

**CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, OCTOBER 19, 2006
AT THE TOWN COUNCIL CHAMBERS, 360 SO. COUNTY ROAD**

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

II Roll Call:

Present:	Timothy Hoffman, Chairman Richard A. Raffo, Vice-chairman Larry Ochstein, Member Joel P. Koeppel, Member Martin I. Klein, Member Harris S. Fried, Member Madelyn Greenberg, Alternate Member Stirling Clarke Halverson, Acting Town Attorney
Absent:	Catherine M. Duemler, Member (unexcused)
Staff:	Robert S. Walton, Chief Code Compliance Officer Deborah A. Morakis, Recording Secretary

Let the record reflect that Ms. Greenberg will vote today.

III 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 by Recording Secretary Debby Morakis.

IV Approval of the Minutes of September 21, 2006:
MOTION BY MS. GREENBERG FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. KLEIN.
MOTION PASSED UNANIMOUSLY.

V Comments of the Town Manager:

Town Manager, Peter Elwell addressed the Board and gave an update about the progress of the Code Enforcement Department's transition from the Planning, Zoning & Building Department to the Police Department and answered several questions from the Code Enforcement Board Members.

VI Public Hearings:

A Case #06-2033, 111 Bradley Place (aka 280 Sunset Avenue), New Bradley House Ltd.
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.

Chief Code Compliance Officer Walton asked that this case be postponed until November 16, 2006 due to lack of service.

MOTION BY MR. KLEIN TO POSTPONE CASE #06-2033 UNTIL THE NOVEMBER 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.

- B Case #06-2041, 300 Barton Avenue, Jane Janssen
Violation of Chapter 42, Sections 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances: requires properties be maintained in good condition.

Chief Code Compliance Office Walton advised the Board of the facts in this case. Chief Walton indicated that he has been in touch with the son of the property owner. A letter from Mr. Janssen was read into the record. Photographs of the property were shown to the Board. Two of the violations have been addressed. The shrubbery has been trimmed and the driveway has been re graveled.

**MOTION MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO COMPLY WITHIN SIXTY DAYS, AND MUST PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- C Case #06-2042, 232 Cherry Lane, Robert & Louisa Dean
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: requires properties be maintained in good condition, does not allow unsightly, unsafe or unsanitary conditions and requires roofs be maintained in good condition and not to leak.

Chief Code Compliance Officer Walton presented pictures to the Board and described the condition of the property.

**MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE AND ORDERED TO PAY ADMINISTRATIVE FEES IN THE AMOUNT OF \$150.00. IT IS FURTHER ORDERED THAT THE BOARD WILL ACCEPT THE COMPLETION SCHEDULE AS PRESENTED.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.**

- D Case #06-2043, 324 Cherry Lane, Cheryl Minikes
Violation of Chapter 42, Sections 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances states unsightly, unsafe and unsanitary conditions constitute a nuisance and requires properties be maintained in good condition.

Chief Walton asked that Case #06-2043 be postponed until the November 16, 2006 Code Enforcement Board Hearing due to lack of service.

**MOTION BY MR. KOEPEL TO POSTPONE CASE #06-2043 UNTIL THE NOVEMBER 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

- E Case #06-2044, 2270 E. Ibis Isle Road, Mark Remson Trust
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: does not allow unsightly, unsafe or unsanitary conditions and requires properties be maintained in good condition.

Testimony was heard by Chief Walton who advised the board that this lot is still overgrown. Chief Walton asked for a finding of non compliance, costs in the amount of \$150.00 and a short time line to correct the violation.

**MOTION BY MS. GREENBERG THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE OF TOWN ORDINANCES, ORDERED TO PAY ADMINISTRATIVE FEES IN THE AMOUNT OF \$150.00 AND IS GRANTED FOUR DAYS TO COMPLY.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.**

- F Case #06-2045, 220 Esplanade Way, Donald & Dayna Perry III
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: does not allow unsightly, unsafe or unsanitary conditions and requires properties be maintained in good condition.
- Chief Code Officer Walton advised the Board that this is an unsightly property. The Notice was posted on October 7. An inspection of the property was done at 11:00 today, someone had started to cut and clean the property but it was not completed at that time.
- Michael Silverman testified that he had been assigned this task the day before and experienced a delay in obtaining a landscape contractor on such short notice. Some laborers from his office were brought over this morning to begin the task and a landscaper will be on site to do both lots tomorrow.
- Chief Walton clarified that the entire property needs to be taken care of. After further discussion, the following motion was made:
- MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE OF TOWN ORDINANCES, ORDERED TO PAY ADMINISTRATIVE FEES IN THE AMOUNT OF \$150.00 AND IS GRANTED FOUR DAYS TO COMPLY.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**
- G Case #06-2046, 230 Esplanade Way, Kenneth & Lynn Horton
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: does not allow unsightly, unsafe or unsanitary conditions and requires properties be maintained in good condition.
- After testimony was heard by Michael Silverman and Chief Code Compliance Officer Walton, the following motion was made:
- MOTION BY MS. GREENBERG THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE OF TOWN ORDINANCES, ORDERED TO PAY ADMINISTRATIVE FEES IN THE AMOUNT OF \$150.00 AND IS GRANTED TWO DAYS TO COMPLY.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**
- H Case #06-2047, 109 Ocean Terrace, Stephen & Austin Smith
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code Section 424.2.17.1: requires swimming pools to have an approved barrier of at least forty-eight inches in height with all gates with self-closing and latching devices.
- Chief Walton testified that this property was overgrown, the hedges were trimmed, but the fence is not repaired.
- Joe Machidone, the property manager testified that the landscaping work has been completed. The property owners have contracted with a fence company. The fence company is coming to measure on October 23rd and the work will be completed by November 15, 2006. After further discussion, the following motion was made:
- MOTION BY MR. FRIED THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE OF TOWN ORDINANCES, ORDERED TO PAY ADMINISTRATIVE FEES IN THE AMOUNT OF \$150.00 AND IS GRANTED UNTIL NOVEMBER 15, 2006 TO REPAIR/REPLACE THE FENCE.
MOTION SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

- I Case #06-2048, 3360 So. Ocean Blvd., Atriums of Palm Beach Condominium II
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code 2001, Section 104: building permits are required.

Chief Walton requested a postponement due to lack of service.

MOTION BY MR. OCHSTEIN TO POSTPONE CASE #06-2048 UNTIL THE NOVEMBER 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.

- J Case #06-2049, 1742 So. Ocean Blvd., Gunther E. Lehmann
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: all exterior walls, gates and fences situated on the property shall be kept in a good state of repair.

Chief Walton advised the board that the wall in question lies between the two properties and it is questionable as to whom the wall belongs to. The wall straddles the property line. This property owner has hired Attorney Maura Ziska and filed a civil action to determine ownership of the wall.

Veronica Close, Director of Planning, Zoning and Building Department added that normally, an opportunity of thirty days would be given to see if they can resolve ownership and repair the wall. If unable to do so, both parties would be cited.

MOTION BY MR. RAFFO TO POSTPONE CASE #06-2049 UNTIL THE NOVEMBER 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KLEIN.

Mr. Koepfel expressed his opposition to the motion and suggested bringing it back for a status report. Chief Code Officer Walton read a letter from Maura Ziska into the record. After further discussion, Mr. Koepfel retracted his opposition.

MOTION CARRIED UNANIMOUSLY.

- K Case #06-2050, 1744 So. Ocean Blvd., Norman Travers
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: all exterior walls, gates and fences situated on the property shall be kept in a good state of repair.

Chief Walton indicated the facts in this case are the same as the previous case and asked for a postponement.

MOTION BY MR. KOEPEL TO POSTPONE CASE #06-2050 UNTIL THE NOVEMBER 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.

- L Case # 06-2051, 1200 So. Ocean Blvd., First Allied Jax Corporation
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: requires all interior walls and ceilings to be structurally sound, exterior walls, porches, doors and windows shall be reasonably free of cracks, painted and shall be kept in a sound condition and good repair.
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, which adopts the Florida Building Code, Residential, Chapter 9, Section R 903.1: requires that roof decks shall be covered with approved coverings secured to the building or structure in accordance with the provisions of this chapter. Furthermore, roof assemblies shall be designed and installed in accordance with this code and the approved manufacturer's installation instructions such that the roof assembly shall serve to protect the building or structure.

Violation of Chapter 54, Section 54-71 of the Town of Palm Beach Code of Ordinances: states no exterior architectural feature on a landmark structure may be altered without a certificate of appropriateness having first been obtained from the Landmarks Preservation Commission.

Chief Code Compliance Officer Walton testified that this case was heard some time ago. There was an agreement with the property owners to do some repairs to stop any further deterioration of the property and to provide us with a time line for an extensive remodel and addition to this property. That time line has been broken and there is now a change in contractor. This case was postponed last month at the request of the property owner due to a health issue.

Jim Brindell, on behalf of Mr. & Mrs. Glazer testified that Worth Builders has been retained as the contractor and Jackie Albarran has been retained for architectural services that need to be performed for the porch repair. The time line is divided into two parts. One has to do with exterior doors, windows and roof work and that application was filed yesterday. Work will commence immediately upon permit issuance. Ms. Albarran must do some research to be sure that she and Landmarks agree on what that porch is supposed to look like. It will need to be engineered properly. Ms. Albarran is proposing to meet with staff and Landmarks Commission by November 15, 2006 and will have her staff working on the project. Due to illness, the scope of this project has been scaled back and thus the time line for completion has been shortened by approximately 16 months.

Thomas Eastwood, President of Worth Builders of Palm Beach, Inc., testified that a contract has been entered into with the owners of the property.

After further discussion, the following motion was made:

**MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND IS FURTHER ORDERED THAT THE REPAIRS BE COMPLETED ACCORDING TO THE SCHEDULE PROVIDED WITH THE CAVEAT THAT PLANS BE RESUBMITTED WITHIN SEVEN BUSINESS DAYS.
MOTION SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

VII New Business:

NONE

VIII Old Business:

A Case #06-1992, 216 Angler Avenue, Roxanne Quimby
Violation of Chapter 18, Section 18-241, of the Town of Palm Beach Code of Ordinances, and Florida Building Code 2001, Section 105: Building permits required.

Testimony was given by Chief Walton as to the facts in this case. He reported that the property is now in compliance. The Board ordered fine ran for 75 days at \$150.00 per day and the total amount due now due is \$11,250.00.

Ian Skelly of Seaside Partners, LLC which is solely owned by Ms. Quimby and is the legal owner of the property testified to the Board that the owner did some work on the windows and was not aware that a permit was required. After further discussion, the following motion was made:

**MOTION BY MR. KLEIN THAT THE TOTAL FINE AMOUNT OF \$11,250.00 IS NOT ABATED.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

- B Case #06-2008, 2860 So. Ocean Blvd., #112, Hugh Samules
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.

Testimony was heard by Mr. Samules, who indicated that an additional two weeks time would be needed in order to complete the project.

MOTION BY MR. KLEIN TO GRANT AN ADDITIONAL TWO WEEKS TO COMPLETE THE PROJECT.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.

- C Case #06-2036, 249 Orange Grove Road, Raymond & Jennifer O'Brien
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: all structures shall be maintained in a good state of repair.
Violation of Chapter 18, Section 18-242, Subsection 104.1 of the Town of Palm Beach Code of Ordinances: requires building permits to construct, install, repair or alter any structure.

Chief Walton reported that this case was previously heard by the board and was ordered to pay costs in the amount of \$150.00 and comply within seven days. The costs have been paid, but the property is not yet in compliance. The awning has been removed and a permit has been obtained to replace the awning.

MOTION BY MR. KOEPPPEL TO IMPOSE A \$25.00 PER DAY FINE, BEGINNING TODAY AND CONTINUING UNTIL COMPLIANCE.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.

- D Case #06-2038, 2545 So. Ocean Blvd, Palm Bch White House Condo Assoc., %Arndt Hagen
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code 2001, Section 105: requires building permits to construct, install, repair or alter any structure.

Chief Walton testified that this case was brought to you since no permit was obtained to build an extension on a wall. At the last meeting, they were found in non compliance and granted until today to come into compliance. A fax letter was received from Jose Rodriguez, which was read into the record. After further discussion, the following motion was made:

MOTION BY MR. KOEPPPEL TO IMPOSE A \$150.00 PER DAY FINE, BEGINNING TODAY AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED AND FINAL INSPECTION IS PASSED.
MOTION SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.

IX Reports:

- A Case #05-1941, 308 Cocoanut Row, Anitra 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.

A report was given by Chief Walton indicating that this project is now completed, final inspection has been done and this case is closed.

- B Case #06-1957, 143 Clarendon Ave., Elias Mgmt & Const, Inc./Robert C. Echele
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Medium Projects, all new or remodel construction projects of 4,000 sq. ft. to 8,999 sq. ft. under roof be allowed 20 months.

A report was given by Chief Code Compliance Officer Walton indicating that this project is proceeding well ahead of schedule and read a letter into the record from Mr. Elias updating the progress of the project. No motion made.

- C Case #06-1970, 172 So. Ocean Blvd., Burke Ross
Violation of Chapter 66, Section 66-121, (a), (b), it is unlawful for any person to alter, destroy or damage any sand dune or dune vegetation in the Town without first having obtained a permit.

Chief Code Compliance Officer Walton reported that the beach sunflowers have been planted and this job is now completed.

- D Case #06-2003, 2295 So. Ocean Blvd., Harbour House of Palm Beach
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.

Chief Walton reported that the Board had previously accepted a schedule indicating that permitting would be completed by the 10th, and permitting has been completed.

Julien Butler, the building manager of Harbour House reported that a letter of intent to go into contract with the Structural Group. The contract is being finalized today and will be signed tomorrow. The Association paid \$60,000.00 for permit fees and permits have now been obtained. A description of the work plan was given.

Greg McFadden of Structural Preservation advised the Board that November 6, 2006 is the mobilization date, eleven rigs will be set up and restoration work will begin. Mr. McFadden described the work plan and indicated that the project will take approximately 18 months and three months to paint the building with completion by June 2008.

Chief Walton reminded these parties that they have been ordered by the Board to report bimonthly to the Board and asked that the revised schedule be provided to the Board by the November 16, 2006 Code Enforcement Board hearing and that they be prepared to report to the Board at the following meeting. This was a report only. No action required or taken.

- E Case #06-2037, 365 So. County Road, PBI, LLC
Violation of Chapter 42, Section 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances: requires properties be maintained in a good condition.

Testimony was heard by Rick Robinson of PBI. A schedule for completion of the project has been submitted and the fire department has signed off on the fire escape inspection.

Rick Robinson of Palm Beach Inn reported to the Board the status of the project. The wall design for the back was staff approved by Tim Frank on Friday. A contract has been signed for custom-made windows and also roof repairs. The roof tiles are clay and are still available. A time line was submitted.

Chief Walton requested that the schedule be accepted.

MOTION BY MR. KOEPPPEL TO ACCEPT THE SCHEDULE AS SUBMITTED FOR COMPLETION OF THE PROJECT. SHOULD THE PROJECT NOT COMPLETED ACCORDING TO SCHEDULE, FINES MAY BE IMPOSED.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.

X Comments from Director of Planning, Zoning & Building:

Veronica Close, Director of the Planning Zoning and Building Department confirmed that she and/or a member of her staff will continue to be available at the Code Enforcement Board Hearings to answer any questions the Board may have related to the kinds of issues that are addressed by the Board relating to Planning, Zoning and Building. Ms. Close gave an update of the staffing situation and described some upcoming changes including a new software system, and a revamp of the audio/visual system in council chambers.

Chairman Hoffman commented that the last item on the agenda each month will be Board Comments and this will provide an opportunity discussion.

XI Adjournment: The meeting was adjourned without benefit of a motion.