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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, MARCH 21, 2002
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

I. **Call to Order:** The meeting was called to order at 2:02 p.m. by Chairman David J. Thomas.

II. **Roll Call:** PRESENT: David J. Thomas, Chairman
Eugene Lawrence, Member
Dr. Harry Horwich, Member
P. Robert Bale, Member
M. S. Rukeyser, Jr., Member
Pamela Hoffpauer, Member
Lowell Levine, Alternate Member

ABSENT: Scott Sloane, Vice-Chairman (unexcused)

RECORDING SECRETARY: Deborah A. Morakis

III. **Approval of the Minutes of February 21, 2002:**

MOTION BY MR. BALE TO APPROVE THE MINUTES OF THE
FEBRUARY 21, 2002 CODE ENFORCEMENT BOARD MEETING.
MOTION SECONDED BY DR. HORWICH.
MOTION CARRIED UNANIMOUSLY.

IV. **Public Hearings:**

A Case #01-1385, Charles T. Roddey, 432 Brazilian Avenue
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.
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, or other such items to accumulate.
MOTION BY MR. BALE TO DISMISS CASE #'S 01-1385, 02-1390, 02-1391, 02-1392, 02-1398, 02-1399, 02-1401, 02-1402, 02-1403 FOR COMPLIANCE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

- B Case #02-1390, Mort Kaye, 216 Indian Road
 Violation of Palm Beach Zoning Ordinance #2-74, as amended, which prohibits the use of any building or land in the R-B Residential Zoning District for any commercial or quasi-commercial use or purpose.
 MOTION BY MR. BALE TO DISMISS CASE #'S 01-1385, 02-1390, 02-1391, 02-1392, 02-1398, 02-1399, 02-1401, 02-1402, 02-1403 FOR COMPLIANCE.
 MOTION SECONDED BY MS. HOFFPAUER.
 MOTION CARRIED UNANIMOUSLY.
- C Case #02-1391, Moors & Cabot, Inc., Maurice H. Burman, 2875 So. Ocean Blvd. #101
 Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinance. Failure to submit Town Serving Documents satisfactory to the Town Council that not less than fifty (50) percent of the customers of the proposed use will be "Town's Persons."
 MOTION BY MR. BALE TO DISMISS CASE #'S 01-1385, 02-1390, 02-1391, 02-1392, 02-1398, 02-1399, 02-1401, 02-1402, 02-1403 FOR COMPLIANCE.
 MOTION SECONDED BY MS. HOFFPAUER.
 MOTION CARRIED UNANIMOUSLY.
- D Case #02-1392, Franco's Restaurant, Franco Gaccetta, 375 So. County Road
 Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances, failure to provide acceptable Parking Lease Agreement as a condition of Special Exception #15-99 and as required for approval of occupational license.
 MOTION BY MR. BALE TO DISMISS CASE #'S 01-1385, 02-1390, 02-1391, 02-1392, 02-1398, 02-1399, 02-1401, 02-1402, 02-1403 FOR COMPLIANCE.
 MOTION SECONDED BY MS. HOFFPAUER.
 MOTION CARRIED UNANIMOUSLY.
- E Case #02-1393, House of Kahn, 231 Peruvian 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.
 MOTION BY MR. BALE THAT THE DEFENDANT IS FOUND GUILTY AND ORDERED TO PAY THE FINE OF \$550.00 PLUS COURT COSTS OF \$82.30 FOR A TOTAL DUE AND OWING OF \$632.30.
 MOTION SECONDED BY RUKEYSER.
 MOTION CARRIED UNANIMOUSLY.
- F Case #02-1394, Michael & Elizabeth Kaiser, 225 Dunbar Road
 Violation of Chapter 18, Section 18-87 (d) of the Town of Palm Beach Code of Ordinances, all properties must retain or properly drain all soil and water contained on or from the property, and any modification which may alter the drainage plan must be approved by the Town.
- G Case #02-1395, Howard Gittis, 200 Via Palma
 Violation of Chapter 18, Section 18-242, Subsection 104.1.1, a building permit is required to construct, install, repair or alter any building or building system. This permit must be obtained prior to commencing work.

 MOTION BY DR. HORWICH TO POSTPONE CASE #02-1395 UNTIL THE APRIL 18, 2002 CODE ENFORCEMENT BOARD HEARING.
 Mr. Eugene Lawrence asked to recuse himself.
 MOTION SECONDED BY MS. HOFFPAUER.
 MOTION CARRIED UNANIMOUSLY.
- H Case #02-1396, Javier Marques De Olaso, 1496 North Lake Way
 Violation of Section 104.6.1.4, Medium Projects, all new or remodel construction projects of

4,000 sq.ft. to 8,999 sq.ft. shall be allowed 20 months.

All parties were sworn in and testimony was heard by Mr. Brian House and Mr. De Olaso who is the property owner. Mr. Robert Moore, the Director of Planning, Zoning and Building was sworn in and gave testimony and after much discussion the following motion was made:

MOTION BY MR. LAWRENCE THAT THE DEFENDANT IS FOUND GUILTY AND ORDERED TO IMMEDIATELY BEGIN MEANINGFUL PROGRESS AND FINISH THE PROJECT WITHIN SIXTY (60) DAYS.

MOTION SECONDED BY MR. LEVINE.

MOTION CARRIED UNANIMOUSLY.

I Case #02-1397. Javier Marques De Olaso. 1496 North Lake Way

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, trash and debris shall not be allowed to accumulate on property in the Town of Palm Beach.

Testimony was heard from Brian House and he indicated that the Town would like to see the large dumpster removed and replaced with a smaller one, the side area must be cleaned up and grassed in.

MOTION BY MR. RUKEYSER THAT THE DEFENDANT IS FOUND GUILTY AND ORDERED TO COMPLY WITHIN FIFTEEN (15) DAYS.

MOTION SECONDED BY MR. LEVINE.

MOTION CARRIED UNANIMOUSLY.

J Case #02-1398. Richard R. Limehouse. 215 Mediterranean Road

Violation of Chapter 18, Section 18-242, Subsection 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter any building or building system. This permit must be obtained prior to commencing work.

MOTION BY MR. BALE TO DISMISS CASE #'S 01-1385, 02-1390, 02-1391, 02-1392, 02-1398, 02-1399, 02-1401, 02-1402, 02-1403 FOR COMPLIANCE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

K Case #02-1399. Pems Partnership, LTD.. 301 South County 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 to allow trash and debris to accumulate.

MOTION BY MR. BALE TO DISMISS CASE #'S 01-1385, 02-1390, 02-1391, 02-1392, 02-1398, 02-1399, 02-1401, 02-1402, 02-1403 FOR COMPLIANCE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

L Case #02-1400. Eve A. Ward. 244 Esplanade Way

Violation of Chapter 42, Section 42-87 (7) of the Town of Palm Beach Code of Ordinances, all accessory buildings shall be kept in a safe condition and good state of repair.

MOTION BY DR. HORWICH TO POSTPONE CASE #02-1400 UNTIL THE APRIL 18, 2002 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

M Case #02-1401. Laura Andre. 220 Australian Avenue

Violation of Chapter 114, Section 114-34 of the Town of Palm Beach Code of Ordinances, failure to obtain or renew an occupational license to rent three apartment units.

MOTION BY MR. BALE TO DISMISS CASE #'S 01-1385, 02-1390, 02-1391, 02-1392, 02-1398, 02-1399, 02-1401, 02-1402, 02-1403 FOR COMPLIANCE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

N Case #02-1402, Laura Andre, 216 Australian Avenue

Violation of Chapter 114, Section 114-34 of the Town of Palm Beach Code of Ordinances, failure to obtain or renew an occupational license to rent four apartment units.

MOTION BY MR. BALE TO DISMISS CASE #'S 01-1385, 02-1390, 02-1391, 02-1392, 02-1398, 02-1399, 02-1401, 02-1402, 02-1403 FOR COMPLIANCE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

O Case #02-1403, CBRS Realty, LTD., 354 Brazilian Avenue

Violation of Chapter 114, Section 114-34 of the Town of Palm Beach Code of Ordinances, failure to obtain or renew an occupational license to rent four apartment units.

MOTION BY MR. BALE TO DISMISS CASE #'S 01-1385, 02-1390, 02-1391, 02-1392, 02-1398, 02-1399, 02-1401, 02-1402, 02-1403 FOR COMPLIANCE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

V. Presentation of New Cases to Set for Hearing:

A Case #02-1404, J. Richard Allison, 217 La Puerta Way

Violation of Chapter 134, Section 134-1759 of the Town of Palm Beach Code of Ordinances, the construction of any facility involving the use of a ball backboard or rebound wall in any zoning district shall be subject to an application for special exception and building permit from the Town.

B Case #02-1405, Rinceaux Antiques, 335 South County Road

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.

C Case #02-1406, Arcadia Venture, 215 Arabian Road

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.

D Case #02-1407, Mike Rettlinger, 1086 No. Ocean Blvd.

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.

E Case #02-1408, Harrison Robertson, 134 Seagate 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.

F Case #02-1409, Saga/Albert & Co., 205 Worth Avenue, Suite 201

Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, occupational license not renewed or obtained by due date.

G Case #02-1410, Vim Electric Company, Inc., 6 Ocean Lane

Violation of Chapter 42, Section 42-87 (7) of the Town of Palm Beach Code of Ordinances, all fences, gates and exterior walls shall be reasonably free of cracks, painted and shall be

kept in sound condition and good repair.

- H Case #02-1411, Richard C. Bauer, 201 La Puerta Way
Violation of Chapter 18, Section 18-242, Subsection 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair or alter any building or building system. This permit must be obtained prior to commencing work.
- I Case #02-1412, Scott D. & Christina Worley, 171 El Pueblo Way
Violation of Chapter 18, Section 18-87 (d) of the Town of Palm Beach Code of Ordinances, all properties must retain or properly drain all soil and water contained on or from the property, any modification which may alter the drainage plan must be approved by the Town and whenever the elevation of the existing grade is raised a retaining wall or other structure may be required by the Building Official.
- J Case #02-1413, Kanaris Fine Jewelry, 290 So. County Road
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, occupational license not renewed or obtained by due date.
- K Case #02-1414, Continental Mining & Metallurgical, 205 Worth Avenue, Suite 201
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, occupational license not renewed or obtained by due date.
- L Case #02-1415, Handmaidens, Inc., 205 Worth Avenue, Suite 201
Violation of Section 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances, occupational license not renewed or obtained by due date.
- M Case #02-1416, Richard Allison, 271 La Puerta Way
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. BALE TO SET CASE #'S 02-1404, 02-1405, 02-1406, 02-1407, 02-1408, 02-1409, 02-1410, 02-1411, 02-1412, 02-1413, 02-1414, 02-1415, 02-1416 FOR HEARING AT THE APRIL 18, 2002 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

VI. New Business:

VII. Old Business:

- A Case #01-1372, Per A. & Rachel C. Lorentzen, 216 Garden Road
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.

Mr. House indicated that we had a finding of guilt and order to pay the fine at the December 20, 2001 Code Enforcement Board hearing. However, we did not

have the notice of hearing delivered.

MOTION BY MS. HOFFPAUER TO VACATE THE ORDER AND FINDING OF GUILT FROM THE DECEMBER 20, 2001 HEARING.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. BALE TO SET CASE #01-1372 FOR HEARING AT THE APRIL 18, 2002 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

VIII. Reports:

Mr. House reported that next month we will have to elect a new Chairperson and Vice-Chairperson since both Chairman Dave Thomas and Vice-Chairman Scott Sloane are leaving us. It has been a pleasure to work with them, they will be missed.

IX. Adjournment:

The meeting was adjourned at 2:37 p.m. without benefit of a motion.

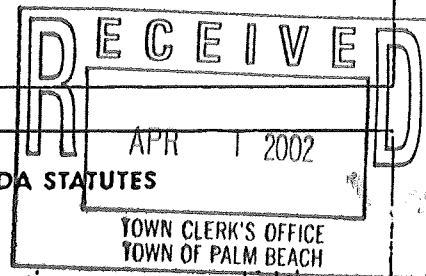
FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME LAWRENCE, EUGENE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town of Palm Beach Code Enforcement	
MAILING ADDRESS 205 Worth Avenue, Suite 301		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY Palm Beach	COUNTY Palm Beach	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED		MY POSITION IS: ☐ ELECTIVE ☐ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.



INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.

- A copy of the form should be provided immediately to the other members of the agency.

- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, EUGENE LAWRENCE, hereby disclose that on 21 MARCH, 192002:

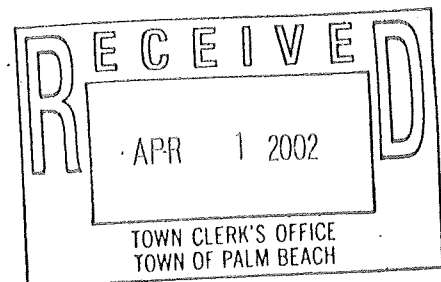
(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain; or

☒ inured to the special gain of HOWARD GITIS, 200 VIA PALM, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

WE ARE RETAINED TO PROVIDE ARCHITECTURAL SERVICES TO MR. HOWARD GITIS FOR THIS PROPERTY AND HAVE PROVIDED SERVICES TO HIM FOR OTHER PROPERTIES



Eugene Lawrence
Signature

Date Filed

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.