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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, JANUARY 16, 2003
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

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

II. **Roll Call:**

Present: Eugene Lawrence, Chairman
P. Robert Bale, Vice Chairman
Pamela Hoffpauer, Member
M.S. Rukeyser Jr., Member
Richard A. Raffo, Member
Timothy Hoffman, Member
Brian K. House, Chief Code Compliance Officer
John C. Randolph, Town Attorney (arrived at 2:02 p.m.)

Absent: Dr. Harry Horwich, Member (undetermined absence)
Joel P. Koeppel, Member (unexcused)

Recording Secretary: Deborah A. Morakis

III. **Approval of the Minutes of December 19, 2002:**

**MOTION FOR APPROVAL OF THE MINUTES BY MR. BALE.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

IV. Public Hearings:

- A Case #02-1477, 150 Dunbar Road, Inc., 150 Dunbar Road
Violation of Section 42-228 of the Town of Palm Beach Code of Ordinances,
noise exceeding the allowable noise level in the Town of Palm Beach.

Mr. House indicated that the owners have requested a postponement until the
February 20, 2003 Code Enforcement Board Meeting.

Mr. Lawrence stated that he would recuse himself from this case since he is the
architect for this project. Mr. Bale took over as chairman for this case.

**MOTION BY MS. HOFFPAUER TO POSTPONE CASE #02-1477 UNTIL THE
FEBRUARY 20, 2003 CODE ENFORCEMENT BOARD MEETING.**

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

- B Case #02-1483, Leslie R. Evans, 257 Sandpiper Drive
Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of
Ordinances, a clearance of eighteen (18) feet must be maintained above all
roadways and alleys to allow unobstructed passage of vehicles.

**MOTION BY MS. HOFFPAUER TO DISMISS CASE #02-1483, CASE
#02-1484, CASE #02-1485, CASE #02-1486, CASE #02-1487, CASE #02-1488
AND CASE #02-1489 FOR COMPLIANCE.**

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

- C Case #02-1484, Jeffrey P. Prudden, vacant lot on Indian Road
Violation of Chapter 134, Section 134-2174 of the Town of Palm Beach Code of
Ordinances, all areas used for off street parking shall be surfaced with suitable
paving.

**MOTION BY MS. HOFFPAUER TO DISMISS CASE #02-1483, CASE
#02-1484, CASE #02-1485, CASE #02-1486, CASE #02-1487, CASE #02-1488
AND CASE #02-1489 FOR COMPLIANCE.**

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

- D Case #02-1485, Margaret B. & Dudley L. Moore, 220 El Bravo
Violation of Section 42-228 of the Town of Palm Beach Code of Ordinances,
noise exceeding the allowable noise level in Town.

**MOTION BY MS. HOFFPAUER TO DISMISS CASE #02-1483, CASE
#02-1484, CASE #02-1485, CASE #02-1486, CASE #02-1487, CASE #02-1488**

**AND CASE #02-1489 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- E Case #02-1486, Evelyn M. Fisher, TR HLDR, 1562 South Ocean Blvd.
Violation of Chapter 42, Section 42-86 and Section 42-87 of the Town of Palm Beach Code of Ordinances, all structures and appurtenances must be kept in a good state of repair.

**MOTION BY MS. HOFFPAUER TO DISMISS CASE #02-1483, CASE #02-1484, CASE #02-1485, CASE #02-1486, CASE #02-1487, CASE #02-1488 AND CASE #02-1489 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- F Case #02-1487, Robert Fairchild, 302 North Woods Road
Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet must be maintained above all roadways.

**MOTION BY MS. HOFFPAUER TO DISMISS CASE #02-1483, CASE #02-1484, CASE #02-1485, CASE #02-1486, CASE #02-1487, CASE #02-1488 AND CASE #02-1489 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- G Case #02-1488, William A. Kaye, 302 Eden Road
Violation of Section 134-1637 of the Town of Palm Beach Code of Ordinances, hedges at intersections must be no higher than thirty (30) inches above the crown of the street.

**MOTION BY MS. HOFFPAUER TO DISMISS CASE #02-1483, CASE #02-1484, CASE #02-1485, CASE #02-1486, CASE #02-1487, CASE #02-1488 AND CASE #02-1489 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- H Case #02-1489, Luis J. Fernandez & Lillian F. Fernandez, 246 Eden Road
Violation of Section 134-1637 of the Town of Palm Beach Code of Ordinances, hedges at intersections must be no higher than thirty (30) inches above the crown of the street.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #02-1483, CASE #02-1484, CASE #02-1485, CASE #02-1486, CASE #02-1487, CASE #02-1488 AND CASE #02-1489 FOR COMPLIANCE.

**MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

I Case #02-1490, Jeff Huldah TR EST, 680 South County Road

Violation of Section 134-1637 of the Town of Palm Beach Code of Ordinances, hedges at intersections must be no higher than thirty (30) inches above the crown of the street.

MOTION BY MR. HOFFMAN TO

DISMISS CASE #02-1490.

**MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

V. **Presentation of New Cases to Set for Hearing:**

A Case #02-1491, SLM Palm Beach Associates LLC, 2310/2315 South Ocean Blvd.

Violation of Section 42-86 of the Town of Palm Beach Code of Ordinances, grass and hedges are overgrown, the buildings are not secured so that trespassers may not enter, garbage and trash are accumulating on the property.

B Case #02-1492, Victoria Amory, 141 Brazilian Avenue

Violation of Section 102-45 of the Town of Palm Beach Code of Ordinances, placing yard work in right-of-way out of line with the schedule.

**MOTION BY MR. BALE TO SET CASE #02-1491 AND CASE #02-1492 FOR
HEARING AT THE FEBRUARY 20, 2003 MEETING OF THE CODE
ENFORCEMENT BOARD.**

**MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

VI. **New Business:**

VII. **Old Business:**

- A Case #02-1472, Ms. Jane Freeman, 268 Nightingale Trail
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all structures must be kept painted and in a good state of repair.

MOTION BY MR. HOFFMAN TO DISMISS CASE#02-1472 FOR COMPLIANCE.

**MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.**

- B Case #01-1384, 332 South County Road, LLC, 332 South County Road
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. Brian House was sworn in to give testimony and after discussion by the Board Members the following motion was made:

**MOTION BY MS. HOFFPAUER REGARDING CASE# 01-1384, TO IMPOSE A \$250.00 PER DAY FINE ASSESSABLE FROM JANUARY 15, 2003 AND CONTINUING UNTIL MEANINGFUL WORK COMMENCES AND CONTINUES TO COMPLETION.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

VIII. **Reports:**

IX. **Adjournment:**

Town Attorney, John C. Randolph stated that he will talk to the Town Council regarding the Boards right to initiate foreclosure proceedings without having to go before the Town Council. This Board has the right to initiate foreclosure proceedings. However, since the the Town Council will be the one involved in and spending the money on litigation, we ask for the Town Council's approval for foreclosure in addition to the motion by the Code Enforcement Board.

Mr. Raffo asked about the beach cabanas at Mar-a-lago and whether they could be used as sleeping quarters. Discussion continued.

The meeting was adjourned by Mr. Lawrence at 2:21 p.m. without benefit of a motion.

dam

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <u>LAURENCE, EUGENE</u>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>CODE ENFORCEMENT BOARD</u>
MAILING ADDRESS <u>205 NORTH AVENUE, SUITE 301</u>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <u>PALM BEACH</u> COUNTY <u>PALM BEACH</u>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <u>16 JANUARY 2003</u>	NAME OF POLITICAL SUBDIVISION: <u>PALM BEACH</u>
	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

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TOWN OF PALM BEACH
CLERK'S OFFICE

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

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CLERK'S OFFICE

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, EUGENE LAURINCE, hereby disclose that on 16 JANUARY, 19 2005:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of ISO DUNBAR (02-1477), by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

16 JANUARY 2005
Date Filed

Eugene Laurince
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.