY

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

Mr. Hoffman recognized and thanked Deputy Chief Szarszewski for his attendance.

C. Case # CE 11-1333, 2300 S. Ocean Blvd., Ronald Farrington

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions not allowed and the storage of

debris on private property prohibited; Violation of Chapter 18, Section 18-241, which adopts the Florida Building Code and the National Electrical Code, electrical wiring required to be maintained in a safe condition; Violation of Chapter 42, Section 42-87, requires exterior surfaces to be reasonably free of cracks or holes through which weather elements can enter the building or structure and all exterior surfacing material to be painted and in good repair.

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised the case resulted from a routine inspection. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until December 9, 2011.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL DECEMBER 9, 2011 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

D. Case # CE 11-1271, 163 Seminole Ave., Steven Rose & Dale Courdert

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls to be kept reasonably free of cracks or holes through which weather elements can enter the building or structure and all exterior surfacing material to be painted and in good repair and appurtenances such as driveways to be maintained in good condition; Violation of Chapter 42, Section 42-86, unsightly, unsafe or unsanitary conditions or grass in excess of 8" in height not allowed; Chapter 54, Section 54-71, no building or site planning feature on a landmark site or within a historic district shall be erected, altered, restored, moved or demolished without an approved Certificate of Appropriateness from the Landmarks Preservation Commission.

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised the case resulted from a citizen's complaint. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until December 9, 2011.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL DECEMBER 9, 2011 TO COMPLY
SECONDED BY MR. KOEPEL
MOTION PASSED UNANIMOUSLY**

E. Case # CE 11-1132, 224 S. Ocean Blvd., Kevin M. McGovern

Violation of Chapter 134, Section 134-1472 of the Town of Palm Beach Code of Ordinances, no walls, fences, hedges or other structures or growth shall be erected or be grown eastwardly of Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard.

Lead Code Enforcement Officer Walton requested a postponement of this case to review the ramifications of this ordinance and allow the violator an opportunity to apply for the proper permits.

**MOTION BY MR. KOEPEL TO POSTPONE THIS CASE UNTIL THE
JANUARY 19, 2012 HEARING
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

F. Case # CE 11-1130, 190 S. Ocean Blvd., Edwin L. Ecclestone, Jr.

Violation of Chapter 134, Section 134-1472 of the Town of Palm Beach Code of Ordinances, no walls, fences, hedges or other structures or growth shall be erected or be grown eastwardly of Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard.

Lead Code Enforcement Officer Walton requested a postponement of this case to review the ramifications of this ordinance and allow the violator an opportunity to apply for the proper permits.

**MOTION BY MR. KOEPEL TO POSTPONE THIS CASE UNTIL THE
JANUARY 19, 2012 HEARING
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

G. Case # CE 11-1125, 780 S. Ocean Blvd., Terry R. Taylor

Violation of Chapter 134, Section 134-1472 of the Town of Palm Beach Code of Ordinances, no walls, fences, hedges or other structures or growth shall be erected or be grown eastwardly of Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard.

Lead Code Enforcement Officer Walton requested a postponement of this case to review the ramifications of this ordinance and allow the violator an opportunity to apply for the proper permits.

**MOTION BY MR. KOEPEL TO POSTPONE THIS CASE UNTIL THE
JANUARY 19, 2012 HEARING
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

H. Case # CE 11-1397, 201 Ocean Terr., Barry L. Lerner

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.

**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 MR. FRIED
MOTION PASSED UNANIMOUSLY**

I. Case # 11-1413, 230 Barton Ave., RPI Corporation

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 Officer Walton reviewed the facts of the case and submitted photographs into evidence. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and order them to pay the fine of \$125.00.

**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. GREENBERG
MOTION PASSED UNANIMOUSLY**

At the end of the meeting, Staff was notified that this violator paid the fine during the meeting. Manager Houston asked the Board if they would like to waive the administrative fee and accept the payment of the fine.

**AMENDED MOTION BY MR. KOEPEL TO ACCEPT PAYMENT OF THE FINE AND NO FURTHER ACTION BE TAKEN
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration

A. Case # CE 11-1343, 270 Queens Lane, Thomas A. Miller

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 briefly reviewed the case. The Town recommended a fine in the amount of \$100.00 a day commence on November 11, 2011 and continue until compliance is achieved.

The Board discussed the issues surrounding this case and considered giving them more time to comply.

MOTION BY MR. KOEPPEL TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL DECEMBER 9, 2011

SECONDED BY MR. BALLENTINE

MOTION PASSED UNANIMOUSLY

B. Case # CE 11-1349, 230 Esplanade Way, L.E. Bierly, Jr.

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions and grass higher than 8" in height not permitted

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a fine in the amount of \$250.00 a day commence on October 28, 2011 and continue until compliance is achieved.

The Board discussed the issues surrounding this case and what fine would be appropriate.

MOTION BY MR. FRIED TO ASSESS A FINE IN THE AMOUNT OF \$150.00 A DAY, COMMENCING ON OCTOBER 28, 2011 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

VII. Foreclosure

A. Case # 10-2705, 332 S. County Rd., 332 S. County Rd. LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful to have any building or other structure which is in dilapidated condition, an accumulation of debris on private property and grass in excess of 8 inches high, Chapter 42, Section 42-87, exterior walls to be kept painted and in good repair and appurtenances such as walls and canopy awnings to be kept in a safe and good state of repair and Chapter 18, Section 18-241, plumbing and electrical wiring to be maintained in a safe condition and in compliance with the Florida Building Code and the National Electrical Code

Lead Code Enforcement Officer Walton reviewed the case. He advised that Attorney George Ord was present for the property owner with a request to delay the foreclosure action.

Attorney George Ord testified and requested a delay of foreclosure action until the January 19th, 2012 meeting, advising that a portion of the current fine could be paid to delay the process.

MOTION BY MR. FRIED TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL JANUARY 16TH, 2012, CONTINGENT UPON A PARTIAL FINE PAYMENT OF \$28,250.00 TO BE PAID NO LATER THAN DECEMBER 1ST, 2011. IF COMPLIANCE IS NOT ACHIEVED BY JANUARY 16, 2012, THE FORECLOSURE ACTION WILL PROCEED AT THE JANUARY 19, 2012 HEARING.

SECONDED BY MS. GREENBERG

MOTION PASSED WITH MR. OCHSTEIN DISSENTING

VIII. Old Business

A. Case # CE 11-1296, 129 Woodbridge Road, Neil Shepard

Violation of Chapter 78, Section 78-101 (1) of the Town of Palm Beach Code of Ordinances, permit required for the solicitation of contributions for any charitable purpose in the Town of Palm Beach

Code Enforcement Manager Houston advised the Board that there was error in the citation on this previous Code Board case and requested the Board rescind the Board's previous order issued on October 20, 2011 and dismiss the case.

MOTION BY MR. KOEPPPEL TO RESCIND THE OCTOBER 20, 2011 BOARD ORDER AND DISMISS THE CASE

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

B. Case # CE 11-1369, 1 Southern Blvd. (Causeway), Elaina L. Dahl

Violation of Chapter 10, Section 10-43 of the Town of Palm Beach Code of Ordinances, allowing dog to run at large

Code Enforcement Manager Houston advised the Board that the violator paid the fine during the October 20, 2011 hearing and requested the administrative costs be waived.

MOTION BY MR. FRIED TO WAIVE THE ADMINISTRATIVE COSTS OF \$150.00 WHICH WERE ASSESSED AT THE OCTOBER 20, 2011 HEARING

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

IX. Board Comments: (3:07:01 p.m.)

Manager Houston advised the Board that due to rescheduled Town Council meetings in February and March 2012, two Code Enforcement Board meetings would need to be rescheduled to alternate dates. After some discussion, the Board agreed to reschedule the February 2012 and March 2012 meetings to the 4th Thursday of the month.

X. Adjournment: (3:11:10 p.m.)

The meeting was adjourned without benefit of a motion.