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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, NOVEMBER 20, 2003
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

I Call to Order: Chairman Eugene Lawrence called the meeting to order at 2:00 p.m.

II Roll Call: Present: Eugene Lawrence, Chairman
Timothy Hoffman, Member
Joel P. Koeppel, Member (arrived at 2:06 p.m.)
Richard A. Raffo, Member
Hugh C. Davis, III, Member
Thomas M. Youchak, Member
George Klein, Alternate Member
Larry Ochstein, Alternate Member
Robert S. Walton, Code Compliance Officer
John C. Randolph, Town Attorney
Timothy Hanlon, Representing Town of Palm Beach

Absent: Pamela Hoffpauer, Vice Chair (unexcused)

Recording Secretary: Deborah A. Morakis

Let the record show that alternate member, Mr. Klein will vote today.

III Approval of the Minutes of October 16, 2003:

MOTION BY MR. DAVIS FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. YOUCHAK.

MOTION CARRIED UNANIMOUSLY.

Chairman Lawrence recognized Mr. Robert Moore, Director of the Planning, Zoning and Building Department. Mr. Moore spoke to the Board regarding a task set forth by the Town Council. The Strategic Planning Board recommended to the Town Council that it have each of the Boards that the Town appoints examine itself, study the ordinance, look at its purpose, examine its goals, qualifications and requirements for representation on each Board and formulate a recommendation to the Mayor & Town Council. A report will need to be prepared by staff for the Mayor & Town Council to consider possible budget changes in March 2004. Mr. Moore asked that the Code Enforcement Board hold a workshop to discuss these issues after its regular Code Enforcement Board hearing on December 18, 2003.

Let the record show that all parties giving testimony today were sworn in by Code Enforcement Board Secretary Debby Morakis.

IV Public Hearings:

- A Case #03-1592, Kevin M. McGovern, 224 South Ocean Blvd.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, 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 and windows and stairs shall be in a maintained condition.

Mr. Walton testified that he has had almost daily contact with Mr. Kolins, the attorney for the new property owners. A letter from Mr. Kolins, which indicated that the new owner's have contracted with a roofer, was read by Mr. Walton.

After further discussion, the following motion was made:

MOTION BY MR KOEPPPEL THAT THE DEFENDANT BE ORDERED TO COMMENCE AND DILIGENTLY PURSUE THE REQUIRED IMPROVEMENTS TO THE HOUSE AND A REPORT BE GIVEN AT THE DECEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

- B Case #03-1593, First Union National Bank of Florida, 255/257 South County Road
Violation of Chapter 134, Section 134-2179, required or supplemental off-street parking shall be effectively screened with hedges or walls placed between the off-street parking and any street.

MOTION BY MR. HOFFMAN TO POSTPONE CASE #'S 03-1593 AND

03-1595 UNTIL THE DECEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. YOUCHAK.

MOTION CARRIED UNANIMOUSLY.

- C Case #03-1594, Elsa Messing, 1270 North Ocean Blvd.
Violation of Chapter 42, Section 42-87 (2) of the Town of Palm Beach Code of Ordinances, all exterior surfacing materials shall be kept painted and in good repair.

MOTION BY MR. HOFFMAN TO DISMISS CASE #03-1594 FOR COMPLIANCE.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

- D Case #03-1595, Herbert J. Richman, 350 Seaspray Avenue
Violation of Chapter 18, Section 18-242, Subsection 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter any building or building systems. This permit must be obtained prior to commencing work.

MOTION BY MR. HOFFMAN TO POSTPONE CASE #'S 03-1593 AND 03-1595 UNTIL THE DECEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. YOUCHAK.

MOTION CARRIED UNANIMOUSLY.

- E Case #03-1596, Paul Pellitieri, 180 Atlantic Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.

MOTION BY MR. RAFFO REGARDING CASE #'S 03-1596, 03-1597, 03-1598, 03-1599, 03-1600 AND 03-1601, TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINES.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

- F Case #03-1597, Charles Riley Properties, 220 Kawama Lane
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.

MOTION BY MR. RAFFO REGARDING CASE #'S 03-1596, 03-1597, 03-1598, 03-1599, 03-1600 AND 03-1601, TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINES.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

- G Case #03-1598, Ruth A. Summers, 253 Atlantic Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.

MOTION BY MR. RAFFO REGARDING CASE #'S 03-1596, 03-1597, 03-1598, 03-1599, 03-1600 AND 03-1601, TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINES.

**MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

- H Case #03-1599, Susan McAllister, 240 Bahama Lane
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.
MOTION BY MR. RAFFO REGARDING CASE #'S 03-1596, 03-1597, 03-1598, 03-1599, 03-1600 AND 03-1601, TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINES.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.

- I Case #03-1600, Jim Hansen Landscape, 1090 North Lake Way
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.
MOTION BY MR. RAFFO REGARDING CASE #'S 03-1596, 03-1597, 03-1598, 03-1599, 03-1600 AND 03-1601, TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINES.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.

- J Case #03-1601, House of Kahn, 231 Peruvian Avenue
Violation of 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. RAFFO REGARDING CASE #'S 03-1596, 03-1597, 03-1598, 03-1599, 03-1600 AND 03-1601, TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINES.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.

V Presentation of New Cases to Set for Hearing:

- A Case #03-1602, Mark & Deborah Remson, 2270 Ibis Isle Road
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.
- B Case #03-1603, David Hruda, 143 Reef Road
Violation of Chapter 18 Section 18-242, Subsection 104.1.1 of the Town of Palm

Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter any building or building system. This permit must be obtained prior to commencing work.

- C Case #03-1604, Robinson K. Nottingham, 435 Seaspray Avenue
Violation of Chapter 18 Section 18-242, Subsection 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter any building or building system. This permit must be obtained prior to commencing work.
- D Case #03-1605, Fairfield Palm Beach, LP, 2560 So. Ocean Blvd.
Violation of Chapter 114, Section 14-34 of the Town of Palm Beach Code of Ordinances, it is unlawful to rent apartment units without obtaining a valid occupational license.
- E Case #03-1606, JPBK PROP 2, 232 Via Marila
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.
- F Case #03-1607, Jerome P. Heilwell, 1632 South Ocean Blvd.
Violation of 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. KOEPEL TO SET CASE #'S 03-1602, 03-1603, 03-1604, 03-1605, 03-1606 AND 03-1607 FOR THE DECEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.

VI **New Business:**

- A Sunshine Law Orientation by John C. Randolph

Town's Attorney Skip Randolph presented a brief orientation to the members of the Code Enforcement Board and answered questions regarding the State's Sunshine Law.

VII **Consideration of Foreclosure:**

None

VIII **Old Business:**

- A Case #01-1384, 332 South County Road, LLC, 332 South County Road
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all

exterior walls, doors and windows shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair.

MOTION BY MR. KOEPEL TO POSTPONE CASE #01-1384 UNTIL THE DECEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. YOUCHAK.

MOTION CARRIED UNANIMOUSLY.

- B Case #03-1578, Murgan Family Partnership, 233 Royal Poinciana Way
Violation of Chapter 114, Section 14-34 of the Town of Palm Beach Code of Ordinances, it is unlawful to rent units without obtaining a valid occupational license.

MOTION BY MR. HOFFMAN TO DISMISS CASE #03-1578 FOR COMPLIANCE.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

- C Case #02-1417, Consolidated Equities SA, 317 Garden Road
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass shall not grow to a height greater than eight (8) inches and debris shall not be allowed to accumulate on property in the Town of Palm Beach.

Let the record show that the Town's Attorney, Skip Randolph will recuse himself entirely from this case and M. Timothy Hanlon; Alley, Maass, Rogers & Lindsay, PA will be acting as the Town's attorney today for this case.

Attorney Ray Royce spoke to the Board on behalf of the property owners and presented photographs to the Board that were taken of the property recently to show that the property is now in compliance.

Chief Code Compliance Officer Robert Walton, stated that the fines stopped running on June 18, 2003 and that this case took a great amount of time due to the difficulty in obtaining legal service to the property owner. An excerpt from the April 2003 Minutes was read by Mr. Hoffman. After further discussion, the following motion was made:

MOTION BY MR. KOEPEL THAT THE PROPERTY OWNER PAY \$10,500.00 IN FINES.

MOTION SECONDED BY MR. YOUCHAK.

Further discussion by the Board continued and a roll call vote was taken.

MOTION CARRIED FIVE (5) TO TWO (2) AFTER A ROLL CALL VOTE WITH MR. RAFFO AND MR. HOFFMAN OPPOSED.

MOTION AMENDED BY MR. KOEPEL TO ADD THAT THE PAYMENT OF THE FINE MUST BE MADE WITHIN SEVEN (7) DAYS.

AMENDED MOTION SECONDED BY MR. DAVIS.

AMENDED MOTION PASSES.

IX Adjournment: The meeting was adjourned at 3:30 p.m. without benefit of a motion.