

Minutes of the Code Enforcement Board
Town of Palm Beach

THURSDAY, SEPTEMBER 17, 2009, 2:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording (tape or CD) of the meeting by contacting Raychel Houston, Secretary to the Code Enforcement Board at (561) 227-6386. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order: (2:00:00 p.m.)

The meeting was called to order at the EOC at 2:00 p.m. by Chairman Timothy Hoffman.

II. Roll Call:(2:00:33 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Joel P. Koeppel, Larry Ochstein, Cynthia Van Buren, James M. Ballentine, Jr. and alternate members W. Anthony Dowell and Scotch Peloso.

Regular member Madelyn Greenberg was absent (unexcused).

Staff present: Town Counsel John C. Randolph, Captain John Maio, Captain Fred Hess, Lead Code Enforcement Officer Robert Walton and Recording Secretary Raychel Houston

III. Approval of the Minutes of August 20, 2009:(2:00:44 p.m.)

**MOTION BY MR. FRIED FOR APPROVAL OF THE AUGUST 20, 2009
MINUTES**

**SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to all persons who wish to testify:(2:01:13 p.m.)

All persons wishing to testify were sworn in at this time by Recording Secretary Houston.

V. Public Hearings:

A. [Case # 09-2655, 2295 S. Ocean Blvd., 2295 South Ocean Blvd. Corp](#)

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as signs to be maintained in a good state of repair

Lead Code Enforcement Officer Walton said the Town recommends this case be postponed until the October 15, 2009 meeting. The property owner has applied for a permit, both with DOT and the Town. DOT has changed some of their requirements for signs in the right of way and that has caused a delay.

MOTION BY MR. KOEPPEL TO POSTPONE THE CASE UNTIL OCTOBER 15, 2009

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

B. [Case # 09-2664, 1436 N. Ocean Way, Tony Nader Trust](#)

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code 2004, Section 105, building permits are required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to install, alter, repair, move, convert or replace any electrical, mechanical or plumbing system

Lead Code Enforcement Officer Walton presented the facts of the case and said it originated from a citizen's complaint of work being done without permits. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and the violator be given until October 9, 2009 to come into compliance.

Ted Tarone said he is Mr. Nader's attorney and was present on his behalf. Mr. Tarone said he spoke to the architect, Harold Smith today and he is asking for additional time, until the beginning of November to pull the permits and start substantial work. Mr. Walton asked Mr. Tarone if the property could be better maintained if the Board granted him additional time.

Mr. Ballentine asked what the Town would expect by November 1st and Mr. Walton said the Town is asking for all required permits to be obtained and substantial work started and continued under those permits.

MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND OBTAIN ALL PERMITS BY THE END OF OCTOBER, WITH SUBSTANTIAL, CONTINUING WORK GOING ON AND THE PROPERTY MAINTAINED

SECONDED BY MS. VAN BUREN

MOTION OPPOSED

ROLL CALL VOTE:

MR. KOEPPPEL	YES
MS. VAN BUREN	YES
MR. FRIED	NO
MR. OCHSTEIN	NO
MR. BALLENTINE	NO
MR. DOWELL	NO
MR. HOFFMAN	YES

MOTION FAILED 4-3

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 13, 2009 TO OBTAIN A PERMIT AND HAVE CONTINUOUS AND SUBSTANTIAL WORK ONGOING AND AS EXPEDITIOUSLY AS POSSIBLE, DO AESTHETIC IMPROVEMENTS TO THE EXTERIOR OF THE HOUSE AND THE GROUNDS.

**SECONDED BY MR. BALLENTINE
MOTION OPPOSED**

ROLL CALL VOTE:

MR. FRIED	YES
MR. BALLENTINE	YES
MR. KOEPPPEL	YES
MR. OCHSTEIN	NO
MS. VAN BUREN	NO
MR. DOWELL	YES
MR. HOFFMAN	YES

MOTION PASSED 5-2

(Mr. Hoffman acknowledged the presence of Councilman Diamond, Councilman Kleid and the Board's past Chairman, Gene Lawrence in the audience.)

C. [Case # 09-2665, 139 N. County Road, Paramount Church Inc.](#)

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of ordinances, appurtenances such as railings to be kept in good repair and unsightly, unsanitary or unsafe conditions not permitted

Lead Code Enforcement Officer Walton presented the facts of the case and said it was the result of a routine inspection. The property is landmarked. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until October 12, 2009 to come into compliance.

Dwight Stevens was present on behalf of the Paramount Church and said Eugene Lawrence had been retained to address the issue. Mr. Stevens said discussions were held with John Lindgren, John Page, Gene Padula and Jane Day who advised them to submit a proposal to the Town to remedy the situation. They met about this proposal and Mr. Lindgren notified them they needed to submit the proposal to the Landmarks Commission for review.

Eugene Lawrence, the architect for the Paramount Church, said they hoped to get on the October Landmarks Commission agenda. Mr. Lawrence said they are asking the Board to defer this matter until some agreement is reached with the Landmarks Commission. It is a very complicated situation as Landmarks says they have to change the railing back to what it used to be when Urban (*the original architect*) designed it. Mr. Hoffman asked if the railing was decorative or protective. Mr. Lawrence said all access to the inside of this rail had been eliminated. Their recommendation to the church was either comply with the Code or get rid of the need for the railing. They have gotten rid of the need for the rail. The rail as it now exists does not comply with the Code in a lot of ways. He would like to eliminate the need permanently and make it strictly a decorative rail.

Mr. Koeppel asked what the proposal to Landmarks was and Mr. Lawrence said he is recommending the rail be restored as it is today. Mr. Koeppel asked if there was any danger in how it existed in its current state and Mr. Lawrence said all access to that space has been closed off. Mr. Koeppel asked if the railing was strong enough to stand if there was a storm and Mr. Lawrence said it was not going to fall down, that it was a cosmetic issue. Mr. Walton said he disagreed with that somewhat and did not believe the railing would hold up in a storm. Mr. Lawrence said they would fix it so it would not fall down in a storm.

Mr. Fried asked Mr. Lawrence if the access being blocked off had been formalized by any documentation from the Town. Mr. Lawrence said there was no documentation but they have spoken with the Building Official who reviewed and approved it. Mr. Fried said he believed something should be provided in writing that this area is not accessible by the public and asked if something formal could be provided from the Building Department that it has officially been closed

off. Mr. Lawrence said he would be happy to do that but he could not promise what the Building Department would do.

Mr. Lawrence said he did not want to get into the specifics of the issue with the Landmarks Commission because it was complicated but he is not sure one hearing date is going to do it.

Mr. Ochstein asked if it would just make sense to postpone the case for a couple of months and that would be his recommendation. Mr. Lawrence said they would be happy to come back to the Board and report on their progress.

**MOTION BY MR. KOEPPEL TO POSTPONE THE CASE UNTIL THE EARLIER OF EITHER LANDMARKS COMMISSION APPROVAL OR JANUARY 21, 2010 AND IN THE INTERIM, WITHIN THE NEXT 10 DAYS, THE RAILING BE REPAIRED TO THE BEST POSSIBLE CONDITION TO SECURE IT AND PAINTED. IN ADDITION, A LETTER IS TO BE PROVIDED TO THE TOWN WITHIN A WEEK CONFIRMING THAT THE AREA IN QUESTION IS NOT LEGALLY ACCESSIBLE.
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

D. [Case # 09-2666, 333 Peruvian Ave., LG Lima LLC](#)

Violation of Chapter 106, Section 106-156 and Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as sidewalks, fences and driveways to be kept in a good state of repair, free from severe cracks and deterioration and Chapter 42, Section 42-86, unsightly, unsafe or unsanitary conditions not permitted and yard grass to be maintained in a neat manner

Code Enforcement Officer Walton presented the facts of the case and said it resulted from a citizen's complaint. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until October 12, 2009 to achieve compliance.

Robert Moore was present on behalf of the property owner, LG Lima LLC and Woolems Construction. He said he just found out this morning from the Building Official there is an open demolition permit on the property belonging to Harry Gilbert. The project was recently approved by the Architectural Commission and it is anticipated Woolems will get a permit to start construction within 4 to 5 weeks at the most. In the interim, the owners will discharge the contractor, Harry Gilbert or have him assign the open demolition permit to Woolems. Either way, Woolems will comply by bringing the property into compliance by the date requested by the Town.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 12, 2009 TO COMPLY.
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

E. [Case # 09-2667, 245 Worth Ave., # B, Miss Trish of Capri and Jane B. Holzer](#)

Violation of Chapter 46, Section 46-68 of the Town of Palm Beach Code of Ordinances, annual fire and life safety inspection fee not paid

Lead Code Enforcement Officer Walton presented the facts of the case and said the Town recommends the property be found in non-compliance, administrative costs in the amount of \$150.00 and they be ordered to pay all required inspection fees and penalties. Mr. Koeppel asked if there was a date for compliance and Mr. Walton said it should be paid immediately. Mr. Fried questioned if there should be a date and Mr. Walton said typically there was not, that if it was not paid within a reasonable amount of time, a lien would be placed on the property. Mr. Randolph asked what a reasonable amount of time would be and said a date should be set. Mr. Walton said he would make it September 24, 2009.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY ALL REQUIRED INSPECTION FEES AND PENALTIES BY SEPTEMBER 24, 2009.
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

F. [Case # 09-2668, 225 Worth Ave., # A, Juicy Couture and PA FL Assoc](#)

Violation of Chapter 46, Section 46-68 of the Town of Palm Beach Code of Ordinances, annual fire and life safety inspection fee not paid

Lead Code Enforcement Officer Walton presented the facts of the case and said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and they be ordered to pay all required fees and penalties by September 24, 2009.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY ALL REQUIRED INSPECTION FEES AND PENALTIES BY SEPTEMBER 24, 2009.
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

G. [Case # 09-2669, 445 Brazilian Ave., # 8, Kimberly Flynn and Rosalind LLC](#)

Violation of Chapter 10, Section 10-9 of the Town of Palm Beach Code of Ordinances, no person shall keep, possess, feed or maintain any live animal within the Town other than domesticated household pets or domesticated animals; under Chapter 10, Section 10-1 of the Code, domesticated household pets means dogs, cats, birds, reptiles, rabbits, guinea pigs, hamsters, fish and turtles and specifically prohibits all animals of the equine, bovine or swine class

Lead Code Enforcement Officer Walton presented the facts of the case and said Kimberly Flynn has a pot bellied pig at her residence. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and the pig be removed by September 21, 2009.

Kimberly Kelley Flynn was sworn in by Recording Secretary Houston and said she signed a lease for the apartment on April 8, 2009. Mr. Lowell, whose last name she could not remember, was the leasing agent at the time. She asked him if she could have any type of animal. Ms. Flynn said she has a Doberman, her daughter has a snake, a couple of reptiles and a cat. Mr. Lowell said she could have any type of animal except a horse. She did not have the pig at the time she signed the lease but later bought it for her daughter for Easter. Ms. Flynn said pigs are domesticated animals and are smarter than dogs.

Mr. Hoffman said the Town specifically excludes exotic animals and he believes the pig would be considered an exotic animal. He said he was sympathetic because he has done some research on pot bellied pigs and they can be domesticated and good pets. One of the things he did find out during his research is that anybody who decides they want this type of pet needs to check with local codes because they are usually excluded as a household pet. Mr. Hoffman said Ms. Flynn might want to bring this issue before Town Council and have them modify the ordinance because as the ordinance reads, it is pretty definitive.

Councilman Diamond was sworn in by Recording Secretary Houston and said he had a question for the Board's counsel. Mr. Diamond asked if he correctly understood from the Code that someone could have a boa constrictor because it is a reptile but not a pot bellied pig. Mr. Randolph said exotics are not allowed by the Code. Mr. Diamond said maybe the Council should look at the issue and have a little more rationality. Mr. Randolph said the Board has to deal with the Codes as they exist today not as they might exist in the future. Ms. Van Buren said she believed the Code was very clear as it defines domesticated household pets. Ms. Flynn said her pig is considered a domesticated animal and Ms. Van Buren said it was not by the Town's code.

Mr. Ochstein asked if this was a particular kind of pig and if there was a limit on how big it would grow. Ms. Flynn said her pig might be a little bit overweight. She said he weighs 51 lbs. and fully grown would probably weigh 65 lbs. Mr. Koepfel asked about other pets Ms. Flynn said she keeps off the Island and where

she kept them. Ms. Flynn said she keeps them at her marital home but she is going through a divorce. Ms. Flynn said her soon to be ex-husband told her he would keep Piggie Pie for \$150.00 a week but she wants Piggie Pie on the Island. Mr. Koeppel said the Board's job is to enforce the ordinances of the Town. Ms. Flynn asked for a 30 day extension to figure out what she is going to do. If Piggie Pie is not allowed on the island, she needs to find a new place to live.

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO REMOVE THE PIG FROM THE TOWN BY SEPTEMBER 21, 2009

SECONDED BY MS. VAN BUREN

MOTION PASSED WITH MR. HOFFMAN IN OPPOSITION

H. [Case # 09-2670, 120 Chilean Ave., Doris R. Dickson Est](#)

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe and unsanitary conditions not permitted and properties to be maintained in good condition and not provide harborage for vermin; Chapter 42, Section 42-87, exterior walls to be reasonably free of cracks or holes through which weather elements can enter the building or structure and be painted and in good repair and roofs to be maintained so as not to leak; Chapter 18, Section 18-241 and Florida Building Code 2004, Section 105, building permits required to construct, install, repair or alter any building or building system and Chapter 114, Section 114-31 and Section 114-32, business tax receipt required for apartments (minimum 2 units)

Lead Code Enforcement Officer Walton presented the facts of the case and said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and the violator be given until October 12, 2009 to come into compliance.

The property owner, Dianne Nissen was sworn in by Recording Secretary Houston. Ms. Nissen said some of the repairs have been completed but the chimney and railing still needs to be done. She has applied for a permit for the railing. Ms. Nissen said the house has been there since 1936. Her mother lived there from 1980 until she died last October and she has been trying to bring it up to Code. *(Ms. Nissen became emotionally upset and Mr. Hoffman asked if she would like a few moments to compose herself and requested the Board move on to the next case.)*

I. [Case # 09-2671, 1700 S. Ocean Blvd., Gertrude Maxwell](#)

Violation of Chapter 126, Section 126-32 of the Town of Palm Beach Code of Ordinances, all coconut trees in the Town are required to be trimmed free of coconuts and dead or dying fronds by August 1st of each year

Lead Code Enforcement Officer Walton presented the facts of the case and said it originated from a citizen complaint. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give the violator until October 5, 2009 to comply. Mr. Fried asked why the property owner was being given so much time to come into compliance and said if the coconuts were hanging on the road, that was a dangerous situation. Mr. Walton said the coconuts were on the roadway and the compliance date was discussed and agreed upon at a staff meeting.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 21, 2009 TO COME INTO COMPLIANCE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY

H. [Case # 09-2670, 120 Chilean Ave., Doris R. Dickson Est](#)

(continuance of case)

Ms. Nissen said she wanted to discuss the illegal structures and said she had no idea when they were put on the property. The structures have been through hurricanes and have been kept up. Her abutting neighbor has no problem with one of them being on the wall. She has applied for two permits for the two structures and is waiting to see if they are approved. Ms. Nissen said she has not applied for the business tax receipt for the apartments.

Mr. Ochstein asked if the Board had a choice on the structures built without a permit and Mr. Walton said the Board did not, that Ms. Nissen's recourse is with the Building Department. If the structures are not allowed by the zoning code, and he does not believe the one in the setback is, Ms. Nissen will have to apply for a variance. Mr. Walton said once he becomes aware of a structure built without a permit, he has to issue a citation. Mr. Koepfel asked Mr. Randolph if the structures are grandfathered in and Mr. Randolph said they are not if they were built without a permit. Mr. Randolph said Ms. Nissen would have to apply for a variance if the Building Department says she cannot get a permit for the one structure which he does not believe she will be able to do based on Mr. Walton's research. Mr. Randolph asked Mr. Walton if filing for the variance within the time period would constitute compliance and he said it would.

MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE HER UNTIL OCTOBER 12, 2009 TO ACHIEVE COMPLIANCE BY MAKING ALL REQUIRED REPAIRS AND OBTAINING BUILDING PERMITS FOR THE ILLEGAL STRUCTURES AND A BUSINESS TAX RECEIPT. IN THE EVENT THE PROPERTY

OWNER IS UNABLE TO OBTAIN A BUILDING PERMIT BY OCTOBER 12, 2009, THE PROPERTY OWNER HAS THE OPTION TO APPLY FOR A VARIANCE FOR THE ILLEGAL STRUCTURES BY THAT DATE OR REMOVE THEM

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

J. [Case # 09-2672, 2842 S. Ocean Blvd., 2401 2301 00 Trust](#)

Violation of Chapter 134, Section 134-1702 of the Town of Palm Beach Code of Ordinances, no structure of any nature shall be constructed closer than 150 feet to the designated ocean bulkhead line unless a proper ocean bulkhead exists

Lead Code Enforcement Officer Walton presented the facts of the case and said the Town recommends this case be postponed until November 19, 2009.

Al Malefatto of Greenberg Traurig was present on behalf of the property owner and said they agreed with the Town's recommendation.

MOTION BY MR. FRIED TO POSTPONE THE CASE UNTIL NOVEMBER 19, 2009

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

VI. Old Business:

A. [Case # 08-2432, Beachfront Vista Property, Nightingale Beach Club Association](#)

Violation of Chapter 134, Section 134-1472 (3) of the Town of Palm Beach Code of Ordinances, no additional walls, fences, hedges or other structures or growth shall be erected or be grown eastwardly of Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard

Lead Code Enforcement Officer Walton said the Town recommends this case be postponed until October 15, 2009. Ms. Van Buren asked Mr. Walton if the hedges have been trimmed and he said they have not been but he had a meeting on site with the DEP representative and Mr. Maxey, the representative of the Nightingale Beach Club Association and believes there is going to be a positive resolution to the case.

MOTION BY MR. KOEPPEL TO POSTPONE THE CASE UNTIL OCTOBER 15, 2009

SECONDED BY MR. BALLENTINE

MOTION PASSED UNANIMOUSLY

VII. Fine Consideration:

A. [Case # 09-2642, 445 Brazilian Ave., Rosalind LLC](#)

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions not permitted and appurtenances such as concrete driveways to be maintained in good condition

Lead Code Enforcement Officer Walton said the property has not been brought into compliance but he has been in contact with the property owner who told him he has engaged the same contractor who did the initial repairs to go ahead and fix the driveway. A permit has not yet been applied for and the Town recommends a fine in the amount of \$50.00 a day commence on September 15, 2009 and continue until compliance is achieved.

**MOTION BY MR. FRIED TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY, COMMENCING ON SEPTEMBER 15, 2009 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

VIII. Fine Reduction:

A. [Case # 08-2586, 135 Root Trail, Root Ocean Property LLC](#)

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions not permitted and Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, roofs, interior walls and ceilings to be kept in good condition, exterior surfaces to be kept painted and stairwell guardrails to be structurally sound

Lead Code Enforcement Officer Walton gave a brief history of the case and said the property came into compliance on August 27, 2009 and the amount now due is \$56,000.00.

Eugene Fagan, the property owner, said he was present to ask for a fine reduction. When he purchased the building in April, 2008 there was only one signed lease and it was with Shannon Donnelly and expired in October 2008. When Ms. Donnelly was asked to move out when her lease expired, she refused and retaliated by filing a complaint with Code Enforcement. Mr. Fagan said the fine should be removed because he submitted plans to the Town for a major rebuilding project in October 2008 and filed for a demolition permit in December 2008. This was before the fines were imposed by Code Enforcement. He received the demolition permit just after the January meeting when the fines were imposed. Mr. Fagan said Mr. Gerry testified at the January meeting that the buildings could

be repaired. As an architect, he knew the building was at the material end of its life and needed to be totally rebuilt. The east building was even worse than he thought. The water from the supply lines had been leaking for years and the second floor would have collapsed. He had to declare the building unsafe to the Building Department. Mr. Fagan spent time and money to repair all but two of the violations by the end of January, 2009. The tenant in the upstairs unit refused to let them in to repaint the ceiling and to make the cosmetic repairs. It took four months to evict her. He does not think he should be fined \$250.00 a day for not painting a ceiling that was demolished two hours after Mr. Walton inspected it. Mr. Fagan asked the Board to remove the fines as he believes they should not have been placed at all due to the fact he filed for the demolition permit prior to the imposition of the fines. A good faith effort was made to repair the building even though they were simultaneously demolishing it.

Mr. Koepfel asked for the Town's recommendation and Mr. Walton said the Town does not make a recommendation on a fine reduction. Mr. Walton said what Mr. Fagan told the Board was substantially correct but the Town stands by its case. Mr. Walton said the case was brought to the Board because of the condition of the building which was abhorrent.

Mr. Ballentine asked Mr. Walton if he agreed with the facts presented by Mr. Fagan and he said he did. Ms. Van Buren said she would be in favor of a fine reduction and asked him when the woman vacated the apartment. He said it was mid August. He said the property was brought into compliance within days of the woman moving out.

MOTION BY MR. KOEPPPEL TO ABATE THE \$56,000 FINE
SECONDED BY MS. VAN BUREN
MOTION OPPOSED

ROLL CALL VOTE:

MR. KOEPPPEL	YES
MS. VAN BUREN	YES
MR. FRIED	NO
MR. OCHSTEIN	NO
MR. BALLENTINE	NO
MR. DOWELL	NO
MR. HOFFMAN	NO

MOTION FAILED 5-2

MOTION BY MR. FRIED TO REDUCE THE FINE BY HALF, TO \$28,000.00
PROVIDED IT BE PAID WITHIN 30 DAYS
SECONDED BY MR. BALLENTINE

MOTION OPPOSED

ROLL CALL VOTE:

MR. FRIED	YES
MR. BALLENTINE	YES
MR. KOEPPEL	NO
MR. OCHSTEIN	NO
MS. VAN BUREN	NO
MR. DOWELL	NO
MR. HOFFMAN	NO

MOTION FAILED 5-2

**MOTION BY MR. KOEPPEL TO REDUCE THE FINE TO \$10,000
PROVIDED THAT IT IS PAID WITHIN 30 DAYS OR THE FINE WILL
REVERT BACK TO THE ORIGINAL \$56,000
SECONDED BY MR. FRIED
MOTION OPPOSED**

ROLL CALL VOTE:

MR. KOEPPEL	YES
MR. FRIED	YES
MR. OCHSTEIN	NO
MS. VAN BUREN	YES
MR. BALLENTINE	YES
MR. DOWELL	YES
MR. HOFFMAN	YES

MOTION PASSED 6-1

IX. Board Comments:(3:50:00 p.m.)

Mr. Ballentine asked what the procedure is for requesting a review of the Code by the Town Council. Mr. Randolph said there is no procedure but if someone has a question with regard to an ordinance or has a proposal to amend an ordinance, they can go and speak under the time for communication from citizens and ask the Council to place it on a future agenda or they can write a letter to the Town Manager. They can also speak to a Council Member and see if they can convince them to put an item on the agenda for consideration.

Mr. Kleid said he is going to request the pig issue be put on the agenda and referred to the Ordinance, Rules and Regulations sub-committee for further study. If that occurs, it will take some time because the Ordinance sub-committee will have to meet and discuss it. He does not think it is going to be helpful to Ms. Flynn in the interim but if he listened and understood what was in the ordinance, he thinks it needs a little work. He is concerned about the word reptiles and what that means.

Mr. Koeppel said he did not know anything about this type of pet but there was a case months ago of a woman who had a chimpanzee she considered a pet that attacked her neighbor. He said certain animals do not belong in a home in a residential area. If you want to have that type of pet, you should be living in some rural area.

Mr. Hoffman said he did some research on pot bellied pigs on the internet and they are very intelligent, safe animals. They are readily trained, affectionate, curious, generally quiet, odor free and non-allergenic. They are leash trained and house trained and more domesticated than you would think.

Mr. Koeppel said just the thought of a pig living in the Town of Palm Beach does not send the kind of message the Town of Palm Beach would like to send. Mr. Hoffman said that was a valid comment. Mr. Fried said this when this part of the Code was developed, there may have been health issues. Ms. Van Buren said she did not know the nature of these pigs but remembered the very uncomfortable situation the Board was in last year with a dog and what that dog was capable of and it was a domesticated animal allowed by the Town. Mr. Hoffman said the Board did a very good job of discussing the subject and he is proud of what everybody said and did.

Captain Hess said the building is a multi-family dwelling that does not have private entrances and the residents have a common front door, common hallways and stairways. This may factor into whatever decision Council may make as there is a difference between a private home and a multi-family dwelling.

X. Adjournment: (3:56:04 p.m.)

The meeting was adjourned without benefit of motion.