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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, MARCH 20, 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
P. Robert Bale, Vice Chairman
Pamela Hoffpauer, Member
Dr. Harry Horwich, Member
Timothy Hoffman, Member
Joel P. Koepfel, Member
Richard A. Raffo, Member
Hugh C. Davis, III, Alternate Member
Thomas M. Youchak, Alternate Member (arrived at 2:08 p.m.)
Robert S. Walton, Code Compliance Officer
John C. Randolph, Town Attorney

Absent: None

Recording Secretary: Cynthia M. Delp

III. **Approval of the Minutes of February 20, 2003**
MOTION BY MR. HOFFMAN FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

- A Case #03-1493, Maria Smithers, Pita Line, Inc., 111 No. County Road
Violation of Chapter 18, Section 18-175 of the Town of Palm Beach Code of Ordinances, all signs shall be approved by the Architectural Commission. Following Architectural Commission approval, a building permit is required. This permit must be obtained prior to commencing work.

MOTION BY DR. HORWICH TO DISMISS CASES #03-1493, #03-1494, AND #03-1495 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- B Case #03-1494, Marie E. Wilson, 1388 North Lake Way
Violation of Chapter 106, Section 106-159 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 DR. HORWICH TO DISMISS CASES #03-1493, #03-1494, AND #03-1495 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- C Case #03-1495, Howard Finkelstein, 615 North Lake Trail
Violation of Chapter 106, Section 106-159 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 DR. HORWICH TO DISMISS CASES #03-1493, #03-1494, AND #03-1495 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- D Case #03-1496, Rena Rowan, 202 Plantation Road
Violation of Section 118.50 of the Town of Palm Beach Code of Ordinances, it shall be unlawful to park any recreational vehicle or truck on any privately owner property within the Town for a space of time longer than two (2) days.

Mrs. Delp administered the oath to all those present who wished to testify to this case or any other to be heard today.

Mr. Walton stated that a December 24, 2002 violation letter was returned to the town undelivered; a second attempt was successful with the letter of violation

being received on January 29, 2003; and a subsequent Notice of Hearing was received on February 25, 2003. The Town is asking for a finding of guilty with an order to remove the truck within 2 days.

is Mr. James Rowan, son of the property owner, stated he is living in the home, but

in and out of town quite frequently, and uses the vehicle in question for those trips. When the vehicle is parked at the site, it is typically there for a 3-5 day period. Mr. Rowan did not contest the violation, but asked the CEB for a week to allow him to secure that new parking space. He is actively seeking a space where he can appropriately park the vehicle, and believes he has secured same.

MOTION BY MR. KOEPEL FOR A FINDING OF GUILTY WHILE ALLOWING MR. ROWAN A PERIOD OF ONE WEEK TO REMOVE THE VEHICLE, WITH THE UNDERSTANDING THAT A FINE WILL BE IMPOSED IF THE VEHICLE IS LEFT AT THE SITE AGAIN FOR MORE THAN TWO (2) DAYS.

**MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

E Case #03-1497, House of Kahn, 231 Peruvian Avenue
Violation of Section 28-35 (b) of the Town of Palm Beach Code of Ordinances, alarm system users with fines not paid within thirty (30) days of first billing.

Mr. Walton testified that the violation letter was sent December 6, 2002, but was unclaimed; it was re-sent and accepted on January 14, 2003; and, the Notice of Hearing was received on February 24, 2003. Yesterday, Mrs. Kahn paid \$400.00 of the fine to the town, leaving a balance of \$ 625.00. Of that \$ 625.00 balance, \$ 525.00 is past 30 days due. The Town is asking for a finding of guilty for non-payment of the fines and an order to pay the fines within a set period of time, which is at the discretion of the board.

Let the record show that no one was present on behalf of the House of Kahn. It was noted that this is a repetitive problem at this location. It was unclear as to the reason that the alarm is activated so frequently.

MOTION BY MR. HOFFMAN THAT THERE IS A VIOLATION, AND THAT THE FINES BE PAID BY THE END OF THIS MONTH, AND IF NOT PAID, AN ADDITIONAL FINE WILL BE CONSIDERED AT THE NEXT MEETING RETROACTIVE TO TODAY'S DATE.

**MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

The CEB requested that Mr. Walton speak to Mrs. Kahn relative to the frequent alarm activations in an attempt to alleviate future occurrences of same.

F Case #03-1498, Sunset PB Limited Part., 223 Sunset Avenue

Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.

MOTION BY MR. HOFFMAN TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.

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

V. **Presentation of New Cases to Set for Hearing:**

A Case #03-1499, Ayres Bartholomew Interiors, LLC, 150 Royal Poinciana Plaza

Violation of Sections 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances. Anyone failing to renew their Occupational License is doing business without a license.

B Case #03-1500, Clifton Dale Duckworth, 146 Seabreeze Avenue
Violation of Section 104.6.1.4 of Chapter 18 (Buildings) of the Town of Palm Beach Code of Ordinances, not completing a construction project within 12 months

C Case #03-1501, David Brodsky, 259 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.

D 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.

E Case #03-1503, Edward J. Robinson, 217 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.

F Case #03-1504, Robert L. Forbes, 171 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.

G 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.

H Case #03-1506, Jane H. Janssen, 300 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.

I Case #03-1507, Christopher M. Condon, 142 South County Road
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.

J Case #03-1508, First Naugatuck Capital, 158 South Ocean Boulevard
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.

K Case #03-1509, Allan A. & Maria C. Ryan, 230 Miraflores Drive
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.

L Case #03-1510, Laura Andre, 216 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.

M Case #03-1511, William G. Wagner, 148 South County Road
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.

N Case #03-1512, Veronica Butler, 175 Atlantic 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. BALE TO SET CASES #03-1499 THROUGH #03-1512 FOR HEARING AT THE APRIL MEETING OF THE CODE ENFORCEMENT BOARD.

**MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

VI. New Business:

VII. **Old Business:**

A Case #02-1482, Washington Mutual Bank, FA, 159 Sunset Avenue
Violation of Section 42-87 of the Town of Palm Beach Code of Ordinances:
Brush, weeds or grass may not be allowed to grow to a height greater than eight (8) inches; and decayed or decaying buildings or structures, ruins of any kind or buildings, docks, walls or other structures in a falling or dangerous condition are unlawful; and Section 42-87 requires exterior walls to be reasonably free of cracks or holes through which weather elements can enter the building or structures, and all exterior surfacing material shall be kept painted and in good repair.

Mr. Walton testified that a hearing was held relative to this matter on December 19, 2003. At that hearing, Washington Mutual was found guilty and ordered to correct the problem within 60 days, and to report back to the CEB after that 60 days. Likewise, at that time, they were ordered to install a structural pool cover and to maintain the grounds. At the February CEB meeting, Attorney Ray Royce reported that the property was close to being sold, and as such, requested more time from the CEB. Apparently, that sale did not take place. Mr. Walton stated that the house is in the condition that it was on December 19, 2002. They did place a pool cover over it; the pool was maintained once, but it is turning green again; the grounds experienced a bit of maintenance, but not proper maintenance. The Town is requesting that the CEB institute a \$ 250.00/day fine commencing February 17, 2003 (the end of the 60 days).

Attorney Steve Cohen, of Holland and Knight, was here for Attorney Ray Royce who was on vacation. Mr. Cohen stated that Washington Mutual acquired the property through foreclosure. The matter was first heard by the CEB on December 19, 2002. As soon as the bank had clear title, the property was put up for sale. Multiple proposed purchases have fallen through to date. Mr. Cohen maintained that Washington Mutual has spent money to try to alleviate violations at the property. The bank is looking for a buyer with a development plan. As such, the bank is asking for additional time to secure a buyer. Washington Mutual plans to bring the property into compliance within 30 days, or seek a demolition permit. He requested a specific list of items required to bring the property into compliance, as the Washington Mutual representatives are unclear on this issue.

Mr. Youchak was concerned relative to Life Safety issues. Mr. Cohen stated that there is a new fence on the west side now, but admittedly, the east fence needs to be strengthened. CEB members, together with Mr. Walton, stated that the items required to achieve compliance have been outlined on previous occasions, in addition to being listed in the letter of violation. Mr. Walton noted that Washington Mutual has been involved with this case for 139 days, and requested that the CEB institute a fine. Mr. Lawrence noted that additional time has already been given to Washington Mutual to take care of these issues, and the property has not been brought into compliance. Further, the issue is that the property must come into compliance, regardless of whether the property will be sold or the

house demolished.

MOTION BY MR. HOFFMAN INSTITUTING A FINE OF \$ 250.00/DAY COMMENCING FEBRUARY 17, 2003 UNTIL FULL COMPLIANCE IS ACHIEVED BY EITHER REPAIR OR DEMOLITION.

**MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

It was noted, for the record, that Mr. Walton will work with Washington Mutual to attempt to further clarify the specific repairs needed to bring the property into compliance.

B Case #02-1491, SLM Palm Beach Associates LLC, 2310/2315 S. Ocean Blvd.

Violation of Section 42-86 of the Town of Palm Beach Code of Ordinances: grass and hedges are overgrown, the buildings are not secured so that trespassers may not enter, garbage and trash are accumulating on the property.

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. Bale. Voting Conflict form on file.

Mr. Walton testified that at the last meeting, February 20, 2003, the owner was found guilty and ordered to begin meaningful work and bring the property into compliance.

To date, there has not been meaningful continuous work at the site. As such, the Town is requesting a \$250.00/day commencing February 25, 2003 and continuing until the owner has complied with the CEB's order of February 20, 2003.

Dr. Max Rosenbaum testified that he is a permanent resident of the Harbor House Condominium, and lives on the 7th floor with a perfect view of this property. "It is an absolute disgrace." There is an empty pool there with no cover, an open dumpster, and assorted wildlife, i.e., cats, foxes, rodents, etc. He feels that the property should be demolished or at least fenced in. It presents a safety and security risk. He called it "a nuisance waiting for a tragedy."

MOTION BY MS. HOFFPAUER TO IMPOSE A FINE OF \$250.00/DAY FROM FEBRUARY 25, 2003 UNTIL MEANINGFUL WORK COMMENCES AND THE PROPERTY IS BROUGHT INTO COMPLIANCE ACCORDING TO THE FEBRUARY 20, 2003 CEB ORDER.

MOTION SECONDED BY MR. KOEPPEL.

Mr. Koepfel, during discussion, stated he was inclined to ask for an amendment to the motion to include a deadline for the pool to be secured, and if that is not met, impose a \$500/day fine. Mr. Randolph felt that should be handled through another motion, but noted that the owner will first have to be cited for the pool. \$ 500.00/day is a fine appropriate for a repeat violation. As such, it would not be appropriate at this time relative to the pool. Mr. Koepfel withdrew his proposed

amendment.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. KOEPEL THAT THE TOWN APPROACH THE PROPERTY OWNER TO PUT THEM ON NOTICE THAT THE PROPERTY NEEDS TO BE FENCED FOR SECURITY PURPOSES, AND TO SECURE THE TOP OF THE POOL.

MOTION SECONDED BY MR. RAFFO.

MOTION AMENDED BY MR. KOEPEL ADDING A DEADLINE OF “WITHIN 15 DAYS.”

**AMENDMENT SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

VIII. Reports:

Mr. Lawrence noted that today is the last meeting for Mr. Bale and Dr. Horwich, and thanked them for their dedicated service to the town.

IX. Adjournment:

The meeting adjourned at 2:50 p.m. without benefit of a motion.

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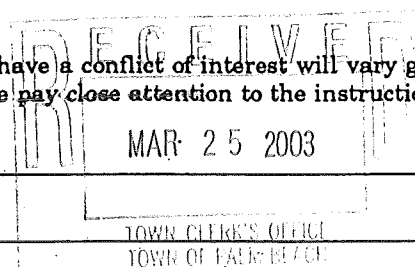
FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME KENNE, GIGENS		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CODES ENFORCEMENT BOARD
MAILING ADDRESS 205 WILSON AVE, 301		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY Palm Beach ☐ COUNTY Palm Beach ☒ OTHER LOCAL AGENCY
CITY Palm Beach	COUNTY Palm Beach FL	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 20 March 2003		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

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.

Your responsibilities under the law when faced with voting on 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

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must 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:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

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

- You must 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 must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

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

- You must disclose orally the nature of your conflict in the measure before participating.
- You must 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 must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, EUGENE LAURENCE, hereby disclose that on 20 MARCH, 2013, 19 :

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

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

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

I AM RETAINED TO PROVIDE PROFESSIONAL SERVICES TO THE PROGRAM

20 MARCH 2013
Date Filed

Eugene Laurence
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, 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 \$10,000.