

**CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, APRIL 20, 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 Timothy Hoffman.

II Roll Call:

Present:	Timothy Hoffman, Member Joel P. Koepfel, Member Richard A. Raffo, Member Larry Ochstein, Member Catherine M. Duemler, Member Martin I. Klein, Member Alfred J. Cinque, Alternate Member John C. Randolph, Town Attorney
Absent:	Pamela Hoffpauer, Member Harris S. Fried, Alternate Member
Staff:	Robert S. Walton, Chief Code Compliance Officer Nick Gerry, Code Compliance Officer Deborah A. Morakis, Recording Secretary

III Election of Officers:
Attorney Randolph advised the Board that Chairman Eugene Lawrence has completed his term and Vice Chair Hoffpauer has submitted her resignation. A new chair and vice chair need to be elected by the members of the Code Enforcement Board. The floor was opened for nominations for Chair and Vice Chair.
MOTION BY MR. RAFFO TO NOMINATE MR. HOFFMAN AS CHAIRMAN.
MOTION SECONDED BY MR. OCHSTEIN.
No other nominations were made.
MOTION CARRIED UNANIMOUSLY.

Attorney Randolph opened the floor for nominations for Vice Chair.
MOTION BY MR. HOFFMAN TO NOMINATE MR. RAFFO AS VICE CHAIRMAN.
MOTION SECONDED BY MR. KLEIN.
No other nominations were made.
MOTION CARRIED UNANIMOUSLY.

Chairman Hoffman welcomed the new members of the Code Enforcement Board; Mrs. Duemler, Mr. Klein, Mr. Cinque and Mr. Fried.

IV Approval of the Minutes of March 16, 2006:
MOTION BY MR. KOEPPPEL FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION PASSED UNANIMOUSLY.

V 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.

VI Comments by Veronica B. Close, Director of Planning, Zoning & Building:

The new members of the Code Enforcement Board were welcomed on behalf of the Town by Ms. Close. She advised that an orientation meeting will be presented by Attorney Skip Randolph on May 17, 2006 at 2:00 and members may also meet with staff immediately following that orientation.

A copy of a resolution that was passed by the Town Council at its April 11, 2006 meeting was supplied to the Board. This resolution passed an administrative fee in the amount of \$150.00 that may be imposed for cases where there is a finding of violation. Additional costs may also be assessed.

Also, a copy of the report made to the Town Council with comments made by Past Chair Lawrence and Veronica Close were provided to the Board.

VII Public Hearings:

A Case #04-1787, Charles T. Roddy, 432 Brazilian Avenue

REPEAT Violation of Chapter 42, Section 42-86 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.

Chief Code Compliance Officer Walton reported that this is a repeat violation of Case #04-1787 pertaining to non operative boats on the property. Photographs of the violation were circulated to the Board.

Property owner Charles Roddy testified to the Board explaining the problems he has encountered with his property.

After further testimony was heard, the following motion was made:

MOTION BY MR. RAFFO THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE AND ORDERED TO PAY A FINE IN THE AMOUNT OF \$500.00 PER DAY RETROACTIVE TO MARCH 15, 2006 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED.

MOTION SECONDED BY OCHSTEIN.

MOTION AMENDED BY MR. RAFFO TO ADD COSTS IN THE AMOUNT OF \$150.00.

AMENDED MOTION SECONDED BY MR. OCHSTEIN.

MOTION CARRIED UNANIMOUSLY.

B Case #06-1985, 205 Worth Ave #201, Chapman Acupuncture & Naturopathic Ctr

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. KOEPEL TO DISMISS CASE #'S 06-1985 AND 06-1986 FOR COMPLIANCE.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

C Case #06-1986, 205 Worth Ave #307C, Phillippe Jean Brian

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. KOEPEL TO DISMISS CASE #'S 06-1985 AND 06-1986 FOR COMPLIANCE.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

- D Case #06-1987, 340 Royal Poinciana Way, Sidney Spiegel TR#31520371
Violation of Chapter 134, Section 134-1727 of the Town of Palm Beach Code of Ordinances: any statue and/or sculpture exceeding six feet in height shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the sections of this chapter applicable thereto.
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 building permits. These permits must be obtained prior to commencing work.
- Chief Code Compliance Officer Walton advised the Board that this property is under consideration for landmark status. As such, these statues would have to go before the Landmarks Commission. A letter from Sydney Spiegel was read to the Board for the record. It stated that Gasiunasen Galleries has served as curator of this show, which they believe enhances the gardens and landscape. No sales have or will occur at the plaza. These pieces are on display only. Pictures were distributed to the Board of the twelve statutes in question.
- Attorney Peter Broberg, appeared on behalf of Gasiunasen Galleries. He advised that Mark Marsh will be handling all applications that need to be submitted and requested that this case be postponed for one month and asked that any administrative fees and fines be waived.
- Comments were heard by neighbors Jere Zenko and Charles Roddy.
- Donna Irwin, the Controller of Poinciana Management appeared as the representative of the Spiegels. She stated that this was an attempt to enhance and bring attention to the plaza. These statues are not permanent structures.
- After further comments and discussion, the following motion was made:
MOTION BY MR. OCHSTEIN TO FIND THE DEFENDANT IN NON COMPLIANCE AND ALLOW SEVEN (7) DAYS TO REMOVE THE STRUCTURES. IT WAS FURTHER ORDERED THAT THE DEFENDANT PAY COSTS IN THE AMOUNT OF \$150.00.
MOTION SECONDED BY MR. CINQUE.
MOTION CARRIED 6 TO 1 AFTER A ROLL CALL VOTE WITH MR. KOEPPPEL OPPOSED.
- E 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. KOEPPPEL TO POSTPONE CASE #06-1988 UNTIL THE MAY 18, 2006 CODE ENFORCEMENT BOARD.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- F Case #06-1989, 220 Esplanade Way, Brian McDaniel, LLC
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: requires properties be maintained in good condition.
Violations 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.
Violation of Chapter 18, Section 18-964 of the Town of Palm Beach Code of Ordinances (Building Regulations): missing numbers on home.
- Joe Tory of Echelon Construction spoke to the Board on behalf of Mr. Perry, the President of Echelon Construction and the new owner of the property. Their intention is to demolish the house and build a new house. An Arcom approved plan and permit have been obtained. The house will be torn down within fourteen (14) days.

Harry Ackerman, Acting Building Official, advised the Board of two ways that this issue could be handled. The owner could obtain Arcom approval for the demolition or the building could be condemned by the Building Official.

MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE AND ORDERED TO SECURE AND MAINTAIN THE PROPERTY IN ACCORDANCE WITH TOWN ORDINANCES AND PAY COSTS IN THE AMOUNT OF \$150.00. THIS CASE IS POSTPONED UNTIL THE MAY 18, 2006 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. OCHSTEIN.

MOTION CARRIED UNANIMOUSLY.

G Case #06-1990, 432 Brazilian Avenue, Charles T. Roddy

Violation of Chapter 18, Section 18-242, Subsection 1 104.1.1 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.

Violation of Chapter 134, Section 134-2174 of the Town of Palm Beach Code of Ordinances, requires that off street parking be paved with suitable paving.

Violation of Chapter 18, Section 18-175 of the Town of Palm Beach Code of Ordinances, Architectural Commission approval is required for significant changes or alterations to the appearance or appurtenances of property in the Town of Palm Beach.

Violation of Chapter 118, Section 118-88 of the Town of Palm Beach Code of Ordinances, requires that it is unlawful to park a boat trailer between any street and building set back line.

After testimony was heard by Chief Code Compliance Officer Walton and property owner Charles Roddy, the following motion was made:

MOTION BY MR. OCHSTEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE OF SECTION 18-242 AND IS ORDERED TO OBTAIN A PERMIT AND ALL REQUIRED INSPECTIONS WITHIN TWENTY-FIVE (25) DAYS. IT IS FURTHER ORDERED THAT THE DEFENDANT MUST PAY COSTS IN THE AMOUNT OF \$150.00.

MOTION SECONDED BY MR. RAFFO.

Mr. Ackerman advised the Board that a permit can be obtained within ten (10) working days providing everything is in order when submitted.

MOTION CARRIED UNANIMOUSLY.

Chief Code Compliance Officer Walton requested that the Board dismiss the other violations for compliance.

MOTION BY MR. KOEPEL TO DISMISS THE VIOLATIONS OF CHAPTER 134, SECTION 134-2174, CHAPTER 18, SECTION 18-175, CHAPTER 118, SECTION 118-88 FOR COMPLIANCE.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

H Case #06-1991, 251 Sunrise Avenue, Deco of Palm Beach, LLC

Violation of Chapter 134, Sections 134-1109 (a)(17) and 134-226 through 134-230 of the Town of Palm Beach Code of Ordinances: a special exception approval and an occupational license is required to operate a "nightclub" use.

Chief Code Compliance Officer Walton advised the Board that this establishment is licensed only as a restaurant and not as a nightclub. To operate as a nightclub, a special exception would have to be applied for.

MOTION BY MR. KLEIN TO FIND THE DEFENDANT IN NON COMPLIANCE, ORDER THE DEFENDANT TO CEASE OPERATION AS A NIGHTCLUB IMMEDIATELY AND PAY COSTS IN THE AMOUNT OF \$150.00.

MOTION SECONDED BY MR. CINQUE.

MOTION CARRIED UNANIMOUSLY.

VIII

New Business:

NONE.

IX

Old Business:

A **Case #05-1933, 208 Mockingbird Tr., Carol Casey, Carol Casey TR, John Casey, John Casey TR**

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to allow grass or weeds to grow to a height greater than eight (8) inches or other vegetation to become overgrown or accumulate.

Violation of Chapter 42, Section 126 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to permit any collection of standing water in which mosquitoes are likely to breed.

Violation of Chapter 42, Section 42-87 states exterior walls shall be free of cracks and painted, interior walls and ceilings shall be structurally sound, roofs must be maintained so as not to leak, and all doors, windows and stairs shall be in a maintained condition.

John Casey, the property owner, appeared before the Board to ask for a reduction in the fine. The total fine now due is \$22,000.00. When the property was purchased, the intent was to renovate it. There was a soil problem that eventually resulted in the property being demolished. Echelon Construction was retained to demolish the property and will build the new structure. Numerous problems resulted in delays. Mr. Casey apologized to the Town and to his neighbors and thanked Mr. Walton for his assistance in resolving this matter and asked for any sort of relief the Code Enforcement Board could offer.

MOTION BY MR. KOEPPPEL TO DISCOUNT THE TOTAL FINE DUE TO \$18,000.00 IF PAID WITHIN SEVEN (7) DAYS.

Motion failed for lack of a second.

After further discussion,

MOTION BY MR. KOEPPPEL TO OFFER A \$4,000.00 DISCOUNT ON THE FINE PROVIDED IT IS PAID WITHIN SEVEN (7) DAYS.

MOTION SECONDED BY MS. DUEMLER.

MOTION CARRIED 5 TO 2 AFTER A ROLL CALL VOTE.

B **Case #05-1941, 308 Cocoanut Row, Anita Thorhaug**

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, reported that the Defendant was found in non compliance in December of 2005 and ordered to report at each Code Enforcement Board Meeting. At the March 2006 meeting, the Board imposed a \$100.00 per day fine.

Attorney Maura Ziska, representing the property owner, testified that the scope of the work exceeded what was anticipated by the contractor. Plans were submitted on March 27, 2006 and subsequently returned to the contractor for corrections. The plans were resubmitted in April. Due to the circumstances, Ms. Ziska asked that the fines be abated.

Michael Odum, Odum Construction apologized for not being at the previous Board meetings. The permit has been issued and work will commence immediately. The bulk of the work can be done within ninety (90) day. There may be a delay with the roof work.

Veronica B. Close, Director of the Planning, Zoning & Building Department explained the Department's policy requiring that the permit be obtained and all required inspections be completed.

After further discussion, and comments were heard from Anitra Thorhaug and others, the following motion was made:

MOTION BY MR. KOEPPEL THAT THE FINE IS ABATED TODAY BUT THE BALANCE ACCRUED TO DATE WILL STAND. THE FINE STOPS THE DATE THE PERMIT IS OBTAINED. A MONTHLY PROGRESS INSPECTION MUST BE DONE AND THIS MATTER WILL BE RECONSIDERED AT EACH MONTHLY MEETING. THE FINE MAY BE REINSTATED AND MAY BE RETROACTIVE IF MEANINGFUL WORK DOES NOT CONTINUE.

MOTION SECONDED BY MR. KLEIN.

For the record, Veronica B. Close, Director of Planning, Zoning & Building, stated that the Town would not be in favor of abating this fine.

MOTION RESTATED BY MR. KOEPPEL TO INCLUDE THE WORDS CONDITIONALLY ABATED.

RESTATED MOTION SECONDED BY MR. KLEIN.

Further discussion continued.

MOTION PASSED 4 TO 3 AFTER ROLL CALL VOTE.

- C 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.

A report by Ron Daniels of Daniels Brothers Inc. was heard by the Board indicating that the project is on schedule. Driveways are being cut in, and landscape will continue. Sanding and staining of the floors is being done now.

As this was a report only, no action was required by the Board.

- D 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.

Bill Elias of Elias Management & Construction reported to the Board that the project is progressing on schedule and that the guest house is under construction and will be completed easily within the main house schedule.

As this was a report only, no action was required by the Board.

X

Adjournment:

Mr. Raffo commented that Veronica Close did a great job with the Annual Report that was provided to the Town Council and said she has presented some fantastic ideas. He also stated that some of the Town's Codes are antiquated and he would like to recommend that staff review and revamp all of the codes and regulations of the Town of Palm Beach. He also expressed his opinion that the Town should fund new employees for the Code Enforcement Department to handle the increased work load and to provide better service to the Town.

Veronica Close stated that some of the ordinances will be looked at to see if improvements could be made. Also, case presentation will be looked at and priorities will be established. One of the recommendations that will be made to the Town Council is a revamp of the Zoning Code. The Right-of-Way Manual is currently being revamped. The department is also working with the Police Department and may revise the section of the Code pertaining to citations.

Charles Roddy of 432 Brazilian Avenue addressed the Board regarding fines that have been imposed against his property in the past. He said that he paid the fines in the past, but that was no admission of guilt. The fines currently imposed against his property are extensive. He commented about properties in his neighborhood to the North, East and West of his property.

Town Attorney Skip Randolph reminded Mr. Roddy that this would not be the appropriate forum to request an abatement of his fine. He should come into compliance first, then come back to the Board for a request to abate the fine.

There being no further business, the meeting was adjourned at 4:10 p.m.

Respectfully submitted,

Deborah A. Morakis
Secretary for the Code Enforcement Board