

Town of Palm Beach

Code Enforcement Board

THURSDAY, APRIL 15, 2010, 2:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording (tape or CD) of the meeting by contacting Raychel Houston, Secretary to the Code Enforcement Board at (561) 227-6386. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order: (2:00:00 p.m.)

The meeting was called to order in the EOC at 2:00 p.m. by Chairman Timothy Hoffman.

II. Roll Call: (2:00:19 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Joel P. Koeppel, Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James M. Ballentine, Jr. and alternate members, W. Anthony Dowell and Scotch Peloso.

Staff present: Attorney Matthew Ramenda, Captain John Maio, Sgt. Curtis Krauel, Lead Code Enforcement Officer Robert Walton and Recording Secretary Raychel Houston.

Mr. Hoffman expressed his thanks to Mr. Fried for his continuing interest in serving on the Code Enforcement Board and congratulated him on his reappointment.

III. Election of Officers: (2:01:47 p.m.)

Mr. Hoffman asked Mr. Ramenda to conduct the election of officers. Mr. Ramenda opened the floor for nominations for Chairman. Mr. Fried nominated Mr. Hoffman and the nomination was seconded by Ms. Greenberg. There were no other nominations and Mr. Hoffman was re-appointed as Chairman. The floor was opened for nominations for Vice Chairman. Ms. Van Buren nominated Mr. Fried for Vice Chairman and the nomination was seconded by Mr. Ochstein. There were no other nominations and Mr. Fried was re-appointed as Vice Chairman.

IV. Approval of the Minutes of March 18, 2010: (2:02:05 p.m.)

MOTION BY MS. GREENBERG FOR APPROVAL OF THE MARCH 18, 2010 MINUTES

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

V. Code Enforcement Board Member Oath: (2:04:08 p.m.)

Recording Secretary Houston administered the Oath of Service to Board Member Joel P. Koeppe

VI. Administration of the Oath to Town Staff: (2:04:21 p.m.)

Town Staff who would be testifying were sworn in by Recording Secretary Houston.

VII. Public Hearings: (2:04:33 p.m.)

A. Case # 10-2705, 332 S. County Road, 332 South County Road LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful to have any building or other structure which is in dilapidated condition, an accumulation of debris on private property and grass in excess of 8 inches high, Chapter 42, Section 42-87, exterior walls to be kept painted and in good repair and appurtenances such as walls and canopy awnings to be kept in a safe and good state of repair and Chapter 18, Section 18-241, plumbing and electrical wiring to be maintained in a safe condition and in compliance with the Florida Building Code and the National Electrical Code

Lead Code Enforcement Officer Walton presented the facts of the case and said it was the result of a routine inspection. Mr. Walton said he had re-inspected the property and there is ongoing work but the property has not been brought into compliance. Mr. Walton said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and that the property owner supply a reasonable completion date for all of the repair work.

Robert Andrew Roddy, the property owner, was sworn in by Recording Secretary Houston. Mr. Roddy provided a copy of the work schedule to all Board members and said some work had already been completed. Mr. Roddy said the final date for all of the work, which includes windows that have to be specially ordered, is September 1st.

Mr. Fried asked if all of the other work, with the exception of the windows, could be completed more quickly than the September 1st date. Mr. Walton had Mr. Taylor, the Building Official, address that issue. Mr. Taylor said construction is a cascading event and

the stucco work can proceed but the interior drywall cannot be done until the windows are sealed and the exterior of the building will be worked on prior to the windows being installed. Mr. Fried asked if the Town was satisfied with giving Mr. Roddy 4 ½ months and Mr. Walton said this had been discussed and the Town is in concurrence with the September 1st date. Mr. Koeppel asked if the work scheduled addressed all of the violations in the building. Mr. Walton said it was a very general schedule but Mr. Roddy had assured him that everything is addressed. Ms. Van Buren asked if the alleyway area was accessible from the sidewalk and if someone could wander in and possibly get hurt. Mr. Walton said this is a construction site and it is open to the sidewalk. Mr. Walton said the director of Planning, Zoning & Building has the authority to require a green painted fence on any construction site that he deems necessary. Mr. Walton said he is sure Mr. Taylor would take the Board's concerns back to the director of Planning, Zoning & Building. Mr. Ochstein asked if all of the contractors were licensed and Mr. Walton said the ones listed on the schedule were and the Building Department would monitor that. Mr. Hoffman asked Mr. Roddy if he was the general contractor and Mr. Roddy said it was Axtell Construction.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 1, 2010 TO ACHIEVE COMPLIANCE BY COMPLETING ALL WORK NECESSARY TO CORRECT ALL OUTSTANDING VIOLATIONS

SECONDED BY MR. OCHSTEIN

During discussion on the motion, Mr. Koeppel asked that a requirement be included in the motion that if there were delays, the property owner be required to come back and notify the Board of the explanations for them. Mr. Fried said the point was well taken but he believed the work could be completed in the 4 ½ months.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 1, 2010 TO ACHIEVE COMPLIANCE BY COMPLETING ALL WORK NECESSARY TO CORRECT ALL OUTSTANDING VIOLATIONS

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

B. [Case # CE 10-12, 141 Australian Ave., Gregory J. Pamel](#)

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways to be maintained in good condition

Lead Code Enforcement Officer Robert Walton said the Town recommends this case be postponed until May 20, 2010.

MOTION BY MS. GREENBERG TO POSTPONE THE CASE UNTIL MAY 20, 2010

**SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

(Mr. Hoffman acknowledged the presence of Council Member Kleid in the audience)

C. [Case # CE 10-10, 201 Royal Poinciana Way, Vesenz Holding Corp.](#)

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as awning covers to be kept in a good state of repair

Lead Code Enforcement Officer Robert Walton said the Town recommends this case be postponed until May 20, 2010.

MOTION BY MR. FRIED TO POSTPONE THE CASE UNTIL MAY 20, 2010

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

D. [Case # CE 10-13, 211 Seaspray Ave., Lady Tana Focke](#)

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways to be maintained in good condition

Lead Code Enforcement Officer Walton said the Town recommends this case be dismissed as the property has been brought into compliance.

MOTION BY MS. GREENBERG TO DISMISS THE CASE

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

E. [Case # CE 10-49, 1 Ocean Lane # 3, Gary L. Marder](#)

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Lead Code Enforcement Officer Walton presented the facts of the case and said it was the result of a citizen complaint and the property has not been brought into compliance. A permit was not applied for until April 13, 2010 which was after the date stated for compliance in his letter. Mr. Walton said he had previously been to this property because they had started roof work without a permit and he stopped that job and they did get a roofing contractor and permits. The Town recommends a finding of non-compliance,

administrative costs of \$150.00 and to give them until May 14, 2010 to achieve compliance by having all permits and inspections done.

MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 14, 2010 TO ACHIEVE COMPLIANCE BY OBTAINING ALL PERMITS AND FINAL INSPECTIONS OF COMPLETED WORK

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

F. [Case # CE 10-67, 2730 S. Ocean Blvd., Ambassador Hotel Co-op Apartments Inc.](#)

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system and Chapter 134, Section 134-2028, new towers or antennas shall comply with all zoning regulations

Lead Code Enforcement Officer Walton presented the facts of the case and said the case was referred from the Building Department. Mr. Walton submitted photographs of the violation into the record. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until May 14, 2010 or compliance within a schedule to be presented by Mr. Lofton.

W. Raymond Lofton was present on behalf of the property and was sworn in by Recording Secretary Houston. Mr. Lofton said he had advised Mr. Walton that the building would close at the end of April for their season and he requested he be able to address the issue at that time rather than disturb the guests who are in residence. Mr. Walton told Mr. Lofton he was going to have to get a permit because the antenna was put in without one and asked him if he would be able to comply within the recommended time. Mr. Lofton said it would be helpful if the Board would give him until the end of May. Mr. Koeppel asked Mr. Lofton what he intended to do and Mr. Lofton said it was to remove the antenna and relocate it to a better location where it was not visible. Mr. Koeppel asked Mr. Lofton if he had made application for the permits yet and he said he had not. Mr. Koeppel asked Mr. Walton how long it would take to get a permit and Mr. Walton said he would defer that question to Mr. Taylor because they may have to have ARCOM approval. Mr. Walton said the antenna did need to be removed prior to the May date for compliance. Mr. Koeppel asked if ARCOM approval would be needed and Mr. Walton said only if the antenna was visible. Mr. Koeppel asked Mr. Lofton where they intended to relocate the antenna and Mr. Lofton said there were a few options but he would have to consult with his installer. He said it was a difficult location as this is just a repeater antenna to extend their wireless internet and their front building is difficult to serve. Jeff Taylor, the Building Official, said the antenna is currently mounted on a light post in the parking lot. He said he is not sure if they are going to need any zoning approvals since it is just a repeater but

Mr. Castro has been out of Town and he has been unable to discuss it with him. If it is not visible, it will not need ARCOM approval but he is not sure about zoning approvals.

Mr. Hoffman asked Mr. Lofton if the building was going to be closed in two weeks, if the antenna could just be taken down at that time and then just replaced anytime over the summer. Mr. Lofton said he has two or three residents that would be there over the summer but he will make arrangements for that.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 14, 2010 TO REMOVE THE ANTENNA WITH THE APPROPRIATE PERMIT
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

G. [Case # CE 10-107, 315 Worth Ave., Trillion Inc. and Love LLC](#)

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Lead Code Enforcement Officer Walton presented the facts of the case and said it was the result of a citizen complaint. The original complaint was about loud bird noises. There were no birds present when he did his inspection but he did notice there was a brand new bird cage at the location. The property has not been brought into compliance and Mr. Walton entered photographs of the violation into the record. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until May 14, 2010 or compliance within a schedule to be presented by Mr. Moore.

Robert L. Moore was sworn in by Recording Secretary Houston and said he was present on behalf of the business owner, Tatiana Van Zandt along with her former husband. Mr. Moore said he was called to assist her late last week. Mr. Moore said she would be represented by counsel and there would be additional meetings with the Building Department. Mr. Moore said he knew this structure has been there for over 25 years although not in this form, as it has been replaced. Mr. Moore said there is some personal testimony that can go in this case later but he does not want to give that at this point in time until they have had an opportunity to meet with Mr. Castro and Mr. Page. The issue of the aviary is that it was put up without permit; it replaced an existing one that was there for 25 years. There is an issue as to whether it should be before the Board today as a structure. They would like to have the opportunity to argue that case before Mr. Castro and Mr. Page. Mr. Taylor is in the position to be able to issue a permit but it lacks the proper zoning as it is on the property line. Mr. Moore said he is here on behalf of the owner to advise there will be compliance, one way or the other. They are hoping to meet with Mr. Castro, Mr. Page and the Town Attorney and argue the grandfathering status of this case and the repair and whether it even needed a permit as the replacement was \$1500

or less. They will comply if it is determined they need a variance for this particular structure. It takes 90 days to get before the Town Council and they will apply for that variance if they are told they need to go to Council or they will remove the aviary. They are hoping it can be resolved without that. Mr. Moore said he was requesting a postponement until July, 2010.

Mr. Ballentine asked if the citizen who complained was complaining about the birds and asked how long the birds had been there. Mr. Moore said the birds, in different age groups, had been there for 25 years as well. Mr. Koeppel asked if Mr. Moore was anticipating he would need a variance and that is why he is requesting the postponement to July. Mr. Moore said if they are unsuccessful in presenting their case to Mr. Castro with benefit of attorney, they will not appeal that decision to Town Council; they will just go ahead and file for the variance because the structure is on the property line which goes down the middle of the courtyard. In response to Mr. Fried's question, Mr. Moore said these are exotic birds and he did not even hear them when he was there to look at it but he understands the construction on Worth Ave. has upset the birds and they are making some noise. Mr. Fried asked Mr. Walton if he heard the birds when he was at the location and he said he did not see or hear birds while he was there. Mr. Ochstein said he thought the non-compliance issue is because there was no permit. Mr. Moore said he believes the question is whether they needed a permit because of the inexpensive cost, under \$1500, to replace the cage. Mr. Hoffman said his preference would be to not postpone the case but give a date in July before the next Board meeting for them to come into compliance. Mr. Fried asked Mr. Moore if he had a problem with just postponing the case for one month and he could come back and advise the Board if it was determined he needed a permit and then the Board could give them more time to get it. Mr. Moore said he did not have a problem with anything the Board did because he trusted their judgment. Mr. Moore said he is not here to argue whether they need or do not need a permit. He said there will be a resolution to this issue. Mr. Koeppel said it seemed like it is going to be resolved so he does not see the purpose of them having to come back and say that. He said he thinks it makes more sense to just have the 90 day extension. Mr. Moore said that would save the owner the cost of hiring an attorney for the appearance.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 10 DAYS AND GIVE THEM UNTIL AUGUST 12, 2010 TO COME INTO COMPLIANCE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

H. [Case # CE 10-43, 2842 S. Ocean Blvd., Omphoy Ocean Resort and 2401 2301 00 Trust](#)

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to install, alter, repair, remove, convert or replace

any electrical, mechanical or plumbing system and Chapter 134, Section 134-2443, only one aid-to-traffic sign for each access drive serving a parking area permitted

Lead Code Enforcement Officer Walton presented the facts of the case and said it resulted from a routine inspection. Mr. Walton said the signs have been removed and the Town recommends dismissal of that violation. The electrical issue has also been resolved so the plumbing is the only issue before the Board today. Mr. Walton presented photographs into the record. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and they be given until May 7, 2010 to comply.

Jonathan Chane from the law firm of Greenberg Traurig was present on behalf of the Omphoy Hotel and was sworn in by Recording Secretary Houston. Mr. Chane said his client had removed the offending plumbing although he said there was a dispute as to whether or not a permit was required. Mr. Walton asked Mr. Chane if he had any photographic evidence of the removal and Mr. Chane said he had photographs and also had Daniel Ruda from the hotel who can testify it has been removed. Mr. Hoffman asked Mr. Chane if he was swearing under oath that the plumbing had been removed and they are in compliance at this point. Mr. Chane said he brought his client with him to testify directly to that as he is the one who actually had it removed.

Mr. Peloso asked when the plumbing was removed and Mr. Chane said his client would testify that it was removed yesterday. Mr. Walton said there were Department of Environmental Protection conditions when the walkway was built and that permit specifically prohibited electrical and plumbing on this walkway. Mr. Walton said he told Mr. Chane the Town would not have a problem with the hose and spray end but he could not speak for DEP because sometimes they do not want water on the dune. Mr. Walton said both the electrical and the plumbing installations were done without a permit.

Ms. Van Buren advised Mr. Chane she would like to hear testimony from his client. Daniel Ruda was sworn in by Recording Secretary Houston. Mr. Ruda testified he was employed by the parent company that owns the Omphoy Hotel. In response to Mr. Chane's questions, Mr. Ruda described the plumbing fixture and how it was connected. Mr. Ruda said the plumbing was removed by maintenance personnel at his direction. Mr. Ruda said there was an existing hose bib at this same site when the hotel was acquired and that it is still there, located within the dunes. Ms. Van Buren asked Mr. Ruda if the showerhead was installed without a permit and he said it was installed with the use of the garden hose. Mr. Ruda said they did not feel that they needed a permit. Mr. Ramenda asked Mr. Ruda to clarify his answer for the benefit of the court reporter, yes or no, if the showerhead was installed without a permit and Mr. Ruda said no, it was not installed with a permit.

Mr. Fried asked Mr. Ruda if he was familiar with the Department of Environmental Protection's restriction of a showerhead of this type on the beach. Mr. Chane said the issue before the Board today is the Town's notice of violation. He said he is not aware of any issue with the Department of Environmental Protection. Mr. Walton said the Town would concur with that. Mr. Fried asked Mr. Ruda why it took so long to remove the

showerhead and Mr. Ruda said it was because it was Easter weekend and the hotel had high occupancy and they elected to leave it up.

Mr. Koeppel said he would like to make a motion to find them in non-compliance, assess administrative costs of \$150.00 and to postpone the case until next month and once it has been verified the property is in compliance, it should be dropped from the agenda. Mr. Ochstein said the simple way to come into compliance is to get a permit. Mr. Chane said there is nothing in the Code that refers to a showerhead versus a nozzle someone would use to wash their car. There was nothing that would indicate to his client that a permit was necessary in this instance.

Mr. Hoffman said they would have much more credibility, at least with him, if they had gone to the Building Department and been turned down for the permit rather than coming to the Board, saying they do not need one. Mr. Fried said he agreed with Mr. Hoffman and their decision to leave the plumbing in place until the day before the hearing and then take it down was a business decision. Jeff Taylor, the Building Official, said there is no expectation a garden hose running to a sprayer is potable water. On the other hand, there is an expectation of potable water with a showerhead. People could drink that water. A garden hose is not an approved conduit for potable water so this would be a violation of the Code. A showerhead is actually a plumbing fixture as listed in the Code and needs a proper conduit for the water to be delivered. Mr. Chane asked what the Code section was and Mr. Taylor said it was the Florida Plumbing Code and was available online if Mr. Chane wanted to look it up. Mr. Taylor said Chapter 6 of the Florida Building Code lists showerheads as plumbing fixtures and if you look in Chapter 3, he did not believe you would find a garden hose listed as plumbing material. Mr. Chane asked if a garden hose running from the hotel would be considered plumbing and Mr. Taylor said it is not a proper conduit for potable water.

Mr. Ramenda said he believed both sides had presented testimony and were now getting irrelevant and cumulative at this point. At some point, the testimony and production of evidence has to end and the Town needs to make a motion to postpone or rule on the matter. Mr. Chane said if the Town wanted to postpone, that would be fine but if not, he needed to cross examine Mr. Walton. Mr. Ramenda asked Mr. Chane what he wanted to cross examine Mr. Walton about and he said it was about Mr. Walton's examination of the alleged plumbing. Mr. Ramenda said the scope should be limited to that. Mr. Chane questioned Mr. Walton about his examination of the property and Mr. Walton described the plumbing. Mr. Chane asked if there was PVC buried in the sand and Mr. Walton said there was PVC piping buried in the sand which was the electrical conduit. Mr. Chane asked if there was anything in the Code that would prohibit using a garden hose with a nozzle and Mr. Walton said there was not. Mr. Chane asked if there was anything in the Code that identified whether or not a showerhead could be used instead of a nozzle to dispense the water. Mr. Walton said Mr. Taylor had already addressed that; a fixture should not be attached to a garden hose as it was not an approved conduit of potable water. Mr. Chane asked if it would be a Code violation if a resident of the Town connected a garden hose to their home with a nozzle to it to wash their car. For the record, Mr. Ramenda objected to that question as an improper hypothetical. Mr. Chane asked Mr.

Walton how he determined the connection was plumbing. Mr. Walton said he saw hard copper, a showerhead and a shower valve. Mr. Chane asked where it is identified in the Code that this constitutes plumbing. Mr. Walton said he would have to rely on expert testimony as he is not a plumbing inspector. Mr. Chane asked Mr. Walton if he was aware there was an existing hose bib at this site and he said he was not. Mr. Chane entered some photos and a site plan into the record and questioned Mr. Walton about them. Mr. Ramenda asked Mr. Chane if he was concluding Mr. Walton's testimony and he said he was. Mr. Ramenda asked Mr. Walton several redirect questions reference the warning letter and the notice of violation.

Mr. Chane asked Mr. Ruda additional questions about the photographs and the site plan he had entered into evidence. Mr. Walton then asked Mr. Ruda if he had used his plans in the building of the hotel that were not reviewed or stamped reviewed by the Town and Mr. Ruda said no, everything was done very detailed. It was a good working relationship.

Mr. Fried asked when the Omphoy had first been notified of the violation and Mr. Walton said it was February 23rd. Ms Van Buren asked Mr. Walton to repeat the Town's recommendation. Mr. Walton said the original recommendation was a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until May 7, 2010 to come into compliance, however, he could do an inspection tomorrow so he would like to make the compliance date April 16, 2010. Mr. Fried said he would like for someone from the Town to go out tomorrow and make sure compliance has been achieved and wanted to know if this would be the end of the matter or if they could be subject to fine for the time they were out of compliance. Mr. Walton said no, the Board would first have to have the finding of non-compliance and then they could be fined at a subsequent hearing if they were not in compliance.

MOTION BY MR. KOEPPLE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 10 DAYS AND GIVE THEM UNTIL APRIL 16, 2010 TO COME INTO COMPLIANCE
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY

I. [Case # 10-68, 110 Wells Road, 110 Wells Road LLC](#)

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, stagnant water and unsanitary conditions prohibited and yard grass cannot be greater than 8 inches in height and Chapter 18, Section 18-747, swimming pools to have an approved barrier, either surrounding the property or the pool area, of at least four feet in height above the underlying ground with self latching gates

Lead Code Enforcement Officer Walton presented the facts of the case and said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until May 7, 2010 to comply.

Andrew Pizey, owner of Euro Construction, was sworn in by Recording Secretary Houston. Mr. Pizey said as soon as he received the letter from the Town, he made contact with Mr. Walton. The property was cleaned up and the front area was secured. Mr. Pizey said he had to get a permit from the Town to drain the pool which he had just obtained this morning. Mr. Walton said another way they could have come into compliance was to treat the water. He also said a permit is not required to drain a pool unless the pool is drained into the public drainage system.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE,
ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL
MAY 7, 2010 TO COMPLY
SECONDED BY MR. KOEPEL
MOTION PASSED UNANIMOUSLY**

VIII. Fine Consideration: (3:52:47 p.m.)

A. Case # 10-2706, 287 Pendleton Ave., Susan C. Lee

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code, Section 105, permits required to construct, enlarge, alter, repair or change the occupancy of a building or structure or to erect, install, repair or replace any electrical, plumbing or gas system, Chapter 42, Section 42-87, all exterior surfacing material to be kept painted and in good repair and Chapter 106, Section 106-159, a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks to be maintained for the safe passage of pedestrians

Lead Code Enforcement Officer Walton said the property had been found in non-compliance at the March meeting and they were given until April 9, 2010 to come into compliance. The property is still out of compliance and the Town recommends a fine in the amount of \$250.00, beginning on April 10, 2010 and continuing until compliance is achieved.

**MOTION BY MS. GREENBERG TO ORDER A FINE IN THE AMOUNT OF
\$250.00 A DAY, COMMENCING ON APRIL 10, 2010 AND CONTINUING UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

B. Case # 10-2708, 232 Cherry Lane, Robert A. & Louisa A. Dean

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior surfaces to be maintained in good condition, kept painted, free from chipping and discoloration and appurtenances such as swimming pool equipment, pump and filter to be kept in a good state of repair and the swimming pool water maintained in a clear and sanitary condition

Lead Code Enforcement Officer Walton said the property had been found in non-compliance at the March meeting and they were given until April 9, 2010 to comply. The property remains out of compliance and the Town recommends a fine in the amount of \$75.00 a day, commencing on April 10, 2010 and continuing until compliance is achieved. Ms. Van Buren asked if there had been any contact with the owners and Mr. Walton said he had spoken to the owner, who is quite elderly, and he has also tried to contact her son. He left a message for the son but has not received a return call yet.

**MOTION BY MR. OCHSTEIN TO ORDER A FINE IN THE AMOUNT OF \$75.00 A DAY, COMMENCING ON APRIL 10, 2010 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. KOEPPPEL
MOTION PASSED UNANIMOUSLY**

IX. Board Comments: (3:57:23 p.m.)

Mr. Ballentine referred to the packet supplied to the Board members by Ms. Houston with the status of the most egregious daily running fine properties and said the question is what action, if any, can be taken on the situations, since the properties are homesteaded. Mr. Ballentine asked if this was going to be a continuing list they would have each month and Ms. Houston said it would be updated if there was any additional information. Ms. Houston said she had only done the old cases and not the 2009 ones. Mr. Ballentine noted the 151 Chilean Ave. one and Mr. Walton said he could not speak specifically about cases that were not before the Board. Mr. Ballentine asked Mr. Ramenda if there was any legal action that could be taken. Mr. Ramenda said he had not looked at the cases or conferred with Mr. Randolph. Mr. Peloso said he wanted to thank Mr. Ramenda for his time today in keeping the other attorney on track and Mr. Hoffman said he wanted to add to that comment. He said this is not the first time Mr. Ramenda had been with the Board and he appreciated the active role he took. Mr. Hoffman thanked the Board for their patience today and the good job they did.

Capt. Maio said he wanted to recognize Sgt. Krauel for all of the fine work he has done with the Board and the Board gave him a round of applause.

X. Adjournment: (4:02:58 p.m.)

The meeting was adjourned without benefit of motion.