

- C Case #05-1948, 261 Nightingale Trail, Marlene I Jaffe, Ronald G. Jaffe
Violation of 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 05-1946, 05-1947, 05-1948, 05-1950, 05-1951, 05-1952, 04-1954, 06-1955 AND 06-1958 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.
- D 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 MS. HOFFPAUER TO FIND THE DEFENDANT IN VIOLATION AND ALLOW THREE (3) DAYS TO COMPLY.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.
- E Case #05-1950, 227 Oleander Avenue, PBOC, Inc.
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above sidewalks and bike trails in the Town, shall be maintained at all times for the unobstructed passage of pedestrians and others using said sidewalks and bike trails.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1946, 05-1947, 05-1948, 05-1950, 05-1951, 05-1952, 04-1954, 06-1955 AND 06-1958 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.
- F Case #05-1951, 3360 So. Ocean Blvd., #4B-II, Charles C. & Elanora Bissinger
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 systems. These permits must be obtained prior to commencing work.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1946, 05-1947, 05-1948, 05-1950, 05-1951, 05-1952, 04-1954, 06-1955 AND 06-1958 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.
- G Case #05-1952, 2840 So. Ocean Blvd., #325, James M. Judson
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 systems. These permits must be obtained prior to commencing work.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1946, 05-1947, 05-1948, 05-1950, 05-1951, 05-1952, 04-1954, 06-1955 AND 06-1958 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPPEL.
MOTION CARRIED UNANIMOUSLY.
- H 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.

David Pressley testified on behalf of the property owners and advised the Board that the necessary repairs to the structure are more than 50% of the cubic footage. Since there is also a violation of the side setback, the Town would require a variance be obtained. This structure is seaward of the Coastal Construction Control Line, so as part of the variance package a letter from the DEP would have to be provided.

Brian Lee of South Ocean Builders, Inc., advised the Board that the 12x18 structure was built on the property when the house was original or before and has been used as a gardener's shed or work/storage building. A full set of plans has been submitted to the Building Department for a permit for the rehabilitation of the building; to support the roof, rebuild the walls underneath it and finish it out from there.

Veronica Close, Director of Planning, Zoning and Building advised the Board that they cannot reconstruct the building because the necessary repairs are more than 50%.

After further discussion, the following motion was made:

**MOTION BY MR. HOFFMAN THAT THE DEFENDANT IS FOUND IN NON COMPLIANCE, AND IS ORDERED TO PROCEED WITH THE NECESSARY REPAIRS AND HEDGING AND COMPLETE THE PROJECT BY FEBRUARY 16, 2006.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

- I Case #05-1954, 326 Peruvian Avenue, Henry Kaufer
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, which adopts the National Electrical Code, Article 240.24 (a), the electrical distribution panels must be accessible; Article 240.24 (b), each occupant to have ready access to the electrical panels; Article 240.24 (d) there must not be easily ignitable materials in the vicinity of the panels; Article 110.26 specifies minimum working clearances. These deficiencies must be repaired.
**MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1946, 05-1947, 05-1948, 05-1950, 05-1951, 05-1952, 04-1954, 06-1955 AND 06-1958 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**

- J Case #06-1955, Clarke Ave./So. Ocean Blvd., David H Koch Trust
Violation of Section 134-1637 of the Town of Palm Beach Code of Ordinances, vegetation at intersections must be maintained at a height no greater than thirty (30) inches for a distance of thirty (30) feet along the thru street (South Ocean Blvd.) and fifteen (15) feet along the side street (Clarke Avenue) from the point of the two street lot lines. The height of the vegetation may be no higher than thirty (30) inches within the vision triangle
**MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1946, 05-1947, 05-1948, 05-1950, 05-1951, 05-1952, 04-1954, 06-1955 AND 06-1958 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.**

- K 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, President of Daniels Brothers, Inc., described to the Board the types of delays that have been encountered on the project. In 2003, when the site wall was being built, the Town advised them that the wall had to be removed and redesigned. Recently, access from South County Road and El Vedado was impacted due to new waterlines being installed. The concrete shortage last summer also delayed progress. These are a few of the things that caused delays for the project. A project schedule was provided to the Board indicating a Certificate of Completion to be done in the middle of July 2006.

Chief Code Officer Walton reported that the Town Council approved an additional month for each calendar year for hurricane delays.

Skip Randolph advised the Board that under the Town ordinance, a request for an extension beyond the 27 month schedule should be considered by the Town Council. The request must be filed no later than three months or more than six months prior to the 27th month completion date.

Rob Walton reported that it has been staff's general practice to refer cases to the Code Enforcement Board and the Code Board would usually find them in non compliance and asked them to complete the project within the provided schedule or a modified schedule as determined by the Board, and if the project was not completed within the schedule, the Board would issue a fine.

The schedule presented requested an extension until the end of July 2006 for completion of the project. Mr. Walton asked that planting be moved up on the schedule so that at the end of February the project would look finished. The contractor indicated that would be difficult but agreed. Mr. Walton requested that the Board find the Defendant in non compliance, accept the completion schedule as submitted with the exception that the exterior landscaping be completed by the end of March 2006.

MOTION BY MR. KOEPPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND ORDER COMPLETION OF THE PROJECT BY JULY 2006. THE DEFENDANT MUST ALSO APPLY FOR TOWN COUNCIL APPROVAL FOR AN EXTENSION AND COMPLETE THE EXTERIOR WORK AS REQUIRED BY STAFF.

IT IS FURTHER ORDERED THAT THE DEFENDANT MUST REPORT TO THE CODE ENFORCEMENT BOARD ON A MONTHLY BASIS WITH THE STATUS OF THE PROJECT. MOTION SECONDED BY MR. DAVIS.

Attorney Randolph commented on the motion that it would be redundant for the Defendant to have to seek an extension from the Town Council since the Code Enforcement Board has given them until July to complete the project.

MOTION AMENDED BY MR. KOEPPEL, REMOVING THE REQUIREMENT OF THE DEFENDANT TO APPLY TO TOWN COUNCIL FOR AN EXTENSION.

AMENDED MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

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 testimony was heard by Robert Walton as to the facts of the case, Bill Elias of Elias Management Construction advised the Board that they had just taken over this project in December. It is a land marked property and this a much more detailed project. Delays have been encountered with the manufacture of the windows and doors. The house is still in the rough stage. Rough electric, plumbing and mechanical work is ongoing. From the street no one can tell that a project is going on. There is a twenty-foot tall hedge and parking is contained on the property. An extension until March 2007 is requested. Discussion took place regarding whether the Defendant should go to Town Council for an extension.

After further discussion, the following motion was made:

MOTION BY MR. KOEPEL TO FIND THE DEFENDANT IN NON COMPLIANCE AND ACCEPT THE PROPOSED COMPLETION SCHEDULE. IT IS FURTHER ORDERED THAT A PROGRESS REPORT BE GIVEN TO THE CODE ENFORCEMENT BOARD ON A MONTHLY BASIS.

MOTION SECONDED BY MR. RAFFO WITH THE RECOMMENDATION THAT THE PROGRESS REPORTS BE GIVEN EVERY 60 TO 90 DAYS RATHER THAN MONTHLY.

MOTION AMENDED BY MR. KOEPEL THAT PROGRESS REPORTS BE GIVEN EVERY 90 DAYS.

AMENDED MOTION SECONDED.

MOTION CARRIED WITH MR. LAWRENCE OPPOSED.

- M Case #06-1958, 256 Via Marila, Dr. Mark D. Rattinger
Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways must be maintained to allow unobstructed passage of pedestrians.
MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 05-1946, 05-1947, 05-1948, 05-1950, 05-1951, 05-1952, 04-1954, 06-1955 AND 06-1958 FOR COMPLIANCE.
MOTION SECONDED BY MR. KOEPEL.
MOTION CARRIED UNANIMOUSLY.
- N 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 MR. KOEPEL TO POSTPONE CASE #'S 06-1959, 06-1960, 06-1961, 06-1962, 06-1963, 06-1964 AND 06-1965 UNTIL THE FEBRUARY 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.
- O 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 MR. KOEPEL TO POSTPONE CASE #'S 06-1959, 06-1960, 06-1961, 06-1962, 06-1963, 06-1964 AND 06-1965 UNTIL THE FEBRUARY 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.
- P 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 MR. KOEPPPEL TO POSTPONE CASE #'S 06-1959, 06-1960, 06-1961, 06-1962, 06-1963, 06-1964 AND 06-1965 UNTIL THE FEBRUARY 16, 2006 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.

- Q 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.
MOTION BY MR. KOEPPPEL TO POSTPONE CASE #'S 06-1959, 06-1960, 06-1961, 06-1962, 06-1963, 06-1964 AND 06-1965 UNTIL THE FEBRUARY 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.

- R 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 MR. KOEPPPEL TO POSTPONE CASE #'S 06-1959, 06-1960, 06-1961, 06-1962, 06-1963, 06-1964 AND 06-1965 UNTIL THE FEBRUARY 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.

- S 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.
MOTION BY MR. KOEPPPEL TO POSTPONE CASE #'S 06-1959, 06-1960, 06-1961, 06-1962, 06-1963, 06-1964 AND 06-1965 UNTIL THE FEBRUARY 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.

- T 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 MR. KOEPPPEL TO POSTPONE CASE #'S 06-1959, 06-1960, 06-1961, 06-1962, 06-1963, 06-1964 AND 06-1965 UNTIL THE FEBRUARY 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.

VI Presentation of Cases to Set for Hearing:

MOTION BY MR. KOEPPPEL TO SET CASE #'S 06-1966, 06-1967, 06-1968, 06-1969 AND

06-1970 FOR HEARING AT THE FEBRUARY 16, 2006 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

- A 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.
- B 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.
- C 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.
- D 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.
- E Case #06-1970, 172 So. Ocean Blvd., Burke Ross
Violation 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.

VII New Business:

NONE

VIII Old Business:

- A Case #05-1903, 3230 So. Ocean Blvd., #307, Dinair O. Fisher

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.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #05-1903 FOR COMPLIANCE.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

B Case #05-1933, 208 Mockingbird Tr., Carol Casey, Carol Casey TR, John Casey, John Casey TR

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 other vegetation to become overgrown or accumulate.

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

Violation of Chapter 42, Section 42-87 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.

Robert Walton testified that at the December 2005 Code Enforcement Board Hearing, the Board found the Defendant in non compliance of the above violations and gave them 24 hours to cut the grass and clean the pool and seven days to secure and/or demolish the structure. Since compliance was not obtained within the required time limits, a recommendation was made to fine the Defendant \$250.00 per day starting on 12/17/05 for the violations of Section 42-86 and 42-126. Compliance was obtained after 12 days so the fine would run for 12 days. For the violation of 42-87, the fine would run from December 23, 2005 and would continue to run until compliance is obtained and an inspection is called for.

MOTION BY MS. HOFFPAUER TO FINE THE DEFENDANT \$250.00 PER DAY FROM DECEMBER 23, 2005 AND CONTINUING FOR TWELVE (12) DAYS FOR THE VIOLATIONS OF SECTIONS 42-86 AND 42-126.

MOTION SECONDED BY MR. KOEPEL.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. KOEPEL TO FINE THE DEFENDANT \$250.00 PER DAY FROM DECEMBER 23, 2005 AND CONTINUING UNTIL COMPLIANCE IS OBTAINED AND AN INSPECTION IS CALLED FOR.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

C Case #05-1943, 227 Garden Road, Edward/Grace Fey

Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet, measured vertically above all streets and roadways in the Town, shall be maintained at all times for the unobstructed passage of vehicles and others using said streets and roadways.

Mr. Walton reported that the hedge was cut and requested a dismissal for compliance.

MOTION BY MR. KOEPEL TO DISMISS CASE #05-1943 FOR COMPLIANCE.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

D 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.

Mr. Walton reported that a fine in the amount of \$200.00 per day was imposed by the Code Enforcement Board at the February 2005 meeting. The fine has continued to run since then. The balance due on the fine is \$72,800.00 and is continuing to accrue. Staff recommends the Board consider foreclosure action.

Mr. Wolfgang Von Falkenberg appeared before the Board and requested that he be given one week to bring the property up to code, and asked that the fine be waived.

Mr. Walton advised that any abatement of the fine would not be considered by the Board until the property is in compliance with all Town Ordinances.

MOTION BY MR. KOEPEL THAT THE DEFENDANT HAS SEVEN (7) DAYS TO BRING THE PROPERTY INTO COMPLIANCE WITH TOWN ORDINANCES AND MUST APPEAR AT THE CODE ENFORCEMENT BOARD HEARING ON FEBRUARY 16, 2006.

MOTION SECONDED BY MR. RAFFO.

MOTION CARRIED UNANIMOUSLY.

IX

Reports:

- A Case #05-1850, 1072 No. Ocean Blvd., Diana & George Abouzeid
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 shall be allowed 20 months.

Chief Code Compliance Officer Walton reported to the Board that this project is very close to completion. No action was taken by the Board.

- B Case #05-1883, 233 Mockingbird Trail, Dave Scialabba
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 other vegetation to become overgrown or accumulate.

This property was sold sometime between the time the violation letter was written and the lien was recorded. This case should be dismissed and the lien released.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #05-1883 AND RELEASE THE LIEN.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

- C Case #05-1941, 308 Cocoanut 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.

Mr. Walton reported that the contractor has applied for the permit and is working with the Architect Jean Pandula to get the required inspections done.

Mr. Hoffman asked why the defendant was not here to report to the Board. The Defendant was ordered to, and agreed to appear before the Board with an update at each Code Enforcement Board Hearing. Mr. Walton advised that a Notice of Hearing will be given so that someone is here to report at the next Code Enforcement Board Hearing.

Discussion took place regarding the Code Enforcement Board's power to foreclose. Attorney Randolph stated that the state statute and Town code both indicate that the Code Enforcement Board must recommend foreclosure. The reason these cases are taken to the Town Council to ratify the Code Enforcement Board's decision is that the Town Council funds are used for litigation. A recommendation by the Board would have to be made to go back to the council and ask that the Code Enforcement Board be the final arbiter of foreclosure actions.

MOTION BY MR. RAFFO TO RECOMMEND THAT THE TOWN COUNCIL CONSIDER ALLOWING THE CODE ENFORCEMENT BOARD BE THE FINAL ARBITER FOR FORECLOSURE ACTION.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION FAILED 2 TO 5 AFTER A ROLL CALL VOTE.

XI

Adjournment:

Meeting adjourned without benefit of a motion.