



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, AUGUST 16, 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 Joel P. Koepfel, Member Martin I. Klein, Member Harris S. Fried, Member Catherine M. Duemler, Member Madelyn Greenberg, Alternate Member Cynthia Van Buren, Alternate Member John C. Randolph, Town Attorney
Absent:	Richard A. Raffo, Vice-Chairman Larry Ochstein, Member
Staff:	Captain Kirk Blouin, Support Services Robert S. Walton, Lead Code Enforcement Officer Sgt. Fred Hess, Code Enforcement/Parking Nickie Altomaro, Recording Secretary

Let the record reflect Ms. Greenberg and Ms. Van Buren will be voting members in the absences of Mr. Raffo and Mr. Ochstein.

III. **Approval of the Minutes of July 19, 2007:**

**MOTION BY MS. GREENBERG FOR APPROVAL OF THE JULY 19, 2007 MINUTES.
MOTION SECONDED BY MR. KLEIN.
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.

V. Comments regarding water violations by Sergeant Hess:

Sgt. Hess stated that today's agenda contains (16) water restriction violations. The restrictions do continue, however, the rate of violations has decreased. For example, the Police Department for the month of July issued (41) violation notices which were down from (194) the month before. As of yesterday Sgt. Hess stated that the Police Department issued a total of (529) citations for water restriction violations. 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 no response from the public regarding water violations.

VI. Public Hearings:

- 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.

Code Enforcement Officer Gerry presented the facts of this case. A building permit was issued on September 14, 2004. The final inspections were to be completed by September 14, 2006. A notice of code violation was sent out on July 23, 2007 to the registered owner and contractor, William Bell, advising them that they were in violation of Town Ordinance Chapter 18, Section 242.

Mr. Koepfel inquired of the status of the property today. Code Enforcement Officer Gerry stated that the last inspection of this property was dated December 13, 2006 for a rough plumbing permit. There are no further inspections on record as of December 13, 2006.

Mr. Bud Palmeri, the owner, addressed the Board and stated the Building Department is scheduled for temporary power and estimates in a few weeks they will have their Certificate of Occupancy.

Code Enforcement Officer Gerry recommended that the defendant be found in non compliance, cost of \$150 for Administration Fee and final inspection by September 19, 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 FINAL INSPECTION TO BE COMPLETED BY SEPTEMBER 19, 2007.
SECONDED BY MS. DUEMLER.**

**After further discussion,
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, Medium projects, all new or remodel construction projects 4,000 sq. ft. to 8,999sq. ft. under roof be allowed 22 months

Code Enforcement Officer Gerry presented the facts of this case. . A building permit was issued June 1, 2004. According to Building Department records final inspection would be required by June 1, 2006. The last inspection done on this property was for a rough mechanical inspection on June 29, 2007 and no final inspection has been completed on this property.

Attorney Maura Ziska on behalf of the property owner addressed the Board and stated that they will have their Certificate of Occupancy by September 1, 2007 and asks for a 30 day extension. Mr. Klein asks for the Town's recommendation.

Code Enforcement Officer Gerry recommended that the defendant be found in non compliance, cost of \$150 for Administration Fee and final inspection by September 19, 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 FINAL INSPECTION TO BE COMPLETED BY SEPTEMBER 19, 2007.

SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

C. Case # 07-2243, 232 Via Marila, JPBK PROP 2

Violation of Chapter 106, Section 106-159, a clearance of 8' above sidewalks and the lake trail and a clearance of 18' above all roadways and alleys must be maintained

Violation of Chapter 42, Section 86, yard grass and shrubbery must be maintained condition

Code Enforcement Officer Gerry presented the facts of this case and stated that they have received complaints on this case regarding high grass and overgrown shrubbery along the adjacent roadway. A warning notice and notice of code violation was issued dated August 1, 2007. An inspection completed today found that the violation has been corrected.

Code Enforcement Officer Gerry recommends that the Board find that the violation has been corrected and pay \$150 in Administrative Fees.

MOTION BY MS. GREENBERG THAT THE DEFENDANT HAS COME INTO COMPLIANCE AND ORDERED TO PAY AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00.

SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

D. Case # 07-2244 1690 South Ocean Blvd., Mr. Stab Blond, Woolems Inc.

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

Code Enforcement Officer Gerry presented the facts of this case. Mr. Gerry stated according to Building Department records the final inspection was required by November 19, 2006. A notice of code violation was issued to Mr. Blond and the contractor on July 26, 2007 advising them that they were in violation. Mr. Gerry stated that the property was inspected today and revealed that it is far from completion.

Attorney Maura Ziska and Mr. Len Rogers, Woolems Construction, addressed the Board and stated that Woolems Construction took over this project in 2006 after a two year delay due to the property owner's death. Attorney Ziska asked for an extension for this project until 2008.

Code Enforcement Officer Gerry recommends the Board find this defendant in non compliance, ordered to pay an Administrative Fee in the amount of \$150 and final inspections completed by September 19, 2007.

After further discussion and motion that failed the following motion was made:

**MOTION BY MR. KOEPPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO PROCEED DILIGENTLY ON THIS PROJECT TO BE COMPLETED BY JUNE 27, 2008.
SECONDED BY MR. FRIED.**

After further testimony and discussion,
MR. FRIED WITHDRAWS HIS SECOND.

After further discussion by the Board,
MOTION SECONDED BY MS. DUEMLER

After further discussion by the Board,
MOTION OPPOSED

ROLL CALL VOTE:

MR. KOEPPPEL	YES
MS. DUEMLER	YES
MR. KLEIN	YES
MR. FRIED	YES
MS. GREENBERG	YES
MS VAN BUREN	NO
MR. HOFFMAN	NO

MOTION PASSED. 5-2.

- E. Case # 07-2245 209 Seaspray Avenue, FG Howard Jr. Enterprises Inc., Johnsen Builders, Inc
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 Enforcement Officer Gerry presented the facts of this case. Mr. Gerry stated that the Building Department's records indicate this project exceeded the allowable time for completion which was by December 21, 2006. A notice of code violation was issued to the property owner Mr. Howard. Mr. Gerry stated that the property was inspected today and that this project is not completed.

Kurt Johnson, contractor on this project, testified that the permit was signed over to him from a previous contractor and was not aware that he would inherit the previous contractor's time

schedule. Mr. Johnson stated that they feel they will have a Certificate of Occupancy by October 1, 2007.

Code Enforcement Officer Gerry recommends the Board find this defendant in non compliance, ordered to pay an Administrative Fee in the amount of \$150 and final inspection completed by September 19, 2007.

**MOTION BY MR. KOEPPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND FINAL INSPECTION BY OCTOBER 17, 2007.
SECONDED BY MR. FRIED.**

MOTION OPPOSED.

ROLL CALL VOTE:

MR. KOEPPPEL	YES
MR. FRIED	YES
MS. DUEMLER	YES
MR. KLEIN	YES
MS. GREENBERG	YES
MS VAN BUREN	NO
MR. HOFFMAN	YES

MOTION PASSED. 6-1.

F. 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.

Code Enforcement Officer Gerry presented the facts of this case. Mr. Gerry stated that the Building Department records show the permit for this project was issued February 17, 2003 with a final completion date of September 17, 2005. An inspection today revealed that this project is not completed.

Code Enforcement Officer Gerry recommends the Board find this defendant in non compliance, ordered to pay an Administrative Fee in the amount of \$150 and final inspection completed by September 19, 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 FINAL INSPECTION TO BE COMPLETED BY SEPTEMBER 19, 2007.
SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

Sgt. Hess and Code Officer Bryant Weymer addressed the Board at this time

regarding water restriction violations.

Sgt. Hess reported that the Town has been under Emergency Water Use Restrictions. Since Friday, May 18th 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 water on Saturday and even numbered addresses may water on Sunday before 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 23rd and May 10th 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 (529) citations. A great many of the citations have resulted in a guilty plea and payment of the fine. More recent violations have been scheduled for the September 20, 2007 hearing date. Sgt. Hess distributed to the Board a spreadsheet listing the water violation cases.

Sgt. Hess stated that there are three categories. There is one request for a reschedule, case #07-2251, has asked to be rescheduled for the September 20, 2007 hearing.

MOTION BY MR. KOEPPPEL TO RESCHEDULE CASE #07-2251 UNTIL THE SEPTEMBER 20, 2007 CODE ENFORCEMENT BOARD HEARING.

SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY

Sgt. Hess stated that the following three cases that are on the agenda have come in today and have paid the fine; #07-2255, #07-2257 and #07-2262.

MOTION BY MS. GREENBERG TO ACCEPT THE PAYMENT OF THE FINE AND THE GUILTY PLEA.

SECONDED BY MR. FRIED.

MOTION CARRIED UNANIMOUSLY.

The remaining cases (12) cases in all must be addressed by the Board. Due to the number of cases remaining we propose to present the cases in a group. In every case 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 by either paying the fine or by attending the hearing today. Each violation was personally observed by a Police Officer or Code Enforcement Officer. We are 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 are recommending that the Board find in non compliance and assess Administrative Costs in the amount of \$150.00 and payment of the fine(s).

The cases are: #07-2247, #07-2248, #07-2250, #07-2252, #07-2253, #07-2254, #07-2256, #07-2258, #07-2259, #07-2260 and #07-2261.

**MOTION BY MR. KOEPPEL 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. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

Lead Code Officer Walton wanted the Board to recognize that Code Officer Bryant Weymer is spearheading the water violation cases and dealing with residents and South Florida Water Management very efficiently.

Mr. Koeppel inquired about the status of case #07-2222.

Sgt. Hess stated case #07-2222 was requested to be rescheduled for today and the defendant has not appeared.

**MOTION BY MR. KOEPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY THE FINE(S) AND ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

- G. Case # 07-2247 167 Seabreeze Avenue, William Debrule
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 MR. KOEPPEL 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. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- H. Case # 07-2248 165 Root Trail, Elsie P Mitchell TR
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 MR. KOEPPEL 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. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

I. Case # 07-2250 102 Jungle Road, Ivana Trump

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 MR. KOEPPPEL 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. KLEIN.

MOTION CARRIED UNANIMOUSLY.

J. Case # 07-2251 150 Australian Avenue, Retriever Asset Holding Corp

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 MR. KOEPPPEL TO RESCHEDULE CASE #07-2251 UNTIL THE SEPTEMBER 20, 2007 CODE ENFORCEMENT BOARD HEARING.

SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY

K. Case # 07-2252 1045 South Ocean Blvd., Daniel Borislow

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 MR. KOEPPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY THE FINE OF \$300.00 AND

ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00.

SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

L. Case # 07-2253 360 Cocoanut Row, 360 Cocoanut Row 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 MR. KOEPPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY THE FINE OF \$300.00 AND

ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00.

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

M. Case # 07-2254 288 Sandpiper Road, Mark Cook

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 MR. KOEPPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY THE FINE OF \$300.00 AND ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00.
SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

N. Case # 07-2255 1285 North Ocean Blvd., Sherridan Sneider

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.**

O. Case # 07-2256 1430 North Ocean Blvd., Joseph Visconti

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 MR. KOEPPPEL 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. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

P. Case # 07-2257 430 North Lake Way, Ann Mergens

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 # 07-2258 318 North Woods Road, Barbara Levinson
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 MR. KOEPPEL 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. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- R. Case # 07-2259 160 Wells Road, Timothy Rooney
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 MR. KOEPPEL 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. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- S. Case # 07-2260 201 El Bravo, Peter Cummings
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 MR. KOEPPEL 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. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- T. Case # 07-2261 101 El Brillo, Jean Van Wavem
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 MR. KOEPPEL 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. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- U. Case # 07-2262 111 El Brillo, Kenn Karakul
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.**

- V. Case # 07-2222, 1045 South Ocean Blvd., Daniel Borislow
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 MR. KOEPPEL 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 MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

VII New Business:

None.

VIII Old Business:

- A. Case # 06-2051, 1200 So. Ocean Blvd., First Allied Jax Corporation
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: all interior walls and ceilings to be structurally sound, exterior walls, porches, doors and windows shall be reasonably free of cracks, painted and shall be kept in a sound condition and good repair. Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, which adopts the Florida Building Code, Residential, Chapter 9, Section R 903.1: requires that roof decks shall be covered with approved coverings secured to the building or structure in accordance with the provisions of this chapter. Furthermore, 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 serve to protect the building or structure. Violation of Chapter 54, Section 54-71 of the Town of Palm Beach Code of Ordinances: 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.

Code Officer Walton reports that the defendant had been granted an extension at the last Board meeting until August 10th to come into compliance and compliance has not been achieved.

Mr. Jim Brindell, on behalf of the owners, addressed the Board and passed out photos taken today of the property. Mr. Brindell reviewed the final items to be completed on this property.

Code Officer Walton recommends that a daily fine be imposed of \$250.00 a day to start today and continue until completion is achieved.

Mr. Klein inquired how much time they need to complete this project. Mr. Brindell requested one more week for completion

**MOTION BY MR. KLEIN TO GRANT THE DEFENDANT AN EXTENSION OF ONE WEEK TO COME INTO COMPLIANCE.
MOTION SECONDED BY MR. KOEPPEL.**

Mr. Koepfel asks that Mr. Klein clarify his motion to use a specific date. Ms. Duemler proposes an extension until August 24, 2007.

**MR. KLEIN AMENDS HIS MOTION TO GRANT THE DEFENDANT AN EXTENSION TO COME INTO COMPLIANCE BY AUGUST 24, 2007.
MOTION SECONDED BY MR. FRIED.**

MOTION OPPOSED.

ROLL CALL VOTE:

MR. KLEIN	YES
MR. FRIED	YES
MR. KOEPPEL	YES
MS. DUEMLER	YES
MS. GREENBERG	NO
MS VAN BUREN	NO
MR. HOFFMAN	NO

MOTION PASSED. 4-3.

- B. Case #07-2079, 2875 So. Ocean Blvd., Leslie Robert Evans, 2875 Development Group
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, structural members shall supply substantial support for the structure, interior walls and ceilings shall be structurally sound, all exterior walls shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair. Failure to commence repairs as required by the letter from Acting Building Official dated October 11, 2006.

Lead Code Officer Walton testified that the defendant has been found in non compliance and at the last meeting the Board deferred this case until today's Board meeting. They have started the repairs to the building and are still in non compliance.

Attorney Lou Mrachek, on behalf of the owners, addressed the Board and passed out a schedule prior to the meeting showing the required repairs that have been agreed upon. The tenant, Wachovia, has purchased the property across the street and will be building a branch. Attorney Mrachek stated that as soon as the tenant, Wachovia, moves out of 2875 S. Ocean Blvd. they will proceed with demolition of the building.

Mr. Fried referred to the October 11, 2006 letter and subsequent violations and wanted to know how they compare with the current repair schedule from Woolems.

Mr. Jeff Taylor, Acting Building Official of the Town of Palm Beach, testified that the concern of the Building Department was the structural integrity of the structure. Mr. Taylor stated they have met on site with the owner, engineer and the builders and have agreed to allow the building to be reinforced to the original building code that the building was built under as allowed by the Florida existing building code. Mr. Taylor stated that they are progressing with the schedule of repairs.

After further testimony and discussion,

Lead Code Enforcement Officer Walton recommends that the building be repaired as stated.

**MOTION BY MR. KOEPPPEL TO GRANT THE DEFENDANT AN
EXTENSION UNTIL SEPTEMBER 25, 2007 TO OBTAIN COMPLIANCE,
SHOULD COMPLIANCE NOT BE ACHIEVED A \$250.00 PER DAY FINE
WILL COMMENCE ON 09/26/07.
SECONDED BY MR. KLEIN.**

MOTION OPPOSED.

ROLL CALL VOTE:

MR. KOEPPPEL	YES
MR. KLEIN	YES
MS. DUEMLER	YES
MR. FRIED	YES
MS. GREENBERG	NO
MS VAN BUREN	NO
MR. HOFFMAN	YES

MOTION PASSED. 5-2.

C. Case #06-2049, 1742 So. Ocean Blvd., Gunther E. Lehmann

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.

Lead Code Enforcement Officer presented the facts in this case. The property wall was in failure. The property wall was sitting on the property of two properties. An agreement could not be reached. Ms. Travers will be building a new house and will build a new wall that will be only on her property.

Attorney Maura Ziska on behalf of Ms. Travers agreed with Mr. Walton to the facts of this case. Attorney Ziska stated that she will build a new wall when the foundation is put in for the new house. Attorney Ziska asked for an extension of six months.

Mr. Walton recommends granting additional time for the new wall to be constructed, six months from issuance of permit at 1742 S. Ocean Blvd.

**MOTION BY MR. KLEIN THAT THE DEFENDANT MR. GUNTHER E. LEHMANN IS GRANTED SIX MONTHS FROM ISSUANCE OF PERMIT TO CONSTRUCT A NEW WALL AT 1742 S. OCEAN BLVD.
SECONDED BY MS. DUEMLER**

After further discussion,
MOTION CARRIED UNANIMOUSLY.

D. Case #06-2050, 1744 So. Ocean Blvd., Norman Travers

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.

**MOTION BY MR. KLEIN THAT THE DEFENDANT MR. NORMAN TRAVERS IS GRANTED SIX MONTHS FROM ISSUANCE OF PERMIT TO CONSTRUCT A NEW WALL AT 1744 S. OCEAN BLVD.
SECONDED BY MS. DUEMLER
MOTION CARRIED UNANIMOUSLY.**

IX Comments:

Chairman Hoffman asks for comments from citizens at this time.

Ms. Connie Gasque of 167 Root Trail asked the Board to enforce the codes against Ms. Catherine Bradley. Ms. Gasque stated that she has counted over 20 cats but may have 40 in her house and feels that she is violating the animal code, feral cat code and the business codes. Ms. Gasque requests that the Code Enforcement Officers try to enforce one of the codes. The fourth code that she is violating is that some of the animals have ringworm and have been treated and is a health hazard. Ms. Gasque stated that she, as well as her neighbor who has a four year old child, cannot use her back yard and have workers come because of the feces..

Sgt. Hess addressed the Board to state that it is inappropriate to make that request since the Board is sitting as a Quasi Judicial body and are to hear the evidence of both sides of a case and pass judgment on it. A request for enforcement should be through the Police Department. Sgt. Hess stated that Chief Reiter is aware of this and we have made note of it, but this is not a proper request at this time.

Ms. Marix of 157 N. Ocean Blvd., addressed the Board to ask if it is up to Code Enforcement regarding the house opposite the Kennedy's on how long it has been in construction. Will it be up to Code Enforcement if they are abiding by the required green space for that property. Town Attorney John Randolph stated that the appropriate place to ask that question, or have a complaint, should be of the Code Enforcement Officers. Town Attorney John Randolph stated that it is more appropriate to speak to the Code Enforcement Officers individually instead of in front of the Code Enforcement Board since they act in a Quasi Judicial capacity as Judges and they should not be involved in any discussions relating to the charging of the code violation. Ms. Marix inquired if the vistas on Ocean Blvd. will be enforced. Attorney John Randolph stated that this matter is being looked into in detail by the Code Enforcement Officers and any questions regarding this matter should be directed to the Code Enforcement Officers.

Mr. Klein inquired if there is a State Statute on vistas. Attorney John Randolph stated that is not a State Statute on vistas. The DEP has regulations relating to the use of that area of town that is east of the coastal construction control line and they have rules and regulations relating to the trimming of hedges in the state. That has to be compared against the Ocean Vistas Ordinance with the town and the town is evaluating this right now.

X Adjournment:

The meeting was adjourned at 3:35 p.m. without benefit of a motion.