

Thursday, May 19, 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: (2:01:03)

II. Roll Call: (2:01:29)

Bram Majtlis, Chairman
Daniel McDonnell
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 April 21, 2022: (2:01:33)

**MOTION BY MR. KLEIN TO APPROVE THE APRIL 21, 2022 MINUTES.
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY.**

IV. Administration of the Oath to Town Staff (2:01:45)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (2:02:10)

- 903 Year to date Code Enforcement cases.
- 159 Cases initiated since the last Code Board Hearing
- 87 cases officer generated
- 72 cases were received (not self-initiated)
- 61 cases set to appear at the April Code Board
- 38 cases achieved compliance before the hearing
- 14 new cases to be heard today
- 4 fine consideration cases to be heard today
- 1 fine reduction cases to be heard today
- 4 old business case to be heard today

VI. Public Hearing: (2:002:54)

A. Case # CE 22-617, 340 Royal Poinciana Way # M322B, Zadig & Voltaire: (02:03:01)

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 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 TO BE PAID WITHIN 30 DAYS OF THIS MOTION AND TO COME INTO COMPLIANCE BY JUNE 13, 2022.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-611, 337 Worth Ave., Style Paris: (02:05:17)

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 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 AND ASSESS ADMINISTRATIVE FEE OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY JUNE 13, 2022.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 22-570, 204 Worth Ave. Valentino: (02:07:00)

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 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 OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY JUNE 13, 2022.

SECONDED BY MR. MCDONNELL.

MOTION PASSES UNANIMOUSLY.

D. Case # CE 21-1550, 205 Worth Ave Suite 115 & 121, Valentino USA LLC: (02:09:18)

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 presented the facts of the case and entered evidence into the record. Debby Moody from the Planning Building and Zoning was present and gave testimony in the case.

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 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY JUNE 13, 2022.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY

E. Case # CE 22-686, 2800 S. Ocean Blvd., Four Seasons: (02:12:08)

Violation of Chapter 42, Section 42-196 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to make, continue, or cause to be made or continued: (1) Any loud or raucous noise; (2) Any noise that tends to annoy the community or injure the health of the citizens in general; or (3) Any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any considerable number of persons. A considerable number of persons, for this section, shall mean three or more unrelated persons in separate households.

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

The Mr. B. Cueto was present on behalf of the Four Seasons and gave testimony in the case.

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

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

F. Case # CE 22-516, 100 Everglade Ave., Leslie Daniels: (02:20:46)

Violation of Chapter 134, Section 134-1472 of the Town of Palm Beach Code of Ordinances states the permitted uses and structures in the Beach Area district are as follows: (1) Swimming pools and associated appurtenances associated with a permitted use within 1,500 feet. (2) Beach chairs and umbrellas. (3) Seawalls, dune cross overs and stairs.

The entire board declared ex parte communications.

Officer Moriarty presented the facts of the case and entered evidence into the record. Rob Weber Coastal Engineer for the Town of Palm Beach and Wayne Bergman Director of Planning Zoning and Building for the Town of Palm Beach gave testimony in the case.

Attorney V. Bolton was present on behalf of the property owner entered evidence into the record and gave testimony in the case.

MR. LARMOYEUX MADE A MOTION TO ADOPT LAST MONTH'S TESTIMONY/PRECEEDINGS REGARDING MONOPOLES CASES INTO THE RECORD.

MOTION SECONDED BY MR. KLEIN.

MOTION BY MR. KLEIN OF A FINDING OF NON-COMPLIANCE, ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY JUNE 3, 2022.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

G. Case # CE 21-1462, 1290 N Ocean Blvd., Matthew & Astrid Womble: (03:42:33)

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 re-presented the facts of the case and asked for a dismissal of the case since the property was now in compliance.

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

MOTION BY MR. KLEIN TO DIMISS THE CASE.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

H. Case # CE 21-765, 1280 N. Lake Way. AK Family Trust, Giselle Asphlundh Trust, Jeffrey D Asphlundh Trust, Rowland M. Smith Trust. : (03:44:03)

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

Attorney T. Hanlon was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. LARMOYEUX OF NON-COMPLIANCE; ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY NOVEMBER 14, 2022.

MOTION SECONDED BY KLEIN.

MOTION PASSED UNANIMOUSLY.

I. Case # CE 22-632, 2299 Ibis Isle Rd., Green Pro Services Inc.: (03:49:08)

Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances states lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199 and all gas or electric powered lawn maintenance equipment, including leaf blowers shall be subject to the same restrictions as heavy equipment as described in said section.

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

The business owners 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 OF \$250.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

J. Case # CE 22-750, 132 El Brillo Way, Greenz Pro Services Inc.:

Violation of Chapter 42, Section 42-197(12b) of the Town of Palm Beach Code of Ordinances states the use of gasoline powered leaf blowers is prohibited on any property within the town, which is less than one acre in size.

Officer Felix 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 COSTS IN THE AMOUNT OF \$150.00 AND TO PAY A FINE OF \$250.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

K. Case # CE 22-518, 170 N. Ocean Blvd., Ocean Towers Condominium Association: (03:55:34)

Violation of Chapter 134, Section 134-1472 of the Town of Palm Beach Code of Ordinances states the permitted uses and structures in the Beach Area district are as follows: (1) Swimming pools and associated appurtenances associated with a permitted use within 1,500 feet. (2) Beach chairs and umbrellas. (3) Seawalls, dune cross overs and stairs.

All board members declared ex parte communications.

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

Attorney V. Bolton was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. LARMOYEUX TO ADOPT PRIOR MOTIONS AND ARGUMENTS

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

MOTION BY MR. LARMOYEUX TO POSTPONE THIS CASE UNTIL THE DECEMBER 15, 2022 CODE BOARD HEARING.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

L. Case # CE 22-321, 220 Osceola Way, Eileen Fell: (04:04:56)

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 presented evidence into the record.

The property 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 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY JUNE 13, 2022.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

M. Case # CE 21-1424, 225 Worth Ave., Unit A, 225 Worth Ave., Holdings LLC: (04:09:22)

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

MOTION BY MR. LARMOYEUX 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 JUNE 13, 2022.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

N. Case # CE 22-18, 200 Bahama Lane, 200 Bahama LLC: (04:13L:28)

Violation of Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances requires any site in which reconstruction does not commence within 30 days after demolition to be irrigated and sodded so as to assure the property will have a neat and clean landscaped appearance.

Officer Felix presented 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 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 JUNE 13, 2022.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

VII. Fine Consideration: (04:16:38)

A. Case # CE 22-407, 2800 S. Ocean Blvd., Four Seasons: (04:16:42)

Violation of Chapter 88, Section 88-206 of the Town of Palm Beach Code of Ordinances requires any site in which reconstruction does not commence within 30 days after demolition to be irrigated and sodded to assure the property will have a neat and clean landscaped appearance.

Officer Moriarty re-presented the facts of the case.

The property 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 COMMENCING ON MAY 10, 2022 AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSES UNANIMOUSLY.

B. Case # CE 22-203, 991 N Lake Way, 991 N. Lake Way Trust & Paul Krasker Trust:

Violation of Chapter 88, Section 88-16(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.

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 COMMENCING ON MAY 17, 2022 AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 22-183, 250 Worth Ave., Frank Aubert Jewelry: (04:24:05)

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. 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 re-presented the facts of the case.

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 COMMENCING ON MAY 17, 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 19-853, 123 Chilean Ave., Nancy Shubert:

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances does not allow vegetation infested with pests such as whitefly.

Officer Moriarty re-presented the facts of the case.

Attorney Eugenio Durant was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. LARMOYEUX TO DENY THE FINE REDUCTION REQUEST.

MOTION SECONDED BY MR. KLEIN.

CHAIRMAN MR. MAJTLIS ASKED FOR A ROLL CALL VOTE.

MR. MCDONNELL – YES

MS. WARTOW – YES

MS. SABA - YES

MR. KLEIN – YES

MR. LARMOYEUX – YES

MR. PELOSO – NO

MR. MAJTLIS – YES

MOTION PASSED BY A VOTE OF 6 TO 1. MOTION ADOPTED.

HEARING RECESS: (04:43:25)

HEARING RECONVEINED: (04:50:13)

IX. Old Business: (04:50:17)

A. Case #CE 21-66, 123 Chilean Ave, Nancy Shubert: (04:50:22)

Violation of Chapter 88, Section 88-18 of the Town of Palm Beach Code of Ordinances requires the exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare. 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.

Officer Moriarty re-presented the facts of the case.

Attorney E. Durant was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. LARMOYEUX TO SUSPEND THE DAILY RUNNING FINE EFFECTIVE MAY 19, 2022 AND TO POSTPONE THIS CASE UNTIL THE NOVEMBER 17, 2022 HEARING.

MOTION SECONDED BY MR. KLEIN.

CHAIRMAN MR. MAJTLIS CALLED FOR A ROLL CALL VOTE.

MR. MCDONNELL – NO

MS. WARTOW – YES

MS. SABA - YES

MR. KLEIN – YES

MR. LARMOYEUX – YES

MR. PELOSO – YES

MR. MAJTLIS – YES

MOTION PASSED BY A VOTE OF 6 TO 1. MOTION ADOPTED.

B. Case # CE 10-2706, 287 Pendleton Ave., Susan Lee: (05:01:22)

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code Section 105, permits required to construct, enlarge, alter, repair or change the occupancy of a building or structure or to erect, install, repair or replace any electrical, plumbing or gas system. Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances states all exterior surfacing material to be kept painted and in good repair. Chapter 106, section 106-159 of the Town of Palm Beach Code of Ordinances states a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks to be maintained for the safe passage of pedestrians.

Mr. Larmoyeux disclosed ex parte communication.

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

Attorney J. Miller was present on behalf of the property owner and entered evidence into the record.

Mr. A. Ciklin gave testimony in this case.

MOTION BY MR. LARMOYEUX TO RECOMMEND THAT THIS CASE GO BEFORE TOWN COUNCIL TO PROCEED WITH FORECLOSURE.

MOTION SECONDED BY MR. KLEIN.

CHAIRMAN MR. MAJTLIS CALLED FOR A ROLL CALL VOTE.

MR. MCDONNELL – YES

MS. WATOW – YES

MS. SABA – YES

MR. KLEIN – YES

MR. LARMOYEUX – YES

MR. PELOSO – YES

MR. MAJTLIS – YES

MOTION PASSED UNANIMOUSLY.

C. Case # CE 07-2277, 226 Pendleton Ave., Susan Gibson: (05:49:45)

Violation of Chapter 42, Section 42-86 and 42-87 of the Town of Palm Beach Code of Ordinances, conditions that cause disagreeable emissions are not permitted and windows and doors must be maintained in good condition.

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

Attorney J. Miller was present on behalf of the property owner.

Mr. A. Ciklin gave testimony in this case.

MOTION BY MR. LARMOYEUX TO RECOMMEND THAT THIS CASE GO BEFORE TOWN COUNCIL TO PROCEED WITH FORECLOSURE.

MOTION SECONDED BY MR. KLEIN.

CHAIRMAN MR. MAJTLIS CALLED FOR A ROLL CALL VOTE.

MR. MCDONNELL – YES

MS. WATOW – YES

MS. SABA – YES

MR. KLEIN – YES

MR. LARMOYEUX – YES

MR. PELOSO – YES

MR. MAJTLIS – YES

MOTION PASSED UNANIMOUSLY.

D. Case # CE 16-1116, 226 Pendleton Ave., Susan Gibson: (06:03:10)

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, all appurtenances and exterior surfaces to be maintained in a good and safe repair and painted.

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

Attorney J. Miller was present on behalf property owner and presented evidence into the case.

Mr. A. Ciklin gave testimony in the case.

MOTION BY MR. LARMOYA TO ADOPT THE PREVIOUS ARGUMENT OF MS. MILLER.

MR. KLEIN SECONDED.

MOTION ADOPTED.

MOTION BY MR. LARMOYEUX TO RECOMMEND THAT THIS CASE GO BEFORE TOWN COUNCIL TO PROCEED WITH FORECLOSURE.

MOTION SECONDED BY MR. KLEIN.

CHAIRMAN MR. MAJTLIS CALLED FOR A ROLL CALL VOTE.

MR. MCDONNELL – YES

MS. WATOW – YES

MS. SABA – YES

MR. KLEIN – YES

MR. LARMOYEUX – YES

MR. PELOSO – YES

MR. MAJTLIS – YES

MOTION PASSED UNANIMOUSLY.

X. **Board Comments: (06:05:25)**

Chairman Mr. Majtlis recognized Mayor Moore in attendance. He also thanked the board for all their hard work and dedication to the board. He also welcomed Ms. Victoria Piroso to the board as our new alternate member.

XI. **Adjournment: (06:06:28)**

MOTION TO ADJOURN BY MR KLEIN.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.