

Thursday, April 20, 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: (2:00:10)

Scotch Peloso, Vice Chairman
Linda Wartow
Martin Klein
Chris Larmoyeux
Pamela Saba
John McGowan
Pamela Davies, Alternate Member

Board Secretary Marcote informed the Vice Chairman that Mr. Majtlis and Mr. Fried would not be present for this hearing and that Ms. Davies would be a voting member for today’s hearing.

III. Approval of the Minutes of the March 16, 2023, Minutes: (2:00:59)

**MOTION BY MS. WARTOW TO APPROVE MARCH 16, 2023, MINUTES.
SECONDED BY MR. MCGOWAN.
MOTION PASSED UNANIMOUSLY.**

IV. Administration of the Oath to Town Staff: (2:01:00)

V. Code Statistics: (2:01:29)

- 692 Year to date Code Enforcement cases.
- 228 cases initiated since the last Code Board Hearing.
- 130 cases officer generated.
- 98 cases were received (not self-initiated).
- 8 cases are set to appear at the March Code Board.
- 4 cases achieved compliance before the hearing.
- 3 new cases to be heard today.
- 0 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: (2:02:19)

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

VII. Public Hearing: (2:04:56)

A. Case # CE 23-370, 223 Sunset Ave., Palm Beach Parking: (2:05:10)

Violation of Chapter 118, Section 118-115 of the Town of Palm Beach Code of Ordinances states any business, entity, property owner or valet found to be in violation under the terms of their permit shall result in a penalty as set fourth in section 1-14. Any fine imposed hereunder, if contested, shall be subject to the jurisdiction of the town's code enforcement board.

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

Nick Leone was present on behalf of Palm Beach Parking and gave testimony in the case.

MOTION BY KLEIN OF FINDING NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00, PAY A FINE OF \$250.00 FOR THE FIRST CITATION AND \$500.00 FOR THE SECOND CITATION AND REFER THIS MATTER TO THE TOWN COUNCIL FOR REVIEW OF THE SPECIAL USAGE AGREEMENT.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 23-429, 516 s. Ocean. Blvd., Wanda Poterek: (2:19:17)

Violation of Chapter 74, Section 74-74-189 of the Town of Palm Beach Code of Ordinances states it shall be unlawful to deposit any material on the ocean beach without permission of the town manager. Violation of Chapter 74, Section 74-188© of the Town of Palm Beach Code of Ordinances states private beaches, in regard to that portion of the beach determined to be private property, no person shall place or deposit on any such beach any trash, refuse, or debris. Violation of Chapter 70, Section 70-5 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to sleep upon the private property of another person without the consent of the owner of such property, and being found asleep on such property shall be prima facie evidence of the want of such consent.

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

Ms. Poterek 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 AND PAY ALL FINES TALLING \$225.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MR. MCGOWAN

MOTION PASSED UNANIMOUSLY.

C. Case # CE 23-430, 516 S. Ocean Blvd., Daniel Poterek: (2:25:39)

Violation of Chapter 74, Section 74-74-189 of the Town of Palm Beach Code of Ordinances states it shall be unlawful to deposit any material on the ocean beach without permission of the town manager. Violation of Chapter 74, Section 74-188© of the Town of Palm Beach Code of Ordinances states private

beaches, in regard to that portion of the beach determined to be private property, no person shall place or deposit on any such beach any trash, refuse, or debris. Violation of Chapter 70, Section 70-5 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to sleep upon the private property of another person without the consent of the owner of such property, and being found asleep on such property shall be prima facie evidence of the want of such consent.

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

Mr. Poterek 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 AND PAY ALL FINES TALLING \$225.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

VIII. Fine Reduction Hearing: (2:239:18)

A. Case # CE 18-400, 2840 S. Ocean Blvd., #223, Husnija Spahic: (2:29:29)

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, mechanical or plumbing system.

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

Mr. & Mrs. Spahic were present. Mr. Spahic gave testimony in the case.

MOTION BY MR. LARMOYEUX TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$1500.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF \$399,250.00.

MOTION SECONDED BY MR. KLEIN.

VICE CHAIR PELOSO CALLED FOR A ROLL CALL VOTE:

MR. MCGOWAN YES

MS. WARTOW YES

MS. SABA YES

MR. KLEIN YES

MR. LARMOYEAUX YES

MS. DAVIES YES

MR. PELOSO YES

MOTION PASSED UNANIMOUSLY.

IX. Board Comments: (2:46:46)

Mr. Klein congratulated Mr. McGowan on his re-appointment to the Code Enforcement Board.

XI. Adjournment: (2:48:01)

MOTION TO ADJOURN BY MS. SABA

MOTION SECONDED BY MS. WARTOW

MOTION PASSED UNANIMOUSLY.