



TOWN OF PALM BEACH POLICE DEPARTMENT

A NATIONAL AND STATE ACCREDITED LAW ENFORCEMENT AGENCY



CODE ENFORCEMENT BOARD MINUTES 2:00 P.M. THURSDAY, MAY 15, 2008 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
Harris S. Fried, Vice-Chairman
Joel P. Koeppe, Member
Larry Ochstein, Member
Catherine M. Duemler, Member
Madelyn Greenberg, Member
Cynthia Van Buren, Member
James M. Ballentine, Jr., First Alternate
William P. Vanneck, Second Alternate

Staff: John Randolph, Town Attorney
Captain Kirk Blouin, Support Services
Rob Walton, Lead Code Enforcement Officer
Nick Gerry, Code Enforcement Officer
Bryant Weymer, Code Enforcement Officer
Raychel Houston, Recording Secretary

III. **Approval of the Minutes of April 17, 2008:**

MOTION BY MS. GREENBERG FOR APPROVAL OF THE APRIL 17, 2008 MINUTES

MOTION SECONDED BY MR. KOEPPEL

MOTION PASSED UNANIMOUSLY

IV. **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 Raychel Houston.

V. Public Hearings:

- A. Case # 08-2431, 434 Seaspray Ave., Christopher Kaufman
Violation of Chapter 18, Section 18-242, Subsection 1 (104.1.1) of the Town of Palm Beach Code of Ordinances, building permits required to construct, install, repair or alter any building or building system.

Lead Code Enforcement Walton said this case was brought before the Town Council and they had asked for a further study of the issue and he was requesting a postponement until the June 19, 2008 Code Enforcement Board meeting.

MOTION BY MR. KOEPPPEL TO POSTPONE THE CASE UNTIL JUNE 19, 2008

SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY

- B. Case # 08-2485, 137 Root Trail, T&P Pavers
Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, working without a permit.

Lead Code Enforcement Officer Walton said this case had been postponed from the previous meeting. Mr. Walton said he discussed the situation with the Acting Building Official, Jeff Taylor, who reviewed it and ruled a permit was not required for the work T& P Pavers had done. The Town recommends the case be dismissed.

MOTION BY MR. FRIED TO DISMISS THE CASE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY

- C. Case # 08-2488, 217 List Road, Susan Korzenewski
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior surfaces to be kept painted and in good condition.

Code Enforcement Officer Nick Gerry presented the facts of the case and said this violation was discovered during routine patrol. It is a vacant home and the property is being sold. Contact was made with the new owner concerning the violations. Jason Guari, the new owner of the home, was present and said he had closed on the property on May 12, 2008. He said he would take care of the violations within the next two weeks. He intends to renovate the home and has been working with an

architect. His plans for renovation will be submitted to the Town within the next week or two and there are some changes which will need to go through ARCOM. Mr. Guari said he would trim the bushes, touch up the paint and make the house look presentable. The Town's recommendation is a finding of non-compliance, administrative costs in the amount of \$150.00 and the property brought into compliance by June 5, 2008. If compliance is not achieved, fines of up to \$250.00 a day may be considered at the next Board meeting. Mr. Gerry said he is recommending they just paint the portion of the house which is in public view and Mr. Guari said he had no objection to that. The Board discussed granting Mr. Guari additional time to come into compliance.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE HIM UNTIL JUNE 16, 2008 TO COME INTO COMPLIANCE
SECONDED BY MS. DUEMLER
MOTION PASSED UNANIMOUSLY**

- D. Case # 08-2489, Peruvian Ave. Parking Lot, Love III LLC
Violation of Chapter 134, Section 134-2172 and Section 134-2174 of the Town of Palm Beach Code of Ordinances, off street parking areas and parking lots must meet requirements relating to paved surfaces, markings, landscape and drainage and Chapter 42, Section 42-87, appurtenances such as parking lots to be kept in good condition.

Code Enforcement Officer Gerry presented the facts of the case and said the violations were discovered through normal routine patrol. The property owner had done some minor repairs to the parking lot, trimmed the landscape and removed some of the debris but the main violations had not been corrected. Brian House was present on behalf of the property owner and said an agreement had been made to begin construction on May 1, 2008. The contractor would not sign a contract with them before that date because of the fluctuations in fuel prices which affected asphalt rates. The permits had been applied for and they had a contract. He said the area that looked like shell rock was crushed rock and was there because in 1999, the Town required the property owner to cut the asphalt out so drainage could be obtained by retaining rain water on the property. They have made arrangements with the paving contractor to re-grade that and to do a continuous re-grading so they can comply with the Town's order from that time. He felt they had complied because they had signed the contract they agreed to sign.

Mr. Hoffman asked if the area of the parking lot cut out on the photographs supplied to the Board members was mandated by the Town and Mr. House said it was. Mr. House said he created the situation when he was in Code Enforcement. He had met with the property owner who had been told he had to retain the water on the property and create drainage and this is what they came up with. Mr. House said they believed

they could make this area smaller and still retain the water on the property that is required. Mr. Gerry said that after reviewing building department records, he could not find any evidence of this being the case and asked if Mr. House had any type of evidence he wanted to present.

Mr. Koepfel questioned who the agreement was with to start the work in May and Mr. House said it was with Mr. Gerry. Mr. Koepfel asked Mr. House how long he anticipated the work would take and Mr. House said it would take about 3 days but his contractor was not giving him a firm start date because he did not have his permit.

Mr. Fried asked Mr. Gerry if the Town had entered into an agreement with the owners of the parking lot and Mr. Gerry said that was not correct. Mr. Gerry said they had requested an extension of time. Capt. Blouin said the case was initially being handled by Sgt. Hess (now Capt. Hess) and the company had requested the work be done after season. He and Sgt. Hess had discussed how long the work would actually take and if it would only take a couple of days, they did not believe it was reasonable to wait five or six months with the condition the parking lot was in. A request had been made by the company to wait until May 1st but that had been denied. The case did slip through the cracks for a couple of months due to Sgt. Hess's promotion. There was no agreement between the Town and the property owners to delay this. Mr. House said no one had notified them that the agreement was not satisfactory.

Ms. Greenberg brought up the safety concerns due to the condition of the property. Mr. House said the loose car stops were constantly being put back into place. Mr. Walton asked Mr. House how much time he was requesting to complete the work from the time the permit was issued and he said he was not asking for anything because he felt they were in compliance. Mr. Walton again asked how much time was needed for the work to be completed and Mr. House said he would have to get back to him on that. It would all depend on when the permit gets issued.

The Town's recommendation is a finding of non-compliance, administrative costs in the amount of \$150.00 and to come into compliance by May 27, 2008. The Board discussed giving additional time for compliance due to the permits having to be issued.

**MOTION BY MR. KOEPFEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JUNE 16, 2008 TO COME INTO COMPLIANCE
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

Violation of Chapter 134, Section 134-2172 and Section 134-2174 of the Town of Palm Beach Code of Ordinances, off street parking areas and parking lots must meet requirements relating to paved surfaces, markings, landscape and drainage and Chapter 42, Section 42-87, appurtenances such as parking lots to be kept in good condition.

Code Enforcement Officer Gerry presented the facts of the case and said the violations had been discovered through routine patrol. Some of the violations were corrected but the property was still in violation. Brian House said this property was also under contract with the same company and would be completed prior to the Peruvian lot. The potholes were being repaired on a monthly basis until the repaving can be done.

**MOTION BY MR. KOEPPLE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL JUNE 16, 2008 TO COME INTO COMPLIANCE
SECONDED BY MS. DUEMLER
MOTION PASSED UNANIMOUSLY**

F. Case # 08-2491, 160 Reef Road, 160 Reef Road LLC

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code, Section 105, zoning approval and building permits required for any structure or building erected or constructed.

Code Enforcement Officer Gerry presented the facts of the case. Mr. Gerry said he discovered the violations on routine patrol and said he could not find any permits for the wood fence and the canopy structure. Prior permits had been obtained for interior work and the air conditioner but no final inspections had been obtained and the permits were all open. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and the property owner to obtain the required building permits by June 6, 2008 or remove the structures and obtain all final inspections for the open permits by June 6, 2008.

Maura Ziska was present and spoke on behalf of the property owner, Christina Wilson. Ms. Ziska said the wooden building was a pergola kit and it had been removed. A permit for the fence would be applied for as it had been staff approved by Tim Franks. An emergency permit for the garage door had been applied for but it had not been issued yet. Joel Mattei, American Awning Company, was also present and said they had applied for and received a permit for the canopy structure but it had not been properly completed. The permit said re-cover/repair the frame but it had also been remodeled to a hip design. The awning is no bigger than it was before and is in the same spot.

Paul Castro said the problem with the building permit is that it was for a re-cover. If it had been for a complete redesign of the structure, the Building Department would

have looked at the zoning requirements to see if it met lot coverage and setbacks. Because the permit did not identify that they were replacing the entire structure, it was not looked at by Zoning. Ms. Ziska said that would be incorporated when they re-applied. Ms. Ziska said they were requesting additional time. Lead Code Enforcement Officer Walton said there were continuous issues with permits not being applied for and it appeared permits were only being applied for when the Town discovered unpermitted work being done. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and building permits to be obtained with all required inspections or the structures removed by June 6, 2008. Ms. Ziska said that date was okay unless the awning had to go through Zoning or a variance had to be obtained.

MOTION MADE BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL JUNE 6, 2008 TO COME INTO COMPLIANCE.

**SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- G. Case # 08-2492, 110 Angler Ave., Stephen J. Macari
REPEAT Violation of Chapter 42, Section 42-86 and Chapter 42, Section 42-87, grass not to exceed eight (8) inches in height and exterior surfaces to be kept painted and in good repair.

Code Enforcement Officer Gerry presented the facts of the case and said the violation had been discovered through routine patrol. The house is vacant. The property is a repeat violation, having been brought to the Board previously under case # 07- 2074.

The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and compliance by May 16, 2008. At the next Board meeting, a fine of up to \$500.00 a day will be considered as this is a repeat violation.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 16, 2008 TO COME INTO COMPLIANCE

**SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- H. Case # 08-2493, 314 Australian Ave., Bethanne Pouncey
Violation of Chapter 10, Section 10-9 of the Town of Palm Beach Code of Ordinances, unauthorized feral cat feeding

Code Enforcement Bryant Weymer presented the facts of the case and said the violator had been previously warned reference this activity. Bethanne Pouncey was present and said although she did not have an attorney present with her, she had

consulted one. She said she had been approached by Robert Walton who told her she was going to receive a citation for feeding feral cats. She said she asked him if he had seen her feeding the cats or had photographs and he said he did not. Mr. Weymer advised this case involved an earlier violation. Mr. Weymer said he was unable to make contact with Ms. Pouncey at the time of the violation because she left so quickly but he also had witness statements and she had been positively identified.

Mr. Hoffman asked Ms. Pouncey, under oath, if she had fed the cats and she stated she had. Ms. Pouncey said she fed the cats because they had been abandoned by PB Cats. She said she had taken care of two colonies of cats with the knowledge of PB Cats and had gotten the letter from the Town warning her against feeding them but she had continued to do so until she could make other arrangements. Ms. Pouncey said she had started this program with PB Cats in 2003 and for three years she had trapped, spayed and neutered 447 cats in the Town. She knows the rules of trap, spay and neuter and the cats she took care of were fed their meals every night. That is the mission of that particular 501(c)(3). She believes she is here today because she criticized the second board that came in. It had come to her attention a year ago in March that many of the feeding stations were abandoned. She questioned whether the Town ordinance she had been cited under had a final reading and said her citation had not been signed or dated. Mr. Weymer said the portion of the citation Ms. Pouncey was referring to was meant for personal service where she would sign and it would be dated at that time.

The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and a fine of \$250.00. Mr. Koeppel asked Ms. Pouncey if she had authority from the owners of the property to feed cats on that property and she said she did not. Capt. Blouin said the homeowner, who is out of the country at this time, sent a letter to the Chief of Police requesting that no one be allowed to trespass on his property. Capt. Blouin issued Ms. Pouncey a trespass warning and told her the next time she was on the property, it would be a criminal matter to be handled by the courts.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND A FINE OF \$250.00

SECONDED BY MR. KOEPPEL

MOTION PASSED UNANIMOUSLY

- I. Case # 08-2494, 314 Australian Ave., Bethanne Pouncey
Violation of Chapter 10, Section 10-9 of the Town of Palm Beach Code of Ordinances, unauthorized feral cat feeding

Lead Code Enforcement Officer Walton presented the facts of this case and said he had personally observed Ms. Pouncey on the property at 314 Australian Ave. with a

plastic shopping bag, watched her remove something and place it on the ground behind some low vegetation. He approached her, identified himself and asked her if she was Beth Pouncey. Mr. Walton said he told Ms. Pouncey he had observed her feeding feral cats and would be sending her a violation notice. The notice was sent certified mail and signed for by Ms. Pouncey. Ms. Pouncey admitted she was on the property and had fed the cats. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and a fine in the amount of \$250.00.

MOTION BY MR. KOEPPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND A FINE OF \$250.00

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

J. Case # 08-2495, 165 Root Trail, Catharine Bradley

Violation of Chapter 10, Section 10-9 of the Town of Palm Beach Code of Ordinances, feeding cats to create a colony.

Lead Code Enforcement Officer Walton presented the facts and said this case was the result of citizens' complaints. Mr. Walton said there were also sworn statements from three of the neighbors. Ms. Bradley was present with her attorney, Dennis Koehler. Mr. Koehler questioned Mr. Randolph about the final adoption date of Town Ordinance 10-9 and said the Town web site did not have that date. Mr. Randolph said he did not have the adoption date readily available but the ordinance was in effect prior to the amendment which included the word "feeding" in the ordinance. Mr. Koehler suggested the Town update its website to show the adoption date.

Mr. Koehler said Ms. Bradley was charged with feeding cats to create a colony and he could not find that language anywhere in the ordinance. Mr. Koehler said he just wanted to draw everyone's attention to the fact that the specific charge is for a violation that does not exist in the Code. Mr. Koehler questioned his client who denied feeding cats on Root Trail or tossing dried food in the street. Mr. Koehler asked Ms. Bradley if she had domesticated cats in her home and if she had computer chips in them and she said she did and the cats were chipped. Mr. Koehler pointed out that the witnesses who provided the statements were not present to be questioned.

Ms. Bradley denied feeding any cats at her home that did not belong to her but admitted she fed the cats on her doorstep.

Mr. Hoffman asked Ms. Bradley how many cats she had in her house and she replied that she had 10 but "we're now permitted seven". She said she fed both inside and outside because some cats did not want to come inside. She said she had tried to get the cats to come inside but they would not. Ms. Bradley said she had lived on Root Trail for almost 10 years and there were many cats both on Root Trail and Seminole that she had started caring for, getting them spayed/neutered, inoculated and chipped and there had been no kittens born on Root Trail the whole time she had lived there.

(Mr. Koepfel had to leave the meeting at 3:30 p.m. and Mr. Hoffman announced Mr. Ballentine would be a voting member for the remainder of the meeting.)

Mr. Ballentine asked if feral cats were eating the food she put out for her cats and Ms. Bradley said that was possible. Capt. Blouin said he had received numerous complaints from citizens and he had driven by to assess the situation and had seen numerous cats on and about her property. He said common sense would dictate that Ms. Bradley was aware she was feeding the feral cats on that street. Mr. Koehler again asked where the witnesses were that had provided the sworn statements and Mr. Walton asked if he would like to have the opportunity to cross examine them. Mr. Walton asked if Mr. Koehler would object to reconvening the hearing until next month to see if the witnesses would come in and testify. Mr. Koehler said he was just pointing out that the Town had not made its case. Mr. Koehler asked if he could consult with his client to see if she was willing to postpone this hearing and after a brief consultation, he said she was not and she wanted the Board to make a decision on the evidence they heard today. Mr. Koehler closed by saying that the colony Ms. Bradley was charged with creating had existed on Root Trail for a number of years and was, in fact, decreasing in population. He asked that the case be dismissed with prejudice. Capt. Blouin said that Mr. Koehler had a valid point with the witness statements so the Town moved to retract them from evidence. He asked that the Board just consider the testimony of Town staff, himself included. Mr. Koehler questioned who had taken the photographs entered into evidence and when they had been taken. Mr. Walton did not know who took the photographs or when they were taken although he believed it was recently. Capt. Blouin said they were an accurate depiction of what he had seen. Recording Secretary Houston noted the photographs had been taken by Ms. Gasque who had referenced them in her witness statement. Mr. Koehler said he objected to the photographs.

Mr. Koehler noted again that there had been no evidence that Ms. Bradley was feeding cats to create a colony. Mr. Randolph advised Mr. Koehler that in answer to his previous question, the amendment to the original ordinance was adopted on 4/8/2008 but ordinance 10-9 had been in effect since September, 1996. Mr. Randolph also added that since the photographs were attached to one of the witness statements and the Town had withdrawn the witness statements, what the Board had before it now was the testimony of Mr. Walton and Capt. Blouin. Mr. Randolph said the question of whether the ordinance had been violated had to be based on competent, substantial evidence.

The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and a \$250.00 fine.

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND A FINE IN THE AMOUNT OF \$250.00
SECONDED BY MS. VAN BUREN
MOTION OPPOSED

ROLL CALL VOTE:

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

MOTION FAILED 5-2

**MOTION BY MR. FRIED TO DISMISS THE CASE
SECONDED BY MS. DUEMLER
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 5-2

K. Case # 08-2496, 234 Australian Ave., Rabbi Zalman Levitin

Violation of Chapter 134, Section 134-945 of the Town of Palm Beach Code of Ordinances, churches, synagogues and other houses of worship in the R-C zoning district need approval as special exception uses.

Lead Code Enforcement Officer Walton presented the facts of the case and said it had started back in August, 2007. He had contacted the Rabbi and informed him of the violation and the Rabbi said he would apply to Paul Castro, the Zoning Administrator, for zoning authorization to organize a synagogue. Mr. Walton said he received another complaint and had contacted the Rabbi again. Mr. Walton said he had consulted Mr. Castro who told him this was a non-conforming use which would not be permitted without Council approval. Mr. Walton said he had gone to the residence and observed what appeared to be a religious service going on. The advertisements from the Palm Beach Daily News and a card from the Chesterfield Hotel advertising the services were entered as documentary evidence.

Mr. Castro said all assembly uses are special exception uses and the reason is to

insure that the specific use does not negatively impact any of the surrounding properties. The person living at the residence had met with him at the instruction of Mr. Walton and he informed the resident he would need special exception approval from the Town Council. He also advised the applicant if they wanted to have services at any of the surrounding hotels or any commercial property, this would be an assembly use in the CTS or the R-C district, and special exception approval would also be necessary.

Mr. Walton questioned whether or not this section of the Code would apply equally to group homes, foster care facilities and other group uses such as churches and synagogues. Mr. Castro said yes, that it did not matter what the size of the congregation was, if worship services were being held, it is considered a house of worship and impacts have to be looked at by the Town Council. In response to a question from Mr. Ochstein, Mr. Castro said that every synagogue and church has been required to have special exception approval.

Mr. Randolph said this does not apply to a group of people praying in their home. He said he had to represent the Board and not the Town. Mr. Randolph said the Board could not violate anyone's right of religious freedom or their freedom of assembly. He said there were constitutional implications and land use restrictions could not be imposed that created a substantial burden on the religious exercise of a person, including a religious assembly or institution unless the government demonstrates it is the furtherance of a compelling government interest and is the least restriction means of furthering that interest. He said the determination had to be what a substantial burden was and there is case law which he advised the Board on. Mr. Randolph said the case law held that zoning considerations do not constitute substantial burdens on religious exercise.

The Town recommended a finding of non-compliance, administrative costs in the amount of \$150.00 and an order to remain in compliance. The costs were being asked for because of the amount of staff time involved in proving the case.

MOTION BY MS DUEMLER TO FIND THE DEFENDANT IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO REMAIN IN COMPLIANCE
MOTION SECONDED BY MR. BALLENTINE
MOTION OPPOSED

ROLL CALL VOTE:

MS. DUEMLER	YES
MR. BALLENTINE	YES
MR. FRIED	YES
MR. OCHSTEIN	NO
MS. GREENBERG	NO

MS. VAN BUREN YES
MR. HOFFMAN YES

MOTION PASSED 5-2

- L. Case # 08-2497, 235 Sunrise Ave., C.J.'s Simply Gourmet Catering, Inc.
Violation of Chapter 114, Section 114-38 of the Town of Palm Beach Code of Ordinances, business tax receipt required.

Lead Code Enforcement Officer Walton presented the facts of the case and said Sgt. Krauel issued a violation to Sumner Kaye who signed for it. Mr. Kaye was present and admitted he had held an event after being warned to discontinue operating without a business tax receipt. He said he had purchased the business and tried to get a business tax receipt but there were previous fines owed in the amount of \$2700.00 which he had recently paid.

The Town recommended a finding of non-compliance, administrative costs in the amount of \$150.00 and a fine in the amount of \$250.00.

MOTION BY MS. DUEMLER TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND A FINE IN THE AMOUNT OF \$250.00
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY

- M. Case # 08-2498, 235 Sunrise Ave., C.J.'s Simply Gourmet Catering, Inc.
Violation of Chapter 114, Section 114-38 of the Town of Palm Beach Code of Ordinances, business tax receipt required.

Lead Code Enforcement Officer Walton said after a previous warning, Mr. Kaye held another event on May 1 for which he had been cited. Mr. Kaye admitted to having the function without a valid business tax receipt.

The Town recommended a finding of non-compliance, administrative costs in the amount of \$150.00 and a fine in the amount of \$250.00.

MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND A FINE IN THE AMOUNT OF \$250.00
SECONDED BY MS. DUEMLER
MOTION PASSED UNANIMOUSLY

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- N. Case # 08-2499, 235 Sunrise Ave., C.J.'s Simply Gourmet Catering, Inc.
REPEAT Violation of Chapter 118, Section 118-146 of the Town of Palm Beach Code of Ordinances, operating a valet service without proper permit.

Lead Code Enforcement Officer presented the facts of this case and said it was a repeat violation. They had previously been found in violation by the Board and Mr. Kaye admitted to operating a valet without a permit. He said he had tried to apply for a permit but he believed it had been denied because the declaration page was missing from his insurance.

The Town recommended a finding of non-compliance, administrative costs in the amount of \$150.00 and a fine in the amount of \$500.00 because it was a repeat violation.

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND A FINE OF \$500.00

MOTION SECONDED BY MR. BALLENTINE

MOTION PASSED UNANIMOUSLY

- O. Case # 08-2500, 235 Sunrise Ave., C.J.'s Simply Gourmet Catering, Inc.
REPEAT Violation of Chapter 118, Section 118-146 of the Town of Palm Beach Code of Ordinances, operating a valet service without proper permit.

Lead Code Enforcement Officer presented the facts of the case and Mr. Kaye admitted to operating a valet service without a proper permit.

The Town recommended a finding of non-compliance, administrative costs in the amount of \$150.00 and a fine in the amount of \$500.00 because it was a repeat violation.

MOTION BY MS. DUEMLER TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND A FINE OF \$500.00

MOTION SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

VI. Old Business:

- A. Case # 07-2097, 333 Sunset Ave., Royal Poinciana South
Violation of Chapter 134, Section 134-416 (d), Section 134-417 and Section 134-418 of the Town of Palm Beach Code of Ordinances, when any building or structure or part thereof which is nonconforming is altered, changed or replaced, the non-conforming building or structure or part thereof shall thereafter conform to the

regulations of the district in which such building or structure is located and the terminated nonconformity shall not thereafter be resumed nor shall any additional nonconformity be permitted.

Lead Code Enforcement Officer Walton requested this case be postponed to a date certain of June 19, 2008. The appellate attorney for 333 Sunset Ave. could not be present but no further postponements would be supported.

MOTION BY MS GREENBERG TO RESCHEDULE THE CASE UNTIL JUNE 19, 2008

SECONDED BY MS. DUEMLER

MOTION PASSED UNANIMOUSLY

VII. Fine Consideration:

- A. Case # 08-2432, Beachfront Vista Property, Nightingale Beach Club Association
Violation of Chapter 134, Section 134-1472 (3) of the Town of Palm Beach Code of Ordinances, no additional walls, fences, hedges or other structures or growth shall be erected or be grown eastwardly of Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard.

Lead Code Enforcement Officer Walton requested a postponement until the June 19, 2008 meeting as the Department of Environmental Protection will rule prior to that date whether they will issue the vegetation trimming permit.

(Ms. Duemler recused herself as part of a previously declared conflict and Mr. Hoffman advised that Mr. Vanneck would be a voting member on this case.)

MOTION BY MR. OCHSTEIN TO POSTPONE THE CASE UNTIL THE JUNE 19, 2008 MEETING

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

- B. Case # 08-2478, 151 Chilean Ave., E. Nordin Gilbertson
Violation of Chapter 134, Section 134-889 of the Town of Palm Beach Code of Ordinances, commercial use of land in the R-B low density residential district.

Lead Code Enforcement Officer advised that Mr. Gilbertson had not achieved compliance in the time frame set by the Board at the previous meeting. The Town recommends a fine in the amount of \$250.00 per day be imposed, beginning on May 2, 2008 and continuing until compliance is achieved.

MOTION BY MR. FRIED TO IMPOSE A FINE IN THE AMOUNT OF \$250.00 A DAY, COMMENCING ON MAY 2, 2008 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

C. Case # 08-2479, 2299 E. Ibis Isle Rd., 2299 Ibis Isle Road LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions not allowed and properties to be maintained in good condition.

Lead Code Enforcement Officer Walton requested that this case be dismissed as the violator had complied with the Board order.

MOTION BY MS. DUEMLER TO DISMISS THE CASE

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

VIII. Comments:

Ms. Duemler asked Mr. Randolph asked about the feral cat situation and the conflict between Island Cats and PB Cats and he said it was not a matter before the Board today but that the Council had only recognized one group, PB Cats.

Mr. Fried said he felt a little like “Dick Raffo’s ghost” and wanted an update from Mr. Randolph on the process of the Board to take on the responsibility to foreclose on outstanding fines. Mr. Randolph said he did not know if the recommendation had gone to Town Council or not. Mr. Hoffman asked if going before the Town Council gave a citizen an additional chance to talk to a different group of people before a property would be foreclosed on and Mr. Randolph said it did. Mr. Hoffman said he had voted in favor of the Board having the power but if he had the chance to vote again, he would be more in favor of giving the citizen the opportunity to go in front of the Town Council and having another opportunity to be heard before foreclosure took place.

There was some discussion as to whether another vote should take place. Mr. Randolph said that would take another motion if they wanted to revisit it or the motion could just rest the way it was.

There was also an update on the fines and the process of attempting to collect them. If payment is not received within 90 days, a lien is filed. Letters will now be sent to those people who have liens giving them notice that that a foreclosure hearing will be held.

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Recording Secretary Houston offered to prepare an agenda item for the Town Council on the Board's motion to foreclose on outstanding fines. Mr. Randolph said he could also do that but it was decided by Capt. Blouin that Mr. Randolph should speak with the Town Manager first.

Mr. Hoffman advised that he, along with Chief Reiter and Capt. Blouin, had made a Code Enforcement Board presentation to the Town Council on Tuesday and the Council told him to pass along the fact that the Board is doing a good job and the Council is proud of what the Board is doing. Mr. Hoffman said he is also proud of the job the Board is doing and the Town and the citizens are paying a lot more attention to Code Enforcement much more than they did in the past and he thanked the Board and Staff for the job they are doing.

IX. Adjournment:

The meeting was adjourned without benefit of a motion.