

**CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, JULY 20, 2006
AT THE TOWN COUNCIL CHAMBERS, 360 SO. COUNTY ROAD**

I Call to Order: The meeting was called to order at 2:00 p.m. by Chairman Timothy Hoffman.

II Roll Call: Present: Timothy Hoffman, Chairman
 Joel P. Koepfel, Member
 Larry Ochstein, Member
 Catherine M. Duemler, Member
 Martin I. Klein, Member
 Harris S. Fried, Member
 Madelyn Greenberg, Alternate Member
 Stirling E. Clarke, Acting Town Attorney

 Absent: Richard A. Raffo, Vice-chairman (excused)

 Staff: Robert S. Walton, Chief Code Compliance Officer
 Deborah A. Morakis, Recording Secretary

Chairman Hoffman welcomed new Alternate Board Member Madelyn Greenberg and welcomed Mr. Fried as a regular member to the Board. *Let the record reflect that Ms. Greenberg will vote today.*

Chief Code Compliance Officer Walton reported that Mr. Cinque has resigned from the Code Enforcement Board.

III Administration of the Oath to all persons who wish to testify:
Let the record show that all persons testifying were sworn in at this time by Recording Secretary Debby Morakis.

IV Approval of the Minutes of June 15, 2006:
MOTION BY MR. KLEIN FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MS. DUEMLER.
MOTION PASSED UNANIMOUSLY.

V Public Hearings:

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

Chief Code Compliance Officer Walton reported to the Board the facts in this case. On June 17, 2004, Ms. Talbot was found in non compliance for remodeling the rear unit without a permit. On June 12, 2006, Mr. Harry Ackerman, Acting Building Official and Rob Walton found that she was remodeling six apartments in this complex of units and had not obtained permits. The property was then red-tagged. Ms. Talbot applied for the permits on June 22, 2006. Mr. Walton recommended that a fine in the amount of \$500.00 per day, the maximum amount for a repeat violation, be imposed and run for these 10 days, the fine must be paid and a written completion schedule for this work should be submitted to the Board with monthly

reports. Mr. Walton noted that there may be a notice issue. A certified letter was sent and returned. The property was not posted. He has spoken to Ms. Talbot and her attorney, Maura Ziska.

Maura Ziska, attorney for Ms. Talbot, stipulated for the record that notice was received verbally. She is working with Rob Walton and Harry Ackerman to resolve this issue. Ms. Talbot has agreed to pay any fines imposed and requests four months from issuance of the permits in which to complete the project. The permit applications are currently in the review process and may take approximately 30 days before approval and issuance of the permit.

MOTION BY MR. KOEPPPEL TO IMPOSE A FINE IN THE AMOUNT OF \$500.00 PER DAY, RUNNING FOR 10 DAYS, FOR A TOTAL OF \$5000.00. A WRITTEN SCHEDULE MUST BE SUBMITTED TO THE CODE ENFORCEMENT BOARD AT THE AUGUST 17, 2006 HEARING, PERMITS MUST BE OBTAINED, AND MONTHLY PROGRESS REPORTS MUST BE MADE. ADMINISTRATIVE FEES ARE IMPOSED IN THE AMOUNT OF \$150.00. MOTION SECONDED BY MR. FRIED. MOTION CARRIED UNANIMOUSLY.

B Case #06-2006, 1170 So. Ocean Blvd., The Bath & Tennis Club

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.

Let the record reflect that testimony was heard, together for Case #'s 06-2006 and 06-2007, but separate motions must be made for each case.

Chief Code Compliance Officer Walton presented the facts in these cases and read a portion of an engineering report by Roger J. Thomas. Mr. Walton reported that he and Harry Ackerman, Acting Building Official, met on the property with both property owners. There is an agreement to repair the wall. In some places the wall is jointly owned and in other places the wall is owned by one property owner or the other.

Mr. Wagner of the Landfall Group addressed the Board and advised that both property owners have authorized him to apply for any permits required to complete the work necessary to bring the wall into compliance. Landmarks Commission approval and DEP approval are required. Mr. Wagner indicated that a strong wind force could bring the wall down.

Nancy Murray, President of the Bath & Tennis Club advised the Board that Mr. Wagner spoke for both the Club and Mr. Glazer when presenting his testimony.

Veronica Close, Director of Planning, Zoning & Building Department, was sworn in and commented that the demolition of the wall or parts of the wall may require Landmarks Commission approval or staff approval. Time to obtain these approvals should be included in the motion.

Chief Code Officer Walton asked that the Board find both properties in non compliance, assess fees to each case, and order that the wall be demolished within thirty (30) days and rebuilt within six (6) months.

MOTION BY MR. KOEPPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00, AND ORDERED TO DEMOLISH THE WALL WITHIN THIRTY (30) DAYS AND REBUILD THE WALL WITHIN SIX (6) MONTHS. MOTION SECONDED BY MR. KLEIN. MOTION CARRIED UNANIMOUSLY.

- C Case #06-2007, 1200 So. Ocean Blvd., First Allied Jax Corp. & The Land Fall Group
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.

Let the record reflect that testimony was heard, together for Case #'s 06-2006 and 06-2007, but separate motions must be made for each case.

Chief Code Compliance Officer Walton presented the facts in these cases and read a portion of an engineering report by Roger J. Thomas. Mr. Walton reported that he and Harry Ackerman, Acting Building Official, met on the property with both property owners. There is an agreement to repair the wall. In some places the wall is jointly owned and in other places the wall is owned by one property owner or the other.

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Chief Code Officer Walton asked that the Board find both properties in non compliance, access fees to each case, and order that the wall be demolished within thirty (30) days and rebuilt within six (6) months.

MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00, AND ORDERED TO DEMOLISH THE WALL WITHIN THIRTY (30) DAYS AND REBUILD THE WALL WITHIN SIX (6) MONTHS.

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

- D Case #06-2008, 2860 So. Ocean Blvd., #112, Hugh Samules
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances: building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

Chief Code Compliance Officer Walton presented this case to the Board and asked that the defendant be found in non compliance, ordered to pay \$150.00 in costs and be granted sixty (60) days to obtain the permits and complete the project. After further discussion, the following motion was made:

MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00, AND IS GRANTED SIXTY DAYS TO OBTAIN THE PERMITS AND COMPLETE THE PROJECT.

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

After hearing Case #06-2009 and further discussion, the above motion was modified as follows:

MOTION MODIFIED BY MR. OCHSTEIN THAT REGARDING CASE #06-2008, ALL WORK MUST BE COMPLETED BY SEPTEMBER 20, 2006.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

- E Case #06-2009, 2860 So. Ocean Blvd., #316, Stuart Wood
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances: building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

After the facts were presented in this case, the following motion was made:

MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00 AND REQUIRED TO HAVE ALL WORK COMPLETED BY SEPTEMBER 20, 2006.

MOTION SECONDED BY MS. GREENBERG.

MOTION CARRIED UNANIMOUSLY.

- F Case #06-2010, 242 Cherry Lane, Charles Smith
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: requires swimming pool water be maintained in sanitary condition.
Violation of Chapter 18, Section 18-747 of the Town of Palm Beach Code of Ordinances: requires approved barrier and access gates at least forty-eight inches in height with self closing and latching devices for all outdoor swimming pools.

This case was presented by Chief Code Compliance Officer Walton. Mr. Walton indicated that the property was posted due to lack of service. The pool water is brown and the pool is not secure. Mr. Walton reported that Mrs. Smith called him today and was not aware of the condition of the pool. She advised that she has contracted with a pool company. Pictures were shared with the Board and Mr. Walton recommended that the Board find the defendant in non compliance, be ordered to pay costs in the amount of \$150.00 and be given seven days to comply with the code. The pool is fenced but the gates are not working properly.

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

MOTION SECONDED BY MR. FRIED.

MOTION CARRIED UNANIMOUSLY.

VI **New Business:**

None.

VII **Old Business:**

- A Case #06-1970, 172 So. Ocean Blvd., Burke Ross
Violation of Chapter 66, Section 66-121, (a), (b), it is unlawful for any person to alter, destroy or damage any sand dune or dune vegetation in the Town without first having obtained a permit.

Maura Ziska, attorney for the property owner, advised the Board that the permit application has been submitted and once the permit is issued, three to four weeks of planting will take place and then the project will be done. An additional extension of time is requested.

After further discussion, the following motion was made:

MOTION BY MR. KLEIN TO GRANT UNTIL SEPTEMBER 15, 2006 TO COMPLETE THE PROJECT.

MOTION SECONDED BY MR. KOEPPEL.

MOTION CARRIED UNANIMOUSLY.

- B** Case #06-1975, 1270 No. Ocean Blvd., Elsa Messing
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: all exterior walls, roofs, doors and windows shall be reasonably free of cracks, painted and shall be kept in a sound condition and good repair.
- After testimony was heard by Chief Code Compliance Officer Walton and property owner Elsa Messing, the following motion was made:
- MOTION BY MR. KOEPPEL TO GRANT UNTIL NOVEMBER 10, 2006 TO COMPLETE THE PROJECT. A PROGRESS REPORT WILL BE GIVEN TO ROB WALTON IN SEPTEMBER.**
- MOTION SECONDED BY MR. KLEIN.**
- MOTION CARRIED UNANIMOUSLY.**
- C** Case #06-1992, 216 Angler Avenue, Roxanne Quimby
Violation of Chapter 18, Section 18-241, of the Town of Palm Beach Code of Ordinances, and Florida Building Code 2001, Section 105: Building permits required.
- Chief Code Compliance Officer Walton reported the facts in this case. At the May Code Enforcement Board Hearing, Ms. Quimby was found in non compliance, ordered to pay costs in the amount of \$150.00 and obtain all required inspections. The permit has been obtained but has not passed the final inspections. The Town would ask that the Board impose a fine in the amount of \$150.00 per day, starting today and running until compliance is achieved.
- MOTION BY MR. KLEIN THAT A FINE IS IMPOSED IN THE AMOUNT OF \$150.00 PER DAY STARTING TODAY AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED.**
- MOTION SECONDED BY MS. GREENBERG.**
- MOTION CARRIED UNANIMOUSLY.**
- D** Case #06-1996, 2880 S Ocean Blvd., 2880 Development Group
Violation of Chapter 42, Sections 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances requires properties be maintained in good condition.
- Mr. Mark McCorkle of Palm Beach Realty Partners, representing the property owner, spoke to the Board and advised that the windows are in stock and are awaiting installation. Mr. McCorkle asked for an additional thirty (30) days to complete the installation. After further discussion, the following motion was made:
- MOTION BY MR. KLEIN TO GRANT AN EXTENSION UNTIL AUGUST 16, 2006.**
- MOTION SECONDED BY MR. KOEPPEL.**
- MOTION CARRIED UNANIMOUSLY.**
- E** Case #06-1999, 111 El Brillo Way, Gregory Papadopoulos
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances: building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.
- Chief Code Officer Walton advised the Board of the facts in this case. The Board previously ordered that the violation be corrected within seven (7) days. The order of the Board has not been met.

Mr. Walton recommended that a fine be imposed in the amount of \$150.00 per day beginning today or from the eighth day.

MOTION BY MR. KLEIN TO IMPOSE A FINE IN THE AMOUNT OF \$150.00 PER DAY BEGINNING ON JUNE 23, 2006 AND CONTINUING UNTIL COMPLIANCE.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

- F Case #06-2001, 111 Seagate Road, 111 Seagate Venture LLC
Violation of Chapter 42, Sections 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances: exterior surfaces and roofs must be maintained in good repair.

Chief Code Compliance Officer Walton presented the facts in the case.

John Terrel of Nick Raich Building addressed the Board and advised that the permit should be issued within one to two weeks and demolition work will begin immediately. This project will consist of the addition of a second floor to the existing structure. After further discussion, the following motion was made:

MOTION BY MR. KOEPEL TO DEFER CASE #06-2001 UNTIL THE AUGUST 17, 2006 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

- G Case #06-2003, 2295 So. Ocean Blvd., Harbour House of Palm Beach
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.

(Let the record reflect that Mr. Klein will participate in this matter after discussion with and advise from council that no conflict of interest exists.)

Joe Jansen addressed the board regarding the code violations at this property. He advised that the cooperative has retained an engineer to perform a survey of the entire building to identify everything that needs to be done.

David Coleston, the engineer retained by the cooperative, addressed the Board and described the scope of work to be done. The structural concrete work will be between \$5 and \$5.5 Million. The building will be brought up to the new Florida Building Code with impact windows and new doors. A completion schedule and progress report will be provided at the August 17, 2006 Code Enforcement Board Hearing.

Planning, Zoning and Building Department Director Veronica Close recommended that the Board request the defendant come back with a schedule at the next meeting and that the Code Enforcement Board might consider imposing benchmarks. With the Boards permission, staff will convene during the month to see if a solution can be found, giving the defendants an opportunity to correct the violations.

THIS WAS A REPORT ONLY. NO MOTION WAS MADE.

VIII Reports:

- A Case #05-1941, 308 Cocoanut Row, Anitra Thorhaug
Violation of Chapter 18, Section 18-241, of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.
- A report of the status of the project was given by Chief Code Compliance Officer Rob Walton. Maura Ziska, attorney for Ms. Thorhaug addressed the Board and presented a status report of the project. She stated that 95% of the work is completed. Some final inspections cannot be scheduled until the remaining work is completed. The roof needs to be finished.
- B Case #06-1956, 201 El Vedado (fka 680 So. County Rd.), Daniels Brothers, Inc./True 680
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.
- A report of the status of the project was given by Chief Code Compliance Officer Rob Walton and Ron Daniels of Daniels Brothers. Mr. Daniels stated that the deadline of July 31, 2006 may not be met. Mr. Walton stated that if the deadlines are not met, the board has the ability to go back to the original date of non compliance and start a fine from that point.
- C Case #06-1957, 143 Clarendon Ave., Elias Mgmt & Const, Inc./Robert C. Echele
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Medium Projects, all new or remodel construction projects of 4,000 sq. ft. to 8,999 sq. ft. under roof be allowed 20 months.
- Chief Code Compliance Officer Walton read a letter to the Board from Mr. Elias indicating the status of the project. There is still time remaining for the completion of this project. This was a report only.
- D Case #06-2002, 710 So. Ocean Blvd., Brookshore Ltd
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: all exterior walls, doors and windows shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair and roofs must be maintained in a leak free condition.
- Chief Code Compliance Officer Walton reported to the Board that this project is proceeding according to the supplied schedule.
- E Case #06-2005, 340/350 Worth Avenue, Devonshire
Violation of Chapter 114, Section 114-39 (c) of the Town of Palm Beach Code of Ordinances: requires all sales to be inside and no outdoor sales, storage is permitted.
- Mr. Walton advised the board that at the last meeting, the board found the defendant in non compliance and ordered they remove the material within three days. They have removed 99.9% of the material within the ordered time frame. However, there are two items that will require a crane or some other heavy equipment and right of way permits to move and Mr. Walton reported that these permits have been applied for. Mr. Walton requested the board grant an additional amount of time to comply and the board did not object. This was a report only, no motion was made.

IX Adjournment:

Director of Planning, Zoning & Building Department Veronica Close addressed the Board and reminded them of the current ordinance which states that board members may not miss more than two successive meetings. There may be a change to the ordinance as it is currently written within the next few months. A letter must be submitted to the Town Manager's Office by noon the Friday before the meeting in order to be granted an excused absence. Vacation is not considered an excused absence. Illness, religious holiday, death in the family and requirement of legal process are the only conditions for an excused absence.

Ms. Close advised the Board that Chairman Hoffman has put together a synopsis of the operation of the Code Enforcement Board and requested that other Board members take a look at it and provide comments and suggestions. The intent is to post this on the Town website and also make it available for prospective board members.

Congratulations were extended to Stirling Clarke, Acting Town Attorney on her recent nuptials.

The meeting was adjourned without benefit of a motion.

Respectfully submitted,

Deborah A. Morakis
Recording Secretary

revised 8/14/2006