

**CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, SEPTEMBER 21, 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
 Larry Ochstein, Member
 Catherine M. Duemler, Member
 Martin I. Klein, Member
 Madelyn Greenberg, Alternate Member
 John C. Randolph, Town Attorney

 Absent: Richard A. Raffo, Vice-chairman (unexcused)
 Joel P. Koeppel, Member (excused)
 Harris S. Fried, 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. Chairman Hoffman congratulated Town Attorney Skip Randolph for having been named Municipal Attorney of the Year.

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 August 17, 2006:
MOTION BY MR. KLEIN FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. DUEMLER.
MOTION PASSED UNANIMOUSLY.

V Public Hearings:

A Case #06-1984, 1200 So. Ocean Blvd., First Allied Jax Corp. & The Land Fall Group
REPEAT 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.
Violation of Chapter 18, Section 18-241, which adopts the Florida Building Code, Residential, Chapter 9, Section R 903.1, which requires that roof decks shall be covered with approved coverings secured to the building or structure in accordance with the provisions of this chapter. 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 service to protect the building or structure.
Violation of Chapter 54, Section 54-71 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 read a letter from James Norquest, written on behalf of James Brindell, Esq., for the Glazers, requesting a deferral until the October Code Enforcement Board Hearing.

MOTION BY MR. KLEIN TO DEFER CASE #06-1984.

After further discussion and comments from Reginald Stambaugh of the Preservation Foundation, the following motion was made:

MOTION BY MR. KLEIN TO DEFER CASE #06-1984, ONE TIME ONLY, UNTIL THE OCTOBER 19, 2006 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MRS. DUEMLER.

MOTION CARRIED UNANIMOUSLY.

B Case #06-2014, 314 Dunbar Road, Burton & Marilyn Sultan

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: It shall be considered a nuisance for any property owner in the Town to allow dead or dying trees to remain on their property.

Testimony was heard by Chief Code Compliance Officer Robert Walton indicating that this property was in violation and the violation was corrected prior to this hearing, but not within the required time limit. The Town recommends that the Board find that a violation occurred, which has been corrected and that the violator is ordered to pay \$150.00 in costs and no further fines be imposed for this violation and this case be closed.

MOTION BY MR. OCHSTEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE AND ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND THE CASE IS CLOSED.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

C Case #06-2033, 111 Bradley Place, 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 Walton requested that this case be postponed due to lack of service.

MOTION BY MR. KLEIN TO POSTPONE CASE #06-2033.

MOTION SECONDED BY MS. GREENBERG.

MOTION CARRIED UNANIMOUSLY.

D Case #06-2034, 231 Kenlyn Road, Robert A. Roddy

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.

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 mosquitos are likely to breed.

Testimony was heard by Chief Walton of the facts in the case. Chief Walton requested a dismissal of the Violation of Chapter 42, Section 42-126 as the pool was drained within the time allowed.

Mr. Roddy addressed the Board and advised them of the status of the repairs needed on his property. His contractor was forced to leave the project. Mr. Roddy asked for sixty days to complete the repairs, including his roof repair.

Mrs. Duemler asked that the lawn be cut too. Mr. Roddy stated that he has just obtained new batteries for his battery-powered mower.

After further discussion, the following motion was made:

MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, GRANT SIXTY (60) DAYS TO COME INTO COMPLIANCE AND ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00.

MOTION MODIFIED TO INCLUDE THAT A PROGRESS REPORT BE GIVEN AT THE OCTOBER CODE ENFORCEMENT BOARD HEARING.

Further discussion took place regarding possible fines.

MOTION SECONDED BY MR. OCHSTEIN.

MOTION CARRIED UNANIMOUSLY.

- E Case #06-2035, 1240 No. Ocean Blvd., William & Sophia Casey
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 requested a finding of non compliance, costs be paid in the amount of \$150.00 and grant to November 13, 2006 to complete the work. No permit has been obtained to date, part of the roof will have to come off for inspections.

MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00, AND GIVEN UNTIL NOVEMBER 13, 2006 TO COMPLY.

MOTION SECONDED BY MRS. GREENBERG.

MOTION CARRIED UNANIMOUSLY.

- F 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 the letter requested that a permit be obtained and inspections completed by September 7th. A building permit was applied for on September 13, 2006, but has not yet been issued. Chief Walton suggested a finding of non compliance, \$150.00 in costs and seven (7) days to comply.

MOTION BY MR. KLEIN THAT THE DEFENDANT BE FOUND IN NON COMPLIANCE, ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00 AND BE GIVEN SEVEN (7) DAYS TO COMPLY.

MOTION SECONDED BY MRS. DUEMLER.

MOTION CARRIED UNANIMOUSLY.

- G 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.

Chief Walton reported to the Board that some of the work required to bring this property into compliance has begun. This is a land marked property.

Rick Robinson of Stonehill Capital Group, representing the owner, addressed the Board and explained the scope of the repairs that need to be done. Painting is being done now, but the windows will take approximately 14 weeks to be built. The roof tiles will take 6 to 7 months to be sourced and installed. The concrete wall requires a copy of the survey and that will take approximately two months. The hotel is not open for business. A room by room survey was done with Rob Walton, the rooms are nice and show little or no damage. The roof damage will be addressed immediately.

Chief Walton suggested the defendant be found in non compliance, ordered to pay administrative costs in the amount of \$150.00, and they be given until October 19, 2006 to supply a formal written schedule with landmarks to the Code Enforcement Board.

MOTION BY MS. GREENBERG THAT THE DEFENDANT BE FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND BE GIVEN UNTIL OCTOBER 19, 2006 TO PROVIDE THE CODE ENFORCEMENT BOARD WITH A WRITTEN SCHEDULE.

MOTION SECONDED BY MR. KLEIN.

Further discussion took place regarding the condition of the fire escape and it was suggestion that the business not be permitted to open until all safety violations are addressed. Chief Walton suggested the Town Fire Safety Department perform an inspection.

MOTION AMENDED TO INCLUDE THAT THE BUSINESS NOT BE PERMITTED TO OPEN UNTIL SAFETY VIOLATIONS WERE ADDRESSED AND A FIRE INSPECTION DONE.

AMENDED MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

- H 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 shared photographs with the Board. The wall was added on to without a permit. The permit has not been obtained although an architect and engineer have been hired. Chief Walton suggested a finding of non compliance, assess costs in the amount of \$150.00, and give them until the October meeting to come in to compliance.

MOTION BY MS. GREENBERG THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00, AND GIVEN UNTIL OCTOBER 19, 2006 TO COME INTO COMPLIANCE.

MOTION SECONDED BY MR. KLEIN.

After further discussions and comments pertaining to whom the violation is against, the property owner or the contractor, the motion carried.

MOTION CARRIED UNANIMOUSLY.

VI **New Business:**

NONE

VII **Old Business:**

A **Case #06-1990, 432 Brazilian Avenue, Charles T. Roddy**

Violation of Chapter 18, Section 18-242, Subsection 1 104.1.1 of the Town of Palm Beach Code of Ordinances, building permits are required to construct, install, repair, or alter any building or building system. These permits must be obtained prior to the work being commenced.

Chief Code Officer Walton addressed the Board and explained that Mr. Roddy had constructed a driveway without a permit. Mr. Roddy subsequently obtained the permit. Also, there was a repeat violation of the condition of the property. The violations have been corrected, but there is a balance due to the Town of Palm Beach for fines in the amount of \$150.00 per day, plus costs totaling \$900.00.

Attorney Leonard Rubin, on behalf of Mr. Roddy, requested an abatement of the fine. After further discussion, the following motion was made:

**MOTION BY MR. KLEIN THAT THE FINE NOT BE ABATED.
MOTION SECONDED BY MRS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

B **Case #04-1787, 432 Brazilian Avenue, Charles T. Roddy**

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: it shall be unlawful and constitute a nuisance for any owner of land within the Town to allow building materials, non-operative boats, automobiles or other such items to accumulate.

The Board heard a request from Attorney Len Rubin, on behalf of Mr. Roddy, for a reduction in the fine amount owed to the Town. The total amount of the fine due the Town of Palm Beach is \$24,500.00. After hearing testimony and further discussion, the following motion was made:

**MOTION BY MR KLEIN NOT TO REDUCE THE AMOUNT OWED TO THE TOWN.
MOTION SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

D **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.

Chief Walton advised the Board that this gentleman was found in non compliance in July and was granted until September 20, 2006 to come into compliance by completion of the project. The project is not completed, permits have been obtained. However, no inspections have been completed to date.

Mr. Samules addressed the Board and explained the delays experienced with his contractor. He was here to request an additional thirty days to complete the project.

MOTION BY MR. KLEIN TO GRANT UNTIL OCTOBER 18, 2006 TO COMPLETE THE PROJECT.

MOTION SECONDED BY MR. OCHSTEN.

MOTION CARRIED UNANIMOUSLY.

- E Case #06-2009, 2860 So. Ocean Blvd., #316, Stuart Wood
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 Walton advised the Board that this case was heard in July and found in non compliance. Costs in the amount of \$150.00 have been paid. However the project is not completed.

MOTION BY MR. OCHSTEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE AND ORDERED TO PAY A FINE IN THE AMOUNT OF \$150.00 PER DAY, BEGINNING SEPTEMBER 21, 2006 AND CONTINUING UNTIL COMPLIANCE IS OBTAINED.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

- F Case #06-2012, 221 Oleander Avenue, Marina Petrou
Violation of Chapter 42, Sections 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances: requires buildings be maintained in a good condition and not to show decay or dangerous condition.
Violation of Chapter 18, Section 18-964 of the Town of Palm Beach Code of Ordinances: street numbers must be located on the building visible from the street.

Ms. Marina Petrou addressed the Board and explained the scope of the repairs that need to be made to bring the property into compliance. She explained that the replacement of the steel railing with a new aluminum railing will be completed within three to four months.

After further discussion, a recommendation was made by Chief Walton that the requested time extension be granted, with the stipulation that all other repairs be made.

MOTION BY MRS. DUEMLER TO GRANT UNTIL DECEMBER 15, 2006 TO COMPLETE THE PROJECT, WITH THE STIPULATION THAT ALL OTHER REPAIRS BE COMPLETED PRIOR TO THAT DATE.

MOTION SECONDED BY MR. KLEIN.

MOTION AMENDED TO INCLUDE THAT THE PREVIOUSLY ORDERED ADMINISTRATIVE COST IN THE AMOUNT OF \$150.00 MUST BE PAID WITHIN SEVEN DAYS.

AMENDED MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

VIII Reports:

- A Case #04-1662, 264/270 Seminole Avenue, Sharon Talbot
REPEAT VIOLATION of Chapter 18, Section 18-242, Subsection 1 104.1.1 of the Town of Palm Beach Code of Ordinances: building permits are required to construct, install, repair or alter any building or building system. These permits must be obtained prior to commencing work.

Chief Walton reminded the Board that at the August 17, 2006 Code Enforcement Board Hearing, Mrs. Talbot was found in non compliance, ordered to pay \$5150.00 in fines and costs and ordered to submit a more comprehensive schedule. Mrs. Talbot has again submitted a schedule that is not acceptable. Mr. Walton requested a \$500.00 per day fine.

**MOTION BY MS. GREENBERG TO FINE THE DEFENDANT \$500.00 PER DAY
MOTION SECONDED BY MR. KLEIN.**

After hearing comments by Veronica Close, Director of Planning, Zoning & Building Department indicating that fines that start and stop are difficult to enforce, and after further discussion, the motion was modified as follows:

**MOTION AMENDED BY MS. GREENBERG THAT THE DEFENDANT BE FOUND IN NON
COMPLIANCE AND ORDERED TO PAY A FINE IN THE AMOUNT OF \$100.00 PER DAY
TO CONTINUE UNTIL COMPLIANCE AND ALL INSPECTIONS ARE CALLED FOR.
AMENDED MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- B 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.
- Chief Walton reported to the Board that with the exception of some roof tile this project is completed.
- C 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.
- Chief Walton reported that this project is on schedule.
- D 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 Walton reported that this dune re-landscaping project is lacking a beach sunflower which is a difficult variety to obtain. Mr. Walton requested a thirty day extension for completion of the project.

**MOTION BY MR. OCHSTEIN TO GRANT A THIRTY DAY EXTENSION FOR COMPLETION
OF THE PROJECT.
MOTION SECONDED BY MRS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

Code Enforcement Board Minutes
September 21, 2006

- E Case #06-2002, 710 So. Ocean Blvd., Brookshore 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 and roofs must be maintained in a leak free condition.

Chief Walton reported that the project is no longer on schedule according to the provided schedule. The roof has not been completed and some windows have not been done.

John David, Esquire, on behalf of Brookshore, reported that delays have been experienced. The roof repairs have commenced but half of the tiles delivered were the wrong color. The proper materials have been located and will be delivered in about two and a half weeks. Once the roof work is completed the other work can commence. The completion of the final aspect of the project, which includes painting, stucco and caulking was to be completed by October 2006. Mr. David indicating that the repairs will be completed by December 15.

Chief Walton stated that September 15 was the benchmark for completion of the roof repair and August for the windows. The Town would recommend a daily fine.

After further discussion, the following motion was made:

MOTION BY MR. KLEIN TO GRANT AN EXTENSION TO COMPLETE THE PROJECT TO DECEMBER 15, 2006. IF A CERTIFICATE OF OCCUPANCY IS NOT OBTAINED BY DECEMBER 15, 2006, A FINE IN THE AMOUNT OF \$150.00 PER DAY WILL BE IMPOSED.

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

IX Adjournment:

Veronica Close, Director of Planning, Zoning & Building Department announced to the Board that the Town Manager will be relocating Code Compliance activities to the Police Department. The Board requested that Mr. Elwell address the Code Enforcement Board in October to answer any questions.

The meeting was adjourned at 3:36 p.m. without benefit of a motion.

Respectfully Submitted,

Deborah A. Morakis
Recording Secretary