

A Code Enforcement Board Hearing was held on **November 14, 2024**,
It was called to order at 1:30 PM, Adjourned 4:43 PM.

Code Enforcement Board Members Present:

Nicholas Coppola, Chair
Wayne Pasik, Vice Chair
Stephen Burtera
Terrence Delehanty
Jimmy Canton
Todd L'Herrou
Robert Cohen
Kevin Wagner, Code Enforcement Board Attorney

City Staff Present:

Lawonda Warren, Assistant City Attorney
Enrique Fernandez, Code Enforcement Administrator
Phil Cartwright, Code Enforcement Supervisor
Jude LeConte II, Code Officer
Delinda Witkowski, Code Officer
David Glover, Senior Landscape Planner
Amy Alvarez, Assistant Development and Planning Services Director

Owners and / or Respondents Present:

Kurt Reese Petitfrere, Owner's Son
Joseph Petitfrere, Owner
Noel Smith, Owner
Dana Stern, Contractor for the owner Noel Smith
Roger Cope, Architect for owner Noel Smith
Ebba Blitz, Complainant
Ed Sheehy, Complainant

Postponed Cases are as follows:

22-6336;24-5151;24-5709;24-6384;24-6501;24-7673;24-7678;24-7758;24-7787;24-7790;24-8092;24-8094;24-8348;24-8627;24-8813;24-9304;24-9906;24-9693

Compliance or Closed cases are as follows:

23-15943;24-5556;24-5709;24-6183;24-6830;24-7421;24-7784;24-7956;24-8181;24-8260;24-8463;24-8546;24-8882;24-8883;24-9020;24-9239;24-9478;24-9546;24-9660;24-9664;24-9690;24-9692;24-9816;24-9876;24-9912;24-10073;24-10079;24-10148;24-10191;24-10193;24-10277;24-10387;24-10489;24-10575;24-10720;24-10805

1. Case# 24-1960

Owners Name: Joseph & Anicette Petitfrere
Registered Agent: N/A
2577 Dolphin Dr.

Board Member, Steven Butera suggested to increase the penalty considering that there are tenants living in the home with backed up toilets since February and if he doesn't comply within the 30 days he should be fined \$100.00 a day, Nicolas Coppola questioned the code officer if the toilet was leaking from the bottom and what the owner would need to do to be in compliance, Robert Cohen questioned if the tenant gives you permission to enter the house is it ok. Assistant City Attorney Lawonda Warren responded to Mr. Cohen, yes, it is allowed, also Phil Cartright code enforcement officer supervisor responded that is why an engineer letter was requested by the city to make sure all the work was done correctly.

Nicolas Coppola commented if there are any further comments.

Owner's son Kurt Petitfrere testified that his father has not received anything in writing that is clear as to what exactly needs to be done step by step to correct the violation.

Chair Nicolas Coppola advised him that the city would be there to walk him through the steps and guide them as to what the building department is requesting to become compliant.

Nicolas Coppola recommended to speak with code enforcement to request an extension of time, Stephen Butera suggested since it was the holidays can we give the owner 45 days and bring the case back in January 2025 and at that time the owner can be subject to fines and liens.

Kevin Wagner attorney for the board advised the board they must base their decision on the evidence and make a recommendation as to how much time to give the owner to get the proper permits.

Nicolas Coppola asked to entertain a motion for the city's recommendation, Wayne Pasik made the first motion as to finding a fact that there is a violation that exist and the parties need to get all the permit approvals needed within 45 days or pay a fine up to \$150.00, seconded by Todd L'Herrou.

The board was polled motion passed unanimously.

<i>Board Polled Passes Unanimously</i>	
<i>Nicholas Coppola</i>	Yes
<i>Wayne Pasik</i>	Yes
<i>Stephen Butera</i>	Yes

<i>Terrence Delehanty</i>	Yes
<i>Robert Cohen</i>	Yes
<i>Jimmy Canton</i>	Yes
<i>Todd L'Herrou</i>	Yes

2. Case # 24-8146

Owners Name: Noel S Smith

Property Address: 49 Palm Sq

Property Owner Noel Smith testified to his mailing address and phone number along with Dana Stern the contractor he hired to perform the work testified to his mailing address which is 3737 N. Ocean Blvd in Gulf Stream and phone number is 561-860-7002, Dana Stern contractor testified to his mailing address is 13333 78th Place N, West Palm Beach and his phone number is 561-436-5890.

Code Enforcement officer Delinda Witkowski from Clean and Safe testified that on July 11th 2024 she inspected the property where she observed the installation of siding work being done on the exterior of the building without a permit which is a violation of the city ordinance a general violation was issued and mailed and a compliance date was required by July 11th 2024, after the reinspection it was found the violation still exists and a formal hearing was issued and mailed out and six photos were submitted into evidence.

Assistant City Attorney Lawonda Warren questioned code board officer Delinda Witkowski as to each of the six photos to explain what each photo depicted and the officer described each of the six photos in detail, the officer also testified that she went to the building department to confirm that the siding work did in fact need a permit, it was confirmed that it does require a permit.

Lawonda Warren questioned officer Witkowski was this property in a historic district and the officer confirmed yes that it is in a historic district and asked to introduce the six exhibits into evidence.

Terrence Delehanty made the motion to admit the six photos into evidence it was seconded by Stephen Butera, motion passed unanimously.

Lawonda Warren questioned Amy Alvarez Assistant Planning and Development Services Director questions if she was familiar with the property on 49 Palm Sq, Amy Alvarez testified that she is familiar with the property, and she reviewed the six photos that were introduced into evidence and confirmed that this property is in a historic district. Mrs. Alvarez testified that the owner and contractor came into city hall to try and meet with the historic preservation board to submit an application to remedy this situation, which was after the compliance date, nothing further from Lawonda Warren.

Noel Smith testified that Roger Cope the architect is here as well from the original property and Mr. Noel purchased the property in 1976 and hasn't been there but has owned the property for fifty years and appreciates all the efforts to resolve this and is deferring the explanation to all this to his licensed contractor, Mr. Dana Stern.

Dana Stern testified that he is a state certified general contractor that has been in business for over thirty years and stated that he came to the city prior to commencing the siding work, he stated that the cities website doesn't have anything on there for this type of work under the permitting section. The office personal he spoke to in the building department stated there was no permitting needed. He stated he has been working on this house for 8 years and he wouldn't jeopardize his license for such a small siding job. He also stated he has spoken with several code enforcement officers trying to contact officer Witkowski with no response and he just needs an extension to comply with the historic preservation board permitting process.

Roger Cope architect testified from Cope's Architect address is 701 S.E. 1st St testified to that he has to believe that all work was done with all the correct permitting on previous work, he testified that the owner and the contractor tried to get all the permits needed to do the siding work and was told by the city it was not required and believes this is where the conflict is and they all want to comply.

Amy Alvarez testifies to the background on the timeframe as to the application that was approved by the historic preservation board for improvements on the site, the notes on the plans specify that the existing wood siding would remain and since then the wood siding is being replaced with an alternative material you would need approval from the historic preservation board.

Robert Cohen questioned that whatever permit is required must follow the existing building code, not new construction code and stated he is mechanical and electric engineer not a building exterior architect. Robert asked is there a consideration in the historical ordinance to waive or supersede the code in these types of situations?

Lawonda Warren responded this would be a question for the historic preservation board and building department would have to determine this.

Dana Stern testified that he has several tragedies that have occurred in his family with the tornados and hurricane in which has had some delays in responding to the city and has also had conversations with the ladies in the historic preservation board Katrina and Michelle and they are great.

Motion made by Jimmy Canton as to finding of fact that a violation does exist, and the owner must apply for a permit within 60 days or \$100.00 fines to commence each day for noncompliance if this does not happen a lien will commence on the property.

Seconded by Todd L'Herrou

The board was polled motion passes.

<i>Board Polled Passes 6-1</i>

<i>Nicholas Coppola</i>	Yes
<i>Wayne Pasik</i>	Yes
<i>Stephen Butera</i>	No
<i>Terrence Delehanty</i>	Yes
<i>Robert Cohen</i>	Yes
<i>Jimmy Canton</i>	Yes
<i>Todd L'Herrou</i>	Yes

3. Case # 24-9504

Owners Name: Ford Herschel C Jr & Ford Herschel C Sr
39 S.W. 8th Ave
Owner present

Property owner Ford Herschel Jr states his name, and his phone number is 561-699-4547.

Code officer, Delinda Witkowski testified regarding the case for outside storage and on August 13th she inspected the property for outside storage for inoperable vehicles without license plates and because of noncompliance a formal hearing was issued and mailed out, 33 photos were presented as evidence; they were introduced as City Exhibits 1-33 without objection.

Assistant city attorney, Lawonda Warren questioned Delinda Witkowski about the 33 photos and what each photo represents.

Officer Delinda Witkowski testifies to each of the 33 photos and what each one depicts.

Wayne Pasik makes a motion to except the 33 photos into evidence.

Seconded by Roger Cohen, motion passes.

Nicholas Coppola asked for the city's recommendations at this time.

Officer Delinda Witkowski replies the city suggests 30 days to remove all inoperable vehicles and if the vehicles are operable, they must have a valid license plate on them, if noncompliance is not met a fine of \$50.00 a day will commence.

Property owner Ford Herschel Jr testifies to that if he shows proof that the tags are valid even though she (Delinda Witkowski) is taking pictures of the tag and has the tags in his hand for the van in the photos that is valid and legit testifying that he is a photographer not her (Delinda Witkowski) he indicated if she was really looking at the tag and taking pictures of the tag if she would have looked up she would of seen the tag in the window, he is testifying that the tags in the pictures are not expired.

There is discussion from the board and the city attorney Lawonda Warren regarding if you put a cover over the vehicles would that satisfy and bring this into compliance, Lawonda Warren responded no.

Kevin Wagner advises the board that they can find at least one vehicle is in violation and you can make that finding that there is a violation of the code and order a compliance and the board should never give compliance advise.

Ford Herschel addresses the board that he has the plate in his hand for the white van in the window and that he moved it because they keep stealing his tags in his area and spent \$400.00 to remove the green van.

Terrence Delehanty made a motion that the violation still exists, and the property owner has 30 days to come into compliance or \$50.00 daily fine. Seconded by Wayne Pasik.

The board was polled motion passed unanimously.

<i>Board Polled Passes Unanimously</i>	
<i>Nicholas Coppola</i>	Yes
<i>Wayne Pasik</i>	Yes
<i>Stephen Butera</i>	Yes
<i>Terrence Delehanty</i>	Yes
<i>Robert Cohen</i>	Yes
<i>Jimmy Canton</i>	Yes
<i>Todd L'Herrou</i>	Yes

4. Case # 24-9546

Owners Name: The Juliette & Cid Jose Leonardo

900 Tropic Blvd.

Owner is not present

Complainant present

Nicolas Coppola asked the witness to state her name and contact information.

Ebba Blitz complainant testified that her address is 918 Tropic Boulevard, and her phone number is 650-739-6009.

Lawonda Warren acknowledges that there are a few surrounding neighbors here to testify on this case and if the board has any questions for them and just wanted to let everyone know that they are present.

Ed Sheehy surrounding neighbor testified to his contact information as his address is 2009 Spanish Trail property adjacent to the south of 900 Tropic Blvd. his phone number is 954-415-0455.

Code Officer Randell Straghn, testified regarding a landscape violation, which he inspected the property on October 14th where he observed the violation, 10 photos were presented as evidence; they were introduced as City Exhibits 1-10 without objection.

Assistant city attorney, Lawonda Warren questioned Officer Randell Straghn about the 10 photo exhibits and what each photo depicts.

Code Enforcement Supervisor Phil Cartwright added that exhibit #11 was taken by the complainant.

Jimmy Canton made a motion to introduce the 10 photos into evidence.
Seconded by Stephen Butera, motion passes.

Board Member Todd L'Herrou left the meeting at 2:45p.m

Lawonda Warren indicated there still was a quorum to continue with the code board hearing.

Emma Blitz testified she lives at 918 Tropic Blvd a corner lot and that her view as she is describing the photograph that she took from her kitchen window and has more pictures to distribute to the city attorney and she sees 3-5 boats but that was not the issue, she says the issue is there is no sod, the pavers, unmaintained bushes, the palm trees are not maintained, the blue tarp has been on his roof for months and to the corner there is breeding grounds for iguanas, planted hedges and no irrigation. The old hedges are dead, and a ton of junk and you can see a lot of garbage and unmaintained yuca bushes, clusia hedge, general lack of landscape. There are no watered lawns and would love to have a more organized gardening in her opinion.

Attorney Lawonda Warren labeled these photos as City's composite exhibits 12A-I for identification purposes and Emma Blitz testifies that she took all these pictures and would like to introduce these photos into evidence and publish them to the chair.

At this time Lawonda Warren would like to introduce these photos into evidence labeled 11 and 12 A-I.

Ed Sheehy testified that he has been writing emails to code enforcement for two years now regarding this property and states it's more than a landscape violation and the homeowner just does not care.

Lawonda Warran questions Mr. Sheehy as to where he lives in regard to the property in violation he indicated he lives just to the left of the property in city's exhibit #11, he states he observes directly over his back fence a lot of unmaintained landscape and still observes the current

situation that has been ongoing for years, regarding lack of sod, and just a lot of junk and the blue tarp on the roof has been there for a long time.

Stephen Butera questioned if the red item in the picture is a hazard , it was determined it was a kid's toy of some sort.

Stephen Butera made a motion to except the exhibits 11, 12A-I into evidence, seconded by Terrence Delehanty, motion passes.

Lawonda questioned code enforcement supervisor Phil Cartwright if he had the opportunity to speak to the homeowner, Mr. Cartwright indicated yes and that he knew about the code board hearing and that he was not able to make it.

Officer Randell Straghn stated the city's recommendation for 15 days to come into compliance and \$50.00 daily until the property comes into compliance.

Leanna a surrounding neighbor testified that she drives by this house every day to get access to her home and it is a complete disaster and that there is rotten wood hanging and it's not being addressed by the property owner.

Kevin Wagner advises the board on how to make the motion on the photos and finding a fact.

Jimmy Canton made a motion that the violation still exists, and the property owner has 15 days to come into compliance or \$150.00 daily fine. Seconded by Stephen Butera.

The Board members were polled and ruled unanimously that the violation still exists,

<i>Board Polled Passes 6-0</i>	
<i>Nicholas Coppola</i>	Yes
<i>Wayne Pasik</i>	Yes
<i>Stephen Butera</i>	Yes
<i>Terrence Delehanty</i>	Yes
<i>Robert Cohen</i>	Yes
<i>Jimmy Canton</i>	Yes

5. Case # 24-9662

Owners Name: Patricia & Stephen Sullivan
Property address: 600 Lawrence Rd.
Owner not present

Officer Jude Leconte II testified that on August 16th he inspected the property for an unscreened trailer house code violation where the owner's trailer is being kept improperly in the driveway.

Lawonda Warren assistant city attorney questioned officer Leconte as to what the seven photos depicted, the officer described each of the seven photos as to the time and dates and what each photo depicted.

Motion made by Terrence Delehanty, seconded by Stephen Butera, motion passes.

Seven photos were introduced into evidence.

Nicholas Coppola asked officer Leconte II what was the city's recommendation, and the officer responded that the city is recommending 30 days to remove the improperly stored trailer from the driveway or \$100.00 daily fine thereafter for noncompliance.

Terrence Delehanty made a motion that the violation still exists, and the property owner has 30 days to come into compliance or \$100.00 daily fine. Seconded by Stephen Butera, motion passes.

Robert Cohen commented on a point of interest as to if the trailer would require registration, the officer responded he was unsure, and some trailers do, and some don't.

6. Case # 24-9701

Owners Name: Sedita Christine & Christine & Thomas Sedita TR

Property address: 321 N. Swinton Ave

Owner Thomas Sedita present

Tom Sedita testified to his address and phone number which is 321 N. Swinton Ave. in Delray Beach.

Officer Delinda Witkowski from clean and safe testified that she was here on a hat racking violation, on August 17th she inspected the property for a tree that was severely hat racked, a formal hearing was issued on October 11, 2024, for the noncompliance date was not met and would like to introduce six photos into evidence.

Lawonda Warren assistant city attorney questioned officer Witkowski as to what the six photos depicted, the officer described each of the six photos as to the time and dates and what each photo described.

Six photos were introduced into evidence

Motion made by Wayne Pasik, seconded by Jimmy Canton, motion passes

David Glover City's Senior Landscape Planner testified that he is familiar with the property for this case, Lawonda Warren questioned Mr. Glover if he was able to go out and inspect the property, he responded no, however has seen pictures of the hat racking violations, Lawonda Warren asked Mr. Glover for the definition of what hat racking is, Mr. Glover responded and explained to the board hat racking is damaging and sometimes deadly pruning of a tree and

severely damaging the canopy of the tree and testified that the damage was done and can't be rectified to this fruit tree.

Chair Nicolas Coppola questioned Mr. Glover if he was saying does the tree need to be replaced? Mr. Glover responded to be compliant the tree would need to be replaced with multiple trees or a fee in lieu of and would be determined by staff.

Mr. Glover has had contact with the owner and explained to the owner what his recommendations are and that he would need to apply for a permit to come into compliance and at this time there is no permits applied for.

Tom Sedita testified that he did trim the tree back more than normal and that the tree is coming back nicely and that in a few months the tree would have a full canopy.

The board has a discussion with the owner and Mr. Glover as to many options there are to bring the case into compliance and if there is room to add more trees or pay the lieu fee that could be 8-10 thousand dollars.

Kevin Wagner addresses the board and provides them with the description of hat racking.

Stephen Butera made a motion that the violation still exists, and the property owner has 30 days to apply and obtain for a permit to come into compliance or a \$50.00 daily fine. Seconded by Wayne Pasik.

The Board members were polled and ruled 5-1 that the violation still exists, motion passes.

<i>Board Polled Passes 5-1</i>	
<i>Nicholas Coppola</i>	Yes
<i>Wayne Pasik</i>	Yes
<i>Stephen Butera</i>	Yes
<i>Terrence Delehanty</i>	No
<i>Robert Cohen</i>	Yes
<i>Jimmy Canton</i>	Yes

11. Case # 17-101151

Owners Name: Andreas Galeati

Property address: 400 S.E. 4th Ave (corrected from the mailing address)

Owner Present

Lawonda Warren presented to the board this case was a request for a lien reduction and that staff had come to an agreement with the homeowner to reduce the lien from \$10,350.00 to \$1,500.00 and if it is not paid within 30 days the lien will revert to its original amount of \$10,350.00.

Terrence Delehanty made a motion to reduce the original amount of the lien from \$10,350.00 to \$1,500.00 that the violation does not exist on the property and the owner has 30 days to pay the reduced amount or it will revert to its original amount, seconded by Stephen Butera, motion passes.

7. Case # 24-9839

Owners Name: 1165 of Delray Calm Realty

Property address: 1163 E. Atlantic Ave.

Owner Present

Jeff Jasone owner testified that his phone number is 561-655-1124 and his business address is 1163 E. Atlantic Ave.

Code Enforcement Officer Delinda Witkowski from clean and safe testified that she is here regarding a case for over 20% signage on the store front window on August 20th she inspected the property and found it in violation and a formal hearing notice was mailed out due to noncompliance and wanted to introduce 5 photos into evidence.

Lawonda Warren questioned code officer Witkowski on each of the five photos and what they depicted, and officer Witkowski described each photo in detail.

Lawonda Warren questioned officer Witkowski as to the definition of 20% overage for signs in the ordinance, officer Witkowski said she can only stipulate what the ordinance states.

A motion made by Wayne Pasik to submit the 5 photos into evidence, Jimmy Canton seconded the motion, motion passes to introduce the photos into evidence.

Nicolas Coppola asks what the city suggests, Officer Witkowski responded that the city suggest the owner has 30 days to remove the decal stickers from the aggregate window to reflect approximately 20% or a fine of \$100.00 daily will commence.

Owner Jeff Jasone testified that he has tons of pictures of hundreds of stores downtown that have signs all over their windows and wanted to know what he needed to remove from his storefront and was very unclear, so he came to the city to get clarification on what he needs to do exactly and then he met with Clean and Safe Administrator Henry Thompson at his store to ask what he needs to remove and they went over various items that were removed.

Amy Alvarez testified and suggested that the business owner submit a application to the planning and zoning board to get a clearer clarification of the 20% city ordinance to regulate these measurements that Mr. Jasone brought with him to the hearing.

Kevin Wagner and board members had some discussion regarding some items in the photos and what exactly it was covering up on the store front window that made it over 20% overage.

Lawonda Warren recommended to reset this case for 30 days and for Mr. Jasone to visit the planning and zoning department to get a better understanding of what is needed of him to come into compliance.

Stephen Butera made the motion to continue the case for 30 days and seconded by Wayne Pasik motion passes.

Case was reset for the next code board hearing scheduled for December 12, 2024, at 1:30p.m.

8. Case # 23-9816

Owners Name: Daniel & Marta Suarez

Property address: 3625 Ave. Montresor

Owner Not Present

Phil Cartwright Code Officer Supervisor testified that the property was originally found in violation on September 14th, 2023 for a fence in need of repair the property owner was given 30 days to come into compliance or a \$50.00 daily fine, the compliance date was August 14th, 2023.

Code Officer Jude LeConte II testified on the 6 photos and what they depicted to Lawonda Warren.

Stephen Butera made a motion to admit 6 photos into evidence, seconded by Terrance Delehanty, motion passes.

Terrence Delehanty made a motion that the violation still exists, and to lien and continue the property in the amount of \$14,600 and a daily fine of \$50.00, seconded by Stephen Butera.

The Board members were polled and ruled unanimously, motion passes.

<i>Board Polled Passes Unanimously</i>	
<i>Nicholas Coppola</i>	Yes
<i>Wayne Pasik</i>	Yes
<i>Stephen Butera</i>	Yes

<i>Terrence Delehanty</i>	Yes
<i>Robert Cohen</i>	Yes
<i>Jimmy Canton</i>	Yes

9. Case # 24-2117

Owners Name: The Juliette & Cid Jose Leonardo

Property address: 900 Tropic Blvd.

Surrounding neighbors present

Phil Cartwright Code Enforcement Officer supervisor testified that the property was originally found in violation on July 11, 2024, for maintenance of property and given 30 days to come into compliance or a \$200.00 daily fine, the compliance date was August 11, 2024 a reinspection was conducted, and it was observed the property is still in noncompliance.

Lawonda Warren assistant city attorney questioned Phil Cartwright as to what the three photos depicted, the officer described each of the three photos as to the time and dates and what each photo depicted.

Emma Blitz neighbor testified on photos she took of the property and what they each depicted and wanted to introduce her photos into evidence.

Four photos were introduced into evidence.

Motion made by Robert Cohen, seconded by Terrence Delehanty motion passes.

Terrence Delehanty made a motion that the violation still exists, and to lien and continue the property in the amount of \$30,500 and a daily fine of \$200.00, seconded by Jimmy Canton, motion passes.

Case # 24-4574

Owners Name: Roger Cope

Property address: 701 S.E. 1st St

Owner Present

Phil Cartwright Code Enforcement Supervisor testified that the property was found in original violation on July 11, 2024 for landscape maintenance, compliance date was July 25th, and the grass still was not cut and a lot of overgrowth was still present and requested to introduce the two photos into evidence.

- Lawonda Warren assistant city attorney questioned Phil Cartwright what the two photos depicted. Mr. Cartwright described each of the photos as to the time and dates and what each photo described.

Two photos were introduced into evidence

Motion made by Robert Cohen seconded by Stephen Butera, motion passes.

Code Officer Delinda Witkowski testified that she has had contact with Mr. Cope who stated he was going to cut this grass and was made aware of the liens and the hearing date but did not cut the grass.

Terrence Delehanty made a motion that the violation still exists, and to lien and continue the property in the amount of \$25,000.00 and a daily fine of \$200, seconded by Jimmy Canton, motion passes.

The Board members were polled and ruled 5-1 that the violation still exists, motion passes.

<i>Board Polled Passes 5-1</i>	
<i>Nicholas Coppola</i>	Yes
<i>Wayne Pasik</i>	Yes
<i>Stephen Butera</i>	Yes
<i>Terrence Delehanty</i>	Yes
<i>Robert Cohen</i>	No
<i>Jimmy Canton</i>	Yes

Meeting Adjourned 4:43PM

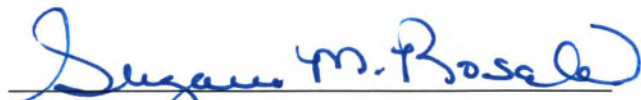
Code Board Hearing
November 14, 2024
Meeting Minutes

The undersigned is the Secretary of the Code Board, and the information provided herein is the minutes of the meeting of said Code Board on November 14, 2024 which minutes were formally approved and adopted by the Board on December 12, 2024.

ATTEST:



CHAIRMAN



CODE BOARD LIAISON

NOTE TO READER: If the minutes you have received are not completed as indicated above, this means they are not the official minutes of the (Board Name). They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.