



Document

Document Name	JunMinutes202002	Subject	June 2002 Code Enforcement Minutes	Date	Thu 06/20/2002
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. Koeppel, Member
Lowell Levine, Alternate Member
Timothy Hoffman, Alternate Member
Robert S. Walton, Code Compliance Officer
John C. Randolph, Attorney

ABSENT:

Richard A. Raffo, Member (excused)
Brian K. House, Chief Code Compliance Officer

RECORDING SECRETARY: Deborah A. Morakis

III. Approval of the Minutes of May 16, 2002:

MOTION BY MR. BALE TO APPROVE THE MINUTES OF THE
MAY 16, 2002 CODE ENFORCEMENT BOARD MEETING.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

A Case #02-1428, Citibank FL FSB, 400 Royal Palm Way

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.

MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1428, 02-1429, 02-1431 AND 02-1433 FOR COMPLIANCE.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

- B Case #02-1429, The Roberts Law Firm, 2335 So. Ocean Blvd., Suite 10C
Violation of the Town of Palm Beach Zoning Ordinance #2-74, as amended, no one may conduct business in a condominium.
MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1428, 02-1429, 02-1431 AND 02-1433 FOR COMPLIANCE.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.
- C Case #02-1430, Friedrich Michael Moog de Medici, % J. Richard Allison, 205 Worth Avenue, Suite 201
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, doing business without a license.
MOTION BY MS. HOFFPAUER TO DISMISS CASE 02-1430.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.
- D Case #02-1431, Gregory M. Gavakis, 179 Royal Poinciana Way
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 DR. HORWICH TO DISMISS CASE #'S 02-1428, 02-1429, 02-1431 AND 02-1433 FOR COMPLIANCE.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.
- E 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 MR. KOEPEL TO POSTPONE CASE 02-1432 FOR THIRTY (30) DAYS UNTIL THE JULY 18, 2002 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.
- F Case #02-1433, Vernon A. Walters, 222 Plantation Road
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 DR. HORWICH TO DISMISS CASE #'S 02-1428, 02-1429, 02-1431 AND 02-1433 FOR COMPLIANCE.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

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

- A 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.
- B 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.

- C 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.
- D 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.
- E 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.
- F 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.
- G 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.
- H 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.
- I 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 TO SET CASE #'S 02-1435, 02-1436, 02-1437, 02-1438, 02-1439, 02-1440, 02-1441, 02-1442 AND 02-1443 FOR HEARING AT THE JULY 18, 2002 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

VI. New Business:

VII. Old Business:

- A Case #02-1417, Consolidated Equities SA, 317 Garden Road
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.

Mr. Robert Walton testified that at the April Code Enforcement Board meeting the Board ordered that the property be cleaned up and gave three (3) time limit conditions for the cleanup. The three conditions were: seven (7) days to put up an opaque fence, fifteen (15) days to clean up the site, and sixty (60) days to demolish the burned down property. None of these time frames have been met. The Town will ask for a \$100.00 per day fine for the 1st

condition starting on April 25, 2002, a \$100.00 per day fine for the 2nd condition starting on May 3, 2002, and a \$250.00 per day fine for the 3rd condition starting on June 17, 2002. We did not hear this case last month since proper notice could not be achieved. An application for demolition was faxed to our office today.

Testimony was heard by Ferdinand Grande that the whole property was fenced and the pool was cleaned and covered. Cushing Demolition has sent the paperwork to your office for a permit. The contract with the fence contractor was presented. He requested the fence be covered by a cloth but they did not install it.

After further discussion the following motion was made:

MOTION BY MR. BALE TO IMPOSE A \$100.00 PER DAY FINE STARTING ON APRIL 25, 2002 FOR NONCOMPLIANCE WITH THE FENCE CONDITION.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

Mr. Robert S. Walton testified that the 2nd condition imposed by the Board's order was that the site would be cleaned and all debris was to be removed within fifteen (15) days which would expire on May 3, 2002. The site has not been cleaned. A temporary plywood cover has been put over the pool but the site has not been cleaned. The Town is asking for a \$100.00 per day fine starting on May 3, 2002 and continuing until the property is cleaned up.

Ferdinand Grande testified that the pool is covered. The debris is going to be cleaned by Cushing Demolition.

Mr. Walton clarified that there was not an extension granted but that the Town wanted to bring this matter back before the Board at the last meeting, however it was not heard due to lack of legal service.

MOTION BY MR. KOEPPPEL TO IMPOSE A \$100.00 PER DAY FINE STARTING ON MAY 3, 2002 FOR NONCOMPLIANCE WITH THE CLEANUP CONDITION.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

Mr. Walton stated that the third portion of the order was that the property had to be demolished or repaired within sixty (60) days. This time limit expired on June 17, 2002. The Town is asking for a \$250.00 per day fine starting on June 17, 2002.

After further discussion the following motion was made:

MOTION BY MR. KOEPPPEL TO IMPOSE A \$250.00 PER DAY FINE STARTING ON JUNE 17, 2002 AND CONTINUING UNTIL ALL WORK IS COMPLETED AND MUST INCLUDE SECURING ADDITIONAL BUILDINGS THAT ARE NOT BEING DEMOLISHED WITH THE ADDED CONDITION THAT THE DEFENDANT RE-SECURE THE POOL WITHIN SEVEN (7) DAYS AND HAVE THE BUILDING OFFICIAL OR HIS REPRESENTATIVE MAKE AN INSPECTION.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

- B Case #02-1400, Eve A. Ward, 224/244 Esplanade Way
Violation of Chapter 42, Section 42-87 (7) of the Town of Palm Beach Code of Ordinances, all accessory buildings shall be kept in a safe condition and a good state of repair.

Mr. Walton testified that since the building was demolished the Town would ask for dismissal.

MOTION BY DR. HORWICH TO DISMISS CASE #02-1400.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.

- C Case #01-1354, Laura Andre, Inc., 159 Sunset 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 asked the Code Enforcement Board to approve foreclosure action by the Town Council for both Case #01-1354 and Case #01-1355.

MOTION BY DR. HORWICH REGARDING CASE #01-1354 TO AUTHORIZE FORECLOSURE.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.

- D Case #01-1355, Laura Andre, Inc., 159 Sunset 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.

MOTION BY DR. HORWICH REGARDING CASE #01-1355 TO AUTHORIZE FORECLOSURE.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

VIII. **Special Report By Attorney regarding Disclosure Forms**

A special report was give by Attorney Skip Randolph advising all Board Members that if they conduct any business before any Town Board or the Town Council they must file a quarterly financial report. Discussion followed.

IX. **Adjournment:** The meeting was adjourned at 3:40 p.m. without benefit of a motion.