



# 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, SEPTEMBER 20, 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<br>Joel P. Koeppe, Member<br>Larry Ochstein, Member<br>Catherine M. Duemler, Member<br>Martin I. Klein, Member<br>Harris S. Fried, Member<br>Madelyn Greenberg, Alternate Member<br>Cynthia Van Buren, Alternate Member<br>Sterling Halversen, Acting Town Attorney |
| Absent:  | Richard A. Raffo, Vice-Chairman                                                                                                                                                                                                                                                               |
| Staff:   | Captain Kirk Blouin, Support Services<br>Robert S. Walton, Lead Code Enforcement Officer<br>Sgt. Fred Hess, Code Enforcement/Parking<br>Nickie Altomaro, Recording Secretary                                                                                                                  |

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

III. **Approval of the Minutes of August 16, 2007:**

**MOTION BY MR. KLEIN FOR APPROVAL OF THE AUGUST 16, 2007 MINUTES.  
MOTION SECONDED BY MR. KOEPEL.  
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.*

**Mr. Walton asked Chairman Hoffman to allow adjustments to the agenda at this time for two water violation cases that are out of order and to be put at the end i.e., case #07-2270 and case #07-2275.**

**MOTION BY MR. KLEIN TO ACCEPT THE CHANGES TO THE AGENDA.**

**SECONDED BY MR. FRIED.**

**MOTION PASSED UNANIMOUSLY.**

**V. Comments regarding water violations by Sergeant Hess:**

Sgt. Hess stated that today's agenda contains 25 water restriction violations. The restrictions do continue, however, the rate of violations has decreased. The Police Department for the month of August issued 77 water violation notices. As of yesterday there have been a total of 613 violations cited. With the approval of the Board we would like to continue with the plan which was used for the past several months which will save time for the Board as well for the public.

Sgt. Hess asked with the Board's permission to briefly address the public if there were any water violations to be brought before the Board. There was one response from the public regarding water violations and Sgt. Hess met with that party in the back conference room.

**Chairman Hoffman welcomed Mayor McDonald and our past Mayor Ms. Marix and expressed the Board's appreciation for their interest and attendance at this meeting.**

**VI. Public Hearings:**

**A. Case # 07-2263, 242 Cherry Lane, Mr. Charles Smith**

Violation of Chapter 42, Section 42-86, requires swimming pool water to be maintained in a sanitary and clear condition.

Code Enforcement Officer Gerry presented the facts of this case and passed out to the Board photos and a letter from the property owner, Mr. Charles Smith, requesting five additional weeks to bring the pool into compliance.

Mr. Gerry recommends to give the owner until October 15<sup>th</sup> to come into compliance.

After further discussion,

**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 FINAL INSPECTION TO BE COMPLETED BY OCTOBER 4, 2007.**

**SECONDED BY MR. KLEIN.**

**MOTION CARRIED UNANIMOUSLY.**

**B. 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.

Code Enforcement Officer Gerry presented the facts of this case. The final inspection was due on March 14, 2007 and the last inspection on this property was on September 17 for the final electric and was completed. Mr. Gerry has found after research of this case that there is no final building permit issued.

The Board asked for the Town's recommendation. Mr. Gerry recommends to find the property owner in non compliance, to have a final inspection by October 15<sup>th</sup>, and an administrative fee of \$150.

Mr. George Ford, the owner and contractor, addressed the Board to state that the front gutter and railing will arrive next week and requests until October 15<sup>th</sup> to complete this project.

Lead Code Enforcement Officer Walton reported that there is word of mouth notification and once we catch up on the delinquent cases you will not see such egregious time frames. Mr. Walton indicated that they do have the right to go to the Council three to six months before the end of the time limit.

After further discussion Mr. Klein asks for the Town's recommendation. Mr. Walton recommends a finding in non compliance, an administrative fee of \$150, and until October 15<sup>th</sup> to grant compliance.

**MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND GRANT UNTIL OCTOBER 15, 2007 TO COME INTO COMPLIANCE.**

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

*Let the record reflect Ms. Greenberg will be voting member in the absence of Mr. Raffo.*

- C. Case # 07-2265, 995 South Ocean Blvd., Hedrick Brothers Const., Ms. Mary Conrad  
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Small projects, all new or remodel construction projects of 3,999 sq. ft. or less under roof be allowed 13 months. Code Enforcement Officer Gerry presented the facts of this case. The final inspection was due on July 27, 2007 and were given additional time which gave them 15 months to complete this project. The last inspection on this project was August 28<sup>th</sup> for rough plumbing.

The Board asks for the Town's recommendation. Lead Code Officer Walton recommends a finding of non compliance, administrative fee of \$150.00 and grant until October 15th to obtain a final Certificate of Occupancy.

Mr. Parker, Hedrick Brothers Construction, addressed the Board and explained the difficulties he experienced in completing this project and stated they can have the project done by November 30<sup>th</sup>. The project was delayed by material delays and litigation regarding beach access that the owners had to resolve.

**MOTION BY MR. KOEPPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00. ALL EXTERIOR PROJECTS TO BE COMPLETED BY**

**OCTOBER 15, 2007 AND ALL INTERIOR PROJECTS TO BE COMPLETED BY  
NOVEMBER 30, 2007.  
SECONDED BY MS. GREENBERG**

After further discussion,  
**MOTION CARRIED UNANIMOUSLY**

- D. 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 of this case. The final inspection was due on November 28, 2006 and the last inspection on this project was November 22, 2006 for framing.

Mr. Bud Palmeri, owner and contractor, addressed the Board to report that this project is almost complete and requested additional time for the remainder of the work to be completed.

**MOTION BY MR. KOEPPEL THAT THE DEFENDANT IS FOUND IN NON  
COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE  
AMOUNT OF \$150.00 AND GRANT UNTIL OCTOBER 15, 2007 TO COME INTO  
COMPLIANCE.  
SECONDED BY MS. GREENBERG.  
MOTION CARRIED UNANIMOUSLY.**

- E. Case # 07-2267, 444 North Lake Way, Davis General Contracting, Ms. Ellen Jaffe  
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 27 months.

Lead Code Enforcement Officer Walton reported that they have come into compliance. Mr. Walton requested this case be dismissed.

**MOTION BY MR. FRIED TO DISMISS CASE #07-2267 FOR COMPLIANCE.  
MOTION SECONDED BY MR. KLEIN.  
MOTION CARRIED UNANIMOUSLY.**

- F. Case # 07-2268, 300 Seminole Avenue, Davis General Contracting, Mr. Ronald Baron  
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 8,999sq. ft. under roof be allowed 22 months.

Code Officer Gerry presented the facts of this case and reported this project is over the time allowed.

Mr. Alan Sicklin, on behalf of the owners, stated that this project has been delayed due to contractor problems. Mr. Sicklin indicated that one of the major issues here is that the condominium association does not allow construction from November through April.

Mr. Hugh Davis, General Contractor, addressed the Board to state that they should be done by November 1<sup>st</sup>, but if they are delayed they will not be able to get back into the building to work again until May to complete the project.

The Board asked for the Town's recommendation. Lead Code Officer Walton recommended that they be found in non compliance, ordered to pay an administrative fee in the amount of \$150.00 and completion by October 15<sup>th</sup>.

Mr. Davis stated he will need until November 1<sup>st</sup> to complete this project and wanted to note that the ordinance does not take in consideration that contractors cannot work in condominiums from November through April of the year.

Jeff Taylor, Acting Building Official, stated that it has been the practice in the Town of Palm Beach not to count the six months not allowed to work against the time limitations and any legal issues do not count against the time as well.

**After further discussion and modifications:**

**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 FINAL INSPECTION TO BE COMPLETED BY NOVEMBER 1, 2007.**

**SECONDED BY MR. KLEIN.**

**MOTION CARRIED UNANIMOUSLY.**

- G. 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.

Lead Code Enforcement Officer Walton recommended that this case be postponed until the October 18<sup>th</sup> Code Enforcement Board Hearing for lack of service.

**Case #07-2269 postponed until the October 18, 2007 Code Enforcement Board Hearing.**

- H. Case # 07-2270, 264 List Road, Stanley Behrman  
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 THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY THE FINE OF \$200.00 AND ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00.**

**SECONDED BY MR. KOEPPPEL.**

**MOTION CARRIED UNANIMOUSLY.**

- I. Case # 07-2271, 2295 South Ocean Blvd., Harbour House of Palm Beach Condominium  
Violation of Chapter 18, Section 18-242, building permits are required to construct, install, repair or alter any building or building system.

Lead Code Enforcement Officer Walton presented the facts in this case and stated that the defendant has failed to obtain the required permits and required inspections by this meeting. Mr. Walton recommended to the Board to find them in non compliance, assess an administrative fee of \$150.00 and grant them until October 17<sup>th</sup> to obtain all required building permits and inspections.

Mr. Julian Butler, Building Manager, addressed the Board to report that he has applied for the necessary permits and is awaiting issuance. Mr. Butler is concerned when the permits will be issued and complying with the October 17<sup>th</sup> date. Mr. Butler asked for (30) days to come into compliance after the date the permits are issued.

Code Enforcement Officer Walton recommends the defendant to be found in non compliance, assess an administrative fee of \$150.00 and all inspections to be completed (30) days after permit issuance..

**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 ALL INSPECTIONS TO BE COMPLETED (30) DAYS AFTER PERMIT ISSUANCE.  
SECONDED BY MS. GREENBERG.  
MOTION CARRIED UNANIMOUSLY.**

- J. Case # 07-2272, 2259 Ibis Isle Road East, Steffes Investments Inc.  
Violation of Chapter 42, Section 42-86, prohibits garbage or trash to accumulate on land in the Town of Palm Beach.

Sgt. Hess addressed the Board to report the facts in this case. Upon inspection of this property Sgt. Hess found large black garbage bags stacked and piled in the side yard and loose trash. The owner was contacted by registered mail and the trash was not cleaned up by the time specified, but as of today they have come into compliance. Sgt. Hess recommends that the Board find the violation has occurred and was corrected, assess \$150.00 administrative fee and the case be closed.

**MOTION BY MS. GREENBERG THAT A VIOLATION HAS OCCURRED AND HAS BEEN CORRECTED, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND THIS CASE IS CLOSED.  
SECONDED BY MR. KLEIN.  
MOTION CARRIED UNANIMOUSLY.**

- K. Case # 07-2273, 1574 South Ocean Blvd., Martin Gruss  
Violation of Chapter 126, Section 126-32, all cocoanuts trees are required to be trimmed free of cocoanuts and dead and dying fronds by August 1<sup>st</sup> of each year.

Lead Code Enforcement Officer Walton reported that a warning letter and notice of violation has been served. Mr. Walton noted that the ordinance is in effect because cocoanuts can become projectiles during hurricane season. Upon inspection of the property this morning Mr. Walton has found the violation has not been corrected and recommends the defendant be found in non compliance, assess a \$150 administrative fee and to come into compliance by September 28, 2007.

**MOTION BY MR. KLEIN 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 SEPTEMBER 28, 2007.**

**SECONDED BY MS. DUEMLER.**

**MOTION CARRIED UNANIMOUSLY.**

L. Case # 07-2274, 1300 North Ocean Blvd., McIntosh Trust

Violation of Chapter 126, Section 126-32, all cocoanuts trees are required to be trimmed free of cocoanuts and dead and dying fronds by August 1<sup>st</sup> of each year.

Lead Code Enforcement Officer Walton reported that a warning letter and notice of violation has been served. Upon inspection of the property this morning Mr. Walton has found the violation has not been corrected. Mr. Walton recommends the defendant be found in non compliance, assess a \$150 administrative fee and to come into compliance by September 28, 2007.

**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 SEPTEMBER 28, 2007.**

**SECONDED BY MR. KOEPPPEL.**

After further discussion,

**MOTION CARRIED UNANIMOUSLY.**

M. Case # 07-2275, 265 West Indies, Evelyn C. Burke Rev Trust

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 presented the facts in this case and recommended case #07-2275 to be dismissed.

**MOTION BY MR. FRIED TO DISMISS CASE #07-2275.**

**MOTION SECONDED BY MR. KLEIN.**

**MOTION CARRIED UNANIMOUSLY.**

N. Case # 07-2276, 214 List Road, Matthew Maley

Violation of Chapter 126, Section 126-32, all cocoanuts trees are required to be trimmed free of cocoanuts and dead and dying fronds by August 1<sup>st</sup> of each year.

Code Enforcement Officer Weymer reported that upon inspection on August 14, 2007 the defendant was in violation of Section 1256-32. Mr. Weymer sent out a warning letter and upon re-inspection on August 27, 2007 found the trees in the same condition. The notice of code violation hearing was sent out on August 30<sup>th</sup> with a compliance date of September 10<sup>th</sup>. The property representative contacted Mr. Weymer to request an additional week to come into compliance. Mr. Weymer granted the defendant until September 17<sup>th</sup> and upon re-inspection the property was not in compliance.

After further discussion the following motion was made:

**MOTION BY MR. KOEPPEL 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 SEPTEMBER 28, 2007.**

**SECONDED BY MS. GREENBERG.**

Mr. Fried requested Mr. Koepfel to modify his motion to make the fine effective immediately.

Ms. Greenberg agrees with the request for modification by Mr. Fried.

Mr. Koepfel does not agree with the modification and his motion stands.

**SECONDED BY OCHSTEIN.**

**MOTION OPPOSED.**

**ROLL CALL VOTE:**

|                      |            |
|----------------------|------------|
| <b>MR. KOEPPEL</b>   | <b>YES</b> |
| <b>MR. OCHSTEIN</b>  | <b>YES</b> |
| <b>MS. DUEMLER</b>   | <b>NO</b>  |
| <b>MR. KLEIN</b>     | <b>NO</b>  |
| <b>MR. FRIED</b>     | <b>NO</b>  |
| <b>MS. GREENBERG</b> | <b>NO</b>  |
| <b>MR. HOFFMAN</b>   | <b>NO</b>  |

**MOTION FAILED 5-2.**

**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 SEPTEMBER 24, 2007.**

**SECONDED BY MS. GREENBERG.**

**MOTION CARRIED UNANIMOUSLY.**

O. 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 Weymer passed out photos to the Board of the property located at 226 Pendleton Avenue. Mr. Weymer reported receiving a complaint of sewer smell at this property. An inspection on August 31<sup>st</sup> revealed a large hole in the sewer line along the south property line with gray water running out of the broken pipe into the easement area of the adjacent property. Mr. Weymer also reported the back door and wood around several windows to be in disrepair. The property was posted and sent notification by certified mail on August 31, 2007.

Code Enforcement Officer Weymer recommends a finding of non compliance, an administrative fee of \$150.00 and granted until September 28, 2007 to repair the sewer line and October 16, 2007 for the windows and door to be repaired and come into compliance.

After further discussion the following motion was made:

**MOTION BY MR. OCHSTEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND GRANTED UNTIL SEPTEMBER 28, 2007 TO REPAIR THE SEWER LINE AND OCTOBER 16, 2007 FOR THE WINDOWS AND DOOR TO BE REPAIRED AND COME INTO COMPLIANCE.  
SECONDED BY MS. GREENBERG.  
MOTION CARRIED UNANIMOUSLY.**

**Sgt. Hess asked for the Board's approval to go out of order and address water violation case #07-2296.**

**Sgt. Hess addressed the Board regarding water restriction violations.**

Sgt. Hess reported that the Town has been under Emergency Water Use Restrictions. Since Friday, May 18<sup>th</sup> 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 irrigate 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. After issuing (157) warnings between March 23<sup>rd</sup> and May 10<sup>th</sup> we began issuing citations even for the first offense due to the severity of the problem and the widespread publicity which the drought has received. As of yesterday the Police Department has issued (613) citations. A great many of the citations have resulted in a guilty plea and the payment of the fine. More recent violations have been scheduled for the October 18, 2007 hearing date.

The remaining (24) 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. The Police Officers, Code Enforcement Officers, Records Transcriptionists and Telecommunicators have spent hundreds of hours in dealing with the enforcement of the emergency water curtailment orders. Therefore in all of 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 following cases that are on the agenda have paid the fine: #07-2278, #07-2284, #07-2285, #07-2287, #07-2289, #07-2293, #07-2295, #07-2297, #07-2298 and #07-2300.

**MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE AND THE GUILTY PLEA.  
SECONDED BY MR. FRIED.  
MOTION CARRIED UNANIMOUSLY.**

Sgt. Hess recommends the following case #07-2275 to be dismissed.

**MOTION BY MR. FRIED TO DISMISS CASE #07-2275.**

**MOTION SECONDED BY MR. KLEIN.**

**MOTION CARRIED UNANIMOUSLY.**

Sgt. Hess recommends that in the following cases the Board find them in non compliance, assess an administrative fee in the amount of \$150.00 and payment of the fine(s).

The cases are: #07-2270, #07-2279, #07-2280, #07-2281, #07-2282, #07-2283, #07-2286, #07-2288, #07-2290, #07-2291 and #07-2292, #07-2294 and #07-2299.

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

**SECONDED BY MR. KOEPPPEL.**

**MOTION CARRIED UNANIMOUSLY.**

P. Case # 07-2278, 132 Clarke Avenue, John H Gooch

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 THE GUILTY PLEA.**

**SECONDED BY MR. FRIED.**

**MOTION CARRIED UNANIMOUSLY.**

Q. Case # 07-2279, 695 S 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 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 MR. KOEPPPEL.**

**MOTION CARRIED UNANIMOUSLY.**

R. Case # 07-2280, 125 Wells Road, Jack Schleifer

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 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 MR. KOEPPPEL.  
MOTION CARRIED UNANIMOUSLY.**

- S. Case # 07-2281, 369 South Lake Drive, Park Place 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 MS. GREENBERG 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 MR. KOEPPPEL.  
MOTION CARRIED UNANIMOUSLY.**

- T. Case # 07-2282, 360 Seaspray Avenue, Mary Francis Turner

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

- U. Case # 07-2283, 271 La Puerta Way, 271 La Puerta 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 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 MR. KOEPPPEL.  
MOTION CARRIED UNANIMOUSLY.**

- V. Case # 07-2284, 184 Bradley Place, Parc Regent Condo.

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 THE GUILTY PLEA.**

**SECONDED BY MR. FRIED.**

**MOTION CARRIED UNANIMOUSLY.**

- W. Case # 07-2285, 300 Arabian Road, Lido 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 THE GUILTY PLEA.**

**SECONDED BY MR. FRIED.**

**MOTION CARRIED UNANIMOUSLY.**

- X. Case # 07-2286, 111 Clarke Avenue, Jack Thomas

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 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 MR. KOEPPPEL.**

**MOTION CARRIED UNANIMOUSLY.**

- Y. Case # 07-2287, 153 Cocoanut Row, Alice Bossidy

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 THE GUILTY PLEA.**

**SECONDED BY MR. FRIED.**

**MOTION CARRIED UNANIMOUSLY.**

- Z. Case # 07-2288, 790 South County Road, Robert Rapaport

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 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 MR. KOEPPPEL.  
MOTION CARRIED UNANIMOUSLY.**

- AA. Case # 07-2289, 3474 South Ocean Blvd., Ocean Cay of Palm Beach Condo  
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  
THE GUILTY PLEA.  
SECONDED BY MR. FRIED.  
MOTION CARRIED UNANIMOUSLY.**

- BB. Case # 07-2290, 214 Plantation Road, Karen Restaino  
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 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 MR. KOEPPPEL.  
MOTION CARRIED UNANIMOUSLY.**

- CC. Case # 07-2291, 1520 North Ocean Way, Jennifer Begaj  
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 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 MR. KOEPPPEL.  
MOTION CARRIED UNANIMOUSLY.**

- DD. Case # 07-2292, 301 Australian Avenue, Brazilian Court Hotel and Condominium  
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 THAT THE DEFENDANT IS FOUND IN NON  
COMPLIANCE, ORDERED TO PAY THE FINE OF \$200.00 AND**

**ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00.  
SECONDED BY MR. KOEPPPEL.  
MOTION CARRIED UNANIMOUSLY.**

- EE. Case # 07-2293, 430 Brazilian Avenue, Brazilian Avenue 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  
THE GUILTY PLEA.  
SECONDED BY MR. FRIED.  
MOTION CARRIED UNANIMOUSLY.**

- FF. Case # 07-2294, 180 East Inlet Drive, Kevin McGann  
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 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 MR. KOEPPPEL.  
MOTION CARRIED UNANIMOUSLY.**

- GG. Case # 07-2295, 110 Sunset Avenue, Leverett House Condo  
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  
THE GUILTY PLEA.  
SECONDED BY MR. FRIED.  
MOTION CARRIED UNANIMOUSLY.**

- HH. Case # 07-2296, 125 Seminole Avenue, Taja Realty Trust  
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 reported that this property is a repeat violator and has been issued a fifth water violation and is required a mandatory hearing. The Town's recommendation in this case would be a finding of non compliance, an administrative fee of \$150.00 and a fine of \$500.00.

Mr. Gary Greenberg, President of Palm Beach Construction and Management, testified that the time clock was faulty due to bad fuses and has been repaired by Dolphin Sprinkler System and is working properly now.

**MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND ORDERED TO PAY A \$500.00 FINE.  
SECONDED BY MR. OCHSTEIN.**

After further discussion,

**MOTION CARRIED UNANIMOUSLY.**

- II. Case # 07-2297, 250 Sanford Avenue, Matthew Lorentzen  
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 THE GUILTY PLEA.  
SECONDED BY MR. FRIED.  
MOTION CARRIED UNANIMOUSLY.**

- JJ. Case # 07-2298, 152 Wells Road, Winston Guest  
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 THE GUILTY PLEA.  
SECONDED BY MR. FRIED.  
MOTION CARRIED UNANIMOUSLY.**

- KK. Case # 07-2299, 1096 N Ocean Drive, Michael Rittlinger  
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 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 MR. KOEPPPEL.  
MOTION CARRIED UNANIMOUSLY.**

LL. Case # 07-2300, 249 Tradewind Drive, Keith Elliott

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 THE GUILTY PLEA.**

**SECONDED BY MR. FRIED.**

**MOTION CARRIED UNANIMOUSLY.**

VII. **New Business:**

None.

VIII. **Old Business:**

A. Case # 07-2241, 230 Atlantic Avenue, William Bell Construction, Lot 23 25 Orange Park 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 8,999sq. ft. under roof be allowed 22 months.

Lead Code Enforcement Officer Walton presented the facts in this case and recommended a \$250.00 a day fine to be instituted starting today due to non compliance.

Mr. Bud Palmeri addressed the Board to ask for a one week extension due to plumbing issues.

**MOTION BY MR. FRIED THAT THE DEFENDANT IS IN NON COMPLIANCE AND IS ORDERED TO PAY A FINE OF \$250.00 A DAY TO COMMENCE TODAY UNTIL COMPLIANCE IS ACHIEVED.**

**MOTION SECONDED BY MR. OCHSTEIN.**

**MOTION CARRIED UNANIMOUSLY.**

B. Case # 07-2242, 1768 South Ocean Blvd., Livingston Builders, Four Winds Estates 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 22 months.

Lead Code Enforcement Officer Walton presented the facts in this case and stated that they have already been found in non compliance and recommended a \$250.00 a day fine to be instituted starting today.

**MOTION BY MR. OCHSTEIN THAT THE DEFENDANT IS IN NON COMPLIANCE AND IS ORDERED TO PAY A FINE OF \$250.00 A DAY TO COMMENCE TODAY UNTIL COMPLIANCE IS ACHIEVED.**

**MOTION SECONDED BY MR. KLEIN.**

**MOTION CARRIED UNANIMOUSLY.**

C. Case # 07-2246 101 Seminole Avenue, Mr. Robert Meister, Palm Beach Construction & Management

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

Lead Code Enforcement Officer Walton presented the facts in this case and stated at the last hearing they were found in non compliance and recommended a \$250.00 a day fine to be instituted starting today.

Mr. Gary Greenberg, Palm Beach Construction and Management, stated he feels he will pass an inspection that is scheduled for tomorrow and therefore is requesting an extension until September 24, 2007.

**MOTION BY MR. KOEPEL THAT THE DEFENDANT IS GRANTED UNTIL SEPTEMBER 24, 2007 TO COME INTO COMPLIANCE.  
MOTION SECONDED BY MS. DUEMLER.**

**MODIFIED BY MR. WALTON IF THE DEFENDANT DOES NOT PASS INSPECTION, A \$250.00 A DAY FINE WILL COMMENCE STARTING ON SEPTEMBER 24, 2007 UNTIL COMPLIANCE IS ACHIEVED.**

**MODIFICATION ACCEPTED BY MR. KOEPEL.  
MOTION CARRIED UNANIMOUSLY.**

IX. Comments:

Chairman Hoffman asked for any comments at this time.

Mr. Ochstein inquired if there will be two rules developed one for condominiums and for houses regarding building permit timeframes. Lead Code Enforcement Officer Walton stated that the Building Department is in the process of reviewing those rules and adjustments, and the Building Department will make that recommendation to the Council.

Ms. Veronica Close, Director of Planning, Zoning and Building, addressed the Board and stated that the department has traditionally recognized that on major remodels in projects where they're prohibited working six months out of the year that the intent of the code was not to apply that time limit strictly. The department's interpretation has been when a condominium has restricted construction during the season that time gets automatically added on to a permit. We are in the process of revising Chapter 18 and we will codify that interpretation in the future.

Ms. Greenberg inquired about what type of immediate action the Town can take in regards to health safety issues that are violated.

Lead Code Enforcement Officer Walton stated there are certain provisions in the code for specific officials of the Town, the Town Manager, Fire Marshall, Director of Building, Planning and Zoning and the Fire Chief to take direct action if it's required. I cannot enumerate those specific items but generally if there is an immediate threat to the public's health, safety and welfare we will take immediate action.

Ms. Duemler stated if there are delays in obtaining materials for a project, what can be done to amend the deadline. Lead Code Enforcement Officer Walton stated that there is a provision in the code, not sooner than six months, nor later than three months prior to the deadline to complete these projects and they can petition the Town Council for an extension. Mr. Walton also stated any specific comments should be directed to the Director of Building, Planning and Zoning since they are reevaluating the time limits.

Mr. Klein on behalf of the Board wanted to welcome Mr. Bryant Weymer and also wanted to thank Sgt. Hess, Captain Blouin, Mr. Walton, Mr. Gerry and the rest of the team that have done just a 'yeoman like' job under difficult circumstances.

**X. Adjournment:**

The meeting was adjourned without benefit of a motion at 4:05 p.m.