

Thursday, October 19, 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
Martin Klein
John McGowan Jr.
Harris S. Fried, Alternate Member
Pamela Davies, Alternate Member

The board secretary informed the Chairman that Mr. Fried and Ms. Davies would be a voting member for this hearing.

The Chairman informed the board members that the December hearing date has been changed to December 14, 2023.

III. Approval of the Minutes of the September 14, 20, 2023, Minutes: (2:01:00)

MOTION BY MR. KLEIN TO APPROVE SEPTEMBER 14, 2023, MINUTES.

MOTION SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY.

IV. Administration of the Oath to Town Staff: (2:01:05)

V. Code Statistics: (2:02:11)

- 1807 Year to date Code Enforcement cases.
- 150 cases initiated since the last Code Board Hearing.
- 77 cases officer generated.
- 73 cases were received (not self-initiated).
- 29 cases are set to appear at the October Code Board.
- 18 cases achieved compliance before the hearing.
- 8 new cases to be heard today.
- 2 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: (2:04:34)

A. Case # CE 23-1564, 209 List Road, DLW Investments LLC: (2:04:52)

Violation of Chapter 122, Section 122-117 of the Town of Palm Beach Code of Ordinances states no person shall discharge or cause to be discharged waters or wastes to any public sewer, or to the regional sewage treatment.

Officer Rodriguez requested a dismissal. This case came into compliance prior to the hearing.

MOTION BY MR. KLEIN TO DISMISS THE CASE FOR COMPLIANCE.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 23-1012, 201 Worth Ave., Melanie Cabot: (2:05:38)

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances requires a business tax receipt for any person who carries on, engages in or conducts an occupation, business or profession enumerated in Chapter 114-43 of the Code.

Officer Rodriguez 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. FRIED OF FINDING NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00, A FINE OF \$75.00 ANY AND ALL FEES TO OBTAIN THE BUSINESS TAX RECEIPT TO BE PAID WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 23-1624, 230 Brazilian Ave., Patricia & Jon Baker: (2:08:36)

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 Felix presented the facts and entered evidence into the record.

Mareesa Aragando was present and gave testimony.

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

MOTION BY MR. KLIEN OF FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY NOVEMBER 13, 2023, OR THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING AT THE NOVEMBER 16, 2023, CODE BOARD HEARING.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 23-985, 12 Via Vizcaya, County Down Trust: (2:15:35):

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

Sean Tuney was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. FRIED OF FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY NOVEMBER 13, 2023, OR THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING AT THE NOVEMBER 16, 2023, CODE BOARD HEARING.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

E. Case # CE 23-984, 11 Via Vizcaya, Jonathan Clay, Andrew W Regan Trust: (2:25:30)

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

Sean Tuney was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. KLIEN OF FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY NOVEMBER 13, 2023, OR THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING AT THE NOVEMBER 16, 2023, CODE BOARD HEARING.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

F. Case # CE 23-1573, 195 Via Del Mar, 195 Via Del Mar Trust, Guy Rabideau Trust: (2:31:31)

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 requested a dismissal. This case came into compliance prior to the hearing.

MOTION BY MR. KLEIN TO DISMISS THE CASE FOR COMPLIANCE.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

G. Case # CE 23-1285, 195 Via Del Mar, 195 Via Del Mar Trust, Guy Rabideau Trust: (2:32:29)

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

The property owner was not present but was represented by his attorney.

MOTION BY MR. KLIEN OF FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY NOVEMBER 13, 2023, OR THIS CASE WILL RETURN TO THE NOVEMBER 16, 2023, CODE BOARD HEARING FOR FINE CONSIDERATION.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

H. Case # CE 23-1451, 248 Colonial Lane, 306 Livingston Street Holdings I LLC: (2:49:49)

Violation Chapter 126, Section 126-32 of the Town of Palm Beach Code of Ordinances requires all coconut trees in the Town to be trimmed free of coconuts and dead or dying fronds.

Officer Felix requested a dismissal. This case came into compliance prior to the hearing.

MOTION BY MR. KLEIN TO DISMISS THE CASE FOR COMPLIANCE.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

VIII. Fine Consideration Hearing: (2:50:53)

A. Case # CE 23-146, 200 Via Linda, Christopher & Kimberly Robinson: (2:51:02)

Violation of Chapter 126, Section 126-31 of the Town of Palm Beach Code of Ordinances prohibits vegetative growth located within the vicinity of any above ground utility line that has reached a height or is in a condition that might render it dangerous to the public utility line.

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

The property owner was not present, but a statement was read into the record from the property owner requesting a postponement.

Mr. McGowan declared Ex-Parte communications.

MOTION BY MR. McGOWAN TO POSTPONE THIS CASE UNTIL NOVEMBER 16, 2023, CODE BOARD HEARING.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSES UNANIMOUSLY.

B. Case # CE 23-884, 230 Atlantic Ave., Linda Saligman Trust: (2:55:23)

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 requested a dismissal. This case came into compliance prior to the hearing.

MOTION BY MR. KLEIN TO DISMISS THE CASE FOR COMPLIANCE.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

IX. Fine Reduction Hearing: (2:56:27)

A. Case # CE 23-982, 1150 N Ocean Way, 1150 N Ocean Way LLC: (2:56:38)

Violation of Chapter 88, Section 88-16(d) of the Town of Palm Beach Code of Ordinances states premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches. Chapter 126, Section 126-32 of the Town of Palm Beach Code of Ordinances requires coconut trees in the town shall be required annually by August of each year, so that on August 1 each year all coconut trees in the town shall be free of coconuts, coconut blooms and dead or dying fronds. Chapter 106, Section 106-159(b) of the Town of Palm Beach Code of Ordinances requires a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways is to be maintained at all times for the unobstructed passage of vehicles.

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

Cathleen Staley was present on behalf of the property owner.

MOTION BY MR. FRIED GRANT A FINE REDUCTION IN THE AMOUNT OF \$3,625.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF \$7,250.00.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED BY A VOTE OF 5 TO 6, WITH MR. PELOSO VOTING NO.

X. Board Comments: (3:10:11)

Mr. Majtli thanked Brett Lashley for sitting in as legal council for the town.

Mr. Majtli reminded the board again of the December Code Board Hearing date change. The new hearing date will be December 14, 2023.

XI. Adjournment: (3:11:03)

MOTION TO ADJOURN BY MS. WARTOW.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.