

**Thursday, October 18, 2018, 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 of that item via the Town's website at [www.townofpalmbeach.com](http://www.townofpalmbeach.com) or may obtain an audio recording of the meeting by contacting the Secretary to the Code Enforcement Board at (561) 227-6388. 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:(01:59:24 PM)**

The meeting was called to order by Code Enforcement Chair Matthew Natale 2:00 p.m.

**II. Roll Call:(01:59:36 PM)**

Upon roll call, the following Board members were present: Chair Matthew Natale, Vice Chair Scotch Peloso, Members Robert G. Donnelley, Daniel McDonnell, Rosemary G. Carpenter, Linda K. Wartow, Steven Meltzer and Alternate Herbert A. Roemmele. Alternate Member Bram Majtliis had an unexcused absence.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Code Enforcement Officer Julien Felix, and Recording Secretary Joan Dunn and Carla Marcote.

**III. Approval of the Minutes of August 16, 2018:(02:00:02 PM)**

**MOTION BY MR. DONNELLEY TO APPROVE THE AUGUST 16, 2018  
MINUTES  
SECONDED BY MR. PELOSO  
MOTION PASSED UNANIMOUSLY**

**IV. Administration of the Oath to Town Staff:(02:00:14 PM)**

The Town staff were sworn in by Carla Marcote.

**V. Code Statistics:(02:00:47 PM)**

- 1299 - year-to-date Code Enforcement cases
- 377 cases initiated since last Code Board Hearing
  - 177 cases self-initiated
  - 200 cases received (not self-initiated)
- 56 cases set to appear at October Code Board
- 45 achieved compliance before Hearing
- 1 Old Business to be heard today
- 7 new cases to be heard today
- 2 Fine Consideration cases to be heard today
- 1 Fine Reduction Consideration/Foreclosure case to be heard today

**VI. Old Business:**

A. Case # CE 14-1212, 160 Royal Palm Way, 160 Royal Palm LLC

Violation of Chapter 134, Section 134-326(b) of the Town of Palm Beach Code of Ordinances, application for site plan review must be filed and approved by the Town Council prior to the altering of the use of any land; Violation of Chapter 134, Section 134-7, compliance with requirements of grants of variances or exceptions required; Violation of Chapter 134, Section 134-226, compliance with Declaration of Use Agreements required

Code Enforcement Officer Moriarty briefly reviewed the case. The Town had no recommendation. Town Attorney John Randolph recommended the Board approve the Code Enforcement Conditional Settlement Agreement.

Attorney Cary Glickstein, court appointed receiver for this property, presented the agreement and requested the Board approve it.

**MOTION BY MR. MCDONNELL TO APPROVE THE CODE ENFORCEMENT  
CONDITIONAL SETTLEMENT AGREEMENT  
SECONDED BY MR. MELTZER  
MOTION PASSED UNANIMOUSLY**

**VII. Public Hearings:**

A. Case # CE 18-255, 235 Sunrise Ave. #CM23 - CM26, Trainer's Gym of Palm Beach LLC & Palm Beach Hotel

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Felix advised the Board that the Town Council has postponed its decision about the special exception requested. The Town recommended the Board postpone this case to the November 15, 2018 meeting.

**MOTION BY MR. DONNELLEY TO POSTPONE THE CASE UNTIL THE  
NOVEMBER 15, 2018 MEETING  
SECONDED BY MS. WARTOW  
MOTION PASSED UNANIMOUSLY**

B. Case # CE 18-615, 305 S. County Rd. AKA 301 S. County Rd., All Brand Vacuums, Inc. & Pems Partnership LTD

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system; Violation of Chapter 134, Section 134-2373, signs required to have permits and approvals prior to installation

Code Enforcement Officer Moriarty advised this case is now in compliance and requested it be dismissed.

**MOTION BY MS. CARPENTER TO DISMISS THE CASE FOR COMPLIANCE**

**SECONDED BY MR. MELTZER**

**MOTION PASSED UNANIMOUSLY**

C. Case # CE 18-627, 160 Chilean Ave., Lisa L. Paolozzi

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all outside appurtenances required to be kept in a state of safe and good repair

Code Enforcement Officer Moriarty advised the property owner has requested a postponement in the case and the Town had no objections. The Town recommended a postponement in this case until the November 15, 2018 hearing.

**MOTION BY MR. MELTZER TO POSTPONE THE CASE UNTIL THE NOVEMBER 15, 2018 MEETING**

**SECONDED BY MS. WARTOW**

**MOTION PASSED UNANIMOUSLY**

D. Case # CE 18-672, 296 S. County Rd., Fashionista & Milton Partnership

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, which adopts the Florida Building Code, which requires building permits to construct, enlarge, alter, repair, move or demolish a building or structure, or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system; Violation of Chapter 18, Section 18-175 which requires ARCOM approval prior to the issuance of certain permits

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until November 14, 2018 to comply.

Monique and Anthony Javarone were present at the hearing on behalf of the business, gave their testimony in the case and requested more time to comply.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL DECEMBER 18, 2018 TO COMPLY**

**SECONDED BY MS. WARTOW**

**MOTION PASSED UNANIMOUSLY**

- E. Case # CE 18-843, 3450 S. Ocean Blvd., The Patrician of Palm Beach Condo Apts. Inc.  
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all outside appurtenances required to be kept in a state of safe and good repair

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until November 14, 2018 to comply.

Michelle Evans and Mr. Rathburg were present at the hearing on behalf of the property owners, gave their testimony in the case and requested more time to comply.

**MOTION BY MR. MELTZER TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL MARCH 19, 2019 TO COMPLY  
SECONDED BY MS. CARPENTER  
MOTION PASSED UNANIMOUSLY**

- F. Case # CE 18-932, 375 S. County Rd., Three Seventy Five South County Assoc.  
Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, which adopts the Florida Building Code, which requires building permits to construct, enlarge, alter, repair, move or demolish a building or structure, or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until November 14, 2018 to comply.

Ivana Garbowski was present at the hearing on behalf of the property owners and gave her testimony in the case.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE UNTIL NOVEMBER 14, 2018 TO COMPLY  
SECONDED BY MS. WARTOW  
MOTION PASSED UNANIMOUSLY**

- G. Case # CE 18-177, 139 N. County Rd. #8, Joseph Paul Davis Interiors & Paramount Church Inc. Lessor Non Profit Group Lessees  
Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Felix advised this case is now in compliance and requested it be dismissed.

**MOTION BY MR. MELTZER TO DISMISS THE CASE FOR COMPLIANCE  
SECONDED BY MR. MCDONNELL  
MOTION PASSED UNANIMOUSLY**

**VIII. Fine Considerations:**

A. Case # CE 18-630, 313 Worth Ave. AKA 309 Worth Ave., Peter Millar, Peter Millar LLC & Love LLC

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a fine be assessed in the amount of \$50.00 a day commencing on September 18, 2018 and continuing until compliance is achieved.

Neither the business owner nor the property owner were present at the hearing and there was a finding of proper notice.

**MOTION BY MR. MELTZER TO ASSESS A FINE IN THE AMOUNT OF \$50.00  
A DAY COMMENCING ON SEPTEMBER 18, 2018 AND CONTINUING UNTIL  
COMPLIANCE IS ACHIEVED  
SECONDED BY MR. MCDONNELL  
MOTION PASSED UNANIMOUSLY**

B. Case # CE 18-798, 101 El Brillo Way, Kim J. Davis

Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system; Violation of Chapter 42, Section 42-86, overgrown grass/weeds in excess of 8 inches in height not allowed

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a fine be assessed in the amount of \$250.00 a day commencing on September 18, 2018 and continuing until compliance is achieved.

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

**MOTION BY MR. DONNELLEY TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON SEPTEMBER 18, 2018 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED  
SECONDED BY MS. CARPENTER  
MOTION PASSED UNANIMOUSLY**

**IX. Fine Reduction/Foreclosure Considerations:**

**A. Case # CE 14-152, 2165 Ibis Isle Rd., #8, Ellis J. Parker**

Violation of Chapter 18, Section 18-241 and Section 18-242 of the Town of Palm Beach Code of Ordinances, permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, repair, remove, convert or replace any electrical, mechanical or plumbing systems

Code Enforcement Officer Moriarty briefly presented the facts of the case. The Town had no recommendation.

Attorney Seth Kolton was present at the hearing on behalf of the property owner, gave his testimony in the case and requested a fine reduction. Debbie Walker was present at the hearing but did not testify in the case.

No motion was made by the Board to reduce the fine so the fine remains at the original amount.

The Board went on to make the following motion in reference to this case:

**MOTION BY MR. MCDONNELL TO ORDER THE OUTSTANDING FINE OF \$24,900.00 TO BE PAID WITHIN 30 DAYS. HE FURTHER ORDERED IF THE \$24,900.00 FINE IS NOT PAID WITHIN 30 DAY THIS CASE WILL BE FORWARDED TO THE TOWN COUNCIL FOR FORECLOSURE CONSIDERATION  
SECONDED BY MR. MELTZER  
MOTION PASSED UNANIMOUSLY**

**X. Board Comments:(03:16:18 PM)**

The Board had no comments

**XI. Adjournment:(03:16:33 PM)**

**MOTION BY MS. WARTOW TO ADJOURN THE MEETING  
SECONDED BY MR. MELTZER  
MOTION PASSED UNANIMOUSLY**