

Thursday, August 17, 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: (2:00:08)

II. Roll Call: (2:00:45)

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

III. Approval of the Minutes of the July 20, 2023, Minutes: (2:01:12)

MOTION BY MR. KLEIN TO APPROVE JULY 20, 2023, MINUTES.

MOTION SECONDED BY MS. WARTOW

MOTION PASSED UNANIMOUSLY.

IV. Administration of the Oath to Town Staff: (2:01:25)

V. Code Statistics: (2:01:46)

- 1500 Year to date Code Enforcement cases.
- 221 cases initiated since the last Code Board Hearing.
- 95 cases officer generated.
- 126 cases were received (not self-initiated).
- 28 cases are set to appear at the June Code Board.
- 18 cases achieved compliance before the hearing.
- 7 new cases to be heard today.
- 0 fine consideration cases to be heard today.
- 3 fine reduction case to be heard today.
- 0 old business cases to be heard today.

VI. Financial Report: (2:02:27)

Board Secretary Marcote gave the Code Enforcement Board an updated financial report on outstanding fines.

VII. Public Hearing: (2:03:11)

A. Case # CE 23-943, 347 Worth Ave., Spyder Wright Surf: (2:03:18)

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 requested that this case be dismissed for compliance.

MOTION BY MR MCGOWAN TO DISMISS THE CASE FOR COMPLIANCE.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 23-982, 1150 N Ocean Way, 1150 N Ocean Way LLC: (2:04:17)

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 be 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 presented the facts and entered evidence into the record.

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

MOTION BY MR. LARMOYEAUX OF FINDING NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY AUGUST 29, 2023, OR RETURN TO THE SEPTEMBER 14, 2023, CODE BOARD HEARING FOR FINE CONSIDERATION.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 23-898, 209 List Road, DLW Investments LLC: (2:14:38)

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 and entered evidence into the record.

Sylvia Torres was present on behalf of the property owner and gave testimony.

MOTION BY MR. LARMOYEAUX 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 SEPTEMBER 11, 2023 OR THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING AT THE SEPTEMBER 14, 2023 HEARING.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 23-1115, 250 Bradley Place, Lake Towers: (2:22:58)

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, a maximum permissible emission of noise level is established by use of a sound level meter and is set at a maximum of 64 dBA for day and 58 dBA for night (between 7:00 p.m. and 9:00 a.m.) for your geographic area.

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

Judy Carroll was present on behalf of the property owner and gave testimony.

MOTION BY MR. KLEIN 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 SEPTEMBER 11, 2023, OR THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING AT THE SEPTEMBER 14, 2023 HEARING.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.

E. Case # CE 23-992, 260 Nightingale Trl., Nightingale 260 LLC: (2:37:48)

Violation of Chapter 88, Section 88-16(b) of the Town of Palm Beach Code of Ordinances states premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Officer Moriarty requested that this case be dismissed for compliance.

MOTION BY MS. SABA TO DISMISS THIS CASE FOR COMPLIANCE.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

F. Case # CE 23-924, 191 Bradley Place, Meat Market: (2:38:37)

Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to have, keep, maintain, cause or permit within the town any collection of standing water or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.

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

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

MOTION BY MR. MCGOWAN 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 SEPTEMBER 11, 2023, OR THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING AT THE SEPTEMBER 14, 2023 HEARING.

G. Case # CE 23-841, 420 Royal Palm Way, JHB Seaside Properties LLC: (2:45:23)

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 Moriarty presented the facts and entered evidence into the record.

The property 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 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY SEPTEMBER 11, 2023, OR THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING AT THE SEPTEMBER 14, 2023 HEARING.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSES UNANIMOUSLY.

VIII. Fine Reduction Hearing: (2:51:02)

A. Case # CE 22-2119, 224 Atlantic Ave., 224 Atlantic LLC: (2:51:10)

Violation of Chapter 88, Section 88-233 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.

Mr. Lloyd was present on behalf of the property owner.

MOTION BY MR. LARMOYEUX TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$1,000.00. THE NEW FINE MUST BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT TO THE ORIGINAL AMOUNT OF \$6,500.00.

MOTION SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-540, 246 Everglade Ave., 246 Everglade LLC: (3:00:09)

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.

Mr. Majtlis, Mr. Peloso, Mr. Klein, Mr. McGowan, Ms. Saba, Ms. Warton, Mr. Fried, Ms. Davies all declared ex-parte communication prior to the case being heard.

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

Mr. Dustin Mizell and Mr. John Pisano gave testimony and presented evidence to the board.

MOTION BY MR. KLIEN TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$15,000.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT TO THE ORGINAL AMOUNT OF \$47,250.00.

MOTION SECONDED BY MS. SABA.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE:

MR. MCGOWAN YES

MS. WARTOW YES

MS. SABA YES

MR. KLEIN YES

MR. LARMOYEUX YES

MR. PELOSO YES

MR. MAJTLIS YES

MOTION PASSED UNANIMOUSLY.

C. Case # CE 23-55, 12 Via Vizcaya, County Down Trust: (3:47:55)

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.

Ms. Yates was present on behalf of the property owner, gave testimony and presented the board with evidence.

MOTION BY MR. KLEIN TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$10,000.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF \$14, 250.00.

MOTION SECONDED BY MS. SABA.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE.

MR. MCGOWAN YES

MS. WARTOW YES

MS. SABA YES

MR. KLEIN YES

MR. LARMOYEUX YES

MR. PELOSO YES

MR. MAJTLIS YES

MOTION PASSED UNANIMOUSLY.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

IX. Board Comments: (4:10:04))

X. Adjournment: (4:10:47)

MOTION TO ADJOURN BY MS. WARTOW.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.