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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, OCTOBER 16, 2003
AT THE PLANNING, ZONING & BUILDING DEPARTMENT
CONFERENCE ROOM, 1ST FLOOR, 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
Pamela Hoffpauer, Vice Chair
Timothy Hoffman, Member
Joel P. Koeppel, Member
Richard A. Raffo, Member
Hugh C. Davis, III, Member
Thomas M. Youchak, Member
George Klein, Alternate Member
Robert S. Walton, Code Compliance Officer
Rhoda J. Yen, Representing Town Attorney

Absent: Larry Ochstein, Alternate Member (to be determined)

Recording Secretary: Deborah A. Morakis

Let the record show that all parties giving testimony today were sworn in by Deborah Morakis.

III Approval of the Minutes of September 18, 2003:

MOTION BY MS. HOFFPAUER FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

IV Public Hearings:

- A Case #03-1530, Edna C. Schmitt, 300 Seabreeze Avenue
Violation of Chapter 42, Section 42-86 and Section 42-87 of the Town of Palm Beach Code of Ordinances, all structures must be kept painted and in a good state of repair and shall not provide harborage for vermin.
MOTION BY MR. KOEPPEL TO DISMISS CASE #'S 03-1530, 03-1572, 03-1575, 03-1577 AND 03-1579, 03-1580, 03-1581, 03-1583 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- B Case #03-1572, Devine Talent, 235 Sunrise Avenue, Suite C9
Violation of Chapter 114, Section 114-31 of the Town of Palm Beach Code of Ordinances, anyone doing business in the Town of Palm Beach must obtain an occupational license.
MOTION BY MR. KOEPPEL TO DISMISS CASE #'S 03-1530, 03-1572, 03-1575, 03-1577 AND 03-1579, 03-1580, 03-1581, 03-1583 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- C Case #03-1575, Milton Partnership, LTD., 296 So. County Road
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior appurtenances shall be kept in sound condition and good repair.
MOTION BY MR. KOEPPEL TO DISMISS CASE #'S 03-1530, 03-1572, 03-1575, 03-1577 AND 03-1579, 03-1580, 03-1581, 03-1583 FOR COMPLIANCE.

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

- D Case #03-1577, Karen M. True, 324 Barton Avenue
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. Also, according to Chapter 106, Section 106-59 of the Town of Palm beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians.

MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1530, 03-1572, 03-1575, 03-1577 AND 03-1579, 03-1580, 03-1581, 03-1583 FOR COMPLIANCE.

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

- E 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. KOEPEL TO POSTPONE CASE #03-1578 UNTIL THE NOVEMBER 20, 2003 CODE ENFORCEMENT BOARD HEARING.

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

- F Case #03-1579, Four 01 Antigua LTD., 401 Antigua
Violation of Chapter 106, Section 106-59 of the Town of Palm beach Code of Ordinances, a clearance of eighteen (18) feet must be maintained above all roadways and alleys.

MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1530, 03-1572, 03-1575, 03-1577 AND 03-1579, 03-1580, 03-1581, 03-1583 FOR COMPLIANCE.

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

- G Case 03-1580, Anthony Solo, 227 Angler Avenue
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.

MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1530, 03-1572, 03-1575, 03-1577 AND 03-1579, 03-1580, 03-1581, 03-1583 FOR COMPLIANCE.

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

H Case #03-1581, Sandra G. Cofer, 2227 Ibis Isle 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.

MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1530, 03-1572, 03-1575, 03-1577 AND 03-1579, 03-1580, 03-1581, 03-1583 FOR COMPLIANCE.

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

- I Case #03-1582, ERA Construction Inc., of Palm Beach, 1090 South Ocean Blvd.
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. Also, according to Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians.

MOTION BY MR. KOEPEL THAT THE DEFENDANT IN CASE #03-1582 BE FOUND IN NON COMPLIANCE AND GIVEN FOURTEEN (14) DAYS TO TRIM HEDGE AND BRING INTO COMPLIANCE.

MOTION SECONDED BY MS. HOFFPAUER.

- J Case #03-1583, Stationer on Sunrise, % Darlene Blanchard, 247 Sunrise Avenue
Violation of Sections 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, on February 1 of each year, anyone failing to renew their Occupational License is doing business without a license. (Fictitious Name Registration Required).

MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1530, 03-1572, 03-1575, 03-1577 AND 03-1579, 03-1580, 03-1581, 03-1583 FOR COMPLIANCE.

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

- K Case #03-1584, Peter Matwiczuk, 1215 N Lake Way
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.

MOTION BY MR. KOEPEL THAT THE DEFENDANT BE FOUND GUILTY AND ORDERED TO PAY THE \$50.00 FINE.

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

- L Case #03-1585, Elizabeth Bartram, 285 Orange Grove Road
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.

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

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

- M Case #03-1586, David M. Zirin, 110 Angler Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
MOTION BY MS. HOFFPAUER REGARDING CASE #S 03-1586, 03-1587, 03-1589 AND #03-1591 TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- N Case #03-1587, Justus W. Reid, 227 Eden Road
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
MOTION BY MS. HOFFPAUER REGARDING CASE #S 03-1586, 03-1587, 03-1589 AND #03-1591 TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- O Case #03-1588, John C. Rau, 207 Mediterranean Road
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
- After testimony was heard from Robert Kennedy, Trash Bureau Supervisor and Jill Rau the property owner, the following motion was made:
MOTION BY MR. HOFFMAN THAT THE DEFENDANT BE FOUND IN NON COMPLIANCE BUT THE FINE IS WAIVED.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- P Case #03-1589, Jennifer Garrigues, 246 Esplanade Way
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
MOTION BY MS. HOFFPAUER REGARDING CASE #S 03-1586, 03-1587, 03-1589 AND #03-1591 TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- Q Case #03-1590, John Atkinson, 250 Clarke Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.
MOTION BY MR. KOEPEL THAT THE DEFENDANT BE FOUND IN NON COMPLIANCE BUT THE FINE IS WAIVED.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- R Case #03-1591, Double US Inc., 248 Sandpiper Drive

Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste on Town right-of-way out of line with the schedule.

MOTION BY MS. HOFFPAUER REGARDING CASE #S 03-1586, 03-1587, 03-1589 AND #03-1591 TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.

MOTION SECONDED BY MR. YOUCHAK.

MOTION CARRIED UNANIMOUSLY.

V Presentation of New Cases to Set for Hearing:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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. KOEPEL TO SET CASE #'S 03-1592, 03-1593, 03-1594, 03-1595, 03-1596, 03-1597, 03-1598, 03-1599, 03-1600 AND 03-1601 FOR THE NOVEMBER 20, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.

VI New Business:

VII Old Business:

- A Case #03-1550, Adelphia, 360 So. County Road
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, balance due of \$65.00 and must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes. **MOTION BY MR. HOFFMAN TO DISMISS CASE #03-1550 FOR COMPLIANCE.**
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.
- B 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 TO THE NOVEMBER 20, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- C Case #01-1358, Harry J. Brown, 130 Peruvian Avenue
Violation of Section 104.6.1.4 of the Town of Palm Beach Code of Ordinances, Small projects, all new or remodel construction projects of 3,999 sq. ft. or less shall be allowed

twelve (12) months.

**MOTION BY MR. HOFFMAN TO ACCEPT THE PAYMENT RECEIVED AND
DISMISS CASE #01-1358.**

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

VIII Adjournment: The meeting was adjourned at 2:42 p.m. without benefit of a motion.