

**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, FEBRUARY 17, 2000
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 Rampell.

II. Roll Call: PRESENT: Paul Rampell, Chairman
Robert Gottfried, Vice Chairman
Eugene Lawrence, Member
J. Richard Allison, Member (arrived at 2:05 p.m.)
Scott Sloane, Member
David J. Thomas, Member
P. Robert Bale, Alternate Member
Brian K. House, Chief Code Compliance Officer
Robert S. Walton, Code Compliance Officer
John C. Randolph, Town Attorney

ABSENT: Max Schorr, Member (unexcused)

RECORDING SECRETARY: Deborah A. Morakis

III. Approval of the Minutes of January 20, 2000:

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

IV. Public Hearings:

All participating parties were sworn in by the Code Enforcement Secretary Deborah Morakis.

- A Case #99-1101, George F. & Adele S. Merck, 244 Palmo Way
Violation of Chapter 42, Section 42-86 (2), no property shall become overgrown with vegetation and debris may not be allowed to accumulate on same.
Violation of Chapter 106, Section 106-159 (a) and (b), a vertical clearance of eighteen (18) feet above the Lake Trail and sidewalks, and extending the full width above all sidewalks and the Lake Trail must be maintained.

MOTION BY MR. ALLISON TO DISMISS CASE #99-1101 FOR COMPLIANCE.
MOTION SECONDED BY MR. GOTTFRIED.
MOTION CARRIED UNANIMOUSLY.

B Case #00-1106, Sandson Investment, Inc., 206 N. Ocean Blvd.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be free of cracks, painted and in a maintained condition. Chapter 42, Section 42-86, states it is unlawful for any property owner to allow grass or weeds to grow to a height greater than eight (8) inches or other vegetation including dead trees, stumps, or roots to accumulate. Also according to the same Code of Ordinances, Chapter 106, Section 106-159, a clearance of eight (8) feet must be maintained above all sidewalks.

Mr. Brian House testified that the first letter was dated December 14, 1999 and was delivered December 17, 1999 to Sandson Investment, Inc. at 1600 Miami Ct, Miami, Florida. The Notice of Hearing for today dated January 22, 2000 was delivered January 26, 2000 to that same address and people. As of this morning, the property was in the same condition. Mr. House requested that the property owner be ordered to comply by March 15, 2000. After some discussion, the following motion was made:

MOTION BY MR. SLOAN REGARDING CASE #00-1106 THAT THE DEFENDANT BE FOUND GUILTY OF NON-COMPLIANCE RELATIVE TO THE THREE (3) VIOLATIONS AND ORDERED TO COMPLY BEFORE MARCH 15, 2000.

MOTION SECONDED BY MR. ALLISON.
MOTION CARRIED UNANIMOUSLY.

C Case #00-1107, Beca Palm Beach Real Estate, Inc., 220 Banyan Road

Violation of Section 18-242 subparagraph 104.1 of the Town of Palm Beach Code of Ordinances, before a structure is built, a building permit must be obtained.

Case #00-1107 was postponed until the March 16, 2000 Code Enforcement Board hearing without benefit of a motion as no testimony was heard.

D Case #00-1108, Troy W. Maschmeyer Jr., 153 Kings 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.

Mr. Brian House testified that the secretary called him this morning and stated that payment of the fine would be made by tomorrow morning. He then asked that the case be dismissed without prejudice so that we can bring it back next month if necessary.

MOTION BY MR. LAWRENCE TO DISMISS CASE #00-1108 WITHOUT PREJUDICE.

MOTION SECONDED BY MR. THOMAS.
MOTION CARRIED UNANIMOUSLY.

- E Case #00-1109, Citibank FL FSB, 400 Royal Palm Way
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. ALLISON REGARDING CASE #00-1109 TO FIND THE DEFENDANT GUILTY OF NON-COMPLIANCE AND BE ORDERED TO PAY THE SUM OF \$200.00 FOR THE FINE AND \$82.30 IN COSTS FOR A TOTAL DUE OF \$282.30, PAYMENT MUST BE MADE BEFORE MARCH 15, 2000.
MOTION SECONDED BY MR. THOMAS.
MOTION CARRIED UNANIMOUSLY.

- F Case #00-1110, 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. THOMAS REGARDING CASE #00-1110 TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MR. BALE.
MOTION CARRIED UNANIMOUSLY.

- G Case #00-1111, Anya Bagley, 142 Casa Bendita
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.

Case #00-1111 was postponed without benefit of a motion until service is obtained.

- H Case #00-1112, Gene & Judith Goldfarb, 230 North Ocean Blvd.
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 ALLISON TO DISMISS CASE #00-1112 FOR COMPLIANCE.
MOTION SECONDED BY MR. GOTTFRIED.
MOTION CARRIED UNANIMOUSLY.

- I Case #00-1113, Ensoie, 313 Worth 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.

Mr. Brian House testified that the notice of non-compliance and a request for payment of \$900.00 was sent out on December 15, 1999 and delivered on December 17, 1999. The Notice of Hearing dated January 22, 2000 was delivered on January 25, 2000. To date

we have had no response and received no payment.

MOTION BY MR. SLOANE REGARDING CASE #00-1113 TO FIND THE DEFENDANT GUILTY OF NON-COMPLIANCE AND ORDERED TO PAY THE \$900.00 FINE AND COSTS IN THE AMOUNT OF \$82.30 FOR A TOTAL SUM OF \$982.30. PAYMENT MUST BE MADE BEFORE MARCH 15, 2000.

MOTION SECONDED BY MR ALLISON.

MOTION CARRIED UNANIMOUSLY.

J Case #00-1114, Kanaris Fine Jewelry Inc., 302 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.

Mr. Brian House testified that notices were sent out on December 15, 1999 and received on December 17, 1999. Notice of Hearing was sent out on January 21, 2000 and delivered on January 25, 2000 and to date we have had no response and no payment.

MOTION BY MR. ALLISON REGARDING CASE #00-1114 TO FIND THE DEFENDANT GUILTY OF NON-COMPLIANCE AND ORDERED TO PAY THE \$825.00 FINE AND COSTS IN THE AMOUNT OF \$82.30 FOR A TOTAL SUM OF \$907.30. PAYMENT MUST BE MADE BEFORE MARCH 15, 2000.

MOTION SECONDED BY MR THOMAS.

MOTION CARRIED UNANIMOUSLY.

K Case #00-1115, Dominique's, 96 Via Mizner

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.

Mr. House testified that the letter of December 15, 1999 was delivered on December 29, 1999 and the Notice of Hearing dated January 21, 2000 was delivered on January 25, 2000. Mr. House recommended a finding of non-compliance and that they be ordered to pay the fine of \$900.00 plus costs of \$82.30 by March 15, 2000. Mr. House read from the Town of Palm Beach Code of Ordinances, Section 38-35(b) pertaining to alarm system users with fines not paid within thirty (30) days of first billing. Section 38-35(a) reads: It is found and determined that six(6) false alarms within a period of twelve (12) calendar months is excessive and thereby constitutes a public nuisance. The owner of any alarm system which activates more than six (6) false alarms in any twelve (12) calendar month period shall be charged a service charge of \$50.00 for false alarms in excess of six (6) and \$100.00 for all false alarms in excess of eight (8).

Ms. Pilar Bissell who was here representing Dominique's, testified that the majority of the alarms occurred at the time of Hurricane Irene. The alarm went off seven (7) times in that time period, within a few minutes of time. She stated that the island was evacuated and there was no way for her come back in to turn the alarm off. The same thing happened

when we had another large storm. She presented a letter from ADT Security stating that her alarm is in perfect condition. She felt as though the weather was beyond her control and asked for some clemency. It is a small store that has been there for nine (9) years and this was the first time they had so much trouble. The calls were due to weather related power problems. She was not aware that she would be charged for calls due to the weather or she would have turned the alarm off. All the bills sent to her say weather/power. One (1) malfunction and all the others were weather/power.

Mr. House stated that although that may be true, it is not what the ordinance says. It costs the taxpayers of the Town of Palm Beach money for the Police Officers to go out and respond to the alarms. The Council decided that they would charge for that service being provided to the people who have the alarms. It has nothing to do with what caused the false alarms. The Town provides a service and must be reimbursed. During further discussion, a schedule of alarm calls was circulated for review.

Mr. Allison stated that according to the schedule, on September 14th the alarm went off four (4) times and on October 15th there were another three (3) times.

Mr. House tried unsuccessfully to reach someone in the Police Department by telephone from the Council Chambers. Attorney Randolph, Mr. House and Mr. Walton left the Council Chambers to check with the Town Manager's Office, the Police Department and the Fire Department as to the dates of the evacuation and Hurricane Irene. It was determined by Mr. House that the island was evacuated on the 16th day of September, 1999.

Mr. Robert Walton stated that he had spoken to the Dispatch Office of the Police Department and they advised him that the Town was evacuated on the 16th day of September, 1999 but would call back to confirm.

MOTION BY MR. ALLISON REGARDING CASE #00-1115 TO FIND THE DEFENDANT GUILTY IF THE EVACUATION DID NOT OCCUR ON THE 14TH OF SEPTEMBER AND ORDERED TO PAY THE FINE OF \$900.00 AND COSTS IN THE AMOUNT OF \$82.30 FOR A TOTAL DUE BY MARCH 15, 2000 IN THE AMOUNT OF \$982.30. IF THE EVACUATION DID OCCUR ON THE 14TH WE WOULD THEN TAKE \$300.00 OFF MAKING THE FINE \$600.00 PLUS COSTS IN THE AMOUNT OF \$82.30 FOR A TOTAL DUE BY MARCH 15, 2000 IN THE AMOUNT OF \$682.30.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

Mr. House advised Ms. Bissell that she would receive a notice from the Board indicating what date was found. If the evacuation did occur on September 14th she would be receiving a bill for \$682.30. And if the evacuation did not occur on that day it would be \$982.30.

- L Case #00-1116, Miles Zisson, 1123 No. Lake Way
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on the right-of-way out of line with the schedule.

Mr. House stated that this case was set in error and requested that it be dismissed.

MOTION BY MR. GOTTFRIED TO DISMISS CASE #00-1116.
MOTION SECONDED BY MR THOMAS.
MOTION CARRIED UNANIMOUSLY.

- M Case #00-1117, Paul G. & Judy F. Hyman Jr., 167 Everglade Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on the right-of-way out of line with the schedule.

Mr. House stated that this case was set in error and requested that it be dismissed.

MOTION BY MR. GOTTFRIED TO DISMISS CASE #00-1117.
MOTION SECONDED BY MR THOMAS.
MOTION CARRIED UNANIMOUSLY.

- N Case #00-1118, Dixon Francigene, 346 Seaspray Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on the right-of-way out of line with the schedule.

MOTION BY MR. ALLISON TO DISMISS CASE #00-1118 FOR COMPLIANCE.
MOTION SECONDED BY MR. GOTTFRIED.
MOTION CARRIED UNANIMOUSLY.

- O Case #00-1119, John W. & Ann M. Blades, 402 Seabreeze Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on the right-of-way out of line with the schedule.

MOTION BY MR. THOMAS REGARDING CASE #00-1119 TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MR. ALLISON.
MOTION CARRIED UNANIMOUSLY.

- P Case #00-1120, Daniel J. & Suzanne Mahoney III, 234 El Brillo Way
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on the right-of-way out of line with the schedule.

MOTION BY MR. THOMAS REGARDING CASE #00-1120 TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.

MOTION SECONDED BY MR. ALLISON.
MOTION CARRIED UNANIMOUSLY.

- Q Case #00-1121, Louis Hawkins, 421 Peruvian Avenue
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on the right-of-way out of line with the schedule.

Case #00-1121 was postponed without benefit of a motion until service is obtained.

- R Case #00-1122, Russell & Cidalina Balasco, 136 Woodbridge Road
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on the right-of-way out of line with the schedule.

Case #00-1122 was postponed without benefit of a motion until service is obtained.

- S Case #00-1123, Martha D. Lemin, 230 Kawama Lane
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on the right-of-way out of line with the schedule.

Mr. House stated that this case was set in error and requested that it be dismissed.

MOTION BY MR. GOTTFRIED TO DISMISS CASE #00-1123.
MOTION SECONDED BY MR THOMAS.
MOTION CARRIED UNANIMOUSLY.

V. Presentation of New Cases to Set for Hearing

- A Case #00-1124, Scott Watson, BLW Construction, Inc., 325 Seaspray Avenue
Violation of Chapter 18, Section 104.6.1.4 of the Town of Palm Beach Code of Ordinances relative to the completion of work within twelve (12) months.
- B Case #00-1125, Ms. Donna Pearson, 200 Everglade Avenue, Apt. A-1
Violation of Section 18-242 of the Town of Palm Beach Code of Ordinances, a building permit must be obtained before construction may begin. Further, before a garage may be converted to living space a variance to the Town's Zoning Code must be obtained from the Town Council.
- C Case #00-1126, Salvatore J. Balsamo, 280 Tradewind Drive
Violation of Chapter 18, Section 18-242, Subsection 1 104.1.1 of the Town of Palm Beach Code of Ordinances relative to obtaining a building permit to construct, install, repair, or alter any building or building system prior to commencing work.
- D Case #00-1127, Thomas Turner, Turner Land Company, 579 North Lake Way
Violation of Chapter 18, Section 18-242, Subsection 104.1.7 of the Town of Palm Beach

Code of Ordinances, any site on which reconstruction does not commence within 90 days of demolition, must be leveled, irrigated, sodded and maintained so as not to be in an unsightly condition.

E Case #00-1128, Harriet Golding, 870 South Ocean Blvd.

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. The permit must be obtained prior to commencing work.

MOTION BY MR. THOMAS TO SET THE ABOVE CASES: #00-1124, #00-1125, #00-1126, #00-1127, #00-1128 FOR THE MARCH 16, 2000 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. GOTTFRIED.

MOTION CARRIED UNANIMOUSLY.

VI. New Business:

VII. Old Business:

A Case #99-1090, Lawrence A. Moens, 850 S. Ocean Blvd.

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, Subsection 1 104.1.1 a building permit is required to construct, install, repair, or alter any building or building system.

Mr. House stated that on December 16th, 1999 an order was issued to have Mr. Moens begin paying a fine commencing seven (7) days after November 18th, 1999 at the rate of \$100.00 per day. November 18th plus seven (7) days would be November 25th. Mr. Moens actually applied for the variance that would be required to obtain the permits that he was ordered to obtain on November 22nd so he actually complied with the orders. The Town requests that the fine be dismissed because he did comply. He was charged a double permit fee for the permit.

MOTION BY MR. THOMAS REGARDING CASE #99-1090 TO ACCEPT THE PAYMENT OF THE DOUBLE PERMIT FEE PAID FOR THE PERMIT AND VACATE THE FINE PREVIOUSLY ORDERED AT THE NOVEMBER 18, 1999 HEARING.

MOTION SECONDED BY MR. BALE.

MOTION CARRIED UNANIMOUSLY.

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