

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

Thursday, August 18, 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:(1:59:15 p.m.)

Mr. Hoffman acknowledged Councilman Diamond in the audience and thanked him for his attendance. He advised Matthew Ramenda from Jones, Foster, Johnston and Stubbs would be the Board’s counsel.

II. Roll Call:(1:59:41 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Harris S. Fried, Members Joel Koeppel, Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, and alternate members W. Anthony Dowell and Scotch Peloso. Mr. Hoffman announced that Mr. Dowell would be a voting member in the absence of James M. Ballentine.

Staff present: Attorney Matthew Ramenda, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer Nick Gerry, Code Enforcement Officer John Moriarty, Code Enforcement Officer Tim Deffenbaugh and Recording Secretary Joan Dunn.

III. Approval of the Minutes of July 21, 2011(2:00:02 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE JULY 21, 2011 MINUTES
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(2:00:16 p.m.)

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

V. Public Hearings:

A. Case # CE 11-852, 220 Esplanade Way, Steven R. Lapidus

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 advised this case was postponed from last month's meeting and is now in compliance as the fine has been paid. The Town recommended the Board accept payment of the fine and no further action be taken.

**MOTION BY MR. KOEPPLE TO ACCEPT PAYMENT OF THE FINE AND
DISMISS THIS CASE FOR COMPLIANCE**

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

B. Case # CE 11-972, 225 Dunbar Rd., Michael Scharf

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 advised this case was postponed from last month's meeting and is now in compliance as the fine has been paid. The Town recommended the Board accept payment of the fine and no further action be taken.

**MOTION BY MR. FRIED TO ACCEPT PAYMENT OF THE FINE AND
DISMISS THIS CASE FOR COMPLIANCE**

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

C. Case # CE 11-1024, 1700 S. Ocean Blvd., Estate of Gertrude Maxwell

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions, stagnant water, debris on private property and grass greater than 8" in height prohibited and Chapter 106, Section 106-159 (b) requires a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways is to be maintained at all times for the unobstructed passage of vehicles.

Lead Code 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 a finding of non-compliance, administrative costs of \$150.00 and to give them until August 31, 2011 to comply.

Mr. Fried confirmed that Staff has been in contact with the person responsible for the estate.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 31, 2011 TO COMPLY
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

D. Case # CE 11-703, 333 Peruvian Ave., LG Lima LLC

Violation of Chapter 18, Section 18-205 of the Town of Palm Beach Code of Ordinances, the Architectural Commission may attach conditions to any approval it grants.

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised the case resulted from a citizen's complaint and the building was both residential and commercial. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and to give them until September 9, 2011 to comply.

Mr. Koepfel questioned whether the Town's recommendation gave the violator enough time to comply. The Town was not opposed to giving more time to comply. Mr. Walton read a section of the ARCOM meeting minutes outlining the required screening. Ms. Van Buren asked if the screening had ever complied with the ARCOM requirement.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 13, 2011 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

E. Case # CE 11-778, 142 Via Palma, Salomon & Ellen Bitton

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, stagnant water or unsanitary conditions prohibited and properties required to be maintained in good condition.

Lead Code 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 a finding of non-compliance, administrative costs of \$150.00 and to give them until August 26, 2011 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 AUGUST 26, 2011 TO COMPLY
SECONDED BY MR. KOEPEL**

MOTION PASSED UNANIMOUSLY

F. Case # CE 11-771, 296 S. County Road, Milton Partnership, Ltd.

Violation of Chapter 46, Section 46-66 of the Town of Palm Beach Code of Ordinances which adopts NFPA 70 NFPA Life Safety Code and NFPA 70 National Electrical Code, Article 110.3 (a) & (b) and requires electrical components such as wiring to be maintained in a safe manner and in compliance with the National Electrical Code.

Code Officer Gerry reviewed the facts of the case and submitted photographs into evidence. He advised it resulted from a routine inspection. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and to give them until September 9, 2011 to comply.

Property Manager Robert Klecinsky was present on behalf of the property owner and advised they are working toward compliance and believed they could be finished by September 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 SEPTEMBER 9, 2011 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

G. Case # CE 11-1081, Root Trail/S. Ocean Blvd., Adam Daniel

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

Lead Code Officer Walton 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 DISMISS THIS CASE FOR COMPLIANCE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

H. Case # CE 11-952, 140 Seaspray Ave., Lily Rovin

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 asked that this case be postponed to the September 15, 2011 meeting due to the unavailability of the property owner.

**MOTION BY MR. KOEPPEL TO POSTPONE THIS CASE UNTIL THE
SEPTEMBER 15, 2011 HEARING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

I. Case # CE 11-936, 201 Banyan Road, Carol Simmons

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. He advised it resulted from a routine inspection. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and order them to pay the fine of \$125.00.

Property owner Carol Simmons testified that she believed her time clock was incorrect due to power outages and submitted copies of alarm activity from her residential alarm company.

**MOTION BY MR. KOEPPEL TO DISMISS THIS CASE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- *Cases J through N were heard as a group as the violators were not present. The facts remain the same with each case and are as follows:*
- 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.

J. Case CE 11-1049, 281 List Road, Gail G. Slingluff

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

**MOTION BY MR. KOEPPEL 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**

K. Case # CE 11-1023, 151 Via Bellaria, Robert J. Tomsich, Jr.

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

**MOTION BY MR. KOEPPEL 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**

L. Case # CE 11-1011, 218 Via Linda, Matthew B. McCormick

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

**MOTION BY MR. KOEPPEL 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**

M. Case # CE 11-969, 357 N. Lake Way, Erik Waldin

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

**MOTION BY MR. KOEPPEL 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**

N. Case # CE 11-963, 245 Miraflores Dr., Alan N. Locker 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

**MOTION BY MR. KOEPPEL 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**

O. Case # CE 11-951, 2560 S. Ocean Blvd., 2560 South Ocean Condominium

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 asked this case be postponed to the September 15, 2011 meeting due to the unavailability of the property manager.

**MOTION BY MR. KOEPPEL TO POSTPONE THIS CASE UNTIL THE
SEPTEMBER 15, 2011 HEARING
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

P. Case # CE 11-1044, 244 Plantation Road, John J. Borland

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 \$400.00.

Robert Johnson, owner of Superior Sprinklers, testified the irrigation system was set for one day only, however he had set the clock for the incorrect day.

**MOTION BY MR. KOEPPEL TO DISMISS THE FINE AND ORDER THE
ADMINISTRATIVE COSTS BE PAID BY AUGUST 25TH 2011. HE
FURTHER MOTIONED THAT IF THE ADMINISTRATIVE COSTS WERE
NOT PAID BY THE DATE ORDERED, THE FINE WOULD BE RE-
INSTATED.
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

Q. Case # CE 11-938, 695 S. County Road, Lorne Abony

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 advised the fine has been paid. The Town recommended the Board accept payment of the fine and no further action be taken.

**MOTION BY MS. VAN BUREN TO ACCEPT PAYMENT OF THE FINE
AND DISMISS THIS CASE FOR COMPLIANCE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- R. Case # CE 11-527, 239 S. County Road, First Union National Bank of FL
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior surfaces to be kept painted and all appurtenances such as balconies and guard rails maintained in good condition

Lead Code Officer Walton advised this property is now in compliance. The Town recommended the case be dismissed for compliance.

**MOTION BY MR. KOEPPEL TO DISMISS THE CASE FOR COMPLIANCE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration

- A. Case # CE 11-815, 251 Bradley Pl., 251 Bradley Place LLC
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions not allowed and lift stations required to have an airtight cover in place; Violation of Chapter 18, Section 18-242, 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

Lead Code Officer Walton briefly reviewed the case and advised they have complied with Chapter 42, Section 42-86. He advised they remain out of compliance on the violation of Chapter 18, Section 18-242. The Town recommends a \$150.00 a day fine commence on August 6, 2011 and continue until compliance is achieved on the remaining violation.

**MOTION BY MR. KOEPPEL TO ASSESS A FINE IN THE AMOUNT OF
\$150.00 A DAY, COMMENCING ON AUGUST 6, 2011 AND CONTINUING
UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

- B. Case # CE 11-398, 402 Hibiscus Ave., Love II LLC
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code, Section 105, permits to construct, enlarge, alter, repair, move, or demolish any structure or building required; Violation of Chapter 18, Section 18-175 of the Code, any demolition, building, structure, sign, or other development of property, or appurtenances or alterations thereto requires ARCOM approval

Lead Code Officer Walton briefly reviewed the case and advised they have not paid their administrative costs. The Town recommends a \$150.00 a day fine commence

on August 13, 2011 and continue until compliance is achieved on the remaining violation.

Attorney Leslie Evans testified that the property owner is working toward compliance. He requested more time.

**MOTION BY MR. FRIED TO GRANT ADDITIONAL TIME TO COMPLY, UNTIL SEPTEMBER 8, 2011 AND IF COMPLIANCE IS NOT ACHIEVED BY THAT DATE, A FINE IN THE AMOUNT OF \$150.00 A DAY WILL COMMENCE RETROACTIVELY STARTING ON AUGUST 13, 2011 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED. HE FURTHER MOTIONED THAT THE \$150.00 ADMINISTRATIVE COSTS ARE TO BE PAID BY AUGUST 25, 2011
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

VII. Fine Reduction

A. Case # CE 11-395, 2259 Ibis Isle Rd. E., Steffes Investments, Inc.

Violation of Chapter 18, Section 18-747, swimming pools to be surrounded with a minimum four (4) foot high enclosure with gates that self-close and latch; Violation of Chapter 42, Section 42-86 unsightly, unsafe or unsanitary conditions and debris on private property not allowed

Lead Code Officer Walton briefly reviewed the case. Property Manager Fred Amaya testified and requested a fine reduction.

**MOTION BY MR. KOEPPEL TO POSTPONE THIS CASE UNTIL THE SEPTEMBER 15, 2011 HEARING. HE FURTHER MOTIONED THE \$150.00 ADMINISTRATIVE COSTS BE PAID BY AUGUST 25, 2011 AND THAT THE DOCUMENTATION REFERENCED BY THE PROPERTY MANAGER BE SUBMITTED TO CODE ENFORCEMENT BY SEPTEMBER 8, 2011 FOR REVIEW
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

VIII. Old Business

A. Case # CE 11-840, 278 La Puerta Way, Blair Givens

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

Code Manager Houston reviewed the case and requested the previous board order be rescinded due to a paperwork error that occurred in this case.

**MOTION BY MR. FRIED TO RESCIND THE PREVIOUS BOARD ORDER
AND NO FURTHER ACTION BE TAKEN
SECONDED BY MR. KOEPPPEL
MOTION PASSED UNANIMOUSLY**

B. Case # CE 11-844, 740 N. Lake Way, Donald Glickman

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

Code Manager Houston reviewed the case and advised the property owner is requesting the administrative costs be waived due to the fact he was out of the country and did not receive the violation notice until he returned. He paid the fine, but after the hearing date.

**MOTION BY MR. KOEPPPEL TO WAIVE THE ADMINISTRATIVE COSTS
IN THIS CASE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

C. Case # CE 10-587, 340 Royal Poinciana Way, Sidney Spiegel Tr# 31520371 & The Sterling Organization

Violation of Chapter 134, Section 134-326 (b) of the Town of Palm Beach Code of Ordinances, an application for site plan review must be filed and approved by the Town Council prior to the altering of the use of any land and Chapter 134, Section 134-7 of the Code, failure to comply with any of the requirements of grants of variances or exceptions

Lead Code Enforcement Officer Walton reviewed the case and requested it be dismissed as the property owner is unable to comply due to bridge construction. He advised that after the construction is completed he will revisit this case and re-cite the property owner if necessary.

Resident Anita Selzer voiced her concerns about this property.

**MOTION BY MR. KOEPPPEL TO DISMISS THE CASE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

IX. Board Comments: (3:35:00 p.m.)

Lead Code Enforcement Walton introduced the new Code Enforcement Officers to the Board. Mr. Walton addressed an anonymous complaint letter in the Board's packet reference window screening.

X. Adjournment: (3:37:09 p.m.)

The meeting was adjourned without benefit of a motion.