



Document

Document Name	JulyMinutes2002	Subject	July 2002 Code Enforcement Minutes	Date	Thu 08/15/2002
Directory	Code	Type	Minutes	Category	Code Enforcement

I. **Call to Order:** The meeting was called to order at 2:00 p.m. by Chairman Eugene Lawrence.

PRESENT:

P. Robert Bale, Vice-Chairman
Dr. Harry Horwich, Member
M. S. Rukeyser, Jr., Member
Pamela Hoffpauer, Member
Joel P. Koepfel, Member (arrived 2:03 p.m.)
Timothy Hoffman, Alternate Member
Brian K. House, Chief Code Compliance Officer
Robert S. Walton, Code Compliance Officer
John C. Randolph, Attorney

Richard A. Raffo, Member (pending)
Lowell Levine, Alternate Member (unexcused)

RECORDING SECRETARY: Deborah A. Morakis

Chairman Lawrence read a letter that was received by Mr. Lowell Levine stating that he would be unavailable to attend the July and August 2002 Code Enforcement Board Meetings due to his holiday schedule. He will return after Labor Day and will be available to resume his obligation on the Board.

Mr. House advised the Board that this will be an unexcused absence. He has called and left a message at Mr. Levine's home and also written a letter to him advising him that according to the ordinance, if any member misses two out of three successive meetings the Board would declare that office vacant and the council would then appoint someone else. Hopefully, he will get the letter and message and be aware that he will have to be here for the August meeting so that the Code Enforcement Board will not have to comply with the ordinance.

Mr. Raffo was ill last month with an excused absence. We have not had any correspondence from him as of right now regarding today's absence. We would like to leave his absence classification pending a determination or notification from his Doctor. Next month we can declare it an excused or unexcused absence.

III. Approval of the Minutes of June 20, 2002:

MOTION BY MR. HOFFMAN TO APPROVE THE MINUTES OF THE
JUNE 20, 2002 CODE ENFORCEMENT BOARD MEETING.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

- A Case #02-1432, Eve A. Ward, 224/244 Esplanade Way
Violation of Chapter 42, 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.

MOTION BY DR. HORWICH TO DISMISS CASE #02-1432 WITHOUT PREJUDICE.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.

- B Case #02-1435, Cart Properties, Inc., % Arturo Burigatto, Colonial Lane
Violation of Chapter 18, Section 18-551 of the Town of Palm Beach Code of Ordinances, every person owning land on which there is situated a swimming pool, shall erect and maintain a substantial enclosure. Such enclosure must be not less than four (4) feet high including gates, and such gates must be self-closing and self-latching.

MOTION BY MR. BALE TO POSTPONE CASE #02-1435 AND CASE #02-1436 UNTIL THE
AUGUST 15, 2002 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY DR. HORWICH.
MOTION CARRIED UNANIMOUSLY.

- C Case #02-1436, Cart Properties, Inc., % Arturo Burigatto, Colonial Lane
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to allow grass or weeds to grow to a height greater than eight (8) inches or other vegetation to become overgrown or accumulate.
Violation of Chapter 42, Section 42-126, it is unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.

MOTION BY MR. BALE TO POSTPONE CASE #02-1435 AND CASE #02-1436 UNTIL THE
AUGUST 15, 2002 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY DR. HORWICH.
MOTION CARRIED UNANIMOUSLY.

- D Case #02-1437, Julie A. Heberlein, 200 South Ocean Blvd.
Violation of Section 104.6.1.4, Medium Projects of the Town of Palm Beach Code of Ordinances, all new or remodel construction projects of 4,000 sq.ft. to 8,999 sq.ft. shall be allowed twenty (20) months.

Mr. House testified that these people have been working diligently. They are close but they are still in violation. The Town feels that they can complete the work within fifteen (15)

days. After further discussion the following motion was made:

MOTION BY MR. HOFFMAN THAT THE DEFENDANT BE FOUND GUILTY AND ORDERED TO COMPLY BY COMPLETING CONSTRUCTION WITHIN FIFTEEN (15) DAYS.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

E Case #02-1438, D. C. Anderson, 205 Worth Avenue, Suite 201

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.

Mr. House gave testimony as to the correspondence in this case and requested that the Defendant be found guilty and ordered to comply by obtaining an occupational license within fifteen (15) days.

MOTION BY MR. KOEPEL THAT THE DEFENDANT BE FOUND GUILTY AND ORDERED TO COMPLY WITHIN FIFTEEN (15) DAYS.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

F Case #02-1439, William & Kathleen Wallace, 1472 South Ocean Blvd.

Violation of Section 104.1 of Chapter 5 of the Town of Palm Beach Code of Ordinances, before anything is constructed, a building permit must be obtained.

Mr. House requested that all further action on this case be abated until the court makes a decision.

MOTION BY MR. HOFFMAN TO ABATE FURTHER ACTION PENDING A COURT DECISION.

MOTION SECONDED BY DR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

G Case #02-1440, Joseph Burakoff, 201 El Dorado Lane

Violation of Chapter 18, Section 18-242, Subsection 1 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter and building or building system. This permit must be obtained prior to commencing work.

Mr. House requested that the Defendant be found guilty and ordered to comply by obtaining a permit and either installing a new fence or having the fence that is there now approved within seven (7) days.

MOTION BY MR. KOEPEL THAT THE DEFENDANT BE FOUND GUILTY AND ORDERED TO COMPLY BY GETTING A PERMIT AND INSTALLING A FENCE WITHIN SEVEN (7) DAYS.

MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

- H Case #02-1441. Gail Trinka, 2300 South Ocean Blvd.
Violation of Chapter 18, Section 18-242, Subsection 1 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter and building or building system. This permit must be obtained prior to commencing work.

Ms Hoffpauer asked to recuse herself from this case since Gail Trinka is an Associate in her office.

Mr. House gave testimony regarding the correspondence in this case. This is an awning that was installed along the side of the house without a permit. Subsequent to the installation of this illegal installation, the prior owner sold this property to the present owner. The present owner hired American Awning to obtain a permit to recover that awning. We issued a permit to recover that awning. We thought this was in the rear of the house where there is a legal awning. The Town requests that the property owner be found guilty and given 30 days to remove it or apply for a variance. If the variance is approved, she can keep it. If the variance is not approved, she would have to have it removed.

Peter Broberg stated that his client will soon be making an application for a variance for the awning on the side as well as the other awning if necessary. After further discussion the following motion was made:

MOTION BY DR. HORWICH TO POSTPONE CASE #02-1441 UNTIL THE SEPTEMBER 19, 2002 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

- I Case #02-1442. Jay R. & Filomena Jacknin, 288 Via Marila
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, placing yard trash on Town right-of-way out of line with the schedule.

MOTION BY MR. BALE TO POSTPONE CASE #02-1442 UNTIL THE AUGUST 15, 2002 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.

- J Case #02-1443. 225 Sandpiper Corp., 225 Sandpiper Dr.
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, placing yard trash on Town right-of-way out of line with the schedule.

MOTION BY MS. HOFFPAUER REGARDING CASE #02-1443 TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

V. **Presentation of New Cases to Set for Hearing:**

- A Case #02-1444. Danny Eugene Swanson, Addison Development, 209 Via Tortuga
Violation of Chapter 18, Section 18-87 (d) of the Town of Palm Beach Code of Ordinances, all properties must retain or properly drain all soil and water contained on or from the property, and any modification which may alter the drainage plan must be approved by the Town.

- B Case #02-1445, Christopher Kaufmann, 434 Seaspray Avenue
Violation of Chapter 106, Section 106-159 (a) of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians. Also according to the same Code, Chapter 106, Section 106-159 (b), a clearance of eighteen (18) feet must be maintained above all roadways and alleys.
- C Case #02-1446, Island Capital Mortgage, Inc., 44 Cocoanut Row, Suite M-207A
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.
- D Case #02-1447, Guardhill Financial Corp., 205 Worth Avenue, Suite 201
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.
- E Case #02-1448, Bentley's Mortgage International, Inc. 350 So. County Rd. Suite 201
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.
- F Case #02-1449, Joseph Allen, 200 El Vedado Way
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.
- G Case #02-1450, JPBK Prop 2, 232 Via Marila
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.
- H Case #02-1451, Robert Warfield, 256 Palmo Way
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.
- I Case #02-1452, SCHAR Holdings, Inc., 8 Lagomar Road
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.
- J Case #02-1453, F. J. Brotherton, 735 Island Dr.
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.

MOTION BY DR. HORWICH TO SET CASE #'S: 02-1444, 02-1445, 02-1446,
02-1447, 02-1448, 02-1449, 02-1450, 02-1451, 02-1452 AND 02-1453 FOR HEARING AT
THE AUGUST 15, 2002 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.

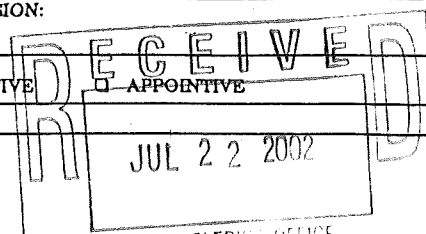
VI. New Business:

VII. Old Business:

VIII. **Adjournment:** The meeting was adjourned at 2:40 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 HOFFPAUER Pamela		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CODE Enforcement
MAILING ADDRESS 748 Hi-Mount Rd		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY PAUM BEACH FL	COUNTY Palm Beach	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 7/18/02		NAME OF POLITICAL SUBDIVISION: Palm Beach
		MY POSITION IS: ☐ 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, PAMELA HOFFMAN, hereby disclose that on JULY 18, 2002, 19 :

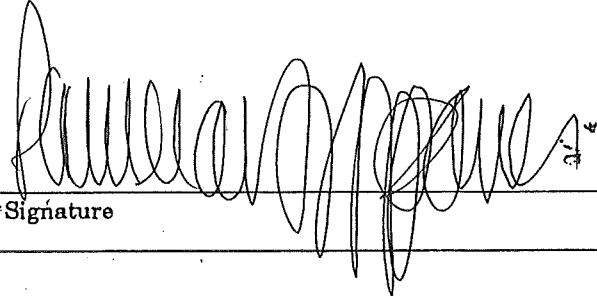
(a) A measure came or will come before my agency which (check one)

- ☐ 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 _____, 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:

GAIL TRINKA, CASE 02-1441, 2330 S. Ocean BLVD Palm Beach, FL — IS A LICENSED REAL ESTATE AGENT WITH OUR FIRM AND PURCHASED THE PROPERTY THROUGH OUR FIRM. I HAVE RECUSED MYSELF FROM VOTING.

7/18/02
Date Filed


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: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.