

**CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, DECEMBER 15, 2005
AT THE TOWN COUNCIL CHAMBERS, 360 SO. COUNTY ROAD**

- | | | | | | | | | |
|----------------------|---|---|----------|---|---------|--------------------------------|----------------------|--------------------|
| I | <u>Call to Order:</u> | Chairman Lawrence called the meeting to order at 2:00 p.m. | | | | | | |
| II | <u>Roll Call:</u> | <table><tr><td>Present:</td><td>Eugene Lawrence, Chairman
Pamela Hoffpauer, Vice-Chair
Timothy Hoffman, Member
Joel P. Koeppel, Member
Richard A. Raffo, Member
Hugh C. Davis, III, Member
Rosemary Reder, Member
Larry Ochstein, Alternate Member
Robert S. Walton, Chief Code Compliance Officer
John C. Randolph, Town Attorney</td></tr><tr><td>Absent:</td><td>George Klein, Alternate Member</td></tr><tr><td>Recording Secretary:</td><td>Deborah A. Morakis</td></tr></table> | Present: | Eugene Lawrence, Chairman
Pamela Hoffpauer, Vice-Chair
Timothy Hoffman, Member
Joel P. Koeppel, Member
Richard A. Raffo, Member
Hugh C. Davis, III, Member
Rosemary Reder, Member
Larry Ochstein, Alternate Member
Robert S. Walton, Chief Code Compliance Officer
John C. Randolph, Town Attorney | Absent: | George Klein, Alternate Member | Recording Secretary: | Deborah A. Morakis |
| Present: | Eugene Lawrence, Chairman
Pamela Hoffpauer, Vice-Chair
Timothy Hoffman, Member
Joel P. Koeppel, Member
Richard A. Raffo, Member
Hugh C. Davis, III, Member
Rosemary Reder, Member
Larry Ochstein, Alternate Member
Robert S. Walton, Chief Code Compliance Officer
John C. Randolph, Town Attorney | | | | | | | |
| Absent: | George Klein, Alternate Member | | | | | | | |
| Recording Secretary: | Deborah A. Morakis | | | | | | | |

Chairman Lawrence welcomed Rosemary Reder as a new member of the Code Enforcement Board.

- III Approval of the Minutes of November 17, 2005:**
 MOTION BY MS. HOFFPAUER FOR APPROVAL OF THE MINUTES.
 MOTION SECONDED BY MR. HOFFMAN.
 MOTION PASSED UNANIMOUSLY.
- IV Administration of the Oath to all persons who wish to testify:**
 Let the record show that all persons testifying were sworn in at this time.
- V Public Hearings:**

- A Case #05-1933, 208 Mockingbird Tr., Carol Casey, Carol Casey TR, John Casey, John Casey TR
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to allow grass or weeds to grow to a height greater than eight (8) inches or other vegetation to become overgrown or accumulate.
Violation of Chapter 42, Section 126 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to permit any collection of standing water in which mosquitoes are likely to breed.
Violation of Chapter 42, Section 42-87 states exterior walls shall be free of cracks and painted, interior walls and ceilings shall be structurally sound, roofs must be maintained so as not to leak, and all doors, windows and stairs shall be in a maintained condition.

Chief Code Compliance Officer Robert Walton advised the Board that this case was before the Code Enforcement Board in November and was postponed until today due to lack of service. The property was subsequently posted with the violation letter and notice of hearing. This property was slated for demolition but has not been demolished to date. Photographs of the property that were taken on December 14, 2005 showing the condition of the property, were distributed to the Board. Chief Walton's recommendation was to find in non compliance and allow twenty-four (24) hours to get a gardener there to cut the grass and clean the property of debris and clean and secure the pool and give them seven (7) days to secure the property or tear the property down.

MOTION BY MR. KOEPPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND ALLOW TWENTY-FOUR (24) HOURS TO CUT THE GRASS, CLEAN THE PROPERTY OF DEBRIS AND CLEAN AND SECURE THE SWIMMING POOL AND ALLOW SEVEN (7) DAYS TO SECURE THE PROPERTY OR TEAR DOWN THE STRUCTURE.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

B Case #05-1934, 411 So. County Road, First Union Ntl Bank dba Wachovia

Violation of Section 38-35 (b) of the Town of Palm Beach Code of Ordinances, alarm system users with fines not paid within thirty (30) days of first billing shall be referred to the Town's Code Enforcement Board.

MOTION BY MR. KOEPPPEL TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

C Case #05-1941, 308 Coconut Row, Anita Thorhaug

Violation of Chapter 18, Section 18-241, of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

Chief Code Compliance Officer Walton advised the Board that the property was posted in October and in December for today's hearing. Construction had been started consisting of new marble floors, remodeling of two bathrooms, exterior windows were installed, wiring and plumbing for the bathrooms was done, and an exterior staircase was changed to an interior staircase. Once notified, the homeowner contacted Mike Odum of Odum Construction and Gene Pandula, an Architect.

Michael Odum of Odum Construction was here on behalf of the property owner to request an additional ninety (90) days to complete the project and obtain all inspections. The permit application was submitted to the building department but has been returned for corrections.

MOTION BY MR. KOEPPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND ALLOW NINETY (90) TO COMPLETE THE PROJECT. IT IS FURTHER ORDERED THAT THE DEFENDANT MUST APPEAR AT EACH CODE ENFORCEMENT BOARD HEARING TO PROVIDE A PROGRESS REPORT.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

D Case #05-1942, 400 South Ocean Blvd., Four Hundred South Ocean Blvd. Condo Assoc.

Violation of Chapter 74, Section 74-223 of the Town of Palm Beach Code of Ordinances, all ocean front property owners must ensure that no artificial light shall illuminate any area of beach or water that may be used by nesting sea turtles and hatchlings anytime from March 1st until October 31st.

MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT IN NON COMPLIANCE WITH NO FINE AT THIS TIME.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

E Case #05-1943, 227 Garden Road, Edward/Grace Fey

Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above all streets and roadways in the Town, shall be maintained at all times for the unobstructed passage of vehicles and others using said streets and roadways.

Chief Code Compliance Officer Walton stated that the hedges are growing into the roadway. The hedges along the alley have been trimmed but the hedges along the roadway still need to be trimmed.

MOTION BY MS. HOFFPAUER TO FIND THE DEFENDANT IN NON COMPLIANCE AND ALLOW SEVEN (7) DAYS IN WHICH TO COMPLY.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

F Case #05-1944, 137 Woodbridge Road, Avram/Jill Glazer

Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above all streets and roadways in the Town, shall be maintained at all times for the unobstructed passage of vehicles and others using said streets and roadways.

Chief Code Officer Walton advised the Board that Case #'s 05-1944 and 05-1945 are now in compliance and recommended that both cases be dismissed for compliance.

MOTION BY MR. KOEPEL TO DISMISS CASE #'S 05-1944 AND 05-1945 FOR COMPLIANCE.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

G Case #05-1945, 1178 No. Ocean Blvd., Frank Jensen TR

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to allow trash and debris to accumulate.

MOTION BY MR. KOEPEL TO DISMISS CASE #'S 05-1944 AND 05-1945 FOR COMPLIANCE.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

VI **Presentation of Cases to Set for Hearing:**

MOTION BY MR. DAVIS TO SET CASE #'S 05-1946, 05-1947, 05-1948, 05-1949, 05-1950, 05-1951, 05-1952, 05-1953 AND 05-1954 FOR HEARING AT THE JANUARY 19, 2006 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

A Case #05-1946, 409 Antigua Lane, Serguei N. Kournikov

Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet must be maintained above all roadways.

B Case #05-1947, 2270 E Ibis Isle Road - vacant lot, Mark Remson, TR

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to allow grass or weeds to grow to a height greater than eight (8) inches or other vegetation to become overgrown or accumulate.

C Case #05-1948, 261 Nightingale Trail, Marlene I Jaffe, Ronald G. Jaffe

Violation of Section 42-126 of the Town of Palm Beach Code of Ordinances, it shall be unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.

D Case #05-1949, 268 Nightingale Trail, Palm Beach Ventures III, LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to allow grass or weeds to grow to a height greater than eight (8) inches or trash and debris to accumulate.

Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, it shall be unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.

- E Case #05-1950, 227 Oleander Avenue, PBOC, Inc.
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above sidewalks and bike trails in the Town, shall be maintained at all times for the unobstructed passage of pedestrians and others using said sidewalks and bike trails.
- F Case #05-1951, 3360 So. Ocean Blvd., #4B-II, Charles C. & Elanora Bissinger
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building systems. These permits must be obtained prior to commencing work.
- G Case #05-1952, 2840 So. Ocean Blvd., #325, James M. Judson
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building systems. These permits must be obtained prior to commencing work.
- H Case #05-1953, 545 North County Road, Nelson Peltz
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior walls, roofs, doors and windows shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair.
- I Case #05-1954, 326 Peruvian Avenue, Henry Kaufer
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, which adopts the National Electrical Code, Article 240.24 (a), the electrical distribution panels must be accessible; Article 240.24 (b), each occupant to have ready access to the electrical panels; Article 240.24 (d) there must not be easily ignitable materials in the vicinity of the panels; Article 110.26 specifies minimum working clearances. These deficiencies must be repaired.

VII New Business:

Mr. Clarke Graebner, the owner of a rental property at 441 Brazilian Avenue, addressed the Board and requested that the Code Enforcement Board take some action against the property owner of 432 Brazilian Avenue due to the code violations and continuing poor condition of the property.

Chief Code Compliance Officer Walton reported to the Board that he is continuing to monitor the property on a regular basis. The boats have been moved into the carport and all the boats with motors have valid tags. A yard maintenance person has been obtained on a regular schedule. The Code Enforcement Board did impose a fine in the amount of \$50.00 per day which ran for a number of days and there is a balance due at this time. The property does have a tree that has fallen over and the property owner will be cited for that violation if it is not corrected.

VIII Old Business:

- A Case #05-1836, 263 Oleander Avenue, George L. Lynn
Violation of Chapter 18, Section 18-242, Subsection 104.1.1.1, of the Town of Palm Beach Code of Ordinances: Building permits are required to construct, install, repair, or alter any building or building system.

Chief Code Compliance Officer reported that the required permits were obtained, the final inspection was done, and recommended that the Board dismiss this case for compliance.

MOTION BY MR. DAVIS TO DISMISS CASE #05-1836 FOR COMPLIANCE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

- B Case #05-1850, 1072 No. Ocean Blvd., Diana & George Abouzeid
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Medium Projects, of the Town of Palm Beach Code of Ordinances: all new or remodel construction projects of 4,000 sq. ft. to 8,999 sq. ft. under roof shall be allowed 20 months.

Chief Code Compliance Officer Walton showed the Board photographs taken today of the property. Diana Abouzeid, the property owner, gave the Board a progress report. The last two trees will be installed tomorrow and the smaller plants will be in within the next couple of weeks. As this was a report only, no motion was necessary.

- C Case #05-1851, 231 Kenlyn Road, Woolems, Inc.
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, small projects, of the Town of Palm Beach Code of Ordinances: all new or remodel construction projects of 3,999 sq. ft. or less under roof shall be allowed 12 months.

Chief Code Compliance Officer Walton reported to the Board the facts of the case thus far. Mr. Robert Andrew Roddy, the property owner, addressed the Board with a progress report and pictures. Delays have been encountered due to the hurricane as well as additional repair work uncovered during the project. Termite damage, rotten wood and spalling of the foundation were discovered. Mr. Roddy requested an extension of an additional ninety (90) days from January 1, 2006 for completion of the project, in accordance with the schedule presented today. Roger Peppin of Woolems Construction advised the Board that progress has been slow due to certain constraints imposed by Mr. Roddy. The schedule provided today was prepared by Mr. Roddy. Mr. Roddy has assured Woolems that additional workers would be allowed on the job site. After further discussion, Mr. Peppin felt that five people on the job site each day would be adequate. Mr. Peppin agreed to a 30-day completion time as proposed by Rob Walton. Mr. Roddy agreed.

The previous Board's order found Woolems in non compliance and advised that if compliance was not achieved by November 30, 2005, the Code Enforcement Board would consider a fine at today's hearing.

After further discussion, the following motion was made:

MOTION BY MR. RAFFO TO EXTEND THE DEADLINE BY THIRTY (30) DAYS. IF THE PROJECT IS NOT COMPLETED, A FINE IN THE AMOUNT OF \$200.00 PER DAY, RETROACTIVE TO TODAY'S DATE WILL BE IMPOSED.

Skip advised the Board that this order is against the contractor, Woolems and not the homeowner. The current practice is to notice the owner and the contractor. The suggested motion is to grant a 30-day extension to Woolems in which to comply, and in the event that compliance is not met, a \$200.00 per day fine, retroactive to November 30, 2005 be imposed. Mr. Ochstein felt that the Board should start the fine now. Mr. Peppin spoke to the Board and advised them that they understood the fine would not be against Woolems. If the fine is against Woolems, the project will be completed expeditiously. If there are fines, Mr. Roddy must work with Woolems to get this project done.

MOTION AMENDED BY MR. RAFFO TO EXTEND THE DEADLINE THIRTY (30) DAYS. IF NOT COMPLETED WITHIN THIS DEADLINE, A FINE IS IMPOSED IN THE AMOUNT OF \$200.00 PER DAY, RETROACTIVE TO NOVEMBER 30, 2005.

After further discussion, the motion was amended as follows:

**AMENDED MOTION, TO EXTEND THE DEADLINE THIRTY (30) DAYS, IMPOSE A FINE IN THE AMOUNT OF \$200.00 PER DAY, RETROACTIVE TO NOVEMBER 30, 2005, AND AGREE THAT IT WOULD BE ABATED IF THE PROJECT IS COMPLETED WITHIN THE 30-DAY EXTENSION, ACCEPTED BY MR. RAFFO.
AMENDED MOTION SECONDED BY MR. HOFFMAN.**

Discussion continued and Woolems advised the Board that due to the holidays, the project could not be completed within the 30-day extension and requested a deadline of January 30, 2006.
MOTION AMENDED TO EXTEND THE DEADLINE TO JANUARY 30, 2006.

Mr. Hoffman wished to assess a fine as of today.

**ORIGINAL MOTION SECONDED BY MR. KOEPEL, WHICH IS TO IMPOSE A \$200 PER DAY FINE AND GIVE 45 DAYS TO COMPLETE THE PROJECT WITH THE CONDITION THAT THE BOARD WOULD ABATE THE FINE IF THE PROJECT IS COMPLETED BY THE END OF JANUARY 2006.
MOTION CARRIED WITH MR. HOFFMAN OPPOSED.**

- D Case #05-1896, 279 Colonial Lane, Doris & Licio Cruz, CSS Building & Design, Inc.
Violation of Chapter 18, Section 18-242, Subsection 105.6.1.6, Small Projects, of the Town of Palm Beach Code of Ordinances, all new or remodel construction projects of 3,999 sq. ft. or less under roof shall be allowed 12 months.

Chief Code Officer Walton advised the Board that at the August hearing, the defendant was found in non compliance and given until November 2, 2005 to complete the project, per the contractor-supplied schedule. At the November hearing, the defendant asked for a time extension and was the Board granted an extension until December 14, 2005. They are now at twenty-three (23) months total time. A letter from the contractor was read into the record suggesting an anticipated Certificate of Occupancy to be issued by January 27, 2006. Mr. Walton's recommendation was a finding of non compliance and a fine in the amount of \$200.00 per day to start today and run until completion. If the house is completed by the anticipated completion date, the fine could be abated.

After further discussion, the following motion was made against both the owner and the contractor:
MOTION BY MS. HOFFPAUER TO FIND THE DEFENDANT IN NON COMPLIANCE WITH A FINE IN THE AMOUNT OF \$200.00 PER DAY STARTING TODAY, CONTINUING UNTIL COMPLETION, WITH THE CONDITION THAT IF THE PROJECT IS COMPLETED BY THE JANUARY 27, 2006 DEADLINE, THE CODE ENFORCEMENT BOARD COULD ABATE THE FINE.

After further discussion, the motion was amended as follows:

**MOTION AMENDED BY MS. HOFFPAUER TO FIND IN NON COMPLIANCE WITH A FINE IN THE AMOUNT OF \$200.00 PER DAY STARTING TODAY AND CONTINUING UNTIL COMPLETION.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**

- E Case #05-1903, 3230 So. Ocean Blvd., #307, Dinair O. Fisher
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

Chief Code Compliance Officer Walton reported to the Board the facts in this case. Mrs. Fisher addressed the Board and asked for a two (2) week extension to complete her project. She reported that all that remains to be completed is the installation of the bathroom marble, hook up the

appliances in the kitchen and finish painting. Her contractors should be done in one (1) week.
MOTION BY MR. KOEPPPEL TO ALLOW UNTIL THE NEXT CODE ENFORCEMENT BOARD HEARING ON JANUARY 19, 2006 TO COMPLETE THE PROJECT.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

IX

Reports:

Mr. Raffo asked about how the Code Enforcement Board could increase the fine amount for the continuing violation of the Roddy case on Brazilian Avenue. Skip Randolph advised the Board that Mr. Roddy would have to be noticed if the Board was to give consideration to increasing the fine if the violation continues. Mr. Walton stated that there is a violation on the property, a tree that has fallen over. If it is a repeat violation, then consideration to increase the fine could be an option. After ninety days, if the fine is not paid then the Board could give consideration to foreclosure. The Town Council would act on the Code Enforcement Board's recommendation. Attorney Randolph stated that staff is now working on a new procedure in an effort to get cases before you in a more timely manner. The owner should always be cited and that is Mr. Walton's practice. Veronica Close, Director of Planning, Zoning & Building, expressed her discomfort with the Board's order that included the condition that a fine would be abated if the deadline was met. She recommended the Board refrain from obligating them to doing something they may not wish to do in the future. The fine could be a certain amount for so many days and then be increased to another amount. Discussion continued.

X

Adjournment:

The meeting was adjourned without benefit of a motion.