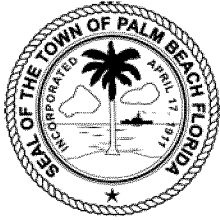


TOWN OF PALM BEACH

POLICE DEPARTMENT

A NATIONAL AND STATE ACCREDITED LAW ENFORCEMENT AGENCY



TOWN OF PALM BEACH

CODE ENFORCEMENT BOARD MINUTES

2:00 P.M. THURSDAY, MAY 17, 2007

AT THE TOWN COUNCIL CHAMBERS, 360 S. 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 Richard A. Raffo, Vice-Chairman Joel P. Koepfel, Member Larry Orchstein, Member Catherine M. Duemler, Member Harris S. Fried, Member Madelyn Greenberg, Alternate Member Cynthia Van Buren, Alternate Member
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Absent: Martin I. Klein, Member

Staff: Robert S. Walton, Code Compliance Officer
John. C. Randolph, Town Attorney
Nickie Altomaro, Recording Secretary

Let the record reflect Ms. Greenberg and Ms. Van Buren will be voting members until Mr. Koepfel arrives and then Ms. Greenberg will be the voting member.

Mr. Koepfel has returned and Ms. Greenberg will be the voting member.

III. **Administration of the Oath to all persons who wish to testify:**

Let the record show that all persons wishing to testify were sworn in at this time by Recording Secretary Nickie Altomaro.

IV **Approval of the Minutes of April 19, 2007:**

Chairman Hoffman recommends withholding the approval of the April 19, 2007 minutes until the next meeting for clerical corrections.

V. **Public Hearings:**

A Case #07-2083, 2565 South Ocean Blvd., Eugene & Elinor McAuliffe
Violation of Chapter 18, Section 18-242, building permits are required to construct,

install, repair or alter any building or building system, these permits must be obtained prior to commencing work.

Code Officer Walton testified upon reinspection of the property they had obtained an air conditioning permit and inspection was made, but not obtained a building, electrical or a plumbing permit. The contractor's plans were found incomplete at plan review and the contractor was notified. The plans were not resubmitted and the job is finished.

Jeffrey Mayette testified on behalf of the owner. Mr. Mayette stated he thought all the permits were obtained by the contractor they hired. Mr. Mayette asked for 30 days to bring in the electrician and the plumber and obtain these permits.

Code Officer Walton advised they can still apply for the permits and required inspections. Mr. Walton also expressed difficulty with notification to the family and subsequently posted the property.

After further discussion, the following motion was made:

MOTION BY MR. KOPELL THAT THE DEFENDANT BE FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150 AND BE GIVEN (32) DAYS IN WHICH TO COME INTO COMPLIANCE BY JUNE 18, 2007 THE MONDAY BEFORE THE NEXT HEARING DATE.

MOTION SECONDED BY MR. RAFFO.

After further discussion:

MOTION CARRIED UNANIMOUSLY.

B Case #07-2093, 1260 North Ocean Blvd., Carl Hirsch

Violation of Chapter 134, Section 134-1472 of the Town of Palm Beach Code of Ordinances: which requires the ocean vista to be maintained on ocean properties easterly of Ocean Blvd., by maintaining 50% of the vegetation at 36" and 50% of the vegetation at 48"

Code Officer Walton requested that this case be dismissed for compliance.

MOTION BY MR. KOEPEL TO DISMISS CASE #07-2093 FOR COMPLIANCE.

MOTION SECONDED BY MR. FRIED

MOTION CARRIED UNANIMOUSLY

C Case #07-2097, 333 Sunset Avenue, Royal Poinciana South

Violation of Chapter 134, Section 134-1607 of the Town of Palm Beach Code of Ordinances: which requires that essential items of equipment, such as air conditioning equipment, that is allowed to be placed on the roof top area is required to be sight screened.

Code Officer Walton presented the facts in this case and passed out copies of photos of the air conditioning equipment to the Board.

Attorney Maura Ziska, representing the owner of this property, presented to the Board copies of a letter addressed to Code Compliance Officer Walton dated May 16, 2007

and copies of permits, estimates and proposals for the air conditioning units.

Attorney Maura Ziska read to the Board the letter addressed to Mr. Walton dated May 16, 2007 responding to the sight screening of the air conditioning equipment on the roof. Attorney Ziska stated that the Royal Poinciana South building is grandfathered, which means they are allowed to remain as is. Attorney Ziska further advised that the Town issued (2) roofing permits (which both passed inspections) and a permit for installing the new air-conditioning condenser stands, all without the mention of requiring the A/C equipment to be sight screened. Attorney Ziska stated that the cost to screen the equipment would be in the range of \$600,000 to \$800,000 and jeopardize the warranty. Attorney Ziska asks the case be dismissed.

Mr. Jeff Taylor Acting Building Official with the Town of Palm Beach testified that he researched the mechanical permit and found that when the permit was issued a note was placed on the permit stating that air conditioning units that can be seen must be screened.

Attorney Skip Randolph stated the Grandfathering issue does not apply because they obtained a permit to raise the height of the units. Mr. Randolph further noted that the Town requires as a condition of the permit that the units must be screened.

Mr. Arnold Hoffman addressed the Board on behalf of The Biltmore Residents. Mr. Hoffman stated he feels the unscreened units reduces the value of every apartment that looks out at that building. Mr. Carter Pottash resident of the Biltmore addressed the Board and stated that he met with the Manager of the building about screening of the units.

Code Enforcement Officer Walton recommended that the defendant be found in non compliance and ordered to pay administrative costs in the amount of \$150 and be given (60) days in which to come into compliance. Chairman Hoffman inquired if they can come into compliance if they have to go through Arcom within 60 days.

Ms. Veronica Close, Director of Planning, Zoning and Building Department addressed the Board and advised Arcom is a 30 day process to get on the agenda. They would have to develop plans and presentations and receive Arcom approval. Ms. Close added that 60 days may not be enough time.

After further discussion, the following motion was made:

MOTION BY MS. GREENBERG THAT THE DEFENDANT BE FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150 AND BE GIVEN (90) DAYS IN WHICH TO COME INTO COMPLIANCE

MOTION SECONDED BY MRS. DUEMLER.

MOTION CARRIED UNANIMOUSLY.

D Case #07-2098, 2860 South Ocean Blvd., # 505, Maria Barnes

Violation of Chapter 18, Section 18-242, building permits are required to construct, install, repair or alter any building or building system, these permits must be obtained prior to commencing work.

Code Enforcement Officer Walton presented the facts in this case. The apartment was

remodeled without permits and a pipe broke after remodeling and adjacent apartments were flooded. Mrs. Maria Barnes was issued a notice to appear and after speaking with Mrs. Barnes and her contractor, Mrs. Barnes agreed to apply for a permit and obtain required inspections.

Attorney Bruce Parrish addressed the Board on behalf of Mrs. Barnes to state that they were unaware the original contractor was not licensed and thought he obtained the necessary approvals. This contractor will be reported to the County License Bureau. Mrs. Barnes hired a new general contractor and has applied for the necessary permits with the Town. Mr. Parrish asks that they be given (60) days to complete the process.

Ms. Greenberg addressed the issue of responsibility of homeowners hiring unlicensed contractors. Mr. Walton stated that it is the homeowner's responsibility to investigate and hire licensed contractors. The contractor is responsible under construction licensing laws and the contractor can be reported as has been indicated will be done.

Mr. Richard Kleid, President of Town Council, addressed the Board as an individual condominium owner stating that most condominium managers require any work be reported and a copy of the license filed with the manager. Mr. Kleid would like to know if the manager was notified to prevent this from happening in the future.

Code Officer Walton recommends that they be found in non compliance ordered to pay administrative costs of \$150 and be granted (32) days to achieve compliance by obtaining all required permits and all required inspections. Mr. Parrish advised he is concerned that would not be enough time.

Mr. Walton modified his recommendation that permits be obtained in the (32) day period and all inspections be completed within (60) days.

After further discussion:

**MOTION BY MR. FRIED THAT THE DEFENDANT BE FOUND IN NON COMPLIANCE, ORDERED TO PAY AND ADMINISTRATIVE COSTS OF \$150 AND BE GRANTED (32) DAYS TO OBTAIN PERMITS AND ALL INSPECTIONS BE COMPLETED WITHIN (60) DAYS.
SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

- E Case #07-2099, 277 Royal Poinciana Way, RSVP Pack and Ship Store
Violation of Chapter 114, Section 114-38, taxation, requires as a condition of your business tax receipt (license) that all activity relating to your business shall be completed within the indoor space of your location.

Code Officer Gerry presented to the Board photographs of various shipping boxes that were outside on the sidewalk in front of this store. Mr. Gerry spoke with the owner and told them of the violation and per their licensing requirement all boxes must be stored inside. On April 11th a written warning was issued to the owner. The violation was observed again on April 27, May 2 and 3rd. The owners were sent notice of code violation letters. Mr. Gerry was advised by the owner they will be securing a warehouse in West Palm Beach to handle their shipping needs.

Mr. Gerry recommends finding the defendant in non compliance and \$150 administrative costs and any further violations will be cited under the repeat code violation section of our ordinance citing the day we observe the violation, the fine to that will be retroactive to the original date of the violation.

After further discussion:

MOTION BY MR. RAFFO THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS OF \$150 AND ANY FURTHER VIOLATIONS WILL BE CITED UNDER THE REPEAT CODE VIOLATION SECTION OF OUR ORDINANCE.

SECONDED BY MR. FRIED.

MOTION CARRIED UNANIMOUSLY.

- F Case #07-2100, 259 Oleander Avenue, Ms. Violet Alexander
Violation of Chapter 42, Section 42-86, (18), it shall be unlawful and shall constitute a nuisance for any owner of land within the Town to have or permit thereon any worn-out, scrapped, partially dismantled, non operative, unusable, or discarded materials or objects.

Code Officer Walton requested this case be dismissed for compliance.

MOTION BY MR. KOEPPEL TO DISMISS CASE #07-2100 FOR COMPLIANCE.

MOTION SECONDED BY MR. FRIED

MOTION CARRIED UNANIMOUSLY.

- G Case #07-2101, 100 El Vedado Way, El Vedado LLC
Violation of Chapter 122, Section 122-53, the Town Council authorizes the director of public works to order curtailment of the use of water for certain nonessential purposes, the director is authorized to specify certain days and hours when lawns and shrubbery may be watered.

Sgt. Hess of the Palm Beach Police Department addressed the Board regarding the two cases on the agenda regarding water use restriction violations.

Sgt. Hess reported as of yesterday May 16 the police department has issued about 90 citations for water use restriction violations. Violators have the option of either paying the fine or appearing before the Board. In March the South Florida Water Management District issued an emergency water use restriction order due to the continuing drought conditions. Among the other restrictions, landscape restrictions were limited to day of the week and time of the day. The Police Department began enforcing by issuing verbal warnings and shortly thereafter issuing written warnings. Citations were only issued for subsequent violations. On April 27th The Town of Palm Beach Director of Public Works, Paul Brazil, issued emergency water use curtailment order further restricting landscape irrigation by day and time. On May 10th the Police Department stopped issuing written warnings for violations and began issuing citations for even the first offense. This is authorized by town ordinance and was done due to continued drought conditions. The two cases before the Board today are based on violations which occurred after written warnings were issued. To clarify in each case a police officer

made personal contact with the property owner or employee and were given a copy of the water use restrictions and issued a written warning. In each instance the employee or owner signed the written warning and acknowledgment of the written warning.

Sgt. Hess presented the facts of case #07-2101. The first violation occurred on April 24th, the second violation occurred on May 8th. A Notice to Appear was issued and a fine of \$100.

Mr. Joe Esvitio employee stated that he made a mistake setting the clock in regards to the first violation. On the second violation the owner had 5,000 square feet of grass installed. Sgt. Hess was presented a letter regarding the new landscaping and responded that this would not be a violation.

SGT. HESS WITHDRAWS CASE #07-2101.

- H Case #07-2102, 850 South Ocean Blvd., Lawrence A Moens
Violation of Chapter 122, Section 122-53, the Town Council authorizes the director of public works to order curtailment of the use of water for certain nonessential purposes, the director is authorized to specify certain days and hours when lawns and shrubbery may be watered.

Sgt. Hess presented the facts of this case. The first violation occurred on April 18th a written warning was issued and signed for. The second violation occurred on May 8th and Ofc. Walley issued a Notice to Appear and a \$100 fine.

Property Manager for Lawrence A. Moens testified that the first warning was signed by an unknown person and the second violation on May 8th was due to a power failure which caused the timer to reset to the incorrect time and day.

MOTION BY MR. FRIED THAT THIS MATTER SHOULD BE DISMISSED.

Board asks for recommendation from Sgt. Hess. Sgt. Hess recommends the defendant be found in non compliance, \$150 in administrative costs and \$100 fine per the Notice to Appear.

**MOTION BY MR. RAFFO THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS OF \$150 AND \$100 FINE PER THE NOTICE TO APPEAR.
SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

- I Case #07-2103, 1295 South Ocean Blvd., Terry Allen Kramer
Violation of Chapter 122, Section 122-53, the Town Council authorizes the director of public works to order curtailment of the use of water for certain nonessential purposes, the director is authorized to specify certain days and hours when lawns and shrubbery may be watered.

Code Officer Walton requested this case be dismissed for compliance

MOTION BY MR. KOEPEL TO DISMISS CASE #07-2103 FOR

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

VI. New Business:

None

VII. Old Business:

- A Case #07-2079, 2875 So. Ocean Blvd., Leslie Robert Evans, 2875 Development Group
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, structural members shall supply substantial support for the structure, interior walls and ceilings shall be structurally sound, and all exterior walls shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair. Failure to commence repairs as required by the letter from Acting Building Official dated October 11, 2006.

Mr. Leslie Robert Evans, Managing Member, addressed the Board to report they have submitted a schedule of repairs. They have had numerous engineers working on determining the scope of work to be done due to the severe damage. They have applied for a demolition permit and feel the building is inherently unsafe.

Code Officer Walton reported that at the March meeting the Board granted them until July 15th to come into compliance. They have obtained the permit and submitted the schedule. The schedule goes beyond the deadline that the Board has established. Mr. Walton was planning on bringing this back before the Board after the Board allowed time frame has run out.

Attorney Julie Ferguson addressed the Board on behalf of the owner, and reports that they are working diligently while accommodating the tenant, Wachovia, with their desire to stay open. The schedule was prepared with the thought that the bank would be in occupancy and would be operating. Ms. Ferguson stated that Mr. Ackerman, Acting Building Official at the time, noted that a Florida registered engineer will be required to specify how and where the repairs are to be made.

Mr. Raffo inquired about the demolition. Ms. Ferguson stated the owner's desire was to demolish the building. The bank has filed a lawsuit to prevent the demolition and remain in the building. Mr. Fried asked Ms. Ferguson if the building owner is prepared within the next 60 days to comply with the October 11th letter. Ms. Ferguson stated the work to this building cannot be completed by July 15th due to the scope of structural work that the engineers have indicated has to be done to this building.

Mr. Koeppel would like to know if it should be determined by the courts if the building is structurally sound. Mr. Walton stated that we have an engineer's report stating that the building is in no danger of failing. The report does state that in a high wind event that you should not be in the building. Mr. Koeppel stated that the Board should not impose time lines until this matter has been judged by the court.

Ms. Veronica Close, Director of Planning, Zoning and Building Department addressed the Board to clarify that the Town recognized that there was an unsafe situation and

notified them accordingly. The respondent has provided the Board with a schedule with what the repairs should be and the Town is not in the position to say if they should demolish or repair. Ms. Close asked the Board to address if they can comply with the order and what is the next step rather than concentrating on the litigation.

Attorney Skip Randolph advises that the Town has not made a determination as to whether the building should be condemned. We have indicated that it simply needs to be repaired or demolished.

After further discussion:

Mr. Walton stated that they have been found in non compliance and given until July 15, 2007 to come into compliance.

**MOTION BY MR. FRIED.
MOTION WITHDRAWN.**

Chairman Hoffman reiterates that if the work is not done by July 15, 2007 they will be found in non compliance at that time.

- B Case #07-2089, 151 Chilean Avenue, Erik Gilbertson,
Violation of Chapter 42, Section 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances, it shall be unlawful and constitute a nuisance for any owner of land within the Town to allow building materials, non operative boats, automobiles or other such items to accumulate and 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.

Code Officer Walton presents the facts of the case: Mr. Gilbertson sent a letter to the Town Manager and reported that he has made all the repairs. Mr. Walton found the cars and debris still have not been removed and repairs not made. Mr. Walton recommends the Board institute a fine of \$250 a day starting the day after they were to come into compliance on May 14th.

**MOTION BY MS. GREENBERG THAT THE DEFENDANT IS ORDERED TO
PAY A FINE OF \$250 A DAY TO BEGIN ON MAY 15, 2007.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**

- C Case #07-2094, 105 Clarendon Ave, 105 Clarendon Corp, Royal Palm Collection Inc.
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Small Projects, all new or remodel construction projects of 3,999 sq. ft. or less under roof be allowed 12 months.

Code Officer Walton reported that they still have open permits and have not come into compliance.

Attorney Broberg addressed the Board on behalf of the owners stating that the owners have been out of the country and have now returned and ask for an additional 30 days to come into compliance.

Mr. Walton recommends a daily fine of \$250 a day.

MOTION BY MR. KOEPPPEL TO GIVE THEM 30 DAYS TO COME INTO COMPLIANCE.

After further discussion:

MOTION MODIFIED BY MR. KOEPPPEL TO GRANT THE DEFENDANT (30) DAYS TO COME INTO COMPLIANCE BY JUNE 18, 2007 AND HAVE ALL REQUIRED INSPECTIONS COMPLETED AND PASSED.

MOTION SECONDED BY MRS. DUEMLER.

MOTION CARRIED UNANIMOUSLY.

- D Case #07-2095, Palm Beach Building & Development, 874 South County Road Corp.
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Small Projects, all new or remodel construction projects of 3,999 sq. ft. or less under roof be allowed 12 months.

Code Officer Walton reported that they still have open permits and have not come into compliance.

Attorney Broberg addresses the Board on behalf of the owners stating that the owners have been out of the country and have now returned and ask for an additional 30 days to come into compliance.

MOTION BY MR. KOEPPPEL TO GRANT THE DEFENDANT (30) DAYS TO COME INTO COMPLIANCE BY JUNE 18, 2007 AND HAVE ALL REQUIRED INSPECTIONS COMPLETED AND PASSED.

MOTION SECONDED BY MRS. DUEMLER.

MOTION CARRIED UNANIMOUSLY.

- E Case #07-2096, Wildes Builders LLC, 260 Via Bellaria LLC
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.

Code Officer Walton reported that they have not passed their final inspection. They have removed the chain across the road and have been parking in the driveway. Mr. Walton recommends to the Board to assess a \$250 a day fine until the project is complete and all inspections have passed.

Mr. Steven Wildes, representing Wildes Builders LLC reported to the Board that they are ready for final inspections for everything mechanical but need additional time to complete the final work and landscaping.

Ms. Yvonne Stuart on behalf of Mr. Pashkow presented a letter to the Board from Mr. Pashkow regarding the length of time for construction and the continued disruption of the neighborhood.

Mr. Wildes stated he needs 60 days to complete the final work for this project due to inadequate work completed by the previous contractor.

**MOTION BY MR. KOEPPEL TO GRANT THE DEFENDANT (60) DAY
EXTENSION.
SECONDED BY MR. FRIED**

After further discussion:

Mr. Ochstein disagrees with the extension and recommends a fine. Mr. Walton asks Mr. Koepfel to modify the motion to include dates for completion of June 18th for the inside work and July 16th for the outside work.

**MOTION MODIFIED BY MR. KOEPPEL TO GRANT THE DEFENDANT AN
EXTENSION FOR THE INSIDE WORK TO BE COMPLETED BY JUNE 18TH
AND THE WORK ON THE OUTSIDE TO BE COMPLETED BY JULY 16TH.**

MOTION OPPOSED BY MR. OCHSTEIN.

ROLL CALL VOTE:

MR. KOEPPEL	YES
MR. FRIED	YES
MR. RAFFO	YES
MR. OCHSTEIN	NO
MRS. DUEMLER	YES
MS. GREENBERG	NO
MR. HOFFMAN	YES

MOTION CARRIED 5-2.

- F Case # 06-2051, 1200 So. Ocean Blvd., First Allied Jax Corporation
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: requires all interior walls and ceilings to be structurally sound, exterior walls, porches, doors and windows shall be reasonably free of cracks, painted and shall be kept in a sound condition and good repair. Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, which adopts the Florida Building Code, Residential, Chapter 9, Section R 903.1: requires that roof decks shall be covered with approved coverings secured to the building or structure in accordance with the provisions of this chapter. Furthermore, roof assemblies shall be designed and installed in accordance with this code and the approved manufacturer's installation instructions such that the roof assembly shall serve to protect the building or structure. Violation of Chapter 54, Section 54-71 of the Town of Palm Beach Code of Ordinances: states no exterior architectural feature on a landmark structure may be altered without a certificate of appropriateness having first been obtained from the Landmarks Preservation Commission.

Code Officer Walton reports that the schedule has not been met and recommends that the Board institute a daily fine.

Mr. Jim Brindell addresses the Board on behalf of the owners. Mr. Brindell disagrees with the fine and feels that is not what the previous order stated. Mr. Brindell asks the

Board to reject Mr. Walton's recommendation for fine.

Mr. Walton respectfully disagrees. Mr. Walton reports the timelines on the schedule are not being met. Mr. Brindell points out that his order states completion of repairs, and that date cannot occur any earlier than June 6th. Mr. Brindell feels the deadline date hasn't come yet and they are working diligently.

Chairman Hoffman states for the record that Ms. Van Buren will be the voting member in Mr. Raffo's absence.

After further discussion:

**MOTION BY MR. KOEPPEL TO POSTPONE CASE #07-2051 UNTIL THE JUNE 21, 2007 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

- G Case #06-2055, 242 Tangier Avenue, Tangier Investments LLC
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: does not allow unsightly, unsafe or unsanitary conditions and requires properties be maintained. Violation of Chapter 18, Section 242, subsection 104.5.1.6 of the Town of Palm Beach Code of Ordinances: failure of the permit holder to pursue construction under the permit in accordance with the maximum time schedule shall be prima facie evidence that the building project has not been commenced or has been suspended or abandoned.

Code Officer Walton requested this case be postponed for lack of service.

**MOTION BY MR. KOEPPEL TO POSTPONE CASE #07-2055 UNTIL THE JUNE 21, 2007 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MS. GREENBERG
MOTION CARRIED UNANIMOUSLY.**

- H Case #07-2085, 311-315 S. County Rd., Margrit Bessenroth
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: Environment. Violation of Chapter 118, Section 118-147 of the Town of Palm beach Code of Ordinances: Traffic and Vehicles.

Code Officer Walton recommends a \$250 per day fine until compliance is achieved.

Attorney Broberg on behalf of the defendant addressed the Board to inform that the valet application has been turned in and provided a receipt for the \$250. Attorney Broberg stated they will not use valet until they receive the valet permit. Mr. Walton stated if they do not use valet then they are in compliance. Mr. Walton will bring them back as a repeat violator if they see the valet prior to the permit being issued.

- I Case #07-2086, 311 S. County Road, Marbess Day Spa/Salon Margrit, Inc.
Violation of Chapter 114, Section 114-38 of the Town of Palm Beach Code of Ordinances: Taxation.

Code Officer Walton reports that Mr. Broberg has applied for the state license. Mr. Broberg feels that this could be cleared up with a 60 day extension.

Mr. Broberg on behalf of the owner testified in regards to a name change and they should be able to get this done with a 60 day extension.

**MOTION BY MR. KOEPPEL TO GRANT A (60) DAY EXTENSION.
MOTION SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

VIII

Request for fine reduction:

- A 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. Request for fine reduction.

Code Officer Walton reported that there is a lien against the property and escrow funds to cover this fine. Mr. Papadopoulos asked to address this matter and is not present. Mr. Walton stated there is no action to be taken.

- B Case #06-2043, 324 Cherry Lane, Cheryl Minikes
Violation of Chapter 42, Sections 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances states unsightly, unsafe and unsanitary conditions constitute a nuisance and requires properties be maintained in good condition.

Code Officer Walton reports that the defendant is in non compliance and a fine was instituted on March 15th at \$250 a day and ran 47 days. The balance due is \$11,750.

Attorney Maura Ziska representing Cheryl Minikes addressed the Board in regards to the demolition permit. They submitted for the demolition permit in February and it took two months to receive the demolition permit. They obtained the permit on April 10th and Cushing was on site and completed the demolition in three weeks. Attorney Ziska asked to waive the fine since they received the demolition permit after the fines began.

Mr. Walton stated very rarely would a fine be erased. Attorney Ziska said they were delayed with demolition due to the delay in obtaining the permit. Ms. Veronica Close, Building Department, stated that many permits are submitted without all the requirements and sign offs by the utilities and stated that 30 days would not be unusual for a demolition permit.

After further discussion:

**MOTION BY MR. KOEPPEL TO REDUCE FINE BY 30 DAYS.
MOTION SECONDED BY MR. OCHSTEIN.**

MOTION OPPOSED BY MS. VAN BUREN.

ROLL CALL VOTE:

MR. KOEPPEL	YES
MR. OCHSTEIN	YES
MRS. DUEMLER	NO
MR. FRIED	YES
MS. GREENBERG	NO
MS. VAN BUREN	NO
MR. HOFFMAN	YES

MOTION CARRIED 4-3.

- C Case #07-2076, 202 Plantation Road, Peter Plotkin
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: requires properties to be maintained in good condition and not to present an unsightly, unsafe or unsanitary condition.

Code Officer Walton reports that the fine was assessed at \$250 a day and ran for 12 days and the outstanding balance due is \$3,000.

Mr. Bud Palmeri addressed the Board on behalf of Mr. Plotkin. Mr. Palmeri has asked for the fine reduced due to delays in obtaining the demolition permit.

After further discussion, Mr. Walton asked the fines to stand.

**MOTION BY MR. KOEPPEL THAT THE FINE STANDS WITH AN
OUTSTANDING BALANCE OF \$3,000.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

IX. Comments from the Board:

Mr. Hoffman asked for comments from the Board.

Mr. Fried commented regarding a new town ordinance regarding unpaid fines that no new building permits can be issued until the fine has been paid. Mr. Fried was pleased to see wooden green painted fencing around construction sites. Mr. Fried wanted to know if there is a provision in the code for construction fencing.

Mr. Walton stated that there is a provision in the code and if you spot a job site that is offensive to contact the Building Department. Mr. Walton said the provision is at the discretion of the Director or Building Official. Veronica Close, Building Department, stated the reason there is some discretion is that we have a issue with parking. Ms. Close also wanted to clarify that the ordinance relates to if you're adjudicated guilty.

Mrs. Duemler wanted to address the condo issue and would like to know if there is a way to post rules and regulations regarding rules of construction. Ms. Greenberg wanted to make the condo managers more accountable for the property owners. Attorney Skip Randolph stated that we cannot make the condo managers liable, but can write to the condo managers regarding this issue.

Captain Kirk Blouin of The Palm Beach Police Department introduced new Code Enforcement employee, Bryant Weymer.

X. Adjournment: