

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

Thursday, August 19, 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: (2:00:00 p.m.)

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

II. Roll Call: (2:00:05 p.m.)

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

(Mr. Hoffman advised Mr. Dowell he would be a voting member until Mr. Koepfel arrived at the meeting).

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

III. Approval of the Minutes of July 15, 2010 (2:00:12 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE JULY 15, 2010 MINUTES
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

(Mr. Hoffman introduced Joan Dunn and advised she was going to be the new Recording Secretary for the Board as Ms. Houston is now the Manager of Parking and Code Enforcement.)

IV. Administration of the Oath to Town Staff:(2:01:22 p.m.)

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

(Mr. Koepfel arrived at the meeting at approximately 2:02 p.m.)

V. Public Hearings: (2:01:25 p.m.)

A. Case # CE 10-262, 2800 S. Ocean Blvd., Tara Transportation

Violation of Chapter 130, Section 130-61 of the Town of Palm Beach Code of Ordinances, it is unlawful for any person to operate a motor vehicle for hire in the Town without first having obtained a certificate of public convenience and necessity and the required permit

Lead Code Enforcement Officer Walton presented the facts of the case and said it was the result of a citizen complaint and was postponed from the July hearing. Mr. Walton said he had re-inspected the property on several occasions after the compliance date and had witnessed the Tara Transportation town cars on site. Mr. Walton said there was a meeting yesterday with Tara's attorney, Tom Murphy. They have agreed to stop this pay per use service which requires the Town's certificate of public convenience. The Director of Room Services of the Four Seasons, Mike Ditterline, confirmed that the Four Seasons is billing their guests for pay per use limo services. At the meeting yesterday, Mr. Murphy said Tara Transportation would no longer continue this practice. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until August 20, 2010 to comply.

Tom Murphy, attorney for Tara Transportation, was sworn in by Ms. Houston and said he did not intend to give sworn testimony. Mr. Murphy said the representations made by Mr. Walton stated accurately what occurred at the meeting yesterday and said his client would no longer operate as it had previously. Mr. Murphy said he understood what the ordinance said with respect to pay per hire and his client would no longer be paid that way and will not operate unless it is in compliance with the code. Mr. Murphy said he intended to meet with Mr. Randolph and representatives of the Four Seasons and with the Town's assistance come up with a plan that complies with the code. Mr. Murphy said he appreciated the courtesy the Town had shown him and his client and he looked forward to a resolution of this problem.

Mr. Fried asked Mr. Murphy what the hotel was going to do until this issue was resolved and Mr. Murphy said the hotel was free to charge whatever rate it deemed appropriate for its rooms. Mr. Murphy said the hotel could not provide the service for free so he assumed a general across the board increase or to find another way to provide this service which complies with the code. Sadly, there may be a hiatus in which the guests of the Four Seasons may not be available to avail themselves of the service which they enjoyed. Mr. Murphy said it was the

observation of the hotel that while there are 50 medallions in the Town, there does not seem to be a plethora of limousines. Maybe one of the medallions which is not in use, and clearly there must be some that are not in use, could be purchased or a deal made with someone else. Mr. Murphy said he is being told at this point that they cannot get a medallion because they are all taken.

(Mr. Hoffman advised Mr. Koepfel that since he had arrived late, Mr. Dowell would be a voting member for this case only.)

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO GIVE THEM UNTIL AUGUST 20, 2010 TO COMPLY

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

(Mr. Hoffman acknowledged the present of Councilman Diamond and Councilman Kleid in the audience and thanked them for taking the time out of their very busy schedules to be present. He also advised that Mr. Koepfel would be a voting member for the remainder of the meeting.)

B. Case # CE 10-255, 124 Australian Ave., Michael A. Sullivan Jr.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways to be maintained in good condition

Lead Code Enforcement Officer Walton said the Town recommends this case be dismissed for compliance.

MOTION BY MS. GREENBERG TO DISMISS THE CASE FOR COMPLIANCE

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

C. Case # CE 10-251, 128 Australian Ave., Sylvia L. Zoslow

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways to be maintained in good condition

Lead Code Enforcement Officer Walton said the Town recommends this case be dismissed for compliance.

MOTION BY MR. KOEPPEL TO DISMISS THE CASE FOR COMPLIANCE

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

D. Case # CE 10-311, 970 N. Lake Way, A.F. Falcione

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, building permit 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 Enforcement Officer Walton presented the facts of the case and entered the photographs into evidence. Mr. Walton said the property owner is trying to determine whether to apply for a variance because the unit is too close to the property line or just remove the unit. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 13, 2010 to comply.

Dale Vernatter was sworn in by Ms. Houston and said he was with John C. Cassidy Air Conditioning. Mr. Vernatter said they obtained a permit after the fact for this job and attempted to have it inspected. They found out they were in violation because the unit was in the setback. The homeowner is trying to decide whether to go through the variance process or relocate the equipment. Both of these options are very lengthy and he does not know if it can be accomplished in 27 days. He knows the variance cannot be.

Mr. Fried asked Mr. Vernatter how they could have installed such a large air conditioner without a permit and so close to the property line. Mr. Vernatter said they replaced an existing air conditioner with this one and the permit coordinator was instructed to get a permit and he cannot address why that was not done. He said they have now obtained the permit and paid the fees. Mr. Walton said the company is trying to do the right thing and they had not done the original installation, only the replacement. Mr. Walton said the original installation is part of the problem as the unit was put too close to the property line. In response to Mr. Hoffman's question about the compliance date of September 13th, Mr. Walton said this is the Town's position but the Board could adjust that date or they could come back and ask for additional time. Mr. Koeppel asked if there was another location on the property that the unit could be placed without a variance. Mr. Vernatter said he could not answer that but he had spoken to the homeowner who said there was not. Mr. Vernatter said they thought they were going to be able to obtain an inspection until earlier this week. He said until they do some sort of assessment of the property, they will not know. He said it is a large piece of property but he could not speak for the homeowner. Mr. Koeppel said he was trying to get a feel for what kind of time might be necessary in order to resolve the issue. There was a brief discussion about the options and the time frame necessary to complete that. Mr. Walton said the property is very large and is fully landscaped and there are other places the air conditioning unit can go. Mr. Koeppel asked if a sixty day period would be unreasonable for compliance and Mr. Walton said it would. He said if the Board was contemplating any extension,

the Town would like to bring them back to the hearing on October 21st but he would not like for the Board to give them any longer than October 19th or October 20th but the Town stands by its recommendation.

Ms. Van Buren asked Mr. Walton if compliance meant obtaining the variance or moving the unit and Mr. Walton said that was correct. Mr. Ballentine asked what was on the other side of the property line and Mr. Walton said it was a neighboring property. Mr. Ballentine asked if the neighbor had complained and Mr. Walton said there was a complaint about the awning and the noise. Mr. Dowell asked if there was any type of financial incentive or daily fine to keep this project moving. Mr. Walton said this is why the Town is requesting the compliance date of the 13th because a fine could be considered at the September 16 meeting. Mr. Koepfel said Mr. Walton's thought on giving them until October 19th might be more reasonable than just finding them in non-compliance and giving them an unrealistic date to resolve this.

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 13, 2010 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION OPPOSED

ROLL CALL VOTE:

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

MOTION FAILED 5-2

MOTION BY MR. KOEPPLE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 19, 2010 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED 6-1 WITH MR. FRIED OPPOSING

- E. Case # CE 10-300, 202 Indian Rd., Nancy S. Walsh & Thomas J. Abbamont Tr
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways to be maintained in good condition

Lead Code Enforcement Officer Walton presented the facts of the case and said the property has not been brought into compliance. Mr. Walton entered the photographs into evidence. Mr. Walton said he has been in touch with Scott Gordon, a realtor who is acting as a spokesman for the trustees. The trustees have agreed to remove the driveway, sod the area and obtain any required right of ways permits. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 9, 2010 to come into compliance. Mr. Walton said the property is becoming an attractive nuisance as gardeners from the entire street and surrounding properties are dropping vegetative waste there. Mr. Dowell said surfers and fisherman have been illegally parking there and asked if there was any ordinance that would require an owner of a vacant lot to put a chain across the driveway. Mr. Walton said there is no ordinance but the Town does request that of owners of vacant lots. Mr. Walton said the fact that this is going to become a yard will deter people from parking on the grass.

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 9, 2010 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY

- F. Case # CE 10-323, 203 Royal Poinciana Way, Suite I, Renaissance Institute of P.B.
Violation of Chapter 114, Section 114-31 and Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Lead Code Enforcement Officer Walton said the Town recommends this case be postponed until September 16, 2010.

MOTION BY MR. KOEPEL TO POSTPONE THE CASE UNTIL SEPTEMBER 16, 2010
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY

- G. Case # CE 10-328, 340 Royal Poinciana Way, #329, Erik Schneider and Brown, Harris & Stevens of Palm Beach
Violation of Chapter 114, Section 114-31 and Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Lead Code Enforcement Officer Walton said the Town recommends this case be postponed until September 16, 2010.

**MOTION BY MS. GREENBERG TO POSTPONE THE CASE UNTIL
SEPTEMBER 16, 2010
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

H. Case # CE 10-315, 361 S. County Rd., Il Sandalo

Violation of Chapter 114, Section 114-31 and Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Lead Code Enforcement Officer Walton said the Town recommends this case be dismissed for compliance.

**MOTION BY MR. KOEPEL TO DISMISS THE CASE FOR
COMPLIANCE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

I. Case # CE 10-359, 516 S. Ocean Blvd., Robert M. Feldman

Violation of Chapter 42, Section 42-86 (3) and Section 42-86 (18) of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions, grass in excess of 8 inches in height and the storage of trash and debris on private property not permitted, Violation of Chapter 42, Section 42-164 which prohibits fugitive dust and blowing sand, Chapter 18, Section 18-206 (4) which requires any site in which reconstruction does not commence within 15 days after demolition to be irrigated and sodded and Chapter 42, Section 42-87, appurtenances such as driveways to be maintained in good condition

Lead Code Enforcement Officer Walton presented the facts of the case and said it originated from a routine inspection. This property is a vacant lot and there has been no contact with the property owner. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 10, 2010 to comply.

Councilman Kleid spoke on this case and asked if it was an ARCOM requirement when they approved the demolition permit that the lot be sodded and Mr. Walton said this is a requirement in the code. Mr. Kleid asked Mr. Walton if he knew when the house was demolished and Mr. Walton said he did not but it had been quite some time. Mr. Kleid said he thought it was very egregious that nothing had been done on this property since sodding and irrigating it was a condition of the demolition

**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 10, 2010 TO COMPLY

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

J. Case # CE 10-367, 2500 S. Ocean Blvd., #2A4, Shaylene Rosenblat

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

Lead Code Enforcement Officer Walton said the Town recommends this case be dismissed for compliance.

MOTION BY MR. OCHSTEIN TO DISMISS THE CASE FOR COMPLIANCE

**SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

K. Case # CE 10-95, 2880 S. Ocean Blvd., Hojo Partners 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 presented the facts of the case and said it was the result of a citizen complaint. Mr. Walton entered the photographs into evidence. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

Eugene Lawrence was present on behalf of the property owner and said he had already been sworn in, that he had taken the oath with Staff. Mr. Lawrence said their intention is to tear this building down and it seems wasteful to screen the windows when the building is going to be torn down.

Mr. Ballentine asked if he could get some background on the ordinance. Mr. Walton explained the history of the ordinance and explained the current policy. Mr. Ballentine asked if the property owners understood what the current policy is or if there is a problem with the interpretation of the ordinance. Mr. Walton said the Town has been in contact with them and some of them have just been slow in complying. John Lindgren, Planning Administrator, was sworn in by Ms.

Houston and said he has been with the Town for about a year and a half and this project was one of his original tasks. Mr. Lindgren said the policy has evolved over time and is an entire Council effort. Mr. Lindgren gave a detailed explanation of the ordinance and said there were a couple of exceptions, one of which was for non-profits and the other for office suites. Mr. Lindgren said property owners have been provided ample time to come into compliance. Mr. Hoffman asked if the photos or pictures that could be used were readily available. Mr. Lindgren said they were, that he had put together an information sheet to make this as easy as possible and had contacted various vendors to provide the screening materials.

Mr. Koeppel asked Mr. Lawrence how long it would take to demolish the property if they received the approval for demolition. Mr. Lawrence said it would take two to four weeks to get the permits, have the utilities disconnected and about a week to demolish the building. Mr. Lindgren said this was an unique situation but after they received ARCOM approval, they would have to wait ten business days to demolish the building. Mr. Peloso asked if the hurricane shutters could be closed and Mr. Walton said there is an ordinance that prohibits closed hurricane shutters unless there is a storm watch. Mr. Ochstein said he had a problem with this as this is not a storefront on Worth Ave. and the building would look fine if the blinds were all closed. Mr. Walton said the Town would consider extending the compliance date to October 20th so they could come before the Board at the October hearing. Mr. Lawrence said he believed if they received demolition approval at the September meeting this date would be workable.

Mr. Koeppel said, based on the circumstances and the recent enactment of this, the purpose of this Board is to grant discretion and the fact that this is a unique situation and since the building is not on Worth Ave. or Royal Poinciana, it would seem reasonable to give them until the October date and then they may still have to be granted some additional time.

Mr. Walton said he would like to remind the Board there is a full slate of these cases and whatever is done in this case may affect the others. Mr. Koeppel said the Board should render its discretion on each individual situation and one party should not be penalized because of another party. Mr. Dowell said he has heard many people complain about the ratty look of boarded up commercial buildings in the Town and said it seems as if they make an excuse here and there, pretty soon there will be no teeth in the process. He said the Town is deteriorating physically and these things need to be done and he finds it difficult to let these things slide. Mr. Dowell asked Mr. Walton if he had any complaints on the building and Mr. Walton said he had but he did not know if it was from neighbors or just other Town residents. Ms. Greenberg said she agreed with both Mr. Dowell and Mr. Koeppel to a certain extent but the fact that it is not on Worth Ave. or on "Palm Beach proper" should not make a difference. People on the south end have been watching this eyesore for a long time and they are just as much a part of the Town. She does not think one area should be treated differently than another.

Mr. Koepfel said he would like to respond to both Mr. Dowell and Ms. Greenberg. He said when a new ordinance is introduced, there are situations that are going to occur where people may come before the Board for one reason or another who could not come into compliance. Mr. Koepfel said he also did not intend to reflect that Worth Ave. or Royal Poinciana was more important than the south end. This building is an eyesore and everyone realizes it needs to come down.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 20, 2010
SECONDED BY MR. KOEPPEL
MOTION PASSED 6-1 WITH MR. OCHSTEIN OPPOSING**

L. Case # CE 10-346, 313 A Worth Ave., Love 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 presented the facts of the case and entered the photographs into evidence. He said there had been no contact with the property owner or manager at this address. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 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 SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MR FRIED
MOTION PASSED UNANIMOUSLY**

M. Case # CE 10-81, 337 Worth Ave., City National Bank of FL Tr

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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, costs of \$150.00 and to give them until September 3, 2010 to comply.

Christina Banfi, property manager for Via Mizner, was sworn in by Ms. Houston. Ms. Banfi said they had ordered the screens but they had not come in yet. She said everything should be covered by September 3rd. Mr. Hoffman asked about the mannequins in the window and Mr. Walton said the entire store had to be staged. Mr. Lindgren said at one time the entire store had been staged and he had walked by it without even realizing it was vacant. Now there is a backdrop and if you walk down the via, you see nothing but emptiness. Mr. Fried asked if there were other stores in Via Mizner that were vacant and Mr. Walton said there were. Mr. Fried asked if the pictures were coordinated in some fashion and Mr. Walton said the pictures could not be repeated within 200 linear feet.

Robert Moore was also present on behalf of Via Mizner and said he needed a point clarified as to whether the 200 linear feet was just within the Via Mizner, not other stores. Mr. Lindgren said it was 200 linear feet and whatever was there first could not be repeated. Mr. Moore said their screening had already been ordered and wanted to know if they had been told they could not order and duplicate what was across the street. Mr. Lindgren addressed the policy again and said he believed it was very clear. Mr. Ochstein said it looked fine to him and Mr. Walton said it did not meet the ordinance. Mr. Walton said there could be an informational session at the next meeting on this ordinance if necessary. Mr. Walton said the Town Council had agonized over this and there had been four revisions of the ordinance but this is the ordinance we are trying to enforce today.

Alex Ives, Director of Public Affairs for the Preservation Foundation was sworn in by Ms. Houston and said he was hoping he did not add more confusion to this issue. Mr. Ives said he believed this started back in the summer of 2008. The Preservation Foundation and the Chamber of Commerce had a series of meetings about the issue of empty storefronts. He believed there are 60 different images and it is not as onerous as it seems because there are a lot of options for people. Mr. Moore said the present screening was an approved option at one time although it is no longer approved. Ms. Van Buren said if anyone would like to take a look at something that was done in conjunction with the Preservation Foundation, they should look at the northeast corner of Peruvian and Cocoanut Row which used to be an antique store. An artist has filled each window with the most spectacularly beautiful renderings of historic pictures of the Town of Palm Beach.

Mr. Koeppel asked if there was a method of approval so neighboring properties did not duplicate scenes so that one of them would not be in compliance based on the timing. Mr. Lindgren said he did not know how to keep track of that with the limited staff and time. It would be very time consuming to keep a log and try to

monitor that. Mr. Koeppel said someone needed to give some thought to that. Mr. Lindgren said he has tried to be as accommodating and as flexible within the limits of the code and the policy. If this does occur, they will figure something out as they are not going to be unreasonable and will find some solution if this occurs. Mr. Koeppel said maybe they should try to find a solution before it happens such as some type of registration policy.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MR FRIED
MOTION PASSED UNANIMOUSLY**

(Mr. Hoffman said there were some good points made by Mr. Koeppel and the Board on this and he is sure Staff is going to look very deeply into it.)

N. Case # CE 10-91, 105 N. County Rd., County Road Holdings 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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

Douglas Rill, the property owner, was sworn in by Ms. Houston and said this building has been vacant for 2 ½ years. He said when he purchased the building, the window had been tinted which was in compliance but he later received a notice that he needed to cover it. The next notice he received was rescinded and then he got another notice that he was further in non-compliance. The price to do the other side of the windows was very expensive and his building is in foreclosure because he has been unable to find a tenant. He now has a potential tenant but it is going to take him some time. He said he has all of these moving parts, a foreclosure, a letter of intent to purchase the building and a letter of intent to lease the building. Mr. Rill said he is asking for additional time to comply and he thinks the October 19th date would be the appropriate one.

Thomas Tomas was sworn in by Ms. Houston and said he intended to lease this space. He said he had been in Town 22 years, off and on, and there has been confusion regarding the screening issue. He said he could come into compliance

today by driving back to the building and dropping the drape because the equipment is already in the building. There was some additional discussion between Mr. Rill, Mr. Tomas and Mr. Walton as to what would bring the building into compliance and Mr. Walton told Mr. Tomas he would be happy to meet him at the building along with Mr. Lindgren as Mr. Lindgren would need to approve it. Mr. Tomas said he was one of the people who had been on the phone with Mr. Lindgren on a daily basis trying to figure this out. Mr. Tomas said he needed to know what the rules are because they have changed. Mr. Hoffman said there is obviously some confusion on this issue but the Board is still going to vote on this and have a meeting on it. Mr. Hoffman said the Town says they are not in compliance at this point and the Board will have to make a decision. Mr. Fried asked if there might be some advantage in just postponing this case until the October meeting. Mr. Walton said the Town would like to have closure on this. There are more of these cases and although the code has changed, there has been notification and re-notification. Ms. Van Buren said the policy was for vacant or under construction properties and it appeared this one was under construction. She said she realized they were getting into technicalities but the ordinance itself is very technical and that is what the Board is dealing with in all of these cases. Mr. Ballentine said his position is that the Board should not defer any of the seventeen cases they are going to hear but show a consistency in their judgment. Mr. Ballentine said they needed to come up with a date that is consistent and it would be up to the property owners to work with the Town and get the problem solved. Mr. Koepfel said the extended date might make more sense when there are extenuating issues as there seemed to be here.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 19, 2010 TO COMPLY
 SECONDED BY MR. BALLENTINE
 MOTION OPPOSED**

ROLL CALL VOTE:

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

MOTION PASSED 5-2

O. Case # CE 10-74, 139 N. County Rd., Paramount Church Inc. Lessor

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 presented the facts of the case and said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

Rev. Dwight Stevens was sworn in by Ms. Houston and said the space in question was rented by Illustrated Properties and was occupied. Mr. Walton asked if it had been occupied earlier in the week and if this was the window display for an occupied space. Rev. Stevens told Mr. Walton he was correct, that although it was leased by Illustrated Properties, it was unoccupied. Rev. Stevens said Illustrated Properties asked them how to comply because there was a separate space around the corner which did comply and they gave Illustrated Properties the name of the company that had provided that screening. Rev. Stevens said pictures had been ordered by the tenant to comply. Mr. Walton asked Rev. Stevens if he thought the pictures would arrive by the 3rd of the month and Rev. Stevens said he believed they would.

**MOTION BY MR. FRIED TO FIND THE PROPERTY IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

P. Case # CE 10-350, 244 S. County Rd., Thomas Campaniello

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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

Mr. Koepfel said that since no one appeared to be present to speak on these cases, he questioned if these cases could be voted on as one and then just have the case number read. Mr. Hoffman said he would prefer to handle each case individually.

**MOTION BY MR. KOEPPEL TO FIND THE PROPERTY IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

Q. Case # CE 10-87, 290 S. County Rd., Thomas Campaniello

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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

**MOTION BY MR. KOEPPEL TO FIND THE PROPERTY IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

R. Case # CE 10-88, 292 S. County Rd., Thomas Campaniello

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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

MOTION BY MR. KOEPPEL TO FIND THE PROPERTY IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY

S. Case # CE 10-89, 294 S. County Rd., Thomas Campaniello

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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

MOTION BY MS. GREENBERG TO FIND THE PROPERTY IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY

T. Case # CE 10-86, 304 S. County Rd., Thomas Campaniello

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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

MOTION BY MR. FRIED TO FIND THE PROPERTY IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY

U. Case # CE 10-90, 308 S. County Rd., Thomas Campaniello

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 Robert Walton presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

**MOTION BY MR. FRIED TO FIND THE PROPERTY IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

V. Case # CE 10-349, 298 S. County Rd., Milton Partnership Ltd.

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 Robert Walton presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

**MOTION BY MS. GREENBERG TO FIND THE PROPERTY IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

W. Case # CE 10-342, 331 S. County Rd., 331 South County Road 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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply. John Lindgren said he had worked with this property owner and it was a unique situation.

Tony Hollis of Hollis Realty Group was sworn in by Ms. Houston and said he was the spokesman for the property owner. He said he thought what was going on was great because there are some storefronts that are disgraceful. Mr. Hollis said they had to file to evict their tenant on July 9th so they did not even have possession of the space. Mr. Hollis asked that a copy of the eviction notice be entered into the record as he said he was hoping to avoid paying the administrative costs. He said they finally got the key back to the space about 2 ½ weeks ago. Mr. Walton asked Mr. Hollis what he was proposing and Mr. Hollis said he had been working with Mr. Lindgren and he believed they were in agreement about what needed to be done and they were in the process of complying and explained how that was going to be done. He also said it was going to be expensive, about \$1000. Mr. Hoffman told Mr. Hollis the \$150.00 was not a fine but was an administrative cost and was not going to be waived. Mr. Hollis asked how a landlord who did not have possession could go into a tenant's space and Mr. Hoffman said he did not have an answer to that question.

(Mr. Koeppel advised he needed to recuse himself in this case because he represented the client. Ms. Houston gave Mr. Koeppel Form 8B to complete)

**MOTION BY MR. FRIED TO FIND THE PROPERTY IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

X. Case # CE 10-73, 220 Sunrise Ave., Bank of America

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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

MOTION BY MR. FRIED TO FIND THE PROPERTY IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY

Y. Case # CE 10-351, 251 Sunrise Ave., Rava 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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

MOTION BY MR. OCHSTEIN TO FIND THE PROPERTY IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY

Z. Case # CE 10-325, 253 Royal Poinciana Way, MB Ventures of Palm Beach

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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until September 3, 2010 to comply.

Leslie Evans, the property owner, was sworn in by Ms. Houston and said this was an unusual case and somewhat similar to an earlier one. Mr. Evans said RSVP moved into this space as a result of a fire at Sprinkles and they have a lease through the end of August, until September 1st. Mr. Evans said they had been attempting to sublease it for RSVP but RSVP has been paying the rent every

month. He said he had a potential tenant but that deal had fallen through a couple of days ago. Mr. Evans said he is also not sure he has to cover the transom but he has spoken to Sir Speedy and they are coming to give them an estimate. However, he cannot do anything until September 1st as RSVP still has a lease and they have a sign in the store that says RSVP and indicates they have moved. Mr. Evans said he did not know how he could be asked, as a landlord, to go into a space he has no right to go into. If he did that, he could be liable as this would be an eviction. He would either have to give them back their rent or they could sue him. Mr. Evans said there should not be any fine imposed nor should he have to do anything until the lease ends and then if he does not cover it within a reasonable amount of time, the Town could take action. Mr. Evans said he could be in compliance by September 3rd but he does not feel he should be fined because he could not have done anything. Mr. Fried told Mr. Evans that if he was in compliance by September 3rd, he was not going to be fined anyhow. Mr. Evans said he did not think he should have to pay the \$150.00 either because he did not believe that the ordinance that was passed contemplated this situation. Mr. Fried asked Mr. Evans if the tenant should not be liable for the administrative fees since this was a situation they had created. Mr. Evans said when the tenant moved in, they were in compliance and the fact that the Town passed an ordinance afterward should not affect him. Mr. Koepfel said he agreed with Mr. Evans and that this is an unusual situation and he thought it was improper to even impose the costs. Mr. Ochstein said he agreed because the store is not vacant, someone is paying rent and asked if the ordinance covered that. Mr. Walton said it did, that the ordinance states that it covers stores that are not open to the public. Ms. Van Buren asked if the Board had the power to waive the administrative fee and Mr. Hoffman said it did.

MOTION BY MR. KOEPPLE TO FIND THE PROPERTY IN NON-COMPLIANCE, WAIVE THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 3, 2010 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY

(Mr. Hoffman said there had been a lot of discussion on this new ordinance today and asked the two Council members present if perhaps the ordinance could be re-thought on their level. Mr. Kleid addressed the Board and told Mr. Hoffman there had been a lot of discussion relative to this particular ordinance because many people in the Town were dissatisfied with the way the Town looked with a lot of vacant stores which unfortunately occurs in this economic downturn. Mr. Kleid said although they hoped things would come back, it was important that these vacant store fronts look acceptable and it does not look like the entire Town is on sale. He said there were ramifications which were well noted but he does not think there are any changes that need to be made in the ordinance, that it was within the discretion of the Board and he thought they had exercised that discretion in several of the cases

in a proper way. Mr. Kleid said he believed the reason for the ordinance was sound. Mr. Hoffman told Mr. Kleid he appreciated his comments and it was also up to Staff to exercise discretion which they always did.)

VI. Fine Consideration:(4:12:57 p.m.)

A. Case # 09-2665, 139 N. County Rd., Paramount Church, Inc.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as railings to be kept in good repair and unsightly, unsanitary or unsafe conditions not permitted

(Mr. Hoffman informed the Board Mr. Dowell had a meeting he needed to attend and had to be excused)

Lead Code Enforcement Officer Walton gave a brief history of the case and said at the January 2010 Code Enforcement Board hearing the property was found in non-compliance and given until August 13, 2010 to come into compliance. The property has not come into compliance and in a letter provided to the Board, Rev. Stevens has asked for another year and the Town does not feel that is appropriate. The Town supports an additional extension until the September hearing at which time the Town would like to have a stipulation agreement worked out with the church that would have a time certain for compliance.

Rev. Dwight Stevens was present on behalf of the Paramount and said it became apparent they were not able to obtain the funding for this project which to date is \$389,000 to replace the railing and structurally attach them to comply with current building codes. About a month ago, he called Mr. Walton and advised him that was the case and Mr. Walton told them to come to the meeting today and advise the Board what their attempts had been to obtain funding and to request an extension. Rev. Stevens said he sent a letter to Mr. Hoffman on August 3rd and read the letter into the record. Rev. Stevens said donations had come in since the writing of that letter and in response to a letter to the editor of the Palm Beach Daily News. A professional grant writer has offered to approach foundations who have interest in Florida historic preservation to obtain funding on their behalf for this project. They have a plan with a group of core individuals who have come forward to save the Paramount and become part of a Save the Paramount ad hoc committee which met this past Monday. Their plan is to raise funds and have special events with a strategy and monthly projections. Rev. Stevens said Gene Lawrence, the architect they have enlisted to address the remedy of the railing situation, was also present today as well as Olympia Devine, who is in charge of their fundraising. Rev. Stevens said they are hopeful they can obtain the funds necessary for this project within the next year.

Mr. Peloso asked about the stipulation agreement and Mr. Walton said it is an agreement entered into by both parties and it has to be signed off on by the Board. There are certain benchmarks that have to be met and if they are not, they are in default of the stipulation agreement. Mr. Koeppe said, assuming there is some stipulation entered into, what is being done to the certificate of appropriateness that requires a building permit be obtained by January 20, 2011. Mr. Koeppe asked if that would be addressed in this agreement and Mr. Walton said it would. Mr. Fried asked when the matter was last before the Board and Mr. Walton said it was January 2010. Mr. Fried told Rev. Stevens he remembered that hearing because he addressed some safety issues with these railings and is still quite troubled about the safety issues. Mr. Fried said Rev. Stevens had been very confident at that meeting that the funds would be available by the time we got to this point and wonders why it is now eight months later and he is asking for another year. Mr. Fried asked what had happened in the last eight months and Rev. Stevens said he did feel confident they could obtain funding, that they did not have a large mortgage compared to the value of the building. They believed the bank would welcome their request to refinance the building and advance them the money for this project. They found the bank was not willing to do that nor were other banks in this economy. He said they applied for a federal grant which was accepted by May 21st, the deadline date. Two weeks ago he received a letter from the Department of the Interior stating that although they had been accepted for the grant, it had been determined they were ineligible. Although they are listed on the National Register of Historic Places, they are listed in the category of a local historic place and not a national one. Therefore, they are ineligible for a federal grant. They were also advised by Jane Day and others to apply for a state grant but there has not been any funding the past several years to even pay for approved projects. Rick Gonzalez, who is on the state board for financing for the current grants, advised them to apply by August 31st for the next period of state grants. However, Mr. Gonzalez told him that even if they are accepted, the funding will not be available until July 2012. Rev. Stevens said they are going to have to raise the funds themselves.

Mr. Fried said he would like the Town's view as to whether there are any safety issues from the condition of the railings as they now exist and the prospect they will not be repaired sometime in the foreseeable future. Mr. Walton said there is no access to these areas now. Mr. Walton said anytime you have a piece of deteriorating ornamental woodwork, there is a possibility it may blow off during a storm event but he did not think it would fall off on its own. In response to Mr. Hoffman's question about the extent of the project, Rev. Stevens said they had been asked to not only replace the railings but to replace them with replicas of Joseph Urban's 1927 railings. The simple railings they have now are not the ones they are being asked to replace, they are being asked to replicate the original railings. The low bid just for the railing is \$163,000. A portion of this cost is because the decks do not have the supporting structure to attach the railings to comply with current building codes. The roofs have to be replaced with an

anchoring system to attach the railings and this has caused the cost of the project to escalate.

Gene Lawrence briefly described the process of replacing the railing for the Board and said the building had not originally been built to anyone's building code. Mr. Fried said he had looked at the railings on the building and they are rotted out and he did not believe it would necessarily take a storm to have one of them fall off on the sidewalk. Mr. Fried said there should be something in the stipulation agreement to address the safety issue and if there was some interim measure that could address the safety issue. Mr. Walton said he would do that and he would also review the situation with the Building Department.

Mr. Walton said the Paramount is asking for a year's extension and the Town is asking for a month so it could be brought back before the Board. Mr. Ochstein asked Rev. Stevens how much they had already raised and he said \$11,000 which he did not think was bad in ten days.

**MOTION BY MR. KOEPPEL TO GIVE THE VIOLATOR ADDITIONAL
TIME TO COMPLY, UNTIL SEPTEMBER 16, 2010
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

B. Case # CE 10-107, 315 Worth Ave., Trillion LLC and Love LLC

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 to install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Lead Code Enforcement Officer Walton gave a brief history of the case and said this would normally be a fine hearing but Timothy Hanlon wanted to present additional evidence to the Board.

Timothy Hanlon, present on behalf of Trillion Inc., was sworn in by Ms. Houston. He said this citation was for failing to obtain a building permit for the repair and partial reconstruction of a bird aviary/cage. Mr. Hanlon said they have since confirmed with Jeff Taylor, the Building Official, that since the cost of the construction was less than \$1500, no building permit was required. Mr. Hanlon said he believed Staff's recommendation was going to be to dismiss the case. Mr. Hanlon said they have also continued to meet with the zoning department to file an application for further development approvals in connection with this issue. Mr. Walton said he concurred with Mr. Hanlon, that it has been ruled a building permit was not required for this. However, there is a zoning violation but they were not cited for that and the Town recommends this case be dismissed. Mr. Koepfel asked about the administrative costs and Mr. Hanlon said they are not requesting a reimbursement of those.

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

C. Case # CE 10-244, 235 Sunrise Ave., # 3214, Maria Boni

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

Lead Code Enforcement Officer Walton gave a brief history of the case and said they had been given until August 13, 2010 to come into compliance. Permits have been obtained but the work has not been completed. Mr. Walton said the contractor is present asking for additional time.

Bill Monroy, the contractor, was sworn in by Ms. Houston and said there have been issues with the building that prevented them from moving as fast as they wanted to in the remodeling process. Mr. Monroy detailed some of the issues he had faced and said he was requesting until October 19, 2010 to comply. Mr. Walton said the Town would agree to give additional time to comply, until September 30, 2010 with the caveat that a fine of \$250.00 a day would commence on October 1, 2010. Mr. Ballentine asked what would constitute completion and Mr. Walton said it would be all final inspections. Mr. Monroy asked why there was a timeline to complete the project, why six weeks instead of 8 weeks. Mr. Walton said this project was started without a permit and Mr. Monroy had originally said six weeks would be sufficient but the project had been expanded which was not the fault of the Town. Mr. Walton said the Town feels September 30, 2010 is a reasonable time to complete the project.

**MOTION BY MR. FRIED TO GIVE THE VIOLATOR ADDITIONAL
TIME TO COMPLY, UNTIL SEPTEMBER 30, 2010 AND IF
COMPLIANCE IS NOT ACHIEVED, A FINE IN THE AMOUNT OF
\$250.00 A DAY WILL COMMENCE ON OCTOBER 1, 2010 AND
CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

D. Case # CE 10-182, 237 Brazilian Ave., Florida Capital Management 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 such a dilapidated condition that it is unfit for human habitation and Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances which requires foundations and structural members to provide a firm and substantial base and support for the structure and interior walls and ceilings to be structurally sound

and for exterior walls to be kept painted and in good repair and appurtenances such as walls, fences and balconies to be kept in a safe and good state of repair

Lead Code Enforcement Officer Walton gave a brief history of the case and said all outstanding violations were to be corrected by August 2, 2010. The property has not been brought into compliance and the Town recommends a fine in the amount of \$250.00 a day commence on August 3, 2010 and continue until compliance is achieved.

Leslie Evans said he was present on behalf of the property owner and said Mr. Keitel, the property owner had hired a company who had pulled electrical and plumbing demolition permits. Mr. Evans said Mr. Keitel is at the point where he is getting final bids. Mr. Evans said they are not sure they have to rebuild the property the way it was originally which was one unit or the two units it currently is as it was subdivided sometime in the past before Mr. Keitel purchased it. Mr. Keitel said he is asking for additional time to the next meeting when he will either have a contract to have it repaired or it will be demolished. From the street, the building has a good appearance. Mr. Keitel has tried to sell the building but has not been able to. Mr. Evans said they are asking for an additional 60 days to rebuild the property. Mr. Walton said if the building is going to remain, it has to be repaired. He said it was represented to the Town in the beginning that the building was going to be demolished. To date, everything is at a standstill and that is why the Town is asking for a fine. Ms. Van Buren said she is troubled about this case because Mr. Keitel was adamant that he was going to demolish the building and although he has the right to change his mind, we are in limbo while he makes up his mind. Mr. Evans said he was not at that meeting but believes Mr. Keitel did not realize all of the issues. Mr. Ochstein said the Board should not sit and wait for someone to determine if the market is good or bad. Mr. Evans said he agreed with Mr. Ochstein but it would have been cheaper for Mr. Keitel to have just demolished the property than to spend what he had spent on it. Mr. Evans said he hoped the Board would give them 30 days to get the bids in and in 60 days, the property would be torn down or completed. Mr. Koeppel asked what needed to be done to come into compliance. Mr. Walton said they needed to make all of the repairs or demolish the property. The Town recommends a fine of \$250.00 a day commence on August 3, 2010 and continue until compliance is achieved.

**MOTION BY MS. GREENBERG TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY, COMMENCING ON AUGUST 3, 2010 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. VAN BUREN**

Mr. Koeppel said he did not know if \$250.00 a day was appropriate and wondered if the motion could be modified to some amount less than that for a thirty day period to see what they were doing. He thought maybe a \$100.00 a day fine from August 3 until the next meeting at which point the Board could levy additional

finest if necessary. Ms. Greenberg said she believed that was too much of a modification and would not accept it.

**MOTION BY MS. GREENBERG TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY, COMMENCING ON AUGUST 3, 2010 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. VAN BUREN
MOTION OPPOSED**

ROLL CALL VOTE:

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

MOTION PASSED 5-2

VII. Fine Reduction: (5:02:19 p.m.)

A. Case # CE 10-154, 2000 S. Ocean Blvd., #201N, Lloyd Macklowe

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

Mr. Walton gave a brief summary of the case and said it was before the Board for a fine reduction. The project was completed with all final inspections on July 2, 2010. The fine due is \$2100.00 and the \$150.00 hearing costs were paid.

Edward Hinkley, the contractor, was sworn in by Ms. Houston and said the work was completed within seven days after they got the permit. He is requesting a fine reduction for two reasons, one is that the owner lives in New York and the notice was sent to S. Ocean and the second is that he corrected the violation as soon as possible.

Mr. Walton said Mr. Macklowe was present at the property the day it was red tagged and was aware of the situation. Mr. Koepfel said due to the fact that the property was red tagged on April 14, 2010 and that Mr. Macklowe was present at that time, he has no pity and does not think the Board should be making any adjustments.

No motion was made and Mr. Hoffman advised the fine would remain as it was.

VIII. Board Comments: (5:09:45 p.m.)

Mr. Hoffman thanked the Board for their diligence during the long meeting and said he hoped Staff would look into some of the things that were talked about. Mr. Ochstein said he believed the Town Council may have erred with this ordinance because times are really tough right now for landlords and businesses and he does not think it is right. He said some of the properties looked pretty good.

**IX. Adjournment:
(5:11:07 p.m.)**

The meeting was adjourned without benefit of motion.