

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

Thursday, July 21, 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:(1:59:31 p.m.)

II. Roll Call:(1:59:46 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James M. Ballentine, Jr. and alternate members W. Anthony Dowell and Scotch Peloso. Mr. Hoffman announced that Mr. Dowell and Mr. Peloso will be voting members at today’s meeting.

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

Mr. Hoffman acknowledged and thanked Councilman Diamond and Deputy Chief Szarszewski for their attendance at the meeting.

III. Approval of the Minutes of June 16, 2011(2:00:26 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE JUNE 16, 2011 MINUTES
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(2:00:41 p.m.)

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

V. Public Hearings:

A. Case # CE 11-729, 2145 S. Ocean Blvd., Benjamin Casas

Violation of Chapter 6, Section 6-9 (3) of the Town of Palm Beach Code of Ordinances, open container of alcohol on a public beach

Lead Code Officer Walton presented the facts of the case, introduced the police reports into evidence and advised this case was postponed from the previous meeting. He said Officer Saradakis was at the meeting and could answer any questions if necessary. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and the violator be ordered to pay the \$125.00 fine.

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER PAYMENT OF THE \$125.00 FINE

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

B. Case # CE 11-274, 264 and 270 Seminole Ave., Sharon Talbot

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions not allowed; windows, driveways and walls to be maintained in sound structural condition; all exterior surfaces to be painted and in good repair and appurtenances such as parking lots to be kept in good condition; Violation of Chapter 18, Section 18-24 and Florida Building Code, Section 105 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 advised this case was a result of a routine inspection. He reviewed the facts of the case and submitted photographs into evidence. Mr. Walton said all the violations have been corrected with the exception of the interior of the apartment. The Town recommended a finding of non-compliance, assess administrative costs of \$150.00 and to give them until September 9, 2011 to comply.

Property Owner Sharon Talbot testified that she is working toward compliance and agreed that she could be finished by September 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 SEPTEMBER 9, 2011 TO COMPLY

SECONDED BY MR. BALLENTINE

MOTION PASSED UNANIMOUSLY

C. Case # CE 11-591, 456 S. Ocean Blvd., Charley's Crab & BCD Investors LLP

Violation of Chapter 134, Section 134-2179 (f) of the Town of Palm Beach Code of Ordinances, required or supplemental off-street parking shall be effectively screened with hedges which shall extend across the entire building line which separates the parking area from the street except for the access way; Violation of Chapter 42, Section 42-86 of the Code, unsightly, unsafe or unsanitary conditions and the storage of debris on private property not allowed

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised this case was postponed from the last meeting and it is being presented in conjunction with the next case as the facts were the same in both cases. The Town recommended a finding of non-compliance, assess administrative costs of \$150.00 and to give them until August 12, 2011 to comply.

Attorney Christopher Benvenuto, Scott Thompkins, Manager of Charley's Crab and George Brittan, the landscaper, testified new plantings have been installed and an inspection is needed to determine if it will be considered effective screening. They presented pictures of the new plantings to be entered into evidence.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 12, 2011 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

D. Case # CE 11-873, 456 S. Ocean Blvd., Charley's Crab and BCD Investors LLP

Violation of Chapter 134, Section 134-2179 (f) of the Town of Palm Beach Code of Ordinances, required or supplemental off-street parking shall be effectively screened with hedges which shall extend across the entire building line which separates the parking area from the street except for the access way

Lead Code Officer Walton presented this case in conjunction with the previous case. The Town recommended a finding of non-compliance, no administrative costs and to give them until August 12, 2011 to comply.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS NO ADMINISTRATIVE COSTS AND GIVE THEM UNTIL AUGUST 12, 2011 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

E. Case # 11-876, Vacant Lot, Gulfstream Rd., BCD Investors LLP

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions and grass/weeds in excess of 8" in height not allowed and prohibits the accumulation of debris on private property;

Violation of Chapter 18, Section 18-242, properties to be irrigated and sodded/seeded and maintained so as not to be unsightly; Violation of Chapter 126, Section 126-32, all coconut trees in the town shall be free of coconuts, coconut blooms, and dead or dying fronds

Lead Code Officer Walton reviewed the facts of the case and said although the property reached compliance prior to the hearing, it was not corrected before the time specified in the notice by the code enforcement officer and could still be heard by the Board. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and no further action be taken.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TAKE NO FURTHER ACTION
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

F. Case # CE 11-489, 216 Tradewind Dr., Scott M. & Virginia O. Gordon

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, a maximum permissible emission of noise level is established by use of a sound level meter and is set at a maximum of 61 dBA for day and 55 dBA for night (between 7:00 p.m. and 9:00 a.m.) for the geographic area

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised contractor Ken Smith was present at the hearing if the Board had any questions. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and to give them until September 9, 2011 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 SEPTEMBER 9, 2011 TO COMPLY
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

G. Case # CE 11-553, 228 Worth Ave. AKA 224 Worth Ave., Malo and Palm V Assoc. Ltd

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior surfaces to be kept painted and maintained in good condition

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised it was a result of a routine inspection. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and to give them until September 15, 2011 to comply.

Regional Manager Silvia Harrison testified and informed the Board that she is working toward compliance and believed she could have the work completed by September 15, 2011.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 15, 2011 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

H. Case # CE 11-530, 252 Oleander Ave., Oleander Ventures LLC

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions not allowed and floors, windows, walls, steps and handrails to be maintained structurally sound and in good condition and roofs to be maintained so as not to leak; Violation of Chapter 18, Section 18-406 which adopts the Standard Plumbing Code Section 301.3, plumbing required to be securely connected to the building's sanitary system

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised it was a result of a citizen's complaint. Mr. Walton said all violations have been corrected except the disrepair of the roof and eaves. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and to give them until September 9, 2011 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 SEPTEMBER 9, 2011 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

I. Case # CE 11-564, 228 Seabreeze Ave., Lemur Seabreeze LLC

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways and sidewalks to be maintained in a good state of repair; Violation of Chapter 42, Section 42-86 unsightly, unsafe or unsanitary conditions not allowed and grass over 8 inches in height and the storage of debris and trash on private property prohibited

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised it was a result of a citizen's complaint and the property is a vacant lot. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and to give them until August 12, 2011 to comply.

Property Manager Tawn Miller testified they are working toward compliance.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 12, 2011 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- J. Case # CE 11-571, 230 Worth Ave. AKA 224 Worth Ave., Giorgio's of Palm Beach and Palm V Assoc. Ltd.

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

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised it was a result of a routine inspection. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and to give them until August 12, 2011 to comply.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 12, 2011 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- K. Case # CE 11-698, 300 Indian Rd., David J. Jenkins

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions and grass/weeds in excess of 8" in height not allowed; Violation of Chapter 106, Section 106-159 (b), 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; Violation of Chapter 18, Section 18-242, properties to be irrigated and sodded/seeded and maintained so as not to be unsightly

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised it was a result of a routine inspection. Mr. Walton said a fax was received from the property owner requesting additional time, until October 15, 2011. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and had no objection to the additional time. After discussion by the Board, this compliance date was shortened.

**MOTION BY MS. VAN BUREN 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 MR. DOWELL
MOTION PASSED UNANIMOUSLY**

L. Case # CE 11-527, 239 S. County Rd., First Union Natl. 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 asked this case be postponed to the August 18, 2011 meeting as the property owner is actively working towards compliance.

MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE AUGUST 18, 2011 HEARING

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

M. 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 reviewed the facts of the case and submitted photographs into evidence. He advised it was a result of a citizen's complaint. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and to give them until August 5, 2011 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 AUGUST 5, 2011 TO COMPLY. SHE FURTHER MOTIONED THAT A SECURE LID SHOULD BE INSTALLED OVER THE SANITARY SYSTEM OPENING NO LATER THAN JULY 29, 2011

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

N. Case # CE 11-555, 300 Worth Ave., Polo Ralph Lauren & Love 300

Violation of the Town of Palm Beach Code of Ordinances, Chapter 38 Section 38-35 (b), burglar alarm system fines not paid

Lead Code Officer Walton advised this case was postponed from last month's meeting and is now in compliance as the alarm fines have been paid.

MOTION BY MS. GREENBERG TO ACCEPT PAYMENT OF THE FINE AND DISMISS THIS CASE FOR COMPLIANCE

SECONDED BY MR. BALLENTINE

MOTION PASSED UNANIMOUSLY

- O. 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 asked this case be postponed to the August 18, 2011 meeting due to the unavailability of the property owner.

**MOTION BY MS. VAN BUREN TO POSTPONE THIS CASE UNTIL THE
AUGUST 18, 2011 HEARING
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

- P. Case # CE 11-885, 711 N. County Rd., Arthur J. Poisson

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 recommends a finding of non-compliance, administrative costs of \$150.00 and the violator be ordered to pay the \$125.00 fine.

Property owner Arthur Poisson testified that a system test and fertilization was being done at the time of the violation.

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

Case taken out of order as property owner was present

- X. Case # CE 11-853, 152 Dolphin Rd., John McDonald

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 the violator be ordered to pay the \$125.00 fine.

Property owner John McDonald testified his system was not functioning and he believed the sprinklers in question belonged to his neighbor.

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

The following cases were taken out of order per a request from Attorney Randolph

VIII. Old Business

A. Case # 08-2583, 271 La Puerta Way, 271 La Puerta Way LLC

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, the maximum permissible emission of noise level is 64 dBA for day and 58 dBA for night

Attorney Randolph said the title company in this case has agreed to pay the reduced fine but is requesting an extension of time to pay.

**MOTION BY MR. DOWEL TO AMEND LAST MONTH'S ORDER BY
EXTENDING THE TIME FRAME FOR PAYMENT IN THIS CASE TO
AUGUST 15, 2011.
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

VII. Foreclosure Hearings

A. Case # CE 10-418, 2300 S. Ocean Blvd., Gail Trinka

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

Code Enforcement Manager Houston reviewed the case with the Board and requested that the Board recommend foreclosure to the Town Council.

**MOTION BY MS. GREENBERG TO RECOMMEND FORECLOSURE ON
THE PROPERTY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

B. Case # 10-2705, 332 S. County Rd., 332 South 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

Code Enforcement Manager Houston reviewed the case with the Board. She advised that Attorney George Ord was present for the property owner with a request to delay the foreclosure action in consideration of partial payment of the fine due. The Town recommended delaying the foreclosure action to the November 17, 2011 hearing in consideration of payment of \$27,000.00, which is half of the current \$54,000.00 fine due.

Attorney George Ord testified and requested a delay of foreclosure action until the November 17th, 2011 meeting, agreeing his client would pay the \$27,000.00 partial payment.

**MOTION BY MS. VAN BUREN TO DELAY FORECLOSURE ACTION UNTIL THE NOVEMBER 17TH, 2011 MEETING PROVIDED A PARTIAL FINE PAYMENT OF \$27,000.00 IS PAID NO LATER THAN AUGUST 12TH, 2011
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

Return to normal agenda

Q. Case # CE 11-886, 225 Jamaica Ln., Scott Vesley

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 the violator be ordered to pay the \$125.00 fine.

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

R. Case # CE 11-901, 3400 S. Ocean Blvd., The Atriums of Palm Beach

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 now in compliance as the fine has been paid.

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

- S. Case # CE 11-903, 1520 S. Ocean Blvd., Frederick R. Adler
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 now in compliance as the fine has been paid.

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

- T. Case # CE 11-737, 1215 N. Lake Way, Peter Matwiczuk
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 the violator be ordered to pay the \$125.00 fine.

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

- U. Case # CE 11-787, 126 Seaview Ave., Dean Becker
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 the violator be ordered to pay the \$125.00 fine.

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

V. Case # CE 11-840, 278 La Puerta Way, Blair M. 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

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 the violator be ordered to pay the \$125.00 fine.

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

W. 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

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 the violator be ordered to pay the \$125.00 fine.

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

Case X was heard earlier, out of order

Y. Case # CE 11-855, 1430 N. Ocean Blvd., Kevin D. McGann

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 the violator be ordered to pay the \$125.00 fine.

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

- Z. Case # CE 11-858, 725 N. Lake Way AKA 270 Ridgeview Dr., Howard Sosin
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 the violator be ordered to pay the \$125.00 fine.

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

- AA. Case # CE 11-860, 2560 S. Ocean Blvd., 2560 S. Ocean Blvd. 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 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 the violator be ordered to pay the \$125.00 fine.

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

- BB. Case # CE 11-870, 280 Bahama Ln., Dixon D. Boardman
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 the violator be ordered to pay the \$125.00 fine.

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

CC. Case # CE 11-896, 141 Chilean Ave., Chant Corp.

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 the violator be ordered to pay the \$125.00 fine.

**MOTION BY MR. PELOSO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER PAYMENT OF THE \$125.00 FINE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

DD. Case # CE11-919, 209 Mockingbird Trl., Edward De Guardiola

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 now in compliance as the fine has been paid.

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

EE. 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 asked this case be postponed to the August 18, 2011 meeting due to the unavailability of the property owner.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE
AUGUST 18, 2011 HEARING
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

FF. Case # CE 11-933, 105 Clarendon Ave., Robert Miller

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 the violator be ordered to pay the \$125.00 fine.

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

GG. Case # CE 11-849, 1220 N. Ocean Blvd., Jeffrey J. Lorenz

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 the violator be ordered to pay the \$125.00 fine.

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

HH. Case # CE 11-900, 1220 N. Ocean Blvd., Jeffrey J. Lorenz

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 the violator be ordered to pay the \$250.00 fine.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS NO ADMINISTRATIVE COSTS AND ORDER PAYMENT OF THE \$250.00 FINE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration

A. Case # 11-161, 301 Australian Ave., CSC Brazilian LP

Violation of Chapter 54, Section 54-71 of the Town of Palm Beach Code of Ordinances, no building or site planning feature 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 Officer Walton briefly reviewed the case and advised a representative for the property was present to request an extension of time. The Town recommended if the Board grants an extension that a fine in the amount of \$125.00 a day commence at the end of that extension if compliance is not achieved.

Gregory Bonner was present on behalf of the property owner and reviewed the work being done on the property. He requested an extension until September 15, 2011.

**MOTION BY MS. GREENBERG TO GRANT ADDITIONAL TIME TO COMPLY, UNTIL SEPTEMBER 9, 2011 AND IF COMPLIANCE IS NOT ACHIEVED BY THAT DATE, A FINE IN THE AMOUNT OF \$125.00 A DAY WILL COMMENCE ON SEPTEMBER 10, 2011 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

B. Case # CE 11-389, 296 S. County Rd., Milton Partnership LTD

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, windows to be maintained in good condition and free of cracks or holes to prevent weather elements or insects from entering

Lead Code Officer Robert Walton briefly reviewed the case and advised that Robert Klecinsky was present at the meeting on behalf of the property owner. The Town recommended an extension of time until September 9, 2011 as they are actively working toward compliance.

Robert Klecinsky testified about the ongoing work at the property.

MOTION BY MS. GREENBERG TO GRANT ADDITIONAL TIME TO COMPLY, UNTIL SEPTEMBER 9, 2011 AND IF COMPLIANCE IS NOT ACHIEVED BY THAT DATE, A FINE IN THE AMOUNT OF \$125.00 A DAY

**WILL COMMENCE ON SEPTEMBER 10, 2011 AND CONTINUE UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

C. Case # CE 11-641, 142 Via Palma, Salomon & Ellen Bitton

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

Lead Code Officer Robert Walton briefly reviewed the case. The Town recommended a fine in the amount of \$125.00 a day commence on June 25, 2011 and continue until compliance is achieved.

**MOTION BY MR. OCHSTEIN TO ASSESS A FINE IN THE AMOUNT OF
\$125.00 A DAY, COMMENCING ON JUNE 25, 2011 AND CONTINUING
UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

D. Case # CE 11-670, 270 Colonial Ln., Alla Kournikova

Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, stagnant water or unsanitary conditions and grass in excess of 8" in height prohibited and the accumulation of trash and debris and any condition which provides harborage of vermin not allowed

Lead Code Officer Robert Walton briefly reviewed the case. The Town recommended a fine in the amount of \$250.00 a day commence on June 24, 2011 and continue until compliance is achieved.

**MOTION BY MS. GREENBERG TO ASSESS A FINE IN THE AMOUNT OF
\$250.00 A DAY, COMMENCING ON JUNE 24, 2011 AND CONTINUING
UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

Sections VII and VIII were heard earlier, out of order

IX. Board Comments: (4:10:48 p.m.)

Mr. Ballentine had a question for staff about generator noise. Ms. Houston and Mr. Walton answered questions to that effect. Mr. Ochstein had a comment about the screening ordinance. Mr. Walton said he would relay Mr. Ochstein's concerns to the Zoning Administrator. Mr. Hoffman asked if the microphone could be adjusted as

the volume was low and was advised that staff would check on that Ms. Houston discussed the water restriction violations.

X. Adjournment: (4:14:12 p.m.)

The meeting was adjourned without benefit of a motion.