



TOWN OF PALM BEACH

POLICE DEPARTMENT

A NATIONAL AND STATE ACCREDITED LAW ENFORCEMENT AGENCY



TOWN OF PALM BEACH

CODE ENFORCEMENT BOARD MINUTES

2:00 P.M. THURSDAY, OCTOBER 18, 2007

AT THE TOWN COUNCIL CHAMBERS, 360 S. 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 Joel P. Koepfel, Member Larry Ochstein, Member Catherine M. Duemler, Member Harris S. Fried, Member Madelyn Greenberg, Alternate Member Cynthia Van Buren, Alternate Member
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Absent: Martin I. Klein, Member

Staff: Captain Kirk Blouin, Support Services
Sgt. Fred Hess, Code Enforcement/Parking
Code Enforcement Officer Nick Gerry
Nickie Altomaro, Recording Secretary

Let the record reflect Ms. Greenberg will be a voting member in the absence of Mr. Klein.

III. **Approval of the Minutes of September 20, 2007:**

MOTION BY MS. GREENBERG FOR APPROVAL OF THE SEPTEMBER 20, 2007 MINUTES.

MOTION SECONDED BY MS. DUEMLER.

MOTION PASSED UNANIMOUSLY.

IV. Administration of the Oath to all persons who wish to testify:

Let the record show that all persons wishing to testify were sworn in at this time by Recording Secretary Nickie Altomaro.

Sgt. Hess addressed the Board for permission to move item C from Old Business to Public Hearings as C+ due to a typographical error. Chairman Hoffman approved the change.

V. Comments regarding water violations by Sergeant Hess:

Sgt. Hess reported that the Town has been under Emergency Water Use Restrictions. Since Friday, May 18th the Town has been under Phase III restrictions, which limit landscape irrigation to one day per week based on house numbers. Odd numbered addresses may water on Saturday and even numbered addresses on Sunday between 4:00 a.m.–8:00 a.m. There are exceptions for properties (5) acres or larger and for new landscaping for the first (30) days.

The remaining cases will still need to be addressed by the Board. Due to the number of cases remaining we propose to present them as a group. In each of the cases to follow the property owner or representative has received legal notice of the hearing this afternoon either by personal service, certified mail or posting as required by law. In each of the remaining cases no one has responded either by paying the fine or by attending the hearing today. Each violation was personally observed by a Police Officer or Code Enforcement Officer and we're not charging based on circumstantial evidence. Therefore in the following cases we recommend the Board find them in non compliance, assess an administrative fee of \$150.00 and payment of the specified fine.

The cases are: #07-2306, #07-2307, #07-2308, #07-2310, #07-2311, #07-2316, #07-2318, #07-2321, #07-2326.

**MOTION BY MR. KOEPPPEL THAT THESE DEFENDANTS ARE FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE FINE(S).
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

Sgt. Hess stated that on the following cases the fine has been paid and the staff's recommendation is to accept the payment and close the following cases:

The cases are: #07-2304, #07-2309, #07-2312, #07-2315, #07-2317, #07-2322, #07-2323, #07-2324, #07-2325.

**MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE(S) AND ADMISSION OF THE CHARGE.
SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

VI. Public Hearings:

- A. Case # 07-2301, 167 E. Inlet Drive, The Landfall Group, Ajax Equity, LLC
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Medium projects, all new or remodel construction projects 4,000 sq. ft. to 8,999 sq. ft. under roof be allowed 22 months.

Code Enforcement Officer Gerry presented the facts of this case and as of today this project has not obtained their final inspections.

Attorney Frank Lynch, on behalf of the contractor and the property owner, submitted a letter to the Board from the adjoining property owner Ms. Ann Small, 156 Inlet Drive, which attests to the professionalism that the Landfall Group has shown during the course of this project. Mr. Lynch expects to have a Certificate of Occupancy within the next sixty days and asked the Board for a sixty day extension to complete this project.

Code Enforcement Officer Gerry recommends a finding of non compliance, a \$150.00 administrative fee, obtain a final building inspection by October 25, 2007 and a \$250.00 a day fine to commence on October 26, 2007.

After further discussion,

**MOTION BY MR. KOEPPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO COME INTO COMPLIANCE BY THE DECEMBER CODE ENFORCEMENT BOARD MEETING.
SECONDED BY MR. RAFFO**

After further discussions the motion was opposed and Chairman Hoffman called for a roll call vote.

ROLL CALL VOTE:

MR. KOEPPPEL	YES
MR. RAFFO	YES
MR. OCHSTEIN	YES
MS. DUEMLER	NO
MR. FRIED	NO
MS. GREENBERG	NO
MR. HOFFMAN	NO

MOTION FAILED 4-3

MOTION BY MR. FRIED THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00, OBTAIN A FINAL BUILDING INSPECTION BY OCTOBER 25, 2007 AND A FINE OF \$125.00 A DAY TO COMMENCE ON OCTOBER 26, 2007.

**SECONDED BY MS. DUEMLER.
MOTION OPPOSED.**

ROLL CALL VOTE:

MR. FRIED	YES
MS. DUEMLER	YES
MR. RAFFO	NO
MR. KOEPEL	NO
MR. OCHSTEIN	NO
MS. GREENBERG	YES
MR. HOFFMAN	YES

MOTION PASSES 4-3

MOTION BY MR. KOEPEL TO RECONSIDER CASE #07-2301 AND CASE #07-2302.

**SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

MOTION BY MR. KOEPEL TO AMEND CASE #07-2301 THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO COME INTO COMPLIANCE BY OCTOBER 25, 2007. IF COMPLIANCE IS NOT ACHIEVED A RETROACTIVE FINE WILL BE CONSIDERED AT THE NEXT BOARD MEETING.

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

- B. Case # 07-2302, 9 Via Viscaya, Macari Building & Design, Casa Picchio, LLC
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Large projects, all new or remodel construction projects of 9,000 sq. ft. or more under roof be allowed 30 months.

Code Enforcement Officer Gerry presented the facts of this case and as of today this project has not obtained their final inspections.

Attorney Maura Ziska addressed the Board on behalf of the property owners and submitted pictures to the Board of the project. Attorney Ziska stated that the permits were pulled in three different stages. The three permits are separate but they are tied in together and they cannot obtain a Certificate of Occupancy until they complete the main house. Attorney Ziska asked the Board for an extension until February to complete this project.

Code Enforcement Officer Gerry recommends a finding of non compliance, a \$150.00 administrative fee, obtain a final building inspection by October 25, 2007 and a \$250.00 a day fine to commence on October 26, 2007.

Captain Kirk Blouin addressed the Board and stated that since the Police Department has taken over the Code Enforcement function they have tried to create an atmosphere of compliance. Captain Blouin expressed to the Board that granting more time sends the wrong message. The contractors think they can circumvent the procedure that is in place without addressing the Town Council to grant them more time. Captain Blouin feels a punitive action like a fine can gain the contractors attention to obtain compliance.

After further discussion and motions that failed the following motion was made:

MOTION BY MR. FRIED THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00, OBTAIN A FINAL BUILDING INSPECTION BY OCTOBER 25, 2007 AND A FINE OF \$125.00 A DAY TO COMMENCE ON OCTOBER 26, 2007. SECONDED BY MS. GREENBERG.

MOTION OPPOSED.

ROLL CALL VOTE:

MR. FRIED	YES
MS. GREENBERG	YES
MR. RAFFO	YES
MR. KOEPPPEL	NO
MR. OCHSTEIN	YES
MS. DUEMLER	YES
MR. HOFFMAN	YES

MOTION PASSES 6-1

MOTION BY MR. KOEPPPEL TO RECONSIDER CASE #07-2301 AND CASE #07-2302.

SECONDED BY MS. DUEMLER.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. KOEPPPEL TO AMEND CASE #07-2302 THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO COME INTO COMPLIANCE BY OCTOBER 25, 2007. IF COMPLIANCE IS NOT ACHIEVED A RETROACTIVE FINE WILL BE CONSIDERED AT THE NEXT BOARD MEETING.

SECONDED BY MR. FRIED.

MOTION CARRIED UNANIMOUSLY.

C. Case # 07-2303. 231 Kenlyn Road. Mr. Robert Roddy

Violation of Chapter 42, Section 42-87, exterior surfacing material shall be kept in good repair, swimming pool shall be kept safe and in a good state of repair, Chapter 134, Section 2174, driveways must be constructed of a durable material.

Code Enforcement Officer Gerry presented the facts of this case and stated that they received a complaint on the condition of this property. Upon re-inspection of the property the roof was not repaired and further inspection was impeded due to Mr. Roddy's request for them to leave the property. Mr. Gerry recommends a finding of non compliance, ordered to pay an administrative fee in the amount of \$150 and to come into compliance by October 19, 2007 with a fine of \$250 a day to commence on October 20, 2007.

Attorney Maura Ziska on behalf of the owner addressed the Board to request more time to make the necessary repairs.

**MOTION BY MS. GREENBERG THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO COME INTO COMPLIANCE BY OCTOBER 19, 2007. IF COMPLIANCE IS NOT ACHIEVED THE DEFENDANT IS ORDERED TO PAY A FINE OF \$250.00 A DAY TO COMMENCE ON OCTOBER 20, 2007 UNTIL COMPLIANCE IS ACHIEVED.
SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**

C+. Case # 07-2269, 102 Gulfstream Road, The Cury Group, 470 South Ocean, LLC
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Large projects, all new or remodel construction projects of 9,000 sq. ft. or more under roof be allowed 30 months.

Code Enforcement Officer Gerry presented the facts of this case and stated that this project's scheduled date to come into compliance was by June 14, 2007. A notice of code violation was sent on October 4, 2007 advising them that they were in violation of Chapter 18, Section 18-242.

Chairman Hoffman inquired if there has been any construction traffic problems on this street. Sgt. Hess stated that the Police Department has received many complaints regarding the construction vehicles parked in that area.

Attorney Ron Kolins addressed the Board on behalf of the Developer and Builder Mr. Ed Cury. Attorney Kolins asked the Board to dismiss this hearing due to improper notice to his client. Code Enforcement Officer Gerry provided certified receipt of proper notice dated October 4, 2007 on this case and this request was dropped.

Attorney Kolins asked the Board for an extension to come into compliance due to material delays and employing adequate workforce due to the complexity of this project. He also stated that the 27 to 30 month rationale timeframe allowed to complete this project should be considered, and would like to request an extension until the January 2008 Code Enforcement Board Meeting.

Captain Blouin stated that the Town's elected officials have made it very clear that when you go over the time limit on construction projects, you need to make a request for an extension through the Town Council.

Mr. Koeppel commented that the Board should use discretion with the 30 month timeframe for large construction projects. Town Attorney Randolph stated that the notice was given timely and properly in this case considering this project was started when the ordinance stated 27 months. The Board is allowed to use their discretion and can consider the 30 months from a fairness standpoint. Mr. Koeppel further commented that Ms. Close should look into the 30 month timeframe set many years ago and that it may not be appropriate for circumstances today.

Code Enforcement Officer Gerry recommends a finding of non compliance, an administrative fee in the amount of \$150.00 and to come into compliance by October 25, 2007 and a \$250.00 a day fine to commence on October 26, 2007.

Ms. Greenberg asked for Ms. Close's opinion of the timeframe in this case. Ms. Veronica Close of Planning, Building and Zoning Department stated the department would have applied a time of 27 months plus 3 additional months for hurricane which was June 14, 2007. This case has run over the additional time and they have not requested an extension from the Town Council.

After further discussion the following motion was made:

MOTION BY MR. FRIED THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO COME INTO COMPLIANCE BY OCTOBER 25, 2007 AND A \$250.00 A DAY FINE TO COMMENCE ON OCTOBER 26, 2007. SECONDED BY MS. DUEMLER

MOTION MODIFIED BY MR. FRIED THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO COME INTO COMPLIANCE BY OCTOBER 25, 2007. IF COMPLIANCE IS NOT ACHIEVED A RETROACTIVE FINE WILL BE CONSIDERED AT THE NEXT BOARD MEETING. SECONDED BY MS. DUEMLER.

MOTION OPPOSED.

ROLL CALL VOTE:

MR. FRIED	YES
MS. DUEMLER	YES
MR. RAFFO	YES
MR. KOEPPEL	NO
MR. OCHSTEIN	YES
MS. GREENBERG	YES
MR. HOFFMAN	YES

MOTION PASSES 6-1

Chairman Hoffman and Town Attorney John Randolph recommended to the Board that on future motions it should state that a fine of up to \$250.00 a day may be imposed at a subsequent hearing.

Mr. Koepfel asked Town Attorney Randolph if the two prior cases should be reviewed at this time because those cases were found in non compliance and the Board imposed a fine. Town Attorney Randolph stated that a motion to reconsider can be made for those cases.

MOTION BY MR. KOEPPPEL TO RECONSIDER CASE #07-2301 AND CASE #07-2302.

SECONDED BY MS. DUEMLER.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. KOEPPPEL TO AMEND CASE #07-2301 THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO COME INTO COMPLIANCE BY OCTOBER 25, 2007. IF COMPLIANCE IS NOT ACHIEVED A RETROACTIVE FINE WILL BE CONSIDERED AT THE NEXT BOARD MEETING.

SECONDED BY MR. FRIED.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. KOEPPPEL TO AMEND CASE #07-2302 THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO COME INTO COMPLIANCE BY OCTOBER 25, 2007. IF COMPLIANCE IS NOT ACHIEVED A RETROACTIVE FINE WILL BE CONSIDERED AT THE NEXT BOARD MEETING.

SECONDED BY MS. GREENBERG.

MOTION CARRIED UNANIMOUSLY.

The Board granted permission to Sgt. Hess to address the water violation cases out of sequence. Sgt. Hess asked the public to come forward to present their cases at this time.

- D. Case # 07-2304, 1051 N. Ocean Blvd., Mr. Edward McLaughlin
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE AND ADMISSION OF THE CHARGE.

SECONDED BY MS. DUEMLER.

MOTION CARRIED UNANIMOUSLY.

- E. Case # 07-2305, 325 Crescent, Ms. Judith Schrafft

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

Ms. Judy Schrafft addressed the Board to inform of her water conservation efforts. Ms. Schrafft stated she founded The Concerned Citizens for Clean Water in the seventies and would never water knowingly, illegally and asked for this violation to be dismissed.

**MOTION BY MR. OCHSTEIN TO DISMISS THE CHARGES.
MOTION SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

F. Case # 07-2306, 644 N. Lake Way, Mr. Kenneth Tice

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND THE FINE OF \$100.00.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

G. Case # 07-2307, 267 Dunbar Road, Mr. Brooks & Sally Ricca

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND THE FINE OF \$100.00.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

H. Case # 07-2308, 540 South Ocean Blvd., Mr. J. W. & Jane Buffett, (2 violations)

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE

**AMOUNT OF \$150.00 AND THE FINES OF \$300.00.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

- I. Case # 07-2309, 310 Wells Road, Mr. J Ira Harris
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances:
the Town Council authorizes the Director of Public Works to order curtailment of the use of
water for certain nonessential purposes including specifying certain days and hours when
lawns and shrubbery may be watered.

**MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE AND
ADMISSION OF THE CHARGE.
SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

- J. Case # 07-2310, 209 Seaspray Avenue, F G Howard Jr Enterprises Inc.
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances:
the Town Council authorizes the Director of Public Works to order curtailment of the use of
water for certain nonessential purposes including specifying certain days and hours when
lawns and shrubbery may be watered.

**MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON
COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE
AMOUNT OF \$150.00 AND THE FINE OF \$100.00.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

- K. Case # 07-2311, 130 Cocoanut Row, Mr. Mark Freitas.
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances:
the Town Council authorizes the Director of Public Works to order curtailment of the use of
water for certain nonessential purposes including specifying certain days and hours when
lawns and shrubbery may be watered.

**MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON
COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE
AMOUNT OF \$150.00 AND THE FINE OF \$100.00.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

- L. Case # 07-2312, 101 El Bravo Way, 101 El Bravo LLC
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances:
the Town Council authorizes the Director of Public Works to order curtailment of the use of

water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE AND
ADMISSION OF THE CHARGE.
SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

M. Case # 07-2313, 130 Brazilian Ave., Mr. Nick Angiuli

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

Mr. Nick Angiuli addressed the Board and stated that he paid the fine today. Sgt. Hess informed the Board that he has not received the documentation that the fine has been paid and recommended a \$150.00 administrative fee.

**MOTION BY MR. KOEPPPEL TO ACCEPT THE PAYMENT OF THE FINE AND
ADMISSION OF THE CHARGE.
SECONDED BY MS. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

N. Case # 07-2314, 220 Osceola Way, Mr. Christian Daves.

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

Sgt. Hess has asked for this case to postponed until the next Board meeting.

**MOTION BY MR. KOEPPPEL TO POSTPONE CASE #07-2314 UNTIL THE NEXT
BOARD MEETING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

O. Case # 07-2315, 123 Chilean Avenue, Ms Nancy Schubert.

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE AND
ADMISSION OF THE CHARGE.
SECONDED BY MS. DUEMLER.**

MOTION CARRIED UNANIMOUSLY.

- P. Case # 07-2316, 830 South County Road, Mr. Charles Royce
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND THE FINE OF \$100.00.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

- Q. Case # 07-2317 695 South County Road, Cement Pond Holdings LLC
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE AND ADMISSION OF THE CHARGE.
SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

- R. Case # 07-2318, 113 Kings Road, Mr. Benton Bohannon
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND THE FINE OF \$100.00.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

- S. Case # 07-2319, 1015 S Ocean Blvd., Ms Jennie Scaife
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

Mr. Tullio Gianella addressed the Board to state that they received the violation due to an electrical blackout. Mr. Hoffman inquired if he has documentation from Florida Power & Light. Mr. Gianella responded he does not have documentation from Florida Power & Light.

**MOTION BY MR. OCHSTEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY THE FINE OF \$100.00 AND ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY**

T. Case # 07-2320, 1080 South Ocean Blvd., Ms Jennie Scaife

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

Mr. Tullio Gianella addressed the Board to state that the Town of Palm Beach was paving the streets and some of the cars were making u-turns on his property and broke his sprinkler heads. The sprinkler heads were being repaired at the time of the violation.

Sgt. Hess recommends to dismiss this case.

**MOTION BY MR. KOEPEL TO DISMISS CASE #07-2320.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

U. Case # 07-2321, 1950 South Ocean Blvd., Mr. Earl Mack

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND THE FINE OF \$200.00.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

V. Case # 07-2322, 1330 North Lake Way, Sherouq LLC

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: the Town Council authorizes the Director of Public Works to order curtailment of the use of water for certain nonessential purposes including specifying certain days and hours when lawns and shrubbery may be watered.

**MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE AND
ADMISSION OF THE CHARGE.
SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

- W. Case # 07-2323, 167 Clarendon Ave., Alfred Marulli430
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances:
the Town Council authorizes the Director of Public Works to order curtailment of the use of
water for certain nonessential purposes including specifying certain days and hours when
lawns and shrubbery may be watered.

**MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE AND
ADMISSION OF THE CHARGE.
SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

- X. Case # 07-2324, 583 North Lake Way, Ms. Cheryl Minkis
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances:
the Town Council authorizes the Director of Public Works to order curtailment of the use of
water for certain nonessential purposes including specifying certain days and hours when
lawns and shrubbery may be watered.

**MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE AND
ADMISSION OF THE CHARGE.
SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

- Y. Case # 07-2325, 280North Ocean Blvd., Mr. Rami Yoram Weisfisch
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances:
the Town Council authorizes the Director of Public Works to order curtailment of the use of
water for certain nonessential purposes including specifying certain days and hours when
lawns and shrubbery may be watered.

**MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE AND
ADMISSION OF THE CHARGE.
SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

- Z. Case # 07-2326, 260 South Ocean Blvd., M Akbarian
Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances:
the Town Council authorizes the Director of Public Works to order curtailment of the use of
water for certain nonessential purposes including specifying certain days and hours when
lawns and shrubbery may be watered.

**MOTION BY MR. KOEPPLE THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND THE FINE OF \$200.00.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

VII. New Business:

None.

VIII. Old Business:

- A. Case # 07-2264, 756 Slope Trail, Leeds Custom Design Inc., Slope Trail LLC.
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Medium projects, all new or remodel construction projects 4,000 sq. ft. to 8,999 sq. ft. under roof be allowed 22 months

Mr. George Ford addressed the Board to request an extension of (10) days to complete this project.

Code Enforcement Officer Gerry recommends a (10) day extension to come into compliance and if compliance is not achieved to pay a fine of \$250.00 a day.

**MOTION BY MS. DUEMLER THAT THE DEFENDANT IS GRANTED A (10) DAY EXTENSION TO COME INTO COMPLIANCE, IF COMPLIANCE IS NOT ACHIEVED THE DEFENDANT IS ORDERED TO PAY A FINE OF \$125.00 A DAY TO COMMENCE ON OCTOBER 29, 2007 UNTIL COMPLIANCE IS ACHIEVED.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

- B. Case # 07-2266, 159 Sunset Avenue, William Bell Construction, 159 Sunset Avenue LLC.
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Medium projects, all new or remodel construction projects 4,000 sq. ft. to 8,999 sq. ft. under roof be allowed 22 months.

Code Enforcement Officer Gerry presented the facts in this case. There are no indications of any finals that have been completed on this property. Mr. Gerry recommends a fine of \$250.00 a day to begin today.

**MOTION BY MS. GREENBERG THAT THE DEFENDANT IS ORDERED TO PAY A FINE OF \$250.00 A DAY RETROACTIVE TO BEGIN ON OCTOBER 16, 2007 UNTIL COMPLIANCE IS ACHIEVED.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

- C. Case # 07-2269, 102 Gulfstream Road, The Cury Group, 470 South Ocean, LLC
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Large projects, all new or remodel construction projects of 9,000 sq. ft. or more under roof be allowed 30 months.

This case as been moved to Public Hearings. Sgt. Hess addressed the Board for permission to move item C from Old Business to Public Hearings as C+ due to a typographical error.

- D. Case # 07-2277, 226 Pendleton Avenue, Susan Gibson
Violation of Chapter 42, Sections 42-86 and 42-87, conditions that cause disagreeable emissions are not permitted and windows and doors must be maintained in good condition.

Code Enforcement Officer Gerry presented the facts in this case. Mr. Gerry stated upon re-inspection of this property the violations have not been corrected. Mr. Gerry recommends a fine of \$250.00 a day to begin on September 29, 2007 for the sewer repair and on the windows and door a \$250.00 a day fine to start on October 17, 2007.

**MOTION BY MS. GREENBERG THAT THE DEFENDANT IS ORDERED TO PAY A FINE OF \$250.00 A DAY RETROACTIVE TO BEGIN ON SEPTEMBER 29, 2007 UNTIL THE SEWER LINE IS CORRECTED AND COMPLIANCE IS ACHIEVED.
MOTION SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

**MOTION BY MR. KOEPEL THAT THE DEFENDANT IS ORDERED TO PAY A FINE OF \$250.00 A DAY RETROACTIVE TO BEGIN ON OCTOBER 17, 2007 UNTIL THE WINDOWS AND DOOR IS REPAIRED AND COMPLIANCE IS ACHIEVED.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

- E. Case #07-2094, 105 Clarendon Ave, 105 Clarendon Corp, Royal Palm Collection Inc.
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Small Projects, all new or remodel construction projects of 3,999 and less sq. ft. under roof be allowed 12 months.
Request for fine reduction.

Code Enforcement Officer Gerry stated that a fine started on June 18, 2007 and they obtained a permit on September 6, 2007. The fine ran for (58) days for a total of \$7,250.00 owed to the Town.

Ms. Inez Abab addressed the Board on behalf of Mr. & Mrs. Miller. Ms. Abab stated that they were not informed by their prior contractor that they had 12 months to complete this project. Mr. & Mrs. Miller had a change of contractor and have worked diligently to complete this project. Ms. Abab asked for the Board's leniency and a fine reduction.

MOTION BY MR. KOEPEL TO GRANT A FINE REDUCTION BY HALF FOR CASE #07-2094 TO THE AMOUNT OWED AS \$3,625.00.

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

- F. Case #07-2095, Palm Beach Building & Development, 874 South County Road Corp.
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Small Projects, all new or remodel construction projects of 3,999 and less sq. ft. under roof be allowed 12 months.
Request for fine reduction.

Code Enforcement Officer Gerry stated that a fine started on June 19, 2007 and they obtained a permit on September 6, 2007. The fine ran for (57) days for a total of \$7,125.00 owed to the Town.

Ms. Inez Abab addressed the Board on behalf of Mr. & Mrs. Miller. Ms. Abab stated that they were not informed by their prior contractor that they had 12 months to complete this project. Mr. & Mrs. Miller had a change of contractor and have worked diligently to complete this project. Ms. Abab asked for the Board's leniency and a fine reduction.

**MOTION BY MR. KOEPPPEL TO GRANT A FINE REDUCTION BY HALF FOR
CASE #07-2095 TO THE AMOUNT OWED AS \$3,562.50.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

- G. Case #07-2098, 2860 South Ocean Blvd., # 505, Maria Barnes
Violation of Chapter 18, Section 18-242, building permits are required to construct, install, repair or alter any building or building system, These permits must be obtained prior to commencing work. Request for fine reduction

Code Enforcement Officer Gerry stated the defendant didn't obtain their final inspection until August 15, 2007 and the fine ran from July 17 to August 15, 2007 for 28 days for a total fine of \$2,800.00.

Attorney Bruce Parrish, on behalf of Maria Barnes, stated that they were delayed with this project due to contractor problems that resulted in delays in obtaining their permit. Attorney Parrish is requesting a fine reduction.

**MOTION BY MS. GREENBERG THAT THE FINE STANDS AS IS.
MOTION SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

IX. Comments:

Chairman Hoffman asked for any comments at this time.

Mr. Raffo inquired about the issuance of parking tickets due to resident complaints about the parking

in the north end and the south end.

Sgt. Hess stated that the Police Department has been issuing a combination of parking tickets and as of three weeks ago today the Police Department has been authorized to issue violation notices for Public Works right-of-way violations. Parking violations are issued to the vehicle that is in violation. If it is a right-of-way violation it is issued to the General Contractor. As a condition of doing construction in town, the Public Works Department requires all construction vehicles to be parked on the job site itself unless they get a right-of-way permit. Public Works will issue three permits.

Captain Blouin commented that the Police Department has been recently given authority to enforce the right-of-way. The Police Department is assisting the Public Works Department and the Director Paul Brazil deputized all of the Police Officers. Captain Blouin feels it will take about a month to get the word out to the construction industry that the Police Department is strictly enforcing the right-of-way parking.

Mr. Raffo asked Town Attorney Randolph why requests for project extensions are required to go before the Town Council and not the Code Enforcement Board. Town Attorney Randolph stated that in the event they have not obtained an extension from the Town Council they are then referred to the Code Enforcement Board. They must apply to the Town Council three months before their date is up for an extension.

Ms. Marix commented on the parking issue and wanted clarification on the right-of-way permit. Town Attorney Randolph stated that there is a condition placed on contractors that when they are working on a street they cannot have workmen park on that street even in valid parking spaces. They must park on-site.

X. Adjournment:

The meeting was adjourned at 4:56 p.m. without benefit of a motion.