

**CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, JUNE 15, 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 Catherine M. Duemler, Member Martin I. Klein, Member Harris S. Fried, Alternate Member Alfred J. Cinque, Alternate Member Rob Vargas, Acting Town Attorney
Absent:	Richard A. Raffo, Vice-chairman (excused) Joel P. Koepfel, Member (unexcused) Larry Ochstein, Member (unexcused)
Staff:	Robert S. Walton, Chief Code Compliance Officer Deborah A. Morakis, Recording Secretary

Let the record reflect that both alternate members will vote today.

**III Approval of the Minutes of May 18, 2006:
MOTION BY MR. KLEIN FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MS. DUEMLER.
MOTION PASSED UNANIMOUSLY.**

**IV 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.***

V Public Hearings:

**A Case #06-1988, 515 No County Road, Trump Properties LLC
Violation of Agreement dated January 31, 1990, between Abraham Gosman and The Town of Palm Beach. The hedge along the west property line has been removed and not replaced per the agreement.**

**MOTION BY MR. KLEIN TO DISMISS CASE #06-1988 PENDING THE RECEIPT OF THE PAYMENT OF THE FINES.
MOTION SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

**B Case #06-1998, 215 Colonial Lane, Ms. Susan Lee TR
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: requires swimming pool water be maintained in a 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 inches in height with self closing and latching devices for all outdoor swimming pools.**

Testimony was heard from both representative Amy Fisher, and Susan Gibson of 226 Pendleton Lane. Susan Gibson stated that she has a beneficiary interest and is responsible for the care and maintenance of the property. She was out of the country and unaware of the condition of the property.

Chief Code Compliance Officer Walton testified that the repairs have been completed.

MOTION BY MR. KLEIN THAT CASE #06-1998 IS DISMISSED. IT IS FURTHER ORDERED THAT THE DEFENDANT MUST PAY COSTS IN THE AMOUNT OF \$150.00. MOTION SECONDED BY MR. FRIED. MOTION CARRIED UNANIMOUSLY.

- C 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 Compliance Officer Walton testified that legal ads have been run as prescribed by code in order to achieve service. Pictures were shared with the Board. No one was present to represent the property owner or address the board.

MOTION BY MR. KLEIN TO FIND IN NON COMPLIANCE AND GIVE SEVEN (7) DAYS TO REMOVE THE FENCE. IT IS FURTHER ORDERED THAT THE DEFENDANT MUST PAY COSTS IN THE AMOUNT OF \$150.00. MOTION SECONDED BY MR. CINQUE. MOTION CARRIED UNANIMOUSLY.

- D Case #06-2000, 268 Nightingale Trail, Palm Beach Ventures III LLC
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 outdoor swimming pools.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: requires roofs be maintained in good condition and not to allow moisture and rain to enter interior portions of the home.
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: requires swimming pool water be maintained in a sanitary condition.

Chief Code Compliance Officer Walton shared pictures of the pool and property with the Board. The roof is now in compliance but the pool and pool area are unsafe. The property owner plans to demolish the house.

MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE AND ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00. IT IS FURTHER ORDERED THAT THE POOL BE DRAINED, CLEANED, REPAIRED AND/OR SECURED WITHIN THREE (3) DAYS. THE VIOLATION OF SECTION 42-87 IS DISMISSED. MOTION SECONDED BY MR. CINQUE. MOTION CARRIED UNANIMOUSLY.

- E 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 stated that the property owner is awaiting architectural drawings for the renovation.

**MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00 AND MUST BRING THE PROPERTY INTO COMPLIANCE WITHIN THIRTY (30) DAYS.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

- F 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.

After testimony was heard from Attorney John David and Ken Frank, the President of Brookshore Ltd., 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 COMPLETE REPAIRS BASED ON THE SUPPLIED SCHEDULE. MONTHLY PROGRESS REPORTS MUST BE SUPPLIED.
MOTION SECONDED BY MR. CINQUE.
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 Martin Klein declared a conflict of interest in this case since his mother owns an apartment at 2295 So. Ocean Blvd.

Testimony was heard from Joe Jansen, a representative for Harbour House. Mr. Jansen indicated that a majority of the Board of Directors for the Association have resigned. A new Board was installed in May 2006 and immediately began to address the violations. A complete restoration is planned and asked to come back to the Code Enforcement Board in forty-five (45) days with a construction schedule.

Amy Fisher, former council for 2295, addressed the Board and gave a brief history on the problems experienced with the water intrusion problem and window replacement at this address. An entire stack of windows had a gap of 1 and ½ inches. The contractor was terminated.

Engineer David Colston, addressed the Board and explained the scope of work required for the restoration, and stated the cost would be between 7 and 9 million dollars. A bid package should be ready within two weeks and he requested an additional forty-five (45) days to come back to the Board to provide a contract and perhaps the permit.

Chief Code Compliance Officer Walton addressed the Board explaining the scope of the violation and recommended that the Defendant be found in non compliance, asked to report back with a progress report at the July Code Enforcement Board hearing, and return to the Code Enforcement Board in August with a completion schedule.

**MOTION BY MRS. DUEMLER THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00 AND ORDERED TO PROVIDE A COMPLETION SCHEDULE AND PROGRESS REPORT AT THE JULY 20, 2006 CODE ENFORCEMENT BOARD HEARING WITH AN ADDITIONAL PROGRESS REPORT GIVEN AT THE AUGUST 17, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. CINQUE.
MOTION CARRIED UNANIMOUSLY.**

- H Case #06-2004, 235 Sunrise Avenue, #1030, Ms. Sandra Hensarling
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 and inspections must be obtained prior to commencing work.

Chief Code Compliance Officer Walton advised the Board that the required permits have been applied for but have not yet been issued.

MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE AND ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00. IT IS FURTHER ORDERED THAT THE DEFENDANT HAS UNTIL JULY 19, 2006 TO COMPLY WITH TOWN ORDINANCES.

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

- I 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.

Chief Code Compliance Officer reported to the Board that outside storage of merchandise is prohibited by Town code. Pictures of the property and merchandise were shown to the Board.

MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE AND ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00. IT IS FURTHER ORDERED THAT THE DEFENDANT HAS THREE (3) DAYS TO COMPLY WITH TOWN ORDINANCES.

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

VI **New Business:**
None.

VII **Old Business:**

- A Case #06-1984, 1200 So. Ocean Blvd, First Allied Jax Corp., The Land Fall Group
REPEAT Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: debris shall not be allowed to accumulate on property in the Town of Palm Beach.
REPEAT 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.

Chief Code Compliance Officer Walton requested that the Board defer this case for further investigation. It may come back to the Code Enforcement Board as a new case, rather than a repeat violation.

Veronica Close, Director of Planning Zoning & Building reminded the Board that the owner brought forth a schedule of completion. The violations were corrected. They also submitted a schedule but have not been able to honor that schedule. In lieu of the Town citing them for only the repeat violations, a comprehensive review of the property will be done to include any violations that exist.

Reginald Stambaugh of the Preservation Foundation requested that the Code Enforcement Board stay on top of this case since this is a land marked property and has been in a state of violation for a long time.

**MOTION BY MR. KLEIN TO DEFER CASE #06-1984.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

- 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.

Ron Daniels of Daniels Brothers, Inc., reported to the Board that the project is on schedule with a completion date anticipated during the last week of July 2006.

- 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 reported to the Board that this project is progressing on schedule. Completion of the project is anticipated for March 2007.

- D Case #06-1990, 432 Brazilian Avenue, Charles T. Roddy
Violation of Chapter 18, Section 18-242, Subsection 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 the work being commenced.

Chief Code Compliance Officer Walton reported to the Board that Mr. Roddy was previously found in non compliance, ordered to pay costs of \$150.00, and ordered to obtain a permit and the required inspections. A permit was obtained. However, the required inspections were not obtained. Mr. Walton requested a fine be imposed in the amount of \$150.00 per day, retroactive to June 15, 2006 and continuing until compliance.

**MOTION BY MR. KLEIN THAT A FINE BE IMPOSED IN THE AMOUNT OF \$150.00 PER DAY RETROACTIVE TO JUNE 15, 2006 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED.
MOTION SECONDED BY MR. CINQUE.
MOTION CARRIED UNANIMOUSLY.**

- E Case #06-1997, 251 Sunrise Avenue, Deco of Palm Beach LLC
Violation of Chapter 114, Section 114-31 of the Town of Palm Beach Code of Ordinances: anyone doing business in the Town of Palm Beach must obtain an occupational license.

Chief Code Compliance Officer Walton reported that an occupational license has not been obtained. A recommendation was made that the defendant be found in non compliance, ordered to pay a fine in the amount of \$250.00 and costs in the amount of \$150.00.

**MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY A FINE IN THE AMOUNT OF \$250.00 AND COSTS IN THE AMOUNT OF \$150.00.
MOTION SECONDED BY MR. CINQUE.
MOTION CARRIED UNANIMOUSLY.**

Mr. Fried commented about the list of priorities adopted by the Town Council. Veronica Close stated that the Town Council adopted five priorities this year, one being the code compliance program. A budget request has been made for an additional code compliance officer and a code support person. Staff has recently drafted a list of priorities which will be taken to the Town Council. One of the initiatives is to work more closely with the Police Department and revising the Notice to Appear forms which could uncover a broader range of violations in the Town.

- IX Adjournment: The meeting was adjourned at 3:08 p.m. without benefit of a motion.