

**CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, FEBRUARY 15, 2007
AT THE TOWN COUNCIL CHAMBERS, 360 SO. COUNTY ROAD**

- 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
Larry Ochstein, Member
Catherine M. Duemler, Member
Harris S. Fried, Member
Madelyn Greenberg, Alternate Member
John C. Randolph, Town Attorney
- Absent: Martin I. Klein, Member (excused)
- Staff: Robert S. Walton, Chief Code Compliance Officer
Deborah A. Morakis, Recording Secretary
- III Administration of the Oath to all persons who wish 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 January 18, 2007:**
MOTION BY MS. GREENBERG FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. FRIED.
MOTION PASSED UNANIMOUSLY.
- V Comments from Michael S. Reiter, Police Chief:**
Police Chief Michael Reiter addressed the Code Enforcement Board and explained the anticipated transition of Code Enforcement Department from Planning, Zoning & Building Department to the Police Department which will take effect March 1, 2007. Chief Reiter stated that Rob Walton will remain in his current role although his title will change to Lead Code Enforcement Officer. Nick Gerry will remain as a part-time Code Enforcement Officer. A third full-time Code Enforcement Officer will be hired shortly. Chief Reiter described the role that the Town's Police Officer's will play, and introduced Major Gary Sallenbach, Captain Kirk Blouin and Sgt. Fred Hess, who will also be involved with Code Enforcement.
- VI Public Hearings:**
- A Case # 07-2067, 272 Country Club Road, M. J. Civitella, Benchmark III Corp
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Medium Projects, of the Town of Palm Beach Code of Ordinances: all new or remodel construction projects of 4,000 sq. ft. to 8,999 sq. ft. under roof be allowed 20 months.
- Code Officer Walton reported that the final inspection was completed and this property is now in compliance. Mr. Walton requested this case be dismissed for compliance.

**MOTION BY MR. KOEPPPEL TO DISMISS CASE #07-2067 FOR COMPLIANCE.
MOTION SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

- B 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.

Code Officer Walton testified that since the owner refused postal service of the correspondence and refused access to the property for posting, a legal ad was placed in the newspaper in order to satisfy the requirement of legal service. Their roof was damaged in the hurricane and has not been repaired. There are broken and loose tiles laying on the roof. A permit was obtained on December 4, 2006. To date, no inspections have been done. The roofer expected tiles to be delivered by February 28 and then needs two weeks to install the tile. After further discussion, the following motions was made:

**MOTION BY MR. KOEPPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE,
ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 PLUS ALL
COSTS ASSOCIATED WITH PUBLICATION AND IS GRANTED UNTIL MARCH 13, 2007
FOR COMPLETION OF THE PROJECT.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

- C Case #07-2074, 110 Angler Avenue, Stephen Macari
Violation of Chapter 42, Sections 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances: does not allow unsightly, unsafe or unsanitary conditions.
After testimony was heard by Mr. Walton, the following motion was made:
**MOTION BY MR. KOEPPPEL TO FIND THAT A VIOLATION HAS OCCURRED, WHICH HAS
BEEN CORRECTED. THE VIOLATOR IS ORDERED TO PAY ADMINISTRATIVE COSTS
IN THE AMOUNT OF \$150.00 AND THE CASE IS CLOSED.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

- D Case #07-2075, 233 Oleander Avenue, PBOC Inc.
Violation of Chapter 42, Section 42-86 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 tested that a dead tree was in the front yard. The property was posted and the tree was removed. Mr. Walton recommended that this case be dismissed for compliance.
**MOTION BY MS. GREENBERG TO DISMISS CASE #07-2075 FOR COMPLIANCE.
MOTION SECONDED BY MS. DUEMLER.
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.
After testimony was heard by Mr. Walton, the following motion was made:
**MOTION BY MR. KOEPPPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE,
ORDERED TO PAY COSTS IN THE AMOUNT OF \$150.00 AND IS GRANTED FIFTEEN
(15) DAYS TO REPAIR OR DEMOLISH THE PROPERTY.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.**

- F Case #07-2077, 2310 So. Ocean Blvd., Craig & Stacey Martone
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 testified that a violation occurred which has been corrected. The following motion
was made:
**MOTION BY MR. FRIED TO FIND THAT A VIOLATION HAS OCCURRED, WHICH HAS
BEEN CORRECTED. THE VIOLATOR IS ORDERED TO PAY ADMINISTRATIVE COSTS
IN THE AMOUNT OF \$150.00 AND THE CASE IS CLOSED.
MOTION SECONDED BY MS. DUEMLER.
MOTION CARRIED UNANIMOUSLY.**

- G Case #07-2078, 2243 Ibis Isle Road, Robert D. Marcinek
Violation of Chapter 134, Section 134-2 of the Town of Palm Beach Code of Ordinances:
a residence in the Town of Palm Beach may be rented weekly three (3) times per calendar
year.
Code Officer Walton advised the Board that according to Town Ordinance a residence may be
rented weekly three times per calendar year. This property was being offered for weekly
rental. Rental cars were parked in the driveway.
Mr. Terry Levine, a neighbor, testified that the property was occupied as late as yesterday.
The owner is asking his tenants to park their cars in the garage. Garbage is being placed
outside in a covered container and rodents have been seen on the property.

After further testimony and discussion, the following motion was made:
**MOTION BY MR. KOEPEL TO POSTPONE CASE #07-2078 UNTIL THE MARCH 15, 2007
CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.**

After further discussion, the following motion was made:
**MOTION BY MR. FRIED TO AUTHORIZE THE CODE OFFICER TO ISSUE A SUBPOENA
FOR RECORDS FROM THE OWNER AND AGENT.
MOTION SECONDED BY MS. GREENBERG.
MOTION CARRIED UNANIMOUSLY.**

- H 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.

Ron Kolins of Greenberg Traurig was here on behalf of the property owner requesting a sixty
(60) day continuance of this case. The property owner wishes to demolish this property.
However, the tenant in this building, Wachovia Bank, has filed a lawsuit against the property
owner.

Attorney Herbert C. Gibson, here on behalf of Wachovia, testified to facts in the situation
between his client and the property owner and objected to the requested postponement.

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

**MOTION BY MR. KOEPEL TO POSTPONE CASE #07-2079 UNTIL THE MARCH 15, 2007 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.**

- I 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.

Testimony was heard by Ron Kolins, of Greenberg Traurig on behalf of the owner requesting an additional thirty (30) days to complete the project.

**MOTION BY MR. KOEPEL THAT THE DEFENDANT BE FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND BE GRANTED THIRTY (30) DAYS IN WHICH TO COMPLETE THE PROJECT.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

- J Case #07-2081, 900 No. Lake Way, Dale Construction Corp., Craig I. Menin
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Large Projects, all new or remodel construction projects of over 9,000 sq. ft. under roof be allowed 27 months.

Testimony was heard by Timothy Dale of Dale Construction Corp. Mr. Dale addressed the Board on behalf of the property owner and submitted a completion schedule for their approval, requesting seven (7) months in which to complete the project.

After further discussion, the following motion was made:

**MOTION BY MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE, GRANT UNTIL THE END OF SEPTEMBER TO COMPLETE THE PROJECT AND ORDER MR. DALE TO PROVIDE A MORE DETAILED COMPLETION SCHEDULE AND PROVIDE MONTHLY PROGRESS REPORTS.
MOTION FAILED FOR LACK OF A SECOND.**

After further discussion the following motion was made:

**MODIFIED MOTION BY MR. KOEPEL TO GRANT UNTIL THE END OF SEPTEMBER TO COMPLETE THE PROJECT AND ORDER MR. DALE TO PROVIDE A MORE DETAILED COMPLETION SCHEDULE.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

- K Case #07-2082, 211 Tangier Avenue, Euro Homes, Inc., Janina Radtke TR
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.

Ron Kolins of Greenberg Traurig addressed the Board, described the difficulties experienced with this project and requested until the end of September 2007 in which to complete the project.

Gere Zenko, a neighbor from 232 Tangier addressed the Board and described the impact to the neighborhood. Ms. Zenko objected to the requested time extension.

**MOTION BY MR. KOEPEL THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, ORDERED TO PAY ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND IS GRANTED UNTIL THE END OF SEPTEMBER 2007 TO COMPLETE THE PROJECT.
MOTION SECONDED BY MR. OCHSTEIN.
MOTION CARRIED UNANIMOUSLY.**

VII New Business:

None

VIII 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.

Mrs. Marina Petrou addressed the Board and described the difficulties she has encountered in obtaining the permit to complete the work. She requested an additional amount of time.

MOTION BY MR. KOEPPPEL TO GRANT UNTIL MARCH 14, 2007 TO COMPLETE THE PROJECT.

MOTION SECONDED BY MR. FRIED.

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.

Testimony was heard from Rick Robinson, a representative of the owner. Mr. Robinson requested an additional month to complete the project.

MOTION BY MR. KOEPPPEL TO GRANT UNTIL APRIL 15, 2007 TO COMPLETE THE PROJECT.

MOTION SECONDED BY MR. FRIED.

MOTION CARRIED UNANIMOUSLY.

- 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.

Robert Walton presented the facts in this case and advised the Board that this case was on the agenda today for consideration of a fine, since they are now twenty-five (25) days past the deadline.

Attorney Maura Ziska, representing the owner of this property, addressed the Board and requested an additional thirty (30) days to demolish the property once the permit is issued.

MOTION BY MR. KOEPPPEL TO GRANT UNTIL MARCH 14, 2007 TO DEMOLISH THE PROPERTY.

MOTION SECONDED BY MR. FRIED.

MOTION CARRIED UNANIMOUSLY.

- D Case #06-2052, 13 Via Vizcaya, 13 Via Vizcaya LLC, Malasky Homes Inc.
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Medium Projects, of the Town of Palm Beach Code of Ordinances: all new or remodel construction projects of 4,000 sq. ft. to 8,999 sq. ft under roof be allowed 22 months.

Mr. Walton requested that the Board accept the schedule that was previously submitted indicating a completion date of February 15.

**MOTION BY MR. KOEPPEL TO ACCEPT THE SCHEDULE AS SUBMITTED WITH A COMPLETION DATE OF FEBRUARY 15, 2007. THE CASE IS DISMISSED.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

- E Case #06-2064, 3230 So. Ocean Blvd., #407, Theodoros & Kathryn Agelopoulos
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code 2001, Section 104 Building Permits required.

Mr. Walton reported to the Board that this case was before them for consideration of a fine. The project is now fifty-five (55) days beyond the date granted by the Board in its previous order.

**MOTION BY MR. FRIED THAT A FINE IN THE AMOUNT OF \$150.00 PER DAY COMMENCE STARTING ON FEBRUARY 15, 2007 AND CONTINUING UNTIL COMPLIANCE.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

IX FOR CONSIDERATION OF FORECLOSURE

- A Case #04-1662, 264/270 Seminole Avenue, Sharon Talbot
REPEAT 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.

Mr. Walton reported to the Board that since a fine has been running on this case for more than 90 days, it has been procedure to bring such a case to the Board for consideration of foreclosure. Mr. Walton requested the Board not consider foreclosure in this case at this time since Ms. Talbot has been working diligently to complete the project.

After further discussion, the following motion was made:

**MOTION BY MR. KOEPPEL TO RECOMMEND FORECLOSURE UNLESS THE ACCUMULATED FINES ARE PAID WITHIN TEN (10) DAYS.
MOTION SECONDED BY MR. FRIED.
MOTION CARRIED UNANIMOUSLY.**

X Reports:

- A Case #06-1957, 143 Clarendon Ave., Elias Mgmt & Const, Inc./Robert C. Echele
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.

Mr. Walton reported that this project was completed ahead of schedule. No action required.

- B Case #06-2003, 2295 So. Ocean Blvd., Harbour House of Palm Beach
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.

Mr. Walton reported that he has received a letter from Harbor House indicating that they are meeting their schedule.

- C Case #06-2015, 302 Eden Road, William & Lisa Kaye
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, of the Town of Palm Beach Code of Ordinances: Medium Projects, all new or remodel construction projects of 4,000 sq ft to 8,999 sq ft under roof be allowed 22 months.

Mr. Walton reported that this project is proceeding on schedule.

XI Comments:

Mr. Raffo expressed his opinion that it is very unfair to the neighbors who are suffering through construction projects, trucks, etc and asked what could be done as citizens to solve the problem. He suggested a netting policy to screen these construction projects.

Veronica Close, Director of Planning Zoning and Building Department addressed Mr. Raffo's concerns and advised the Board that since cases involving Chapter 18 are coming before the Board more frequently, revisions and possible solutions are being considered. Possible fines from \$1000.00 to \$3000.00 per day are being considered. Town Council has approved on first reading a proposal to limit the ability of property owners to pull permits or get development application approval if they have code violations adjudicated guilty by the Code Enforcement Board on their property. Staff will be meeting with some of our most "frequent shopper", our General Contractors, and let them know what the time limits are, ask them to give serious consideration as to what time limits they know they need, and review with them what the code says about what they can and cannot do. Staff will also provide further education of the time limits and about the ramifications the Town Council will consider about those time limits. In the next two to three months, you will see some changes being considered by Town Council.

Town Attorney Skip Randolph added that the Town Council is concerned about this and has asked for a review of this situation.

Sgt. Fred Hess reiterated that the highest priority will be given to the construction, traffic and parking issues and this will have a visible impact to residents.

Additional comments were heard from the Board and staff.

XII Adjournment: The meeting was adjourned without benefit of a motion.