

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 13, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: 232 Tradewinds Drive – Third Strike & Stop Work Order

Date: December 1, 2022

FYI - This Memo is provided as Information to the Town Council

As you know, the Town has a “Three Strike Rule” for construction parking and construction site management. The regulations and process are found in the Town’s “Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach” (commonly called the Right-of Way-Manual), dated May 1994, as revised through November 8, 2022. Chapter XII, Miscellaneous Provisions, contains the details of the Three Strike rules. The regulations spell out the process in which contractors can secure parking permits, the fees for various violations, and the process that must occur once a contractor receives Three Strikes – three different sets of tickets for construction violations. The applicable pages of the Right of Way Manual are attached.

232 Tradewinds Drive recently reached the level of Three Strikes for construction violations. The contractor is Four Points Construction LLC. Please refer to the attached letter dated November 29, 2022 for the details of the three strikes. This is the first time this year that Four Points Construction LLC has been before you with Three Strike projects. Copies of the violations are attached. The Pending Stop Work Order Notice (attached) was sent to the contractor.

The regulations allow a time frame for the violator to appeal the ticket(s). In this case, the contractor waived the appeal process and requested to be placed before the Town Council at this meeting. The Planning, Zoning & Building Department issued a STOP WORK ORDER for the construction project on December 7, 2022.

The contractor owes the Town \$500.00 in fees, plus any unpaid fines, at this time.

The Town Council’s process for this matter is contained within the Public Works “Right of Way Manual”, as follows:

“When the Town Council receives a written request to lift a stop work order the Town Council

shall have the power to admonish the contractor; take such action as deemed necessary to effect the stop work order on a permanent basis by nullifying the existing building permit; cause the contractor and/or property owner to enter into a binding agreement to memorialize the understandings between the Town and the contractor and/or property owner relative to all conditions placed upon the lifting of the stop work order, if applicable; establish penalties for future right-of-way violations the amount for which shall be in the sole discretion of the Town Council; collect the fine as outlined below, plus payment of any outstanding right-of-way fines and accumulated interest, as referenced herein below and to prohibit the issuance of any additional right-of-way permits for the duration of the work in question.

The fine for a third (3rd) strike shall be \$500; the fine and penalty for a fourth (4th) strike shall be a fine of \$2,500 and a mandatory thirty (30) day shutdown of the construction project; the fine and penalty for a fifth strike shall be a fine of \$5,000 and a mandatory thirty (30) day shutdown of the construction project, plus payment of any outstanding right of-way fines and accumulated interest unless the Town Council chooses to invoke the use of a binding agreement memorializing a penalty structure to be paid to the Town for all future right-of-way violations in excess of three (3) to be paid in accordance with the terms and conditions of the binding agreement between the Town and the contractor and/or property owner. All fines and penalties shall be paid in full prior to issuance of a Certificate of Occupancy for the construction associated with the activity that generated the fines, penalties, and interest. ”

Any motion to resolve this matter should include “waiving the third strike” and “granting the ability for the contractor to apply for future right of way permits”.

Attachments: Copies of the violations
Copy of the Pending Stop Work Order Notice
Email from the contractor

Cc: Paul Brazil, Director of Public Works
Police Chief Nicholas Caristo
Debby Moody



PW- 6975

PUBLIC WORKS DEPARTMENT
(561) 838-5440

R.O.W. VIOLATION NOTICE

NAME: Four Points Construction DATE: 11.28.22JOB ADDRESS: 232 Tradewinds

- | | |
|--|--------------------------------|
| <input type="checkbox"/> Working in right-of-way without permit | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Failure to have permit on job | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Construction parking without permit* | \$ 150 X _____ = _____ |
| 1 st = \$150 2 nd = \$250 and thereafter = \$500 | |
| <input checked="" type="checkbox"/> Inadequate Maintenance of Traffic | \$ 150 X <u>1</u> = <u>150</u> |
| <input type="checkbox"/> Right-of-way littered by site dirt or debris | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Failure to maintain safe sidewalk | \$ 150 X _____ = _____ |
| <input checked="" type="checkbox"/> Failure to carry-out permit terms/conditions | \$ 150 X <u>1</u> = <u>150</u> |
| <input type="checkbox"/> Storage of materials in right-of-way | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Use of right-of-way as work area | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Damage to infrastructure in right-of-way | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Dewatering without a permit | \$ 150 X _____ = _____ |
| <input type="checkbox"/> Illegal discharges to Town sewers** | \$ 500 X _____ = _____ |
| <input type="checkbox"/> Other _____ | \$ _____ X _____ = _____ |
| <input type="checkbox"/> 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

*No flaggers or (MAT) present
Vehicles parked across the street*

TOTAL FINE: 300

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

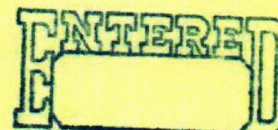
* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

** Fine plus clean-up cost.

*** Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER: Pat B...

white/violator

yellow/PW

pink/issuer

CE 22-1441

PD- 00372

POLICE DEPARTMENT

(561) 838-5454

R.O.W. VIOLATION NOTICE

NAME: Four Points Construction DATE: 8-8-22

JOB ADDRESS: 432 Traylor Road Palm Beach FL 33480

- | | |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> Working in right-of-way without permit | \$ 150 X <u>1</u> = <u>150.00</u> |
| <input type="checkbox"/> Failure to have permit on job | \$ 150 X _____ = _____ |
| <input checked="" type="checkbox"/> Construction parking without permit*
1 st = \$150 2 nd = \$250 and thereafter = \$500 | \$ 150 X <u>1</u> = <u>150.00</u> |
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| <input type="checkbox"/> 2nd and added days of violation, double fine | \$ _____ X _____ = _____ |

FL Tag # G4YB30

TOTAL FINE: 300.00

Total fine to be paid within 10 working days to: Town of Palm Beach, **Finance Dept.**, P.O. Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Police Department at 561-838-5454.

***Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.**

****Fine plus clean-up cost.**

***Includes but not limited to:

Dumpster in Right of Way \$100 per incident.

Right of Way restoration - \$30 per day until restored.

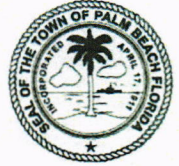
ISSUER J. Felix / 9080 LAD # 2026-220071

white/violator

yellow/PW

pink/issuer

10084



REMY BRUCE MOORHEAD
Respondent's Name

M630-722-64-253-0
Respondent's Address

FOUR POINTS CONSTRUCTION
Name of Company/Resident/Business

LOYD EGGLESTONE 718-0810
Property/Business Address

YOU ARE NOTIFIED that on THURSDAY, 1-20-22 at 0809 H,
(day) (date) (time)

a violation of PEAK SEASON CONSTRUCTION HOURS
(description of violation)

which violate the following Town of Palm Beach Code of Ordinances: 42-199
(chapter and section)

occurred at: 232 TRADEWIND DR.
(violation address)

YOUR OPTIONS ARE INDICATED BELOW:

- ☒ **1) YOU MAY ADMIT** to the violation by making payment by mail or in person between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the Town's Finance Department at 360 South County Road., Palm Beach, Florida 33480. **NO LATER THAN 5:00 P.M. ON THE MONDAY BEFORE THE SCHEDULED HEARING NOTED BELOW.** The fine amount is \$ 250.00
- OR**

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, MARCH 17, 2022 at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

- ☐ **2) THIS CASE WILL BE HEARD BEFORE THE CODE ENFORCEMENT BOARD** on Thursday, _____ at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

I ACKNOWLEDGE RECEIPT OF THIS CODE ENFORCEMENT NOTICE OF VIOLATION

RECEIPT OF THIS CODE ENFORCEMENT NOTIFICATION

B. L. L.

Signature of Respondent

This will be your only notice of the hearing. Failure to pay the fine or appear at the hearing will result in this matter being held in absentia. The maximum fine imposed may be \$250 for a first offense, \$500 for repeat offenses, or a maximum of \$5,000 if irreparable in nature, in addition to the administrative costs.

J. MORIARTY/9061 1-22-22 0830H 2022-020-041
Code Enforcement/Police Officer - I.D. Date Time Case/CAD #

I WISH TO ADMIT TO THE CHARGES, WAIVE MY RIGHT TO A HEARING AND PAY FINE.

Signature of Respondent

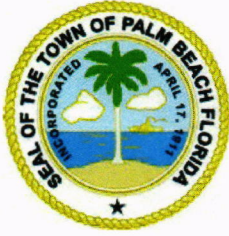
WHITE - PD Case File

BLUE - PD Log

GREEN - Finance

CANARY - Respondent

$$\begin{array}{r} 30 \\ - 28 \\ \hline 2 \end{array}$$



TOWN OF PALM BEACH

Planning, Zoning & Building Department

November 29, 2022

Via email & mail: leccestone@fpcfl.com ; kbutenhoff@wardcap.com

Four Points Construction LLC
% Edwin Ecclestone
1555 Palm Beach Lakes Blvd, 1100
West Palm Beach, FL 33401

Re: 3-Strike Rule Citations – 232 Tradewinds Dr, B-21-90455 **STOP WORK ORDER PENDING**

As you know, the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building project sites within the Town. Attached to all construction permits issued to a job is information regarding these regulations.

This letter is to serve as notice that on **FOUR** separate occasions you have received Violation Notices:

Strike 3 November 28, 2022 (PW-6975 – Inadequate Maintenance of Traffic, Failure to carry-out permit terms/conditions)

~~Strike 3 – October 25, 2022 (PW 6496 – Failure to carry out permit terms/conditions) Strike/ticket Waived~~

~~Strike 3 – August 18, 2022 (PW 5753 – Dewatering without a permit) Strike Waived but all fines/fees must be paid~~

Strike 2 August 8, 2022 (PD 00372 – Working in right-of-way with a permit; Construction parking without a permit)

Strike 1 January 20, 2022 (NOV 10084 – Violation of Construction Hours)

Therefore, under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works has notified the Planning, Zoning & Building Department of these violations, and requested that a "Stop Work" order be issued as allowed by Section 18-204 of Town Code.

Per Town Resolution No 001-2022, because you have received these strikes, a fine in the amount of \$500.00 is being imposed and is also payable immediate to the Town of Palm Beach. This fine is in addition to all right-of-way fines referenced above. Invoice # 81326 is attached.

An appeal to the Public Works Director needs to be submitted in writing no later than December 6, 2022 (within 7 days). If an appeal is denied or is not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working day December 6, 2022. After that date, no work may be performed at the site under any permits issued by the Town of Palm Beach.

All requests to lift a "Stop Work" order would need to be decided by the Town Council. The next Town Council meeting date is Wednesday, December 14, 2022. In order for this item to be considered at that meeting, you would need to submit a written request to me no later than **Wednesday, December 7, 2022 prior to 5:00 PM.**

Truly yours,
Wayne Bergman
Wayne Bergman
Director, Building Official

cc: Kurt & Kimberly Butenhoff, Paul A Krasker Tr, 232 Tradewind Dr., Palm Beach, FL 33480
K. Blouin, Town Manager
H. Paul Brazil, Public Works Director
Nicholas Caristo, Police Chief : Benjamin Alma, Parking and Code Enforcement Manager

Post Office Box 2029 * 360 South County Road * Palm Beach, FL 33480 * (561) 838-5430

Wayne Bergman

From: Patricia Strayer
Sent: Wednesday, November 30, 2022 7:45 AM
To: Llwyd Ecclestone III; Wayne Bergman
Cc: Paul Brazil
Subject: RE: 232 Tradewinds DR Pending Stop Work Order

Wayne,

For clarification, I told Mr. Ecclestone the process to appeal the third strike, which is reiterated in the letter. He asked how he could get on the December 13 Town Council meeting. I suggested he contact you if he wanted to circumvent the appeal process and proceed directly to Town Council.

Patricia

Patricia Strayer, PE
Town Engineer

Town of Palm Beach
Public Works Department
951 Okeechobee Road
West Palm Beach, FL 33401
(O) 561.227.7056
(C) 561.339.7309

From: Llwyd Ecclestone III <lecclestone@pblhfl.net>
Sent: Tuesday, November 29, 2022 3:54 PM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Cc: Patricia Strayer <PStrayer@TownofPalmBeach.com>
Subject: 232 Tradewinds DR Pending Stop Work Order

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Mr. Bergman,

I have been discussing this citation with Ms. Strayer and she asked me to contact you to ask to have this placed on the Town Council Meeting on December 13th.

Thanks for your help regarding this matter.

Regards,

Llwyd

E. Llwyd Ecclestone III
President

ECCLESTONE SIGNATURE HOMES
A DIVISION OF FOUR POINTS CONSTRUCTION LLC

1555 Palm Beach Lakes Blvd, Suite 300

West Palm Beach, FL 33401

Office: (561) 841-6976

Cell: (561) 718-0810

lecclestone@pblhfl.net

www.ecclestonehomes.com

CGC056970



Think Green - Not every email needs to be printed.



TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480
(561) 838-5444

INVOICE

81326

Page 1 of 1

DATE	11/29/2022
ACCOUNT	MI-000299
AMT DUE	500.00

FOUR POINTS CONSTRUCTION LLC
1555 PALM BEACH LAKES BLVD
Unit 1100
WEST PALM BEACH, FL 33401

AMOUNT PAID _____



PAY YOUR STATEMENT ONLINE AT: [HTTPS://TOWNOFFPALMBEACH.COM/EDENAR](https://TOWNOFFPALMBEACH.COM/EDENAR)

TOWN OF PALM BEACH

MAKE CHECKS PAYABLE TO TOWN OF PALM BEACH
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

DESCRIPTION	AMOUNT
FINE 3-STRIKE RULE STRIKE 3 Fine for Strike 3 232 Tradewinds	500.00
Total Amount Due:	500.00
ACCOUNT NO. MI-000299	PAYABLE UPON RECEIPT 500.00

Please Remit to: TOWN OF PALM BEACH
Finance Department
360 South County Road
PO Box 2029
Palm Beach, FL 33480

Pay your Statement online at: <https://TownofPalmBeach.com/EDENAR>
Log in or Register as a New User and connect to your account by entering your Account No and Invoice number.