

**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, JANUARY 20, 2000
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

I. Call to Order: The meeting was called to order at 2:04 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
Max Schorr, Member
P. Robert Bale, Alternate Member
Brian K. House, Chief Code Compliance Officer
Robert S. Walton, Code Compliance Officer

ABSENT: David J. Thomas, Member (unexcused)
John C. Randolph, Town Attorney

RECORDING SECRETARY: Deborah A. Morakis
Cindy Delp, also present

The Board welcomes Mr. Bale as the new Alternate Member, serving to complete the alternate term of David J. Thomas.

III. Approval of the Minutes of December 16, 1999:

MOTION BY MR. GOTTFRIED TO ACCEPT THE MINUTES AS MAILED.

MOTION SECONDED BY MR. LAWRENCE.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

A Case #99-1097, Martha D. Lemin, 230 Kawama Lane

Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances relative to placing yard trash on Town right of way out of line with the schedule.

MOTION BY MR SLOANE TO POSTPONE CASE #99-1097 UNTIL WE GET LEGAL SERVICE.

MOTION SECONDED BY MR. ALLISON.

MOTION CARRIED UNANIMOUSLY.

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

B Case #99-1099, Arthur F. Galiffa, 125 Via Vizcaya

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, by allowing grass or weeds to grow to a height greater than eight (8) inches or other vegetation to become overgrown or accumulate.

Violation of Section 42-126, by allowing water to accumulate in which mosquitoes are likely to breed.

Mr. Rob Walton, Code Compliance Officer, stated that no one was here to represent Mr. Galiffa. He stated that he had received a telephone complaint, went and found the property to be very much overgrown with branches, debris laying about, and the grass not cut. He subsequently wrote the letter. Mr. Walton received a phone call from the owner stating that the property was going to be demolished and a new house built. He told the owner that the property still had to be maintained. He did go out and cut the grass once, but it is subsequently overgrown again and not being maintained.

Mr. House, Chief Code Compliance Officer, testified that we have tried numerous times to serve the property owner through certified mail with no success. Ultimately, the Town had to do two (2) separate publications in the Shiny Sheet to be able to notify this individual that there was a problem, and also notify them of this hearing.

Mr. House requested that the defendant be ordered to comply with the Town's Code of Ordinances within seven (7) days and that he pay the Town's expense of \$203.72 for the advertisement.

Mr. Sloane asked if we can impose the fee since they have not been found guilty of this.

Mr. House stated that he was requesting that the defendant be found guilty and ordered to comply and reimburse the Town for expenses.

MOTION BY MR LAWRENCE REGARDING CASE #99-1099, THAT THE DEFENDANT BE FOUND GUILTY OF THE VIOLATION AND BE ORDERED TO COMPLY WITH THE CODE WITHIN TEN (10) DAYS AND PAY \$203.72 FOR THE COST OF ADVERTISING FOR LEGAL NOTICE.

MOTION SECONDED BY MR. GOTTFRIED.

MOTION CARRIED UNANIMOUSLY.

C Case #99-1100, Anna O. Corrigan, 267 Atlantic Avenue

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, by allowing grass or weeds to grow to a height greater than eight (8) inches or other vegetation to become overgrown or accumulate.

MOTION BY MR. ALLISON REGARDING CASE #99-1100, VIOLATION OF CHAPTER 42, SECTION 42-86 TO DISMISS CASE FOR COMPLIANCE.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

Violation of Chapter 42, Section 42-87, all the exterior walls shall be reasonably free of cracks, painted and in good repair.

Mr. House testified that the house is in drastic need of painting, and that rotten wood exists throughout the structure.

Mr. Mark Correll, on behalf of Anna Corrigan, testified that on January 14, 2000 the Circuit Court of Palm Beach County, particularly Judge John Hoy entered an order of incompetency for Ms. Corrigan and has appointed Attorney Henry P. Ruffollo as her guardian. Attorney Ruffollo has been in the process of getting bids and trying to get the house painted and the wood work performed. Mr. Ruffollo is also the one responsible for seeing to it that the lawn portion of the complaint which was previously dismissed was carried out. He is well aware of the problem and is working on getting bids for the paint. The painters who have been out there have indicated that the house needs to be sandblasted before it can be painted and that there might be some time restrictions on when a painting contractor can sandblast in the Town of Palm Beach. That might be a hold up in getting that work done in the immediate future. An extension of time was requested in which to have those improvements to the house completed. A minimum of 60 days would be requested.

Mr. House stated that the problem is you cannot use sandblasting equipment or an air compressor in the Town until May 1. However, after looking at the property, it appears that a good pressure cleaning would suffice.

Mr. Correll stated that he is not an expert in the painting field so he can only convey what professionals have told Mr. Ruffollo. Back on December 12, 1999 Mr. Ruffollo wrote a letter to Robert Walton the Code Compliance Officer who was involved with this case, since being unable to reach him by telephone. He stated that Ms. Corrigan was indisposed medically and that he was going to take care of these matters. Mr. Correll was here today to let the Board know that Ms. Corrigan will comply with the request of the Code Compliance Board and just asks for a little bit of additional time due to her medical problems.

Mr. House stated that he had spoken to someone on the phone. Mr. Walton's phone was actually broken for a while and we weren't sure whether there were any messages on that recorder or not. He knew that there was an agreement to comply. The Town would not be adverse to extending 60 days for compliance.

Mr. Gottfried agreed with Mr. House that there is technology to get that paint off without sandblasting. So it would not be appropriate to wait until May 1 to start the process.

MOTION BY MR. LAWRENCE REGARDING CASE #99-1100, VIOLATION OF CHAPTER 42, SECTION 42-87, TO POSTPONE FOR 60 DAYS.

MOTION SECONDED BY MR. GOTTFRIED.

MOTION CARRIED UNANIMOUSLY.

D 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.

Mr. Brian House stated that he received a telephone call this morning from a General Contractor in Town who had been hired to do whatever needs to be done on the property. There are only a few things left that need to be done. An agreement to comply does not mean that the Board should dismiss it. Mr. House requested postponement until the February Code Enforcement Board meeting to see if compliance is obtained, and then the matter will come back and a dismissal will be requested.

MOTION BY MR. ALLISON TO POSTPONE CASE #99-1101 UNTIL THE FEBRUARY 17, 2000 CODE ENFORCEMENT BOARD MEETING.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

E Case #99-1102, Carmen Jacob Broz, Vacant lot south of 1480 North Lake Way

Violation of Section 102-5 deposit of yard debris in unauthorized place.

Mr. Brian House read from the Code of Ordinances under yard trash, general. The section under Code Enforcement Board, Administration for Notices to Appear and Fines is Section 102, Solid Waste 102-45. The Town is requesting that this case be dismissed. Section 102-5 is not part of the Code Enforcement Board Notice to Appear Ordinance. Therefore Mr. House did not believe that we would be willing to prosecute a Notice to Appear written on an improper ordinance. It was improperly written, improperly noticed and under the wrong ordinances as far as our administrative code is concerned. It would not be right to go any further with this, and Mr. House requested that this be dismissed.

MOTION BY MR. SLOANE FOR THE DISMISSAL OF CASE #99-1102.
MOTION SECONDED BY MR. GOTTFRIED.
MOTION CARRIED UNANIMOUSLY.

- F Case #99-1103, Lana Goldman, 108 No. County Road
Violation of Chapter 134-2444 by displaying a temporary sign visible from the right-of-way at the wrong time of the year after many warnings.

MOTION BY MR. ALLISON REGARDING CASE #99-1103 TO ACCEPT THE
GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MR. GOTTFRIED AND MR. SCHORR.
MOTION CARRIED UNANIMOUSLY.

- G Case #99-1104, Yaakov Elkon, 251 Jungle Road
Violation of Chapter 42, Section 42-86 by allowing grass or weeds to grow to a height greater than eight (8) inches or other vegetation to become overgrown or accumulate.
Violation of Chapter 42, Section 42-87, all the exterior walls shall be reasonably free of cracks, painted and in good repair.

MOTION BY MR. SLOANE TO DISMISS CASE #99-1104 FOR COMPLIANCE.
MOTION SECONDED BY MR. GOTTFRIED.
MOTION CARRIED UNANIMOUSLY.

- H Case #99-1105, Sandra Benneman, 109 Atlantic
Violation of Section 102.45 by placing trash in right-of-way out of line with schedule.

MOTION BY MR. SCHORR REGARDING CASE #99-1105, TO ACCEPT THE
GUILTY PLEA AND PAYMENT OF THE FINE.
MOTION SECONDED BY MR. GOTTFRIED.
MOTION CARRIED UNANIMOUSLY.

V. Presentation of New Cases to Set for Hearing

- A Case #00-1106, Sandsong 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.

- B 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.

- C 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.
- D 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.
- E 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.
- F 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.
- G 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.
- H 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.
- I 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.
- J 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.
- K 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.
- L 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.
- M 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.

- N 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.
- O 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.
- P 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.
- Q 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.
- R 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.

MOTION BY MR. SLOANE TO SET THE ABOVE CASES: #00-1106, #00-1107, #00-1108, #00-1109, #00-1110, #00-1111, #00-1112, #00-1113, #00-1114, #00-1115, #00-1116, #00-1117, #00-1118, #00-1119, #00-1120, #00-1121, #00-1122, #00-1123 FOR THE FEBRUARY 17, 2000 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. GOTTFRIED.

MOTION CARRIED UNANIMOUSLY.

VI. New Business:

VII. Old Business:

- A Case #99-1089, Catherine F. Bradley, 255 Park Avenue
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, requiring exterior walls to be reasonably free of cracks, painted and in good repair, all doors and windows shall be constructed and maintained to exclude weather elements and insects from entering the structure.

Mr. House stated on December 16, 1999 the Code Enforcement Board Finding of Fact was issued indicating that there was a violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances in that there were open cracks and that painting was needed and all doors and windows should be constructed and maintained to exclude

weather elements and insects from entering the property. All of this was in violation. She was ordered to comply within 15 days. As of this afternoon at 1:15 p.m. compliance was still not obtained. The Town is now requesting that a fine be issued from the 16th day after December 16, 1999 (this would make it from January 1, 2000) and that the fine be \$100.00 per day until compliance is obtained. There would be no limit as to the amount of the fine.

Mr. House stated that Mrs. Bradley lives on Root Trail, and that although he had been told there was someone living upstairs, he had not been able to confirm one way or the other.

Mr. Schorr asked what the penalty would be if the fine wasn't paid. Is there foreclosure?

Mr. House stated that yes, foreclosure would follow. Once the Code Enforcement Board issues a daily fine, if compliance is not obtained, the fine continues to run for 90 days. The Town then files a lien against the property. After 90 days, foreclosure proceedings begin. However, once it leaves the Code Enforcement Board, Mr. House then goes to Town Council to ask if they really want to continue and go through with the foreclosure procedure. We hope that never happens and we never have to go that far.

MOTION BY MR. SLOANE REGARDING CASE #99-1089, TO FIND THE DEFENDANT GUILTY AND IMPOSE A \$100.00 PER DAY FINE BEGINNING ON THE 16TH DAY AFTER DECEMBER 16, 1999 AND CONTINUING UNTIL COMPLIANCE IS OBTAINED.

MOTION SECONDED BY MR. ALLISON.

MOTION CARRIED UNANIMOUSLY.

VIII. Adjournment: The meeting was adjourned at 2:32 p.m. without benefit of a motion.