

Thursday, November 16, 2023, 2:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio from the item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting the Code Enforcement Board Secretary at (561)227-7080. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order: (2:00:00)

II. Roll Call: (2:00:09)

Bram Majtlis - Chairman
Scotch Peloso, Vice Chairman
Linda Wartow
Chris Larmoyeux
Martin Klein
Pamela Saba
John McGowan Jr.
Harris S. Fried, Alternate Member
Pamela Davies, Alternate Member

III. Approval of the Minutes of the October 19, 2023, Minutes: (2:00:16)

MOTION BY MS. SABA TO APPROVE OCTOBER 19, 2023, MINUTES.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

IV. Administration of the Oath to Town Staff: (2:00:42)

V. Code Statistics: (2:01:10)

- 1988 Year to date Code Enforcement cases.
- 190 cases initiated since the last Code Board Hearing.
- 99 cases officer generated.
- 91 cases were received (not self-initiated).
- 26 cases are set to appear at the October Code Board.
- 18 cases achieved compliance before the hearing.
- 2 new cases to be heard today.
- 5 fine consideration cases to be heard today.
- 1 fine reduction case to be heard today.
- 0 old business cases to be heard today.

VI. Financial Report: (2:02:24)

The Financial report was presented by Board Secretary Marcote.

VII. Public Hearing: (2:03:58)

A. Case # CE 23-1769, 200 Blk, Via Linda, Exceptional Holiday Lighting: (2:04:07)

Violation of Chapter 70, Section 70-2 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to poste, paint or place on any bridge, lamppost, telegraph or telephone post, tree, or any property, or private or public building, or fence, any handbills, signs, pictures, or advertisements whatsoever, without the consent of the owner thereof first had an obtained in writing.

Officer Rodriguez presented the facts of the case and entered evidence into the record.

The business owner was not present and there was a finding of proper notice.

MOTION BY MR. KLEIN OF FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO PAY A FINE OF \$125.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 23-1696, 301 Brazilian Ave., Brazilian Court Hotel/301 Brazilian Ave LLC: (2:08:16)

Violation of Chapter 88, Section 88-16 of the town of Palm Beach Code of Ordinances requires exterior property and premises shall be maintained in a clean, safe and sanitary condition. Chapter 134, Section 134-1733(b)(2)(b) states dumpsters and recycling containers shall be screened on all four sides. Gates shall be closed when the dumpster or recycling containers are not being filled or dumped and shall be maintained in good repair.

Officer Felix presented the facts and entered evidence into the record.

The business owner was not present and there was a finding of proper notice.

MOTION BY MR. KLEIN OF FINDING NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00, TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLAINE BY DECEMBER 14, 2023, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

MOSTION PASSED UNANIMOUSLY.

MOTION PASSED UNANIMOUSLY.

VIII. Fine Consideration Hearing: (2:14:31)

A. Case # CE 23-1624, 230 Brazilian Ave., Patricia & Jon Baker: (2:14:39)

Violation of Chapter 66, Section 66-236 of the Town of Palm Beach Code of Ordinances states vegetation removal permits, not sought in conjunction with building permits, shall be obtained by making application prior to removal, relocation or replacement to the building official or his designee, at least ten working days prior to the proposed date of removal.

Officer Moriarty reminded the board of the facts of this case.

The property owner was not present and there was a finding of proper notice.

Mr. McGowan declared Ex-Parte communications.

MOTION BY MR. KLEIN TO ASSESS A DIALY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON NOVEMBER 14, 2023, AND CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSES UNANIMOUSLY.

B. Case # CE 23-1285, 195 Via Del Mar, 195 Via Del Mar Trust, Guy Rabideau Trust (2:22:54)

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical or plumbing system.

Officer Felix reminded the board of the facts of this case.

Brian from Vertesch Landscape was present on behalf of the property owner.

MOTION BY MR. McGOWAN TO ASSESS A DIALY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON NOVEMBER 14, 2023, AND CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

C. Case # CE 23-985, 12 Via Vizcaya, County Down Trust (2:37:00)

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical or plumbing system.

Officer Moriarty reminded the board of the facts of the case.

The property owner was not present and there was a finding of proper notice.

MOTION BY MR. McGOWAN TO ASSESS A DIALY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON NOVEMBER 14, 2023, AND CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

D. Case # CE 23-984, 11 Via Vizcaya, Jonathan Clay, Andrew W Regan Trust (2:39:07)

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical or plumbing system.

Officer Moriarty reminded the board of the facts of this case.

The property owner was not present and there was a finding of proper notice.

MOTION BY MR. KLEIN TO ASSESS A DIALY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON NOVEMBER 14, 2023, AND CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY.

E. Case # CE 22-1046, 304 S. County Road, Thomas Campaniello (2:41:24)

Violation of Chapter 18, Section 18-16(c) of the Town of Palm Beach Code of Ordinances states sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

Officer Moriarty reminded the board of the facts of the case.

The property owner was not present and there was a finding of proper notice.

MOTION BY MR. McGOWAN TO GRANT A POSTPONMENT UNTIL THE MAY 16, 2024, CODE BOARD HEARING.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

IX. Fine Reduction Hearing: (2:45:06)

A. Case # CE 22-1397, 354 Chilean Ave., Samuel Dashiell (2:45:15)

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical or plumbing system.

Officer Felix reminded the board of the facts of the case.

Ms. Dashiell was present and gave testimony in the case.

MOTION BY MR. McGOWAN TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$1,000.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORGINAL AMOUNT OF \$8,500.00

MR. PELOSO ASKED IF MR. McGOWAN WOULD RECONSIDER HIS MOTION AND GRANT A FINE REDUCTION IN THE AMOUNT OF \$1500.00.

MOTION BY MR. McGOWAN TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$1500.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORGINAL AMOUNT OF \$8,500.00.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

IX. Board Comments: (2:58:53)

There were no board comments.

X. Adjournment: (2:55:05)

MOTION TO ADJOURN BY MS. SABA.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.