

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

Thursday, December 16, 2010, 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 Raychel Houston, Secretary to the Code Enforcement Board at (561) 227-6386. 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:(2:00:51 p.m.)

The meeting was called to order by Chairman Timothy Hoffman at 2:00 p.m. Mr. Hoffman recognized Councilman Diamond in the audience.

II. Roll Call:(2:01:11 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Joel Koeppel, Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James M. Ballentine, Jr. 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 Nick Gerry and Recording Secretary Joan Dunn.

III. Approval of the Minutes of November 18, 2010(2:01:34 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE NOVEMBER 18, 2010
MINUTES**

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(2:01:47 p.m.)

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

V. Public Hearings:

A. Case # CE 10-473, 1438 N. Ocean Blvd., Michael Schultz

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly landscape and grass over 8 inches in height is not allowed and Chapter 42, Section 42-87 of the Code, appurtenances such as walls and fences to be kept painted and in a good state of repair.

Code Enforcement Officer Nick Gerry requested this case be dismissed for compliance.

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

B. Case # CE 10-499, 11 Lake Trail Circle, Michael A. Merriman Trust

Violation of Chapter 42, Section 42-86 (20) of the Town of Palm Beach Code of Ordinances does not permit a seawall to fall into a state of disrepair so as to allow erosion to the land adjacent thereto.

Code Enforcement Officer Nick Gerry requested this case be postponed until January 20, 2011 as repairs were already underway and staff felt that additional time would be appropriate given the size of the project.

Ms. Van Buren questioned if there were any safety issues surrounding this violation and Mr. Gerry advised there were none.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL JANUARY 20TH, 2011
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

C. Case # CE 10-691, 1176 N. Ocean Blvd., Frank Jensen Trust

Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, does not allow unsafe or unsanitary conditions and requires appurtenances such as driveways and fencing to be kept in a good state of repair. 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. Chapter 42, Section 42-86 does not allow unsightly landscape and grass over 8 inches in height and prohibits the storage of trash and debris on the property.

Code Enforcement Officer Nick Gerry requested this case be postponed until January 20, 2011, as the property owner has made substantial progress towards compliance and staff felt additional time would be required to obtain the remaining permits.

**MOTION BY MR. KOEPPEL TO POSTPONE THIS CASE UNTIL
JANUARY 20, 2011**

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

D. Case # CE 10-688, 528 Island Dr., Charles Hickox

Violation of Chapter 106, Section 106-159(b) of the Town of Palm Beach Code of Ordinances, a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways must be maintained at all times for the unobstructed passage of vehicles. Violation of Chapter 42, Section 42-87, appurtenances such as walls and fences to be kept painted and in a good state of repair. Violations of Chapter 42, Section 42-86, stagnant or unsanitary pool water is not allowed.

Code Enforcement Officer Nick Gerry presented the facts of the case and advised it was a result of a routine inspection. Photographs were entered into evidence. Officer Gerry advised the property was posted as there was no service on the mailings. He noted the pool is currently in compliance. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until January 14th, 2011 to comply on the remaining violations.

Various Board members questioned Officer Gerry in reference to the remaining violations and what other means could be used to contact the property owner.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND
GIVE THEM UNTIL JANUARY 14TH, 2011 TO COMPLY**

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

E. Case # CE 10-665, 101 Dunbar Rd., Michael Rubinoff

Violation of Chapter 134, Section 134-1473 of the Town of Palm Beach Code of Ordinances, no additional 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

Code Enforcement Officer Nick Gerry presented the facts of the case and advised it was a result of a citizen's complaint. Photographs were presented into evidence. He advised no contact was made with the homeowner and the property was posted. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until January 14th, 2011 to comply.

Mr. Koepfel questioned if there were any permits required to trim the vegetation. Mr. Walton explained the trimming guidelines.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL JANUARY 14TH, 2011 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

F. Case # CE 10-664, 111 Atlantic Ave., Sandell Corp.

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, does not allow unsightly, unsafe or unsanitary conditions, requires landscape to be maintained in a healthy, orderly appearance, does not allow obnoxious vegetative growth, requires properties to be kept in good repair and prohibits the accumulation of stagnant water.

Code Enforcement Officer Nick Gerry presented the facts of the case and advised it was a result of a citizen's complaint. He said the property achieved compliance after the date specified by the Code Enforcement officer and therefore could still be heard by the Board. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and no further action as the property is now in compliance.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND NO FURTHER ACTION TAKEN
SECONDED BY MR. KOEPEL
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

A. Case # CE 10-638, 290 S. County Rd., Thomas Campaniello

Violation of Chapter 134, Section 134-2436 of the Town of Palm Beach Code of Ordinances, business signs are permitted only for a licensed business in a building, violation of Chapter 42, Section 42-86 and Section 42-87 of the Code which requires properties to be maintained in good condition and exterior walls to be reasonably free of cracks or holes through which weather elements can enter the building and all exterior surfacing material to be kept painted and in good repair, violation of Chapter 18, Section 18-241 which adopts the Florida Building Code and the National Electrical Code and requires plumbing and electrical wiring to be maintained in a safe condition and violation of Chapter 114, Section 114-32, valid Business Tax Receipt required for the rental of apartments

Code Enforcement Officer Nick Gerry reviewed the case and advised the property has not been brought into compliance. The Town recommends a \$250.00 daily fine be assessed, starting December 11th, 2010 and continuing until compliance is achieved.

Mr. Hoffman directed the Board to read the letter included in their packets from the property owner. Code Enforcement Manager Raychel Houston advised she received the letter on December 15th, 2010 and she responded back to the property owner via fax.

Mr. Fried asked about the safety of the plumbing and electrical systems. Mr. Gerry advised that although there were safety concerns there was nothing of imminent danger.

**MOTION BY MR. KOEPPEL TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON DECEMBER 11TH, 2010 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

B. Case # CE 10-636, 211 Ocean Terrace, Robert and Anne Cooney

Violation of Chapter 18, Section 18-747 of the Town of Palm Beach Code of Ordinances, swimming pool gates required to self-close and latch with latches placed four (4) feet above the underlying ground, violation of Chapter 42, Section 42-87 of the Code, unsightly, unsafe or unsanitary condition prohibited and appurtenances such as garage doors to be maintained in good condition, violation of Chapter 106, Section 106-159(b) which requires a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways to be maintained at all times for the unobstructed passage of vehicles and Chapter 42, Section 42-86, grass not allowed to be greater than 8" in height

Code Enforcement Officer Nick Gerry reviewed the case and stated the property is now in compliance but not all violations were brought into compliance on the date specified by the Code Officer. The Town recommends a \$100.00 daily fine be assessed, starting November 27th, 2010 through December 2nd, 2010 for the dates out of compliance.

Mr. Sean Bresnan, a tenant at the property, spoke and stated he was not aware of the letters to the property owner and apologized for taking the Board's time.

**MOTION BY MR. KOEPPEL TO ASSESS A \$100.00 A DAY FINE COMMENCING ON NOVEMBER 27TH, 2010 THROUGH DECEMBER 2ND, 2010 FOR A FINE OF \$600.00
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Old Business

A. Case # 10-2705, 332 South 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 Officer Nick Gerry reviewed the facts of the case.

Mr. Roddy requested more time to complete the project. Attorney George Ord and Renan Paredes were also present and spoke in reference to this case. Building Official Jeff Taylor reviewed their new construction calendar.

MOTION BY MR. KOEPPEL TO GRANT THEM UNTIL FEBRUARY 28TH, 2011 TO COMPLY AND ASSESS A RETRO-ACTIVE DAILY FINE OF \$250.00 STARTING DECEMBER 18TH, 2010 IF COMPLIANCE IS NOT ACHIEVED
MOTION FAILED DUE TO LACK OF A SECOND

MOTION BY MS. VAN BUREN TO GRANT THEM UNTIL JANUARY 31ST, 2010 TO COMPLY AND ASSESS A RETRO-ACTIVE DAILY FINE OF \$250.00 STARTING TO DECEMBER 18TH, 2010 IF COMPLIANCE IS NOT ACHIEVED
SECONDED BY MR. KOEPPEL
MOTION OPPOSED

ROLL CALL VOTE:

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

MOTION FAILED 5 - 2

MOTION BY MR. OCHSTEIN THAT FINE CONTINUES AS IMPLEMENTED IN THE OCTOBER 21ST, 2010 BOARD ORDER AND THAT THE CONTRACTOR TO BE INSTRUCTED NOT TO PARK HIS

VEHICLES IN SUCH A WAY AS TO DISTURB THE OTHER PROPERTY OWNERS IN THE AREA.
SECONDED BY MR. FRIED

During discussion on this motion, Code Enforcement Manager Houston noted that it was not within the Board's purview to direct parking and there is already construction parking permits in place for this job.

Town Attorney John Randolph agreed with Manager Houston and advised it would not be fair for the violator to leave today with a more restrictive order than was originally imposed.

MOTION WITHDRAWN BY MR. OCHSTEIN

As there were no additional motions, the Board Order dated October 21, 2010 remained in effect.

VIII. Board Comments: (3:20:57 p.m.)

Town Attorney Randolph and Board members had miscellaneous questions and comments with reference to previous cases.

IX. Adjournment: (3:24:41 p.m.)

The meeting was adjourned without benefit of motion.