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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, MAY 15, 2003
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

I Call to Order: Chairman Eugene Lawrence called the meeting to order at 2:00 p.m.

II Roll Call: Present: Eugene Lawrence, Chairman
Timothy Hoffman, Member
Joel P. Koeppel, Member
Richard A. Raffo, Member
Hugh C. Davis, III, Member
Thomas M. Youchak, Member
George Klein, Alternate Member
Robert S. Walton, Code Compliance Officer
Joanne M. O'Connor, Town Attorney

Absent: Pamela Hoffpauer, Vice Chair (excused absence)

Recording Secretary : Deborah A. Morakis

III Approval of the Minutes of April 17, 2003:
MOTION BY MR. KOEPPEL FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

IV Public Hearings:

- A Case #02-1467, 447 Primavera Way, L.C., 447 Primavera Way
Violation of Chapter 62, Section 62-77 of the Town of Palm Beach Code of Ordinances, all bulkheads and seawalls within the Town shall be maintained in good repair and in an impervious condition without cracks and/or holes that allow for the passage of sand.

Let the record show that Mr. Bill Erwin was sworn in, in preparation of his testimony.

Bill Erwin with Woolems, Inc., was here to represent the owner, and stated that he has already submitted a permit application to complete the necessary, temporary repairs to the seawall.

MOTION BY MR. KOEPEL TO FIND THE DEFENDANT GUILTY AND GRANT SIXTY (60) DAYS FROM THE ISSUANCE OF THE PERMIT TO REPAIR THE WALL.

MOTION SECONDED BY MR. YOUCHAK.

MOTION CARRIED UNANIMOUSLY.

- B Case #03-1502, Jeffrey Fisher, 255 Clarke Avenue

Violation of Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians.

MOTION BY MR. HOFFMAN TO DISMISS CASE #S: 03-1502, 03-1505, 03-1513, AND 03-1514 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

- C Case #03-1505, Betty M. Payne, 208 Barton Avenue

Violation of Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians.

MOTION BY MR. HOFFMAN TO DISMISS CASE #S: 03-1502, 03-1505, 03-1513, AND 03-1514 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

- D Case #03-1513, 445 Brazilian, 445 Brazilian Avenue

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.

MOTION BY MR. HOFFMAN TO DISMISS CASE #S: 03-1502, 03-1505, 03-1513, AND 03-1514 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

- E Case #03-1514, Richard & Irene Miller, 270 El Dorado Lane

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of

Ordinances, failure of any vehicle to have a valid license plate is prima facie evidence that the vehicle is non operative and shall constitute a nuisance.

MOTION BY MR. HOFFMAN TO DISMISS CASE #S: 03-1502, 03-1505, 03-1513, AND 03-1514 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPPEL.

MOTION CARRIED UNANIMOUSLY.

- F Case #03-1515, Edward Carter, Jr., 320 Barton Avenue
Violation of Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians.
MOTION BY MR. KOEPPEL TO POSTPONE CASE #S: 03-1515, 03-1516, AND 03-1518 FOR LACK OF SERVICE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- G Case #03-1516, Hector Cortes, 212 Australian Avenue
Violation of Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians.
MOTION BY MR. KOEPPEL TO POSTPONE CASE #S: 03-1515, 03-1516, AND 03-1518 FOR LACK OF SERVICE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- H Case #03-1517, Bernd Lembcke, Mar-a-Lago Club, 1100 So. Ocean Blvd.
Violation of Chapter 54, Section 54-71 of the Town of Palm Beach Code of Ordinances, no exterior feature of a building under the Jurisdiction of the Landmark Preservation Commission may be altered without either Staff approval or a certificate of appropriateness issued by the Landmark Preservation Commission. Following Landmarks Preservation Commission approval, a building permit is required. This permit must be obtained prior to commencing work.
MOTION BY MR. RAFFO TO POSTPONE CASE # 03-1517 UNTIL AFTER THE TOWN COUNCIL RULES ON THEIR APPEAL.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- I Case #03-1518, Palm Beach Park Centre 1, LLC, 440 Royal Palm Way
Violation of The Life Safety Code (NFPA 101) as adopted by the Town of Palm Beach, where means of egress doors are power operated, the design shall be such that in the event of a power failure the door opens manually allow egress travel.
MOTION BY MR. KOEPPEL TO POSTPONE CASE #S: 03-1515, 03-1516, AND 03-1518 FOR LACK OF SERVICE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- J Case #03-1519, William L. Walde, 326 Seabreeze Avenue

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 MR. HOFFMAN TO DISMISS CASE #S: 03-1519 AND 03-1521 FOR LACK OF EVIDENCE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- K Case #03-1520, Betty M. Payne, 208 Barton Avenue
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 MR. KOEPPPEL TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #S 03-1520 AND 03-1522.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- L Case #03-1521, Francis B. Cornell, 240 Sanford Avenue
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 MR. HOFFMAN TO DISMISS CASE #S: 03-1519 AND 03-1521 FOR LACK OF EVIDENCE.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.
- M Case #03-1522, Stephen D. & Betsy W. Hall, 230 El Dorado Lane
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 MR. KOEPPPEL TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #S 03-1520 AND 03-1522.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.

V Presentation of New Cases to Set for Hearing:

- A Case #03-1523, Allen W. Heise, 235 Sunrise Avenue, Apt. # MZ-H
Violation of Chapter 18, Section 18-242, Subsection 104.1.1, of the Town of Palm Beach Code of Ordinances, permits are required to construct, install, repair or alter any building or service systems. These permits must be obtained prior to commencing work.
- B Case #03-1524, Allen W. Heise, 235 Sunrise Avenue, Apt. # MZ-J
Violation of Chapter 18, Section 18-242, Subsection 104.1.1, of the Town of Palm Beach Code of Ordinances, permits are required to construct, install, repair or alter any building or service systems. These permits must be obtained prior to commencing work.

- C Case #03-1525, Allen W. Heise, 235 Sunrise Avenue, Apt. # MZ-K
Violation of Chapter 18, Section 18-242, Subsection 104.1.1, of the Town of Palm Beach Code of Ordinances, permits are required to construct, install, repair or alter any building or service systems. These permits must be obtained prior to commencing work.
- D Case #03-1526, Elia Zois, 870 So. Ocean Blvd.
Violation of Chapter 134, Section 134-1637, of the Town of Palm Beach Code of Ordinances, vegetation at intersections must be maintained at a height no greater than thirty (30) inches for a distance of thirty (30) feet along the thru street (South Ocean Blvd.) and fifteen (15) feet along the side street (Via Vizcaya) from the point of intersection of the two street lot lines. The height of vegetation may be no higher than thirty (30) inches within the vision triangle.
- E Case #03-1527, William Civatella, 272 Country Club Road
Violation of Chapter 18, Section 18-242, Subsection 104.1.11, of the Town of Palm Beach Code of Ordinances, any site on which reconstruction does not commence within fifteen (15) days of demolition, the site must be leveled, irrigated, sodded and maintained so as not to be in an unsightly condition.
- F Case #03-1528, Mark & Deborah Remson, 2270 Ibis Isle Road
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.
- G Case #03-1529, Three Hundred One Chilean Avenue, 301 Chilean Avenue
Violation of Chapter 106, Section 106-59, of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above and extending the full width of all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians.
- H Case #03-1530, Edna C. Schmitt, 300 Seabreeze Avenue
Violation of Chapter 42, Section 42-86 and Section 42-87 of the Town of Palm Beach Code of Ordinances, all structures must be kept painted and in a good state of repair and shall not provide harborage for vermin.
- I Case #03-1531, Tuscan Homes, 361 South County Road, Suite I
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, including any Code required special exceptions or parking agreements.
- J Case #03-1532, Peter Flanagan, Warwick Simses Bauer & Banister, 140 Royal Palm Way, Suite 205
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of

Corporations.

- K Case #03-1533, Robert Simses, Warwick Simses Bauer & Banister, 140 Royal Palm Way, Suite 205
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- L Case #03-1534, Brighton Pavillion, 336 Worth Avenue
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- M Case #03-1535, Calypso, 247 Worth Avenue, Suite B
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- N Case #03-1536, Casa Alegre Apt. Rentals, 234 Australian Avenue
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- O Case #03-1537, Devonshire, 340 Worth Avenue
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, balance due of 34.70 and must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- P Case #03-1538, First Impressions Creative Services, 205 Worth Avenue, #307E
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- Q Case #03-1539, Gallery Via Veneto, 250 Worth Avenue, Suite 1
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- R Case #03-1540, Huit Rue St. Sulpice, 302 So. County Road
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of

- Corporations pursuant to Section 865.09 of the Florida Statutes.
- S Case #03-1541, I Strada, 323 Worth Avenue, Suite 4
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- T Case #03-1542, Chris Kellogg, 256 Worth Avenue, Suite 3A
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- U Case #03-1543, Leggiadro, 317 Worth Avenue, Suite A
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- V Case #03-1544, Palm Beach Pets, 256 Worth Avenue, Suite
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- W Case #03-1545, Palmway Apartments, 290 So. County Road
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- X Case #03-1546, Ralph Lauren, 300 Worth Avenue
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- Y Case #03-1547, 312 Worth Ave Northern Trust, 312 Worth Avenue
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- Z Case #03-1548, A DiMille Made in Italy, 237 Worth Avenue
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- AA Case #03-1549, Caviarteria, 150 Worth Avenue, Suite 125

Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, must provide missing information from application and evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.

- BB Case #03-1550, Adelphia, 360 So. County Road
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, failure to renew Town Occupational License, balance due of \$65.00 and must provide evidence of registration of a fictitious name with the Florida Department of State, Division of Corporations pursuant to Section 865.09 of the Florida Statutes.
- CC Case #03-1551, Tourneau Jewelers, 175 Worth Avenue
Violation of Section 38-35 (b) of the Town of Palm Beach Code of Ordinances, alarm system users with fines not paid within thirty (30) days of first billing.
- DD Case #03-1552, 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 MR. HOFFMAN TO SET CASE #'S: 03-1523, 03-1524, 03-1525, 03-1526, 03-1527, 03-1528, 03-1529, 03-1530, 03-1531, 03-1532, 03-1533, 03-1534, 03-1535, 03-1536, 03-1537, 03-1538, 03-1539, 03-1540, 03-1541, 03-1542, 03-1543, 03-1544, 03-1545, 03-1546, 03-1547, 03-1548, 03-1549, 03-1550, 03-1551 AND 03-1552 FOR HEARING AT THE JUNE 19, 2003 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.

VI New Business:

VII Old Business:

- A Case #02-1491, SLM Palm Beach Associates, LLC, 2310/2315 So. Ocean Blvd.
Violation of Chapter 42, Section 42-86 (15) of the Town of Palm Beach Code of Ordinances, it shall be unlawful and constitute a nuisance for any owner to allow any stagnant water to accumulate on any property in the Town of Palm Beach.

Let the record show that Mr. Lawrence recused himself relative to this matter as he has been retained to work on this property. He passed the gavel to Mr. Hoffman. Voting Conflict form on file.

Robert Walton, Code Compliance Officer stated that at the last Code Enforcement Board meeting the Board ordered that the pool be drained and structurally covered within 48-hours. This was not done, although they are working on it. The Board's order was that the fine was running until the work was

complete. The Town is asking for a fine of \$250.00 a day be imposed.

No one was here on behalf of SLM Palm Beach Associates, LLC.

MOTION BY MR. KOEPPPEL TO IMPOSE A FINE IN THE AMOUNT OF \$250.00 PER DAY RETROACTIVE TO APRIL 19, 2003.

MOTION SECONDED BY MR. YOUCHAK.

MOTION CARRIED UNANIMOUSLY.

Let the record show that Mr. Hoffman passed the gavel back to Mr. Lawrence.

- B Case #01-1384, 332 South County Road, LLC, 332 South County Road
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior walls, doors and windows shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair. Robert Walton stated that this case goes back for quite some time. We have had a fine running that has been recorded for 90 days. At this time, the Town would ask that the Code Enforcement Board authorize the Town Council to proceed with foreclosure.

Let the record show that Mr. Brooks Ricca was sworn in, in preparation of his testimony.

Mr. Brooks Ricca, Attorney for Andrew Roddy, stated that the property owner has contracted with a company to get the work done. Work is continuing and would like to ask that the Board defer this case for thirty (30) days before proceeding to the Town Council for foreclosure action.

MOTION BY MR. KOEPPPEL TO POSTPONE CASE #01-1384 UNTIL THE JUNE 19, 2003 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

VIII Reports:

IX Adjournment: The meeting was adjourned without benefit of a motion.