

**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, JULY 17, 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
 George Klein, Alternate Member
 Larry Ochstein, Alternate Member
 Robert S. Walton, Code Compliance Officer
 John C. Randolph, Town Attorney

 Absent: Richard A. Raffo, Member (excused absence)
 Hugh C. Davis, III, Member (unexcused absence)
 Thomas M. Youchak, Member (excused absence)

 Recording Secretary: Deborah A. Morakis

III Approval of the Minutes of June 19, 2003:
 MOTION BY MR. OCHSTEIN FOR APPROVAL OF THE MINUTES.
 MOTION SECONDED BY MR. KOEPPEL.
 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 #03-1515, Edward Carter, Jr., 320 Barton Avenue
 Violation of Chapter 106, Section 106-59 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.
 MOTION BY MS. HOFFPAUER TO DISMISS CASE #03-1515, 03-1540, 03-1561, 03-1563, 03-1564, 03-1565 FOR COMPLIANCE.
 MOTION SECONDED BY MR. HOFFMAN.
 MOTION CARRIED UNANIMOUSLY.
- B Case #03-1523, Allen W. Heise, 235 Sunrise Avenue, Apt. # MZ-H
 Violation of Chapter 18, Section 18-242, Subsection 104.1.1, of the Town of Palm Beach Code of Ordinances, permits are required to construct, install, repair or alter any building or service systems. These permits must be obtained prior to commencing work.
 MOTION BY MS. HOFFPAUER THAT THE DEFENDANT IS GUILTY AND GIVEN

**SIXTY (60) DAYS TO PULL A PERMIT.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED 5 TO 1 WITH MR. KLEIN OPPOSED.**

- C Case #03-1524, Allen W. Heise, 235 Sunrise Avenue, Apt. # MZ-J
Violation of Chapter 18, Section 18-242, Subsection 104.1.1, of the Town of Palm Beach Code of Ordinances, permits are required to construct, install, repair or alter any building or service systems. These permits must be obtained prior to commencing work.
**MOTION BY MS. HOFFPAUER THAT THE DEFENDANT IS GUILTY AND GIVEN SIXTY (60) DAYS TO PULL A PERMIT.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED 5 TO 1 WITH MR. KLEIN OPPOSED.**
- D Case #03-1525, Allen W. Heise, 235 Sunrise Avenue, Apt. # MZ-K
Violation of Chapter 18, Section 18-242, Subsection 104.1.1, of the Town of Palm Beach Code of Ordinances, permits are required to construct, install, repair or alter any building or service systems. These permits must be obtained prior to commencing work.
**MOTION BY MS. HOFFPAUER THAT THE DEFENDANT IS GUILTY AND GIVEN SIXTY (60) DAYS TO PULL A PERMIT.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED 5 TO 1 WITH MR. KLEIN OPPOSED.**
- E 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 MS. HOFFPAUER TO POSTPONE CASE #03-1530, 03-1546, 03-1553, 03-1554, 03-1560 AND 03-1562 UNTIL THE AUGUST 21, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**
- F Case #03-1538, First Impressions Creative Services, 205 Worth Avenue, #307E
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. HOFFMAN THAT THE DEFENDANT IS FOUND IN NON-COMPLIANCE AND GIVEN FIFTEEN (15) DAYS IN WHICH TO OBTAIN THEIR LICENSE.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**
- G Case #03-1540, Huit Rue St. Sulpice, 302 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, 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 MS. HOFFPAUER TO DISMISS CASE #03-1515, 03-1540, 03-1561, 03-1563, 03-1564, 03-1565 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**
- H 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 MS. HOFFPAUER TO POSTPONE CASE #03-1530, 03-1546, 03-1553, 03-1554, 03-1560 AND 03-1562 UNTIL THE AUGUST 21, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.**

- I 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 MS. HOFFPAUER TO POSTPONE CASE #03-1530, 03-1546, 03-1553, 03-1554, 03-1560 AND 03-1562 UNTIL THE AUGUST 21, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.**
- J 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 MS. HOFFPAUER TO POSTPONE CASE #03-1530, 03-1546, 03-1553, 03-1554, 03-1560 AND 03-1562 UNTIL THE AUGUST 21, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.**
- K 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.
**MOTION BY MR. KOEPPEL THAT THE DEFENDANT IS FOUND IN NON-COMPLIANCE AND ORDERED TO COMPLETE THE WORK WITHIN THIRTY (30) DAYS.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.**
- L 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. KOEPPEL THAT THE DEFENDANT IS FOUND IN NON-COMPLIANCE AND ORDERED TO COMPLETE THE WORK WITHIN THIRTY (30) DAYS.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.**
- M 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. KOEPPEL THAT THE DEFENDANT IS FOUND IN NON-COMPLIANCE AND ORDERED TO COMPLETE THE WORK WITHIN THIRTY (30) DAYS.
MOTION SECONDED BY MR. OCHSTEIN.**

MOTION CARRIED UNANIMOUSLY.

- N 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 THAT THE DEFENDANT IS FOUND IN NON-COMPLIANCE AND ORDERED TO COMPLETE THE WORK WITHIN THIRTY (30) DAYS.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.
- O 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 THAT THE DEFENDANT IS FOUND IN NON-COMPLIANCE AND ORDERED TO COMPLETE THE WORK WITHIN THIRTY (30) DAYS.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.
- P 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 MS. HOFFPAUER TO POSTPONE CASE #03-1530, 03-1546, 03-1553, 03-1554, 03-1560 AND 03-1562 UNTIL THE AUGUST 21, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.
- Q Case #03-1561, Pearlman Family LTD Prtnrshp, 225 Barton Avenue
Violation of Chapter 106, Section 106-59 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.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #03-1515, 03-1540, 03-1561, 03-1563, 03-1564, 03-1565 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- R 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 MS. HOFFPAUER TO POSTPONE CASE #03-1530, 03-1546, 03-1553, 03-1554, 03-1560 AND 03-1562 UNTIL THE AUGUST 21, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.

- S Case #03-1563, Sally Protell, % Shoe Inn South, 288 South County Road
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 (Fictitious Name Registration).
MOTION BY MS. HOFFPAUER TO DISMISS CASE #03-1515, 03-1540, 03-1561, 03-1563, 03-1564, 03-1565 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- T Case #03-1564, Emilio Pucci, 150 Worth Avenue, Suite 109
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 (Fictitious Name Registration).
MOTION BY MS. HOFFPAUER TO DISMISS CASE #03-1515, 03-1540, 03-1561, 03-1563, 03-1564, 03-1565 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- U Case #03-1565, Federal Insurance Company, 179 Bradley Place
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 (Fictitious Name Registration).
MOTION BY MS. HOFFPAUER TO DISMISS CASE #03-1515, 03-1540, 03-1561, 03-1563, 03-1564, 03-1565 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- V Case #03-1566, Palm Beach Eyes, 311 Worth Avenue
Violation of Section 38-35 (b) of the Town of Palm Beach Code of Ordinances, alarm system users with fines not paid within thirty (30) days of first billing shall be referred to the Town's Code Enforcement Board.
MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON-COMPLIANCE AND ORDERED TO PAY THE FINE WITHIN FIFTEEN (15) DAYS.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- W Case #03-1567, Dominick Robustelli, 3100 So. Ocean Blvd., #305N
Violation of Section 38-35 (b) of the Town of Palm Beach Code of Ordinances, alarm system users with fines not paid within thirty (30) days of first billing shall be referred to the Town's Code Enforcement Board.
MOTION BY MR. HOFFMAN TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.

V Presentation of New Cases to Set for Hearing:

- A 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.

- B 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.
- C 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.
- D 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 MS. HOFFPAUER TO SCHEDULE CASE #'S: 03-1568, 03-1569, 03-1570, 03-1571 FOR HEARING AT THE AUGUST 21, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

VI New Business:

VII Old Business:

- A Case #02-1482, Washington Mutual Bank, FA, 159 Sunset Avenue
Violation of Section 42-87 of the Town of Palm Beach Code of Ordinances: Brush, weeds or grass may not be allowed to grow to a height greater than eight (8) inches; and decayed or decaying buildings or structures, ruins of any kind or buildings, docks, walls or other structures in a falling or dangerous condition are unlawful; and Section 42-87 requires exterior walls to be reasonably free of cracks or holes through which weather elements can enter the building or structures, and all exterior surfacing material shall be kept painted and in good repair.
MOTION BY MR. KOEPEL TO REFER THIS MATTER TO THE TOWN COUNCIL FOR FORECLOSURE ACTION.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- B Case #02-1491, SLM Palm Beach Associates, LLC, 2310/2315 So. Ocean Blvd.
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: grass and hedges are overgrown, the buildings are not secured so that trespassers may not enter, garbage and trash are accumulating on the property.

Let the record show that Chairman Lawrence declared a conflict in this continuing case and passed the gavel to Ms. Hoffpauer.
Mr. Walton reported that there is an outstanding fine accruing. However, at this time, asbestos has been removed and demolition of this property is moving forward.
No Motion was required or made.

Ms. Hoffpauer passed the gavel back to Chairman Lawrence in preparation of the next case.

- C 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 at the last meeting of the Code Enforcement Board, the Board authorized the Town Council to proceed with foreclosure action. The Town Council has sent it back to the Code Enforcement Board for further discussion.

Ms. Maura Ziska, who was here to represent the property owner, stated that her client did go before the Town Council and was ordered to come back to the Code Enforcement Board to discuss the fine. The house is completed now but the official Certificate of Occupancy cannot be issued until the fines are addressed. The property owner is away on a previously planned vacation to Italy so she was here to request a deferral until next month so we the fine can be discussed. The total fines accrued are \$114,000.00.

Ms. Veronica Close, Assistant Director of Planning, Zoning and Building clarified that the Council gave the applicant thirty (30) days to come back to the Code Enforcement Board for possible abatement or mitigation of the fine. The case will now go again before the Town Council. We cannot predict if the Town Council will grant them additional time to come back to the Code Board.

MOTION BY MR. KOEPPEL TO POSTPONE CASE #01-1358 UNTIL THE AUGUST 21, 2003 CODE ENFORCEMENT BOARD HEARING.

Further discussion continued and it was established that the fine has stopped accruing.

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

- D 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 stated that this case goes back to November 2001 and has been heard before this Board on numerous occasions.

Mr. Peter Milecki was here to speak for Mr. Roddy. The last time Mr. Roddy was here before the Board, the Board indicated that he needed to continue the work and pay a portion of the fine. Mr. Roddy did that and has a proposed schedule and plan for completion of the job. The schedule shows the job will be done by August 20, 2003.

Mr. Walton stated that Mr. Roddy did pay \$5000.00 toward the fine which is still accruing. Work continues to start and stop.

Mr. Koeppel stated that the intent of his June 19, 2003 Motion was that a substantial payment would need to be made and \$5000.00 is not substantial. A

substantial payment should be at least half of what is owing.

After further discussion, the following motion was made:

MOTION BY MR. KOEPPLE TO ACCEPT THE SCHEDULE AS PRESENTED AND THAT THE DEFENDANT IS FURTHER ORDERED TO MAKE A PAYMENT EQUAL TO AT LEAST HALF OF THE OUTSTANDING BALANCE OF THE FINE. MOTION SECONDED BY MR. KLEIN.

Mr. Walton pointed out that there are a few items that have been left off the schedule: the balance of the building is not painted and there is no date certain for completion.

Mr. Andrew Roddy, the owner/manager of the LLC that owns the property, testified that the stucco on the front would be finished by the 31st of July, it takes 30 days to cure and then they could paint on September 1, 2003. It might take a week to paint the front of the building but the entire building could be completed by the end of September.

MOTION AMENDED BY MR. KOEPPLE THAT THE DEFENDANT MAKE A SUBSTANTIAL PAYMENT IN THE AMOUNT OF 50% OF THE OUTSTANDING BALANCE OF THE FINE WITHIN FIVE (5) DAYS. THE DEFENDANT HAS UNTIL SEPTEMBER 15, 2003 TO COMPLETE ALL WORK REQUIRED UNDER THE PERMIT.

AMENDED MOTION SECONDED BY MS. HOFFPAUER.

After further discussion the motion was amended as follows:

MOTION AMENDED TO INCLUDE WORK THAT IS NOT COVERED BY THE SCOPE OF THE PERMIT SUCH AS MAKING THE BUILDING SOUND, REPAIRING CRACKS AND PAINTING.

AMENDED MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

- E Case #03-1527, William Civitella, 272 Country Club Road
Violation of Chapter 18, Section 18-242, Subsection 104.1.11, of the Town of Palm Beach Code of Ordinances, any site on which reconstruction does not commence within fifteen (15) days of demolition, the site must be leveled, irrigated, sodded and maintained so as not to be in an unsightly condition.
MOTION BY MR. HOFFMAN TO DISMISS CASE #03-1527.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

- F 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 MS. HOFFPAUER TO POSTPONE CASE #03-1550 UNTIL THE AUGUST 21, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

VIII Reports:

IX **Adjournment:** The meeting was adjourned without benefit of a motion at 3:05 p.m.