

**CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, FEBRUARY 16, 2006
AT THE TOWN COUNCIL CHAMBERS, 360 SO. COUNTY ROAD**

I Call to Order: Chairman Lawrence called the meeting to order at 2:00 p.m.

II Roll Call:

Present:	Eugene Lawrence, Chairman Pamela Hoffpauer, Vice-Chair (arrived at 2:04 p.m.) Timothy Hoffman, Member Joel P. Koepfel, Member Richard A. Raffo, Member John C. Randolph, Town Attorney
Absent:	Hugh C. Davis, III, Member Rosemary Reder, Member Larry Ochstein, Alternate Member
Staff:	Robert S. Walton, Chief Code Compliance Officer Nick Gerry, Code Enforcement Officer Deborah A. Morakis, Recording Secretary

III Approval of the Minutes of January 19, 2006:
MOTION BY MR. HOFFMAN FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. RAFFO.
MOTION PASSED UNANIMOUSLY.

IV Administration of the Oath to all persons who wish to testify:
Let the record show that all persons testifying were sworn in at this time by Recording Secretary Debby Morakis.

V Public Hearings:

Chief Code Compliance Officer Walton indicated that there was a request from the staff attorney and the applicant to move Case #05-1841 ahead on the agenda to be heard first. There were no objections, so Case #05-1841 was heard first.

A Case #06-1959, 340 Royal Poinciana Way, Palm Beach Grill
Violation of Section 134-229 (12) of the Town of Palm Beach Code of Ordinances, as part of your Special Exception approval to occupy and conduct business at your present location, you are required to provide the Town of Palm Beach with acceptable Town-Serving documentation.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.

- B Case #06-1960, 235 Sunrise Ave., #C23-26, Trainers
Violation of Section 134-229 (12) of the Town of Palm Beach Code of Ordinances, as part of your Special Exception approval to occupy and conduct business at your present location, you are required to provide the Town of Palm Beach with acceptable Town-Serving documentation.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.
- C Case #06-1961, 241 Worth Ave., GAPB, Inc., dba Giorgio Armani
Violation of Section 134-229 (12) of the Town of Palm Beach Code of Ordinances, as part of your Special Exception approval to occupy and conduct business at your present location, you are required to provide the Town of Palm Beach with acceptable Town-Serving documentation.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.
- D Case #06-1962, 222 Worth Ave., Escada USDA Retail, Inc., dba Escada
Violation of Section 134-229 (12) of the Town of Palm Beach Code of Ordinances, as part of your Special Exception approval to occupy and conduct business at your present location, you are required to provide the Town of Palm Beach with acceptable Town-Serving documentation.

Chief Code Compliance Officer Walton advised the Board that Escada is working to provide the documentation required by staff for the issuance of their occupational license. Staff recommends this case be postponed until the March 16, 2006 Code Enforcement Board Hearing.
MOTION BY MR. HOFFMAN TO POSTPONE CASE #06-1962 UNTIL THE MARCH 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- E Case #06-1963, 257 Royal Poinciana Way, Ritcon Investments, LLC, dba Cucina Dell'Arte
Violation of Section 134-229 (12) of the Town of Palm Beach Code of Ordinances, as part of your Special Exception approval to occupy and conduct business at your present location, you are required to provide the Town of Palm Beach with acceptable Town-Serving documentation.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.
- F Case #06-1964, 125 Worth Avenue, Colonial Bank
Violation of Section 134-229 (12) of the Town of Palm Beach Code of Ordinances, as part of your Special Exception approval to occupy and conduct business at your present location, you are required to provide the Town of Palm Beach with acceptable Town-Serving documentation.

Chief Code Compliance Officer Walton reported that this case was postponed from the last hearing and the defendant has requested some additional time. They are in the process of obtaining the required Town-Serving documentation.

MOTION BY MR. KOEPPPEL TO POSTPONE CASE #06-1964 UNTIL THE MARCH 16, 2006 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

- G Case #06-1965, 101 No. County Rd., NRT New York, Inc., dba The Corcoran Group
Violation of Section 134-229 (12) of the Town of Palm Beach Code of Ordinances, as part of your Special Exception approval to occupy and conduct business at your present location, you are required to provide the Town of Palm Beach with acceptable Town-Serving documentation.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- H Case #06-1966, 251 Oleander Avenue, Oleander Ventures, LLC
Violation of Chapter 114, Section 114-31 of the Town of Palm Beach Code of Ordinances, anyone doing business in the Town of Palm Beach must obtain an occupational license.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- I Case #06-1967, 141 Australian Avenue, Gregory J. Pamel, Esther Pamel, James Pamel
Violation of Chapter 114, Section 114-31 of the Town of Palm Beach Code of Ordinances, anyone doing business in the Town of Palm Beach must obtain an occupational license.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- J Case #06-1968, 236 Esplanade Way, Robert V. Matthews
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 trash and debris to accumulate.

Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, it shall be unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- K Case #06-1969, 111 El Mirasol, Anand Khubani & Neeta Khubani

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 trash and debris to accumulate.

Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, it shall be unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, states exterior walls shall be free of cracks and painted, interior walls and ceilings shall be structurally sound, roofs must be maintained so as not to leak, and all doors, windows and stairs shall be in a maintained condition.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

L Case #06-1970, 172 So. Ocean Blvd., Burke Ross

Violations of Chapter 66, Section 66-121, (a), (b), it is unlawful for any person to alter, destroy or damage any sand dune or dune vegetation in the Town without first having obtained a permit.

Mr. Walton reported to the Board that Mr. Burke had ordered his gardener to trim the bushes as he had done in the past. This is dune vegetation that is on Town-owned property.

Attorney Maura Ziska, representing the property owner, testified that Landscape Architect, George Sanchez had been in contact with David Koch, and it is their intention, with the Town's permission, to come up with a more aesthetic landscape plan for the strip of South Ocean Boulevard from Mr. Ross's house to the Lauder Estate. Mr. Ross and Mr. Koch have agreed to share the cost to install and maintain this project. The Board was provided with a copy of the project plan. After further discussion, the following motion was made:

MOTION BY MR. KOEPPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND GIVE UNTIL JUNE 30, 2006 TO COMPLETE THE PROJECT. IT IS FURTHER ORDERED THAT A REPORT BE MADE TO THE BOARD WHEN PERMITS ARE OBTAINED AND MONTHLY REPORTS MUST BE MADE TO ROB WALTON ON THE STATUS OF THE PROJECT.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

M Case #06-1971, 214 Brazilian Ave., #240, Philip Harari

Violation of Chapter 114, Section 114-31 of the Town of Palm Beach Code of Ordinances, anyone doing business in the Town of Palm Beach must obtain an occupational license.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

N Case #06-1972, 214 Brazilian Ave., #240, Sheffield International Finance Corp.

Violation of Chapter 114, Section 114-31 of the Town of Palm Beach Code of Ordinances, anyone doing business in the Town of Palm Beach must obtain an occupational license.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- O Case #06-1973, 214 Brazilian Ave., #240, Castle Rock Development Corp.
Violation of Chapter 114, Section 114-31 of the Town of Palm Beach Code of Ordinances, anyone doing business in the Town of Palm Beach must obtain an occupational license.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- P Case #06-1974, 300 Indian Road, David Jenkins
Violation of Chapter 18, Section 18-242, (104.1.7) of the Town of Palm Beach Code of Ordinances: any site on which there is demolition, and reconstruction does not commence within 15 days of the demolition, the site must be irrigated, sodded or seeded and maintained so as not to be in an unsightly condition.
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: debris shall not be allowed to accumulate on property in the Town of Palm Beach.

Chief Walton reported to the Board the facts of the case. Pictures of the property were shown to the Board. A recommendation was made to the Board to find the defendant in non compliance and give seven to ten days to clean, irrigate and sod the property.

MOTION BY KOEPPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND GIVE TEN (10) DAYS TO CLEAN, IRRIGATE, SEED OR SOD THE PROPERTY.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

- Q Case #06-1975, 1270 No. Ocean Blvd., Elsa Messing
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances: all exterior walls, roofs, doors and windows shall be reasonably free of cracks, painted and shall be kept in a sound condition and good repair.

Mr. Walton requested that this case be postponed until the March 16, 2006 Code Enforcement Board Hearing since service has not been achieved.

MOTION BY MS. HOFFPAUER TO POSTPONE CASE #06-1975 UNTIL THE MARCH 16, 2006 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

- R Case #06-1976, 1451 No. Lake Way, Nick Raich Bldg.Corp/West Group Residential
Violation of Chapter 18, Section 18-242, (104.1.11) of the Town of Palm Beach Code of Ordinances: any site on which there is demolition, and reconstruction does not commence within 15 days of the demolition, the site must be irrigated, sodded or seeded and maintained so as not to be in an unsightly condition. Also, existing landscaping has been removed contrary to the ARCOM conditions and must be replaced in kind.

Chief Walton reported to the Board that this property was demolished but has not yet been sodded or seeded. Also, as a condition of the ARCOM approval for demolition, certain landscaping elements were to remain. They have been removed.

John Terrell of Nick Raich Building Corp., testified that the property was seeded this morning and that the sprinkler system is running. The demolition had been done quite awhile ago. The hedge that was there was scraggly and was removed at the owner's request. It has been replaced with some ficus hedge that must be inspected by Tim Frank.

Veronica Close, Director of Planning, Zoning and Building advised the Board that the defendant will need an ARCOM staff approval or commission approval.

MOTION BY MR. KOEPPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND GRANT UNTIL MARCH 16, 2006 FOR THE DEFENDANT TO OBTAIN A SITE INSPECTION BY MR. FRANK FOR DETERMINATION OF COMPLIANCE WITH ALL ORDINANCES AND CONDITIONS OF ARCOM APPROVAL.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

- S Case #06-1977, 240 Sanford Ave., Frances B. Cornell
Violation of Chapter 18, Section 18-242, Subsection 1 104.1.1 of the Town of Palm Beach Code of Ordinances: building permits are required to construct, install, repair or alter any building or building system. These permits must be obtained prior to commencing work.

Chief Walton distributed to the Board pictures of this building. A permit was issued for the construction of this building in 1987 but the permit was cancelled by the contractor and reported that this property was sold. The structure is now within one to 2 feet of the property line and on the drawings it is shown out of the setback. No permits have been issued for this building now.

Laurie Cornell, daughter of Frances Cornell reported that the building in question was there upon her purchase of the property. A survey substantiating this was provided to the Board. Pictures were distributed to the Board.

After further discussion, it was determined that legal advice should be obtained and a recommendation was made to postpone this case un the March meeting.

MOTION BY MS. HOFFPAUER TO POSTPONE THIS CASE TO THE MARCH 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.

- T Case #06-1978, 209 Seaspray Avenue, F. G. Howard, Jr. Enterprises, Inc.
Violation of Chapter 18, Section 18-242, Subsection 104.1.1 of the Town of Palm Beach Code of Ordinances: building permits are required to construct, install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 06-1959, 06-1960, 06-1961, 06-1963, 06-1965, 06-1966, 06-1967, 06-1968, 06-1969, 06-1971, 06-1972, 06-1973 AND 06-1978.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.

- U Case #06-1979, 3030 So. Ocean Blvd., #439, Roger & Karen Flanagan

Violation of Chapter 42, Section 46-74 of the Town of Palm Beach Code of Ordinances:
All devices designed for outdoor use shall not be operated on any balcony.

Chief Walton requested that this case be postponed due to lack of service.

**MOTION BY MR. KOEPEL TO POSTPONE CASE #06-1979 TO THE MARCH 16,
2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

VI New Business:

NONE

VII Old Business:

- A Case #04-1792, Mockingbird Trust, 1191 North Ocean Way
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances,
grass shall not grow to a height greater than 8" and debris shall not be allowed to
accumulate on property in the Town of Palm Beach.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances,
exterior walls shall be kept painted and in good repair and debris shall not be allowed to
accumulate.

Chief Walton advised the Board that this case was brought to the January Code
Enforcement Board Hearing for a recommendation of foreclosure action. The trustee is
here to request an additional amount of time. The fine accrued to date is \$78,000.00 and
is continuing to accrue since compliance has not been obtained.

Mr. Wolfgang Von Falkenberg, requested the Board grant one additional week in order to
bring the property into compliance. He has encountered delays due to his own health
issues.

**MOTION BY MR. KOEPEL TO GRANT A ONE WEEK EXTENSION TO BRING THE
PROPERTY TO COMPLIANCE AND CALL FOR THE REQUIRED INSPECTION, WITH
THE CONDITION THAT ½ OF THE TOTAL FINES BE PAID NOW WITH THE
BALANCE PAID WITHIN THIRTY (30) DAYS OR FORECLOSURE WILL BE
COMMENCED.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

- B Case #05-1949, 268 Nightingale Trail, Palm Beach Ventures III, LLC
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 trash and debris to accumulate.
Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances,
it shall be unlawful for any person to permit any collection of standing water in which
mosquitoes are likely to breed.

**MOTION BY MR. KOEPEL TO DISMISS CASE #05-1949 FOR COMPLIANCE.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

- C Case #05-1953, 545 North County Road, Nelson Peltz
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior walls, roofs, doors and windows shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair.

Chief Walton reported to the Board that this property is now in compliance.

MOTION BY MR. HOFFMAN TO DISMISS CASE #05-1953 FOR COMPLIANCE.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

VIII

Reports:

Chief Code Compliance Officer Walton requested that Case #05-1851 be moved up on the agenda and heard as the first case. There were no objections.

- A Case #05-1851, 231 Kenlyn Road, Woolems, Inc.
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, small projects, of the Town of Palm Beach Code of Ordinances: all new or remodel construction projects of 3,999 sq. ft. or less under roof shall be allowed 12 months.

At the January 19, 2006 Code Enforcement Board Hearing, this applicant was found in non compliance and was ordered to complete the project by January 31, 2006 or a \$200.00 per day fine would be imposed retroactive to November 30, 2005. This job has been manned and the contractor has passed all the required inspections with the exception of the final inspection. The final inspection requires that a coat of paint be on all new or improved surfaces. There were four people painting today when the site was visited. Mr. Walton requested that the Board extend the deadline to the 17th of February.

Attorney Ron Kolins who is representing the party that was sited, added that the final inspection has been scheduled for February 17, 2006.

MOTION BY MR. KOEPEL TO EXTEND THE DEADLINE TO FEBRUARY 20, 2006 WITH THE SAME CONDITIONS.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

- B Case #05-1941, 308 Coconut Row, Anitra Thorhaug
Violation of Chapter 18, Section 18-241, of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

Chief Walton reported that this project is proceeding. Plans have been resubmitted by Gene Pandula, however a permit has not yet been issued.

Clay Dowell of Odum Construction was sworn in and reported to the Board that the final draft of the project plans will be submitted to Planning, Zoning and Building for permitting within the next few weeks.

This was a report only. No motion was made.

- C Case #06-1956, 201 El Vedado (fka 680 So. County Rd.), Daniels Brothers, Inc./True 680
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Large Projects, all new or
remodel construction projects of 9,000 sq. ft. or more under roof be allowed 27 months.

Ron Daniels of Daniels Brothers was sworn in and advised the Board that at the January Code Enforcement Board Meeting the board ordered him to landscape the outside perimeter of the property which is in process and should be done within the next week. The right-of-away permit has been applied for. On the inside of the house, approximately 95% of the flooring is down, finish painters are painting some of the rooms. The project is progressing as scheduled.

This was a report only. No motion was made.

IX **Adjournment:** Meeting adjourned without benefit of a motion.

Respectfully submitted,

Deborah A. Morakis
Recording Secretary