

**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, APRIL 20, 2000
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

Chief Code Compliance Officer Brian K. House stated that on today's Agenda under New Business we have the election of officers. That item will have to be moved to the first order of business so that we may obtain a Chairman and continue on with the meeting.

MOTION BY MR. LAWRENCE TO MOVE THE ELECTION OF OFFICERS TO THE FIRST ITEM ON THE AGENDA.

MOTION SECONDED BY MR. THOMAS.

MOTION CARRIED UNANIMOUSLY.

Mr. House opened the floor for nominations for Chairman.

MOTION BY MR. LAWRENCE TO NOMINATE DAVID J. THOMAS AS CHAIRMAN.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

Mr. Thomas opened the floor for nominations for Vice-Chairman.

MOTION BY MR. ALLISON TO NOMINATE MR. SLOAN FOR VICE-CHAIRMAN.

MOTION BY MR. LAWRENCE TO CEASE NOMINATIONS.

MOTION WAS SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

I. Call to Order: The meeting was called to order at 2:05 p.m. by Chairman David J. Thomas.

II. Roll Call: PRESENT: Eugene Lawrence, Member
J. Richard Allison, Member
David J. Thomas, Member
Scott Sloane, Member
P. Robert Bale, Member
Harry Horwich, Alternate Member
Brian K. House, Chief Code Compliance Officer
Robert S. Walton, Code Compliance Officer

ABSENT: Robert Gottfried, Vice Chairman (unexcused)

RECORDING SECRETARY: Deborah A. Morakis

III. Approval of the Minutes of March 16, 2000:

MOTION BY MR. SLOANE TO ACCEPT THE MINUTES AS MAILED.
MOTION SECONDED BY MR. ALLISON.
MOTION CARRIED UNANIMOUSLY.

Chief Code Compliance Officer Brian K. House welcomed Mr. Harry Horwich to the Code Enforcement Board as a new Alternate Member.

IV. Public Hearings:

- A Case #00-1106, N. Ocean Blvd. Corp., 206 N. Ocean Blvd.
(Formerly Sandsong Investment, Inc.)
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be free of cracks, painted and in a maintained condition. Chapter 42, Section 42-86, states 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 including dead trees, stumps, or roots to accumulate. Also according to the same Code of Ordinances, Chapter 106, Section 106-159, a clearance of eight (8) feet must be maintained above all sidewalks.

- B Case #00-1130, Denis Gerard Quinlan, Tara Management, Inc., 1574 S. Ocean Blvd.
Violation of Section 104.6.1.4 of the Town of Palm Beach Code of Ordinances, large projects: all new or remodel of 9,000 square feet or more shall be allowed 27 months.

- C Case #00-1131, Three Thousand South Ocean, Inc., 3000 South Ocean Blvd.
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, stumps or other vegetation to become overgrown or accumulate.

- MOTION BY MR. BALE TO DISMISS CASE #00-1106, #00-1130 AND
 #00-1131 FOR COMPLIANCE.
 MOTION SECONDED BY MR. SLOAN.
 MOTION CARRIED UNANIMOUSLY.

- D Case #00-1132, Brighton Pavillion, Marguerite Jamison Roche, 336 Worth Avenue.
Violation of Section 14-38 subparagraph (c) of the Town of Palm Beach Code of Ordinances, all licenses to do business in the Town are approved for indoor occupancy and merchandising.

- E Case #00-1133, Devonshire, Nelson L. Hammell, 340 Worth Avenue.
Violation of Section 14-38 subparagraph (c) of the Town of Palm Beach Code of Ordinances, all licenses to do business in the Town are approved for indoor occupancy and merchandising.

Mr. Brian K. House requested combining Case #00-1132 and #00-1133 since both cases are for the same violation and same parties. This was approved by Mr. Nelson Hammell who was here to testify for both cases.

All parties were sworn in by Code enforcement Board Secretary Deborah Morakis.

Mr. Nelson Hammell testified that he was here regarding the two (2) stores that he owns and leases from the Everglades Club at the very end of Worth Avenue. In front of Brighton Pavillion there are two (2) planters that are planted with topiary trees and one (1) stone bench he calls the husband bench. In front of Devonshire he has two (2) concrete garden figures and also two (2) Sphinx figures as well as a planter under each window. On the side of the building, which is owned and maintained by the Everglades Club, he has one (1) well head that is being used as a trash receptacle since there is not a trash receptacle at that end of the block. Mr. House will work on furnishing him with a Town trash receptacle, at which time he will be very happy to move that one piece. The other pieces in front of both Brighton Pavilion and Devonshire are not for sale. They are not doing business there on the street but they accept deliveries in that area. The merchandise is sold inside the store and moved to that holding area for pick-up or delivery. They have one piece that was sold on the inside of his store. They had movers available that were able to help them move this piece for storage until the customer could pick it up.

Pictures were circulated and further discussion followed.

Mr. Walton stated that it is not right for someone to use the right-of-way for warehousing or merchandising. The stone benches that are in front of the store are in front of other areas and they are OK, it's the warehousing and/or merchandising from the right-of-way that is the problem.

Mr. Sloan asked whether the ordinance being referred to here in the complaint relative to the fact that he is merchandising on the sidewalk or is it relative to the fact that there is something positioned on the sidewalk, whether it be something for pick-up or a decorative item that is there to make the store look better or give someone a place to sit down.

Mr. House stated that there are two things here. One is the decorative nature outside that no one has a problem with, the bench and the planters that are planted with a topiary. Those things are not considered merchandise at all. The item that is being stored is the problem. The code says that merchandising cannot take place outside.

Town Attorney Randolph read from the code and offered further clarification of the Ordinance.

Mr. Robert Moore, Director of Planning, Zoning and Building stated that this is the section of the Ordinance and that an occupational license gives the right to do business inside and that storage of anything to be picked up by anybody at any time outside the confines of the wall where the occupational license has been issued is a violation of the code as written in this complaint.

Based upon further evidence and testimony presented before the Code Enforcement Board, the following finding was made:

MOTION BY MR. SLOAN REGARDING CASE #00-1132 AND #00-1133 THAT THE DEFENDANTS BE ORDERED TO COMPLY WITH THE ORDINANCE BY REMOVING ALL ITEMS BEING HOUSED OUTSIDE THE STRUCTURE WITH THE EXCEPTION OF THE PLANTERS AND BENCHES WITHIN 30 DAYS.
MOTION SECONDED BY MR. LAWRENCE.
MOTION CARRIED WITH MR. ALLISON OPPOSING.

- F Case #00-1134, Michael I. Keller, 126 Peruvian Avenue.
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, placing yard trash on the right-of-way out of line with the schedule.

Robert Kennedy, Town of Palm Beach Yard Trash Bureau Supervisor was sworn in by Code Enforcement Board Secretary, Deborah A. Morakis.

Mr. Kennedy testified that on Monday, February 14 he observed approximately 2 yards of vegetative waste abutting the property at 126 Peruvian Avenue. It was mixed material, it matched and was consistent with material that appeared to be recently pruned at 126 Peruvian. No one was home at the time so Brian House mailed a Notice to Appear. The legal set out day during the winter season is Wednesday only and this was in the right-of-way two days prior to the schedule.

MOTION BY MR. ALLISON REGARDING CASE #00-1134 TO FIND THE DEFENDANT GUILTY AND BE ORDERED TO PAY THE FINE IN THE AMOUNT OF \$50.00 AND COSTS OF \$82.30 FOR A TOTAL DUE OF \$132.30.
MOTION SECONDED BY MR SLOAN.
MOTION CARRIED UNANIMOUSLY.

- G Case #00-1135, Susan C. Lee, 287 Pendleton Avenue.
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it shall constitute a nuisance for any owner of land within the Town of Palm Beach to have dead or dying trees, stumps or other obnoxious growth on their property.

MOTION BY MR ALLISON REGARDING CASE #00-1135 THAT THE DEFENDANTS BE ORDERED TO COMPLY BY REMOVING THE SUBJECT TREE WITHIN FIFTEEN (15) DAYS.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.

V. Presentation of New Cases to Set for Hearing:

- A Case #00-1136, Taheda Ltd., 351 Crescent Drive.
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, stumps or other vegetation to become overgrown or accumulate.
- B Case #00-1137, Nicole K. & Mark D. Rattinger, 256 Via Marila.
Violation of Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways and alleys must be maintained to allow unobstructed passage for vehicles.
- C Case #00-1138, Alan & Patricia Lebow, 272 Via Marila.
Violation of Chapter 106, Section 106-59 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways and alleys must be maintained to allow unobstructed passage for vehicles.
- D Case #00-1139, Three Thousand South Ocean Inc., 3000 South Ocean Blvd.
Violation of Chapter 18-242 Amendments to Standards Building Code, 1997 Edition, Section 103.5 Unsafe Buildings or Systems of the Town of Palm Beach Code of Ordinances.
- E Case #00-1140, Sand Pillow Properties, 2315 South Ocean Blvd.
Violation of Chapter 18-242 Amendments to Standard Building Code, 1997 Edition, Section 103.5 Unsafe Buildings or Systems of the Town of Palm Beach Code of Ordinances.
- F Case #00-1141, Franklyn P. DeMarko, Jr., 1098 North Lake Way.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all accessory structures must be kept in a safe condition and in a good state of repair.
- G Case #00-1142, Sloans Curve North Inc., 1980 South Ocean Blvd.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all accessory structures / walls must be kept in a safe condition and in a good state of repair.
- H Case #00-1143, Dorothy Blunken, 254 Tangier Avenue.
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, relative to placing yard trash on Town right-of-way out of line with the schedule.
- I Case #00-1144, Mary S. Conrad, 105Banyan Road.
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, relative to placing yard trash on Town right-of-way out of line with the schedule.

- J Case #00-1145, Federal National Mortgage Assoc., 249 Sandpiper Road.
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, relative to placing yard trash on Town right-of-way out of line with the schedule.
- K Case #00-1146, Robert G. Simses & Mary A. McGowan, 241 West Indies Drive.
Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, relative to placing yard trash on Town right-of-way out of line with the schedule.
- L Case #00-1147, Arij Gasiunasen, 341 Peruvian Avenue.
Violation of #2-74 of the Town of Palm Beach Zoning Ordinance, the subject property may only be used for residential purposes.

MOTION BY MR SLOAN TO SET THE ABOVE CASES, #00-1136, #00-1137, #00-1138, #00-1139, #00-1140, #00-1141, #00-1142, #00-1143, #00-1144, #00-1145, #00-1146 AND #00-1147 FOR HEARING AT THE MAY 18, 2000 CODE ENFORCEMENT BOARD MEETING.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

VI. New Business:

- A Election of Officers.

VII. Old Business:

- A Case #99-1089, Catherine F. Bradley, 255 Park Avenue.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, requiring exterior walls to be reasonably free of cracks, painted and in good repair, all doors and windows shall be constructed and maintained to exclude weather elements and insects from entering the structure.

Brian House testified that as of January 1, 2000 a fine began to accumulate at the rate of \$100.00 per day. We filed this in the courthouse and we are now authorizing the Town Council to proceed with foreclosure. We have presently \$11,100.00 in fines as of today. The property is continuing to deteriorate.

MOTION BY MR. SLOAN TO AUTHORIZE INITIATION OF FORECLOSURE.

MOTION SECONDED BY MR. ALLISON.

MOTION CARRIED UNANIMOUSLY.

VIII. Adjournment: The meeting was adjourned at 2:52 p.m. without benefit of a motion.