

**CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, MARCH 15, 2007
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 Chairman Timothy Hoffman.

II ROLL CALL: Present: Timothy Hoffman, Chairman
Richard A. Raffo, Vice-chairman
Joel P. Koeppel, Member
Catherine M. Duemler, Member
Martin I. Klein, Member
Harris S. Fried, Member
Madelyn Greenberg, Alternate Member
John C. Randolph, Town Attorney

Absent: Larry Ochstein, Member (unexcused)

Staff: Robert S. Walton, Chief Code Compliance Officer
Deborah A. Morakis, Recording Secretary

Let the record show, that Ms. Greenberg will vote today in Mr. Ochstein's absence.

III ADMINISTRATION OF THE OATH TO ALL PERSONS WISHING TO TESTIFY:
Let the record show that all persons wishing to testify were sworn in at this time by Recording Secretary Debby Morakis.

IV APPROVAL OF THE MINUTES OF FEBRUARY 15, 2007:
MOTION BY MS. GREENBERG FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. FRIED.
MOTION PASSED UNANIMOUSLY.

V PUBLIC HEARINGS:

A Case #07-2079, 2875 So. Ocean Blvd., Leslie Robert Evans, 2875 Development Group
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, structural members shall supply substantial support for the structure, interior walls and ceilings shall be structurally sound, all exterior walls shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair.
Failure to commence repairs as required by the letter from Acting Building Official dated October 11, 2006.

Code Compliance Officer Robert Walton reported to the Board the facts in this case. This case was on the agenda last month and postponed until today. An engineering report is in the record that indicates the building is substantially sound and not in danger of falling down. Mr. Walton advised the Board that the owner has applied for a permit to demolish the building.

However, due to litigation between the owner and the tenant, demolition has been stalled. Photographs of the condition of the building were shown to the Board.

Harry Ackerman, Acting Building Official for the Town of Palm Beach testified that he inspected the building with the property owners last summer and found deterioration of the steel columns, some places on exterior metal frame walls that had blown out, also the wood truss system was lacking in proper bracing to make it structurally sound, some members were bowing, and one or two of the trusses had been cut for the installation of a door and had not been properly modified. Mr. Ackerman stated that both sides agreed that repairs needed to be done. The repairs will require an engineer to design

Attorney Julie Ferguson with the law firm of Paige Mrachek was here to represent the owner of the building. Ms. Ferguson stated that Wachovia is the only remaining tenant in the building and the owner is working to resolve issues with this tenant. ARCOM approval has been received from the Town for the demolition of the building. Ms. Ferguson stated that a hearing is scheduled on March 23, 2007 for the bank's temporary injunction to preclude the owner from demolishing the property. Ms. Ferguson indicated that the time line for repairs to the building, should they move forward, would be fourteen (14) weeks, which does not include time for permitting. If the bank were to stay in the building during the repair process that would prolong the time necessary for completion.

Attorney Herbert C. Gibson was here to represent Wachovia and explained his client's position relative to the repairs and asked the Code Enforcement Board move forward and require the repairs be completed. Mr. Gibson asked that the Slider Engineering Evaluation and Report that was presented in February be entered as evidence, as well as the Anderson and Moore cost estimate.

Town Attorney Skip Randolph explained that the only issue before the Code Enforcement Board is to determine if there is a violation and how that violation will be rectified according to the letter from Mr. Ackerman dated October 11, 2006.

After hearing further testimony and discussion, the following motion was made:

MOTION BY MR. FRIED THAT THE DEFENDANTS BE FOUND IN NON COMPLIANCE AND ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00. IT IS FURTHER ORDERED THAT THE DEFENDANT OBTAIN PERMITS BEFORE THE NEXT MEETING OF THE CODE ENFORCEMENT BOARD AND PROVIDE A COMPLETION SCHEDULE OF CORRECTIVE ACTIONS ACCORDING TO THE TOWN'S LETTER OF OCTOBER 11, 2006 AND COMPLETE THE REPAIRS WITHIN 120 DAYS. MOTION SECONDED BY MR. KLEIN WITH THE PROVISIO THAT THE OWNERS PROCEED DILIGENTLY AND APPEAR AT THE APRIL 19, 2007 CODE ENFORCEMENT BOARD HEARING. MOTION AMENDED AND ACCEPTED BY MR. FRIED. MOTION CARRIED UNANIMOUSLY.

- B Case #07-2083, 2565 So. Ocean Blvd., #222, Eugene F. McAuliffe, Elinor McAuliffe
Violation of Chapter 18, Section 18-241, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

Code Officer Walton reported to the Board that evidence of service has not been obtained and requested that the Board postpone this case.

MOTION BY MR. KOEPEL THAT CASE #07-2083 IS POSTPONED UNTIL THE APRIL 19, 2007 CODE ENFORCEMENT BOARD HEARING DUE TO LACK OF SERVICE. MOTION SECONDED BY MR. KLEIN. MOTION CARRIED UNANIMOUSLY.

- C Case #07-2084, 363 Cocconut Row, Chesterfield Hotel
Violation of Town of Palm Beach Ordinance #42-197 (11): prohibits the commercial loading and unloading of any vehicle for businesses located in or adjacent to residentially zoned areas, between the hours of 8:00 a.m. and 8:00 p.m.

Sgt. Fred Hess of the Palm Beach Police Department presented evidence in this case relative to deliveries being made not within the allowable hours. The notice of violation and notice of hearing were personally served by Sgt. Hess on March 6, 2007. This case was originated by multiple citizen complaints. The Chesterfield Hotel is located within the RC Medium Density zoning district. The ordinance limits loading and unloading to between 8:00 a.m. and 8:00 p.m. Sgt. Hess distributed a copy of the CAD reports generated for Police complaints indicating the dates and times of each violation.

Richard Snyder, Assistant General Manager of the Chesterfield Hotel explained that these were rare exceptions and that the Chesterfield Hotel has consistently acted as good neighbors. The Chesterfield has provided notice to each of its vendors and is requiring that these vendors sign and acknowledge the delivery policy and return a copy to them.

MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND IS ORDERED TO REMAIN IN COMPLIANCE WITH TOWN ORDINANCES.
MOTION SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.

- D Case #07-2085, 311-315 S. County Rd., Margrit Bessenroth
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: Environment.
Violation of Chapter 118, Section 118-147 of the Town of Palm beach Code of Ordinances: Traffic and Vehicles.

Code Officer Nick Gerry presented evidence relative to the violations at the above property. Mr. Gerry submitted into evidence several photographs of the violation as well as the friendly reminder notice dated November 21, 2006 and a notice of code violation dated February 27, 2007. After further testimony and discussion, the following motion was made:

MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND IS GRANTED THIRTY (30) DAYS IN WHICH TO COMPLY WITH TOWN ORDINANCES.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.

- E Case #07-2086, 311 S. County Road, Marbess Day Spa/Salon Margrit, Inc.
Violation of Chapter 114, Section 114-38 of the Town of Palm Beach Code of Ordinances: taxation.

Code Officer Nick Gerry reported that Ms. Bessenroth has not obtained the state license for the cosmetology salon which is a requirement for the issuance of the Town business tax receipt.

MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND IS ORDERED TO BE IN COMPLIANCE BY APRIL 15, 2007.
MOTION SECONDED BY MR. FRIED.

MOTION CARRIED UNANIMOUSLY.

- F Case #07-2087, 2560 So. Ocean Blvd., Whitehouse 94, LLC
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code, Section 105: Permits
Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances: Business tax.

Code Officer Nick Gerry reported that the Violation of Chapter 114, Section 114-32 Taxation would not be brought forward at this time since that issue has been resolved. Mr. Gerry reported that this violation pertained to roof work which was being done without a permit. Mr. Gerry reported the facts in this case, presented photographs of the violation and requested that the Board find the violator in non compliance with Town Ordinances, order they pay costs in the amount of \$150.00 and grant the violator until April 15, 2007 to comply with Town ordinances.

MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND IS ORDERED TO COMPLY WITH TOWN ORDINANCES BY APRIL 15, 2007.

MOTION SECONDED BY MS. GREENBERG.

MOTION CARRIED UNANIMOUSLY.

- G Case #07-2088, 2842 So. Ocean Blvd., CSC Palm Beach, LP, OC Beach Resort
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code, Section 105: Permits
Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances: Business tax.

Code Officer Nick Gerry reported to the Board the facts in this case, that the violator applied for a sign permit but the application has not been approved and a permit has not been issued as of today. Also, the Business Tax Receipt has been applied for. Mr. Gerry recommended that the violator be found in non compliance, be ordered to pay administrative costs in the amount of \$150.00 and be granted until April 15, 2007 in which to comply with Town ordinances.

Attorney Jim Brindell testified on behalf of the property owner, CSC Palm Beach LP. Mr. Brindell stated that a new Special Exception was applied for last year and after many changes, approval was granted this month.

After further discussion, the following motion was made:

MOTION BY MR. KLEIN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND IS ORDERED TO COMPLY WITH TOWN ORDINANCES BY APRIL 15, 2007.

MOTION SECONDED BY MR. FRIED.

MOTION CARRIED UNANIMOUSLY.

VI NEW BUSINESS:

None.

VII OLD BUSINESS:

- A Case #06-2012, 221 Oleander Avenue, Marina Petrou

Violation of Chapter 42, Sections 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances: requires buildings be maintained in a good condition and not to show decay or dangerous condition.

Violation of Chapter 18, Section 18-964 of the Town of Palm Beach Code of Ordinances: street numbers must be located on the building visible from the street.

Code Officer Walton reported that this property is now in compliance and requested that this case be dismissed for compliance.

**MOTION BY MR. KLEIN TO DISMISS CASE #06-2012 FOR COMPLIANCE.
MOTION SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

B Case #06-2037, 365 So. County Road, PBI, LLC

Violation of Chapter 42, Section 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances: requires properties be maintained in a good condition.

Code Officer Robert Walton reported to the Board that the defendant in this case had previously been granted until April 15, 2007 by the Code Enforcement Board in which to bring the property into compliance. The defendant has obtained all permits and work is ongoing. This was a report only. No action was needed or taken by the Board.

C Case #06-2043, 324 Cherry Lane, Cheryl Minikes

Violation of Chapter 42, Sections 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances states unsightly, unsafe and unsanitary conditions constitute a nuisance and requires properties be maintained in good condition.

Code Officer Walton reported that this property has not been demolished or repaired as was previously ordered by the Code Enforcement Board. Mr. Walton presented photographs to the Board demonstrating the condition of this property and recommended a fine in the amount of \$250.00 per day, to start effective March 15, 2007 and continue until compliance is achieved.

**MOTION BY MR. KLEIN THAT THE VIOLATOR BE ORDERED TO PAY A FINE IN THE AMOUNT OF \$250.00 PER DAY, BEGINNING ON MARCH 15, 2007 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

D Case #07-2073, 129 Chilean Avenue, Robert & Beverly Lowden

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: requires roofs be maintained so as not to leak and kept in good state of repair.

Mr. Walton reported the facts in this case to the Board. At the February 2007 Code Enforcement Board Hearing, the Lowden's were granted until March 13, 2007 in which to comply with Town ordinances and as of this date, the roof is not repaired. The Town received correspondence from Mrs. Lowden on the 12th and 13th of March. Mrs. Lowden claims the delays are the fault of her contractor. Mrs. Lowden has requested to be heard at the April 19, 2007 Code Enforcement Board Hearing, and she was advised by Sgt. Hess that once the property is in compliance, she could come back before the Board. The Town recommends that a fine in the amount of \$250.00 per day begin on March 14 and continue until compliance. The defendant was previously ordered to pay administrative costs and advertising costs and to date, these have not been paid.

MOTION BY MR. KOEPPPEL THAT THE VIOLATOR BE ORDERED TO PAY A FINE IN THE AMOUNT OF \$250.00 PER DAY, BEGINNING ON MARCH 14, 2007 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED, IN ADDITION TO ADVERTISING COSTS IN THE AMOUNT OF \$477.84 AND ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00. MOTION SECONDED BY MR. FRIED. MOTION CARRIED UNANIMOUSLY.

- E Case #07-2076, 202 Plantation Road, Peter Plotkin
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: requires properties to be maintained in good condition and not to present an unsightly, unsafe or unsanitary condition.

Mr. Walton reported that this property is not yet in compliance as was previously ordered by the Board and recommends that a fine in the amount of \$250.00 per day begin on March 2, 2007 and continuing until compliance.

MOTION BY MR. KOEPPPEL THAT THE VIOLATOR BE ORDERED TO PAY A FINE IN THE AMOUNT OF \$250.00 PER DAY, STARTING ON MARCH 2, 2007 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED. MOTION SECONDED BY MS. GREENBERG. MOTION CARRIED UNANIMOUSLY.

- F Case #07-2080, 151 Barton Avenue, Woolems, Inc., Robert W. Corby
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.

After hearing testimony from Code Officer Walton indicating that the costs were paid and the project is completed, the following motion was made:

MOTION BY MR. KOEPPPEL THAT CASE #07-2080 IS DISMISSED FOR COMPLIANCE. MOTION SECONDED BY MR. KLEIN. MOTION CARRIED UNANIMOUSLY.

VIII REQUEST FOR REDUCTION OF FINE

- A Case #06-2038, 2545 So. Ocean Blvd, Palm Bch White House Condo Assoc., %Arndt Hagen
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code 2001, Section 105: requires building permits to construct, install, repair or alter any structure.

Mr. Walton reported that fines have accumulated totaling \$19,050.00. Now that the property has been brought into compliance, the defendants are here requesting an abatement of the fine.

Jose Rodriguez, a unit owner at the condominium testified that although the work was begun without a permit, he had been in contact with the building department to determine what would be necessary to obtain the required permits. This work to raise the seawall was begun without a permit in order to protect the property from beach erosion.

After further discussion and testimony, the following motion was made:

MOTION BY MR. RAFFO THAT THE FINE BE REDUCED BY 25%, WITH THE PROVISIO THAT IT BE PAID WITHIN SEVEN (7) DAYS.

MOTION SECONDED BY MR. KLEIN.

After further discussion and hearing that the Condominium Board would have to order a Special Assessment of its owners in order to make the fine payment, the Order was amended as follows:

**MOTION AMENDED BY MR. RAFFO THAT THE FINE WOULD BE REDUCED BY 25%,
WITH THE PROVISIO THAT IT BE PAID WITHIN FOURTEEN (14) DAYS.
AMENDED MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

IX COMMENTS:

Chairman Hoffman asked Mr. Walton to provide a status report for the record of the case on Ibis Isle, since it was postponed from last month and was not on the agenda. Mr. Walton reported that service on the subpoenas was not obtained since the owner is out of state. Sgt. Hess spoke to the realtor, who was out of the country, via telephone. The realtor indicated that the property is now being leased for a three month period. Sgt. Hess asked the realtor to provide Staff with a lease agreement and the realtor said she would do that as soon as she got back in the country.

Mr. Fried asked about the case involving the foreclosure of the property owned by Sharon Talbot at 264/270 Seminole Avenue. Mr. Walton reported that the fines were paid.

Mr. Raffo asked if the Board would be notified of repeat violators and Mr. Walton reported that in the future, this would be done and repeat violations would be noted on the agenda. Mr. Raffo then asked about 242 Tangier Avenue and what was being done after the Police Department was notified that the contractor was working on a Saturday. Sgt. Hess stated that he would follow up on this.

Sgt. Hess reported that the transition of Code Enforcement from the Planning, Zoning & Building Department to the Police Department went smoothly on March 1, 2007. Mr. Walton and Mr. Gerry have moved over to the Police Department and their telephone numbers have been transferred over. Any questions or complaints should be directed to the main dispatch telephone number at 561-838-5454, which will be answered by a person 24/7 and the complaint will then be entered into the system. Sgt. Hess reported that the new full-time Code Officer will be starting shortly. The Police Officers are being educated in assisting in the Code Enforcement process, what they should and could become involved in and how they could better assist Code Enforcement in documenting cases. There will be a focus on issues that are generating complaints to the Police Department which are: noise, construction hours, traffic and parking.

Chairman Hoffman asked if Sgt. Hess would be presenting all cases for the Police Department or would other officers present cases? Sgt. Hess stated that generally presentations would be given by himself, Mr. Walton or Mr. Gerry, but on occasion it could be others. Sgt. Hess reported that a written warning system has been implemented. Sgt. Hess reported that both he and Mr. Walton Code Enforcement classes and he and Captain Blouin will be attending additional future classes.

Ms. Close, Director of the Planning, Zoning and Building Department stated that if it was brought to our attention that someone was working without a permit, it would be brought to the attention of Code Enforcement.

Mr. Raffo noted that Gail Coniglio will be working on an Ordinance Committee and asked Sgt. Hess if Staff will be reviewing the Code of Ordinances and making recommendations for changes? Sgt. Hess reported that the Staff team is reviewing the Town's ordinances and will be making recommendations to adopt changes.

Mrs. Jane Janssen, of 300 Barton Avenue asked if Mr. Walton could do a reinspection of her windows. Mr. Walton stated that she was represented by Peter Broberg and was granted a period of time that is not up yet. Mrs. Janssen stated that the project is completed earlier than planned and asked Mr. Walton to do a reinspection. Mr. Walton stated that he would take a look.

Leslie Smith, President of the Board of 2545 So. Ocean Blvd. asked how to appeal the Code Enforcement Board's decision. Mr. Walton stated that the appeal would have had to be done within thirty (30) days of the finding of non compliance.

X ADJOURNMENT:

The meeting was adjourned without benefit of a motion at 4:37 p.m.