

Thursday, July 21, 2022, 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: (2:00:13)

Chairman Majtlis announced that Mr. McGowan will be a voting member for his hearing. He will be voting since Mr. McDonnell is not present.

II. Roll Call: (2:00:22)

Bram Majtlis, Chairman
Linda Wartow
Martin Klein
Scotch Peloso, Vice Chairman
Chris Larmoyeux
Pamela Saba
John McGowan, Alternate Member
Victoria Piroso, Alternate Member

III. Approval of the Minutes of the June 16, 2022, Minutes: (2:01:06)

**MOTION BY MR. KLEIN TO APPROVE THE JUNE 16, 2022, MINUTES.
SECONDED BY MR. McGOWAN.
MOTION PASSED UNANIMOUSLY.**

IV. Administration of the Oath to Town Staff (2:01:18)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (2:01:43)

- 1258 Year to date Code Enforcement cases.
- 200 Cases initiated since the last Code Board Hearing
- 140 cases officer generated
- 60 cases were received (not self-initiated)
- 18 cases set to appear at the April Code Board
- 11 cases achieved compliance before the hearing
- 3 new cases to be heard today
- 3 fine consideration cases to be heard today
- 1 fine reduction cases to be heard today
- 0 old business case to be heard today

VI. Public Hearing: (2:02:33)

A. Case # CE 22-921, 100 Blk Bradley Place, Starway Logistics LLC: (2:02:43)

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances states it shall be unlawful to obstruct or cause to be obstructed any sidewalk or crossing in any way. It shall be unlawful to erect, build, construct, deposit, or place upon or in any street, or any place where the public has a right of passage, any structure or obstruction of any kind.

Officer Moriarty 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 NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO PAY A FINE IN THE AMOUNT OF \$125.00 WITHIN 30 DAYS OF THIS NOTICE.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

B. Case # 22-540, 246 Everglade Ave., 246 Everglade LLC: (2:05:22)

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, convert or replace any electrical, mechanical or plumbing system.

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

The homeowner John Pisano and Dustin Mizel were present and gave testimony.

MOTION BY MR. PELOSO OF NON-COMPLIANCE AND ASSESS ADMINISTRATIVE FEE OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY JANUARY 16, 2023. THE HOMEOWNER IS TO SUPPLY CODE ENFORCEMENT WITH AN UPDATE TO THE PROGRESS OF OBTAINING THE PERMIT TWO WEEKS PRIOR TO THE JANUARY HEARING.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 22-920, 870 S. Ocean Blvd., G7 Holdings: (2:32:40)

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances states beginning on the Monday preceding Thanksgiving and during the months of December, January, February, March and April of each year construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8 a.m. and shall cease at the hour of 5 p.m., except Saturday, Sunday and legal holidays, when all construction work is prohibited., In no event shall heavy equipment or other outdoor construction related and lawn maintenance noise be permitted before 9a.m.

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

Ivy Praden and Andres Miranda were present on behalf of G7 Holdings and gave testimony.

MOTION BY MR. LARMOYEUX OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO WAIVE THE FINE OF \$250.00. THE ADMINISTRATIVE FEE MUST BE PAID WITHIN 30 DAYS OF THIS ORDER.

SECONDED BY MR. PELOSO.

MOTION PASSES UNANIMOUSLY.

VII. Fine Consideration: (2:46:24)

A. Case # CE 22-768, 353 Peruvian Ave., Lifestyle Holdings LLC: (2:46:30)

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances states beginning on the Monday preceding Thanksgiving and during the months of December, January, February, March and April of each year construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8 a.m. and shall cease at the hour of 5 p.m., except Saturday, Sunday and legal holidays, when all construction work is prohibited., In no event shall heavy equipment or other outdoor construction related and lawn maintenance noise be permitted before 9 a.m.

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, convert, or replace any electrical, mechanical, or plumbing system.

Officer Moriarty represented the facts of the case and entered evidence into the record.

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

MOTION BY MR. KLEIN TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY TO BEGIN ON JULY 19, 2022, AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-615, 227 Sunrise Ave., Paradise Lost: (2:51:17)

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

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

MOTION BY MR. KLEIN TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY TO BEGIN ON JULY 19, 2022, AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 22-524, 289 Sandpiper Drive, Charles Hennessey: (2:58:23)

Violation of Chapter 88, Section 88-19(L) of the Town of Palm Beach Code of Ordinances prohibits vegetation infested with pests such as whitefly.

Officer Moriarty represented the facts of the case and entered evidence into the record.

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

MOTION BY MR. KLEIN TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY TO BEGIN ON JULY 19, 2022, AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

VIII. Fine Reduction Hearing: (4:24:20)

A. Case # CE 22-203, 991 N. Lake Way, 991 N Lake Way Trust & Paul Krasker Trust: (3:01:12)

Violation of Chapter 88, Section 88-19(L) of the Town of Palm Beach Code of Ordinances prohibits vegetation infested with pests such as whitefly.

Officer Moriarty re-presented the facts of the case.

Peter Perticone was present on behalf of the homeowner.

MOTION BY MR. LARMOYEUX TO PAY THE ADMINISTRATIVE COSTS OF \$150.00 AND TO REDUCE THE FINE TO \$150.00. THE TOTAL AMOUNT OF \$300.00 IS TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO \$7,4000.00

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

MR. KLEIN – YES

MR. LARMOYEUX – YES

MR. PELOSO – YES

MR. MAJTLIS – YES

MOTION PASSED UNANIMOUSLY.

IX. Board Comments: (03:20:030)

Mr. Klein urged the rest of the board to listen to the Town Council Meeting and the report that the Chairman presented and to hear the respect that the Council has for our chairman.

Mr. Larmoyeux requested an update on the Nancy Shubert case. Board Secretary Ms. Marcote advised the board that the property was sold and that all the fines that were owed to the town have been paid. The new homeowner has supplied a letter to code enforcement with the intent to demolish the home and rebuild.

Mr. Larmoyeux asked why the property at 226 Pendleton only paid \$43,500.00 in fines. Board Secretary Ms. Marcote explained that in this case the fines were broken down into two violations and one of the violations was in compliance and the amount owed for that particular violation was paid, but the daily fine still continues to run on the other violations against the property.

XI. Adjournment: (03:20:47)

MOTION TO ADJOURN BY MS. WARTOW.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.