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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, AUGUST 21, 2003
AT THE TOWN COUNCIL CHAMBERS, 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 Larry Ochstein, Alternate Member Robert S. Walton, Code Compliance Officer Rhoda J. Yen, Assistant Town Attorney
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Absent: George Klein, Alternate Member (excused absence)

Recording Secretary: Deborah A. Morakis

Let the record show that Alternate Member, Mr. Larry Ochstein will vote today in the absence of Mr. Klein.

III Approval of the Minutes of July 17, 2003:

MOTION BY MS. HOFFPAUER FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

Let the record show that all parties were sworn in by Ms. Morakis in preparation of their testimony today.

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. KOEPEL TO POSTPONE CASE #'S 03-1530, 03-1554, 03-1562, 03-1570 AND 03-1571 UNTIL THE SEPTEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
Mr. Lawrence asked to recuse himself in Case #03-1571 but will participate in hearing all other cases.
MOTION CARRIED.
- B Case #03-1546, Ralph Lauren, 300 Worth Avenue
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, 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. KOEPEL TO DISMISS CASE #'S 03-1546, 03-1553, 03-1560, 03-1568 AND 03-1569 FOR COMPLIANCE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- C Case #03-1553, Pauline Pitt Interiors, 140 Royal Palm Way, Suite 205
Violation of Section 114.31 of the Town of Palm Beach Code of Ordinances, any person doing business in Town must obtain a Town occupational license.
MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1546, 03-1553, 03-1560, 03-1568 AND 03-1569 FOR COMPLIANCE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- D Case #03-1554, Lovedy Barbatelli, % Henry Loos TR HLDR, 200 Kawama Lane
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, a building permit is required to install, repair or alter any building or building system. This permit must be obtained prior to commencing work.
MOTION BY MR. KOEPEL TO POSTPONE CASE #'S 03-1530, 03-1554, 03-1562, 03-1570 AND 03-1571 UNTIL THE SEPTEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. HOFFMAN.

Mr. Lawrence asked to recuse himself in Case #03-1571 but will participate in hearing all other cases.

MOTION CARRIED.

- E Case #03-1560, Robert G. Simses, 241 West Indies Drive
Violation of Chapter 18, Section 18-242, Subsection 104.1.1 , a building permit is required to construct, install, repair, or alter any building or building system. This permit must be obtained prior to commencing work.
MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1546, 03-1553, 03-1560, 03-1568 AND 03-1569 FOR COMPLIANCE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- F Case #03-1562, Lenne Gapstur, % Murphy Reid Pilotte Ord & Austin, 340 Royal Palm Way, Suite 100
Violation of Sections 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, anyone failing to renew their occupational license is doing business without a license.
MOTION BY MR. KOEPEL TO POSTPONE CASE #'S 03-1530, 03-1554, 03-1562, 03-1570 AND 03-1571 UNTIL THE SEPTEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
Mr. Lawrence asked to recuse himself in Case #03-1571 but will participate in hearing all other cases.
MOTION CARRIED.
- G Case #03-1568, Arij Gasiunasen, 260 Clarke Avenue
Violation of Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways and alleys must be maintained to allow unobstructed passage of pedestrians.
MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1546, 03-1553, 03-1560, 03-1568 AND 03-1569 FOR COMPLIANCE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- H Case #03-1569, Richard M. & Marjorie Fuscone, 101 Nightingale Trail
Violation of Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways and alleys must be maintained to allow unobstructed passage of pedestrians.
MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1546, 03-1553, 03-1560, 03-1568 AND 03-1569 FOR COMPLIANCE.

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

- I Case #03-1570, Kean Investments, Inc., 260 Miraflores Drive
Violation of Chapter 42, Section 42-86 (3), 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 the same Code, Section 42-86 (5), sand, soil, or other material shall not be allowed to accumulate.
MOTION BY MR. KOEPEL TO POSTPONE CASE #'S 03-1530, 03-1554, 03-1562, 03-1570 AND 03-1571 UNTIL THE SEPTEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
Mr. Lawrence asked to recuse himself in Case #03-1571 but will participate in hearing all other cases.
MOTION CARRIED.
- J Case #03-1571, Sand Pillow Properties, Inc., 2310 South Ocean Blvd.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior walls, etc., shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair. Also, according to the same Code, Chapter 42, Section 42-86, grass shall not be allowed to grow taller than eight (8) inches and trash or debris shall not be allowed to accumulate on property in the Town of Palm Beach.
MOTION BY MR. KOEPEL TO POSTPONE CASE #'S 03-1530, 03-1554, 03-1562, 03-1570 AND 03-1571 UNTIL THE SEPTEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
Mr. Lawrence asked to recuse himself in Case #03-1571 but will participate in hearing all other cases.
MOTION CARRIED.

V Presentation of New Cases to Set for Hearing:

- A 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.
- B Case #03-1573, Polly Earl, 209 Seaspray 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.
- C Case #03-1574, 1620 So. Ocean, LLC, 1620 So. 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.
- D 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.

- E Case #03-1576, Brian Kosoy, 211 Seabreeze Avenue
Violation of Chapter 134, Section 134-1671 of the Town of Palm Beach Code of Ordinances, a wall or fence shall not be located within two and one half feet (2 ½') of the rear property line without prior approval.
MOTION BY MS. HOFFPAUER TO SET CASE #'S 03-1572, 03-1573, 03-1574, 03-1575 AND 03-1576 FOR HEARING AT THE SEPTEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

VI **New Business:**

VII **Old Business:**

- A 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.

Mr. Walton reported that he received a letter from Kathie McCall of H. J. Brown Properties stating that Mr. Al Brown, who has been representing Harry Brown, has been hospitalized and is unable to attend today's hearing.

Mr. Rick Warner, a Planner who works on Mr. Brown's projects, stated that he was here today to request that the Code Enforcement Board reschedule this hearing for next month.

Mr. Walton stated that the project is now finished and is in compliance. However, the fines still remain unpaid. The Planning, Zoning and Building Department will not issue a Certificate of Occupancy until the fines are paid.

MOTION BY MR. KOEPEL TO POSTPONE CASE #01-1358 UNTIL THE SEPTEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. DAVIS.

Ms. Veronica Close, Assistant Director of Planning, Zoning and Building stated that we cannot predict or guarantee whether the Town Council will grant them another thirty (30) day extension

MOTION CARRIED UNANIMOUSLY.

- B 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 POSTPONE CAE #03-1550 UNTIL THE SEPTEMBER 18, 2003 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

- C Case #03-1555, Thomas Campaniello, 304 South County Road
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, all doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.
Mr. Walton stated that all the required repairs have been completed bringing Case #'s 03-1555, 03-1556, 03-1557, 03-1558 and 03-1559 into compliance.
MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1555, 03-1556, 03-1557, 03-1558 AND 03-1559 FOR COMPLIANCE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- D Case #03-1556, Thomas Campaniello, 306 South County Road
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, all doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.
MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1555, 03-1556, 03-1557, 03-1558 AND 03-1559 FOR COMPLIANCE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- E Case #03-1557, Thomas Campaniello, 308 South County Road
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, all doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.
MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1555, 03-1556, 03-1557, 03-1558 AND 03-1559 FOR COMPLIANCE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- F Case #03-1558, Thomas Campaniello, 206 Royal Palm Way
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, all

doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.

MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1555, 03-1556, 03-1557, 03-1558 AND 03-1559 FOR COMPLIANCE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

- G Case #03-1559, Thomas Campaniello, 290 South County Road
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, all doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.
MOTION BY MR. KOEPEL TO DISMISS CASE #'S 03-1555, 03-1556, 03-1557, 03-1558 AND 03-1559 FOR COMPLIANCE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

VIII Reports:

- A 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.

Mr. Walton reported that a partial payment was made by the Defendant as required by last month's Code Enforcement Board order and that the agreed upon deadline for completion of the project (September 15, 2003) is approaching. The stucco is finished and the sidewalk is open. They just need to paint.

- B Case #02-1491, SLM Palm Beach Associates, LLC, 2310/2315 So. Ocean Blvd.
Violation of Chapter 42, Section 42-86 (15) of the Town of Palm Beach Code of Ordinances, it shall be unlawful and constitute a nuisance for any owner to allow any stagnant water to accumulate on any property in the Town of Palm Beach.

Mr. Walton reported that the single family dwelling has been demolished and the lot was sodded and sprinkled. A permit has been issued for the demolition of the big hotel and the work should proceed next week. The fine is still running in the amount of \$250.00 per day until completion.

IX Adjournment: The meeting was adjourned at 2:16 p.m. without benefit of a motion.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME LAURENCE, EUGENE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CODE ENFORCEMENT BOARD	
MAILING ADDRESS 205 WORTH AVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PALM BEACH	COUNTY	☒ CITY	☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 21 AUG 03		NAME OF POLITICAL SUBDIVISION: PALM BEACH	
		MY POSITION IS: MEMBER ☐ ELECTIVE ☒ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.

You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, EUGENE LAWRENCE, hereby disclose that on 21 AUG, 2003, 13-0:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of SLM RESOURCES, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

AUG 26 2003

21 AUG 2003
Date Filed

Eugene Lawrence
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: PEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.