

Thursday, April 18, 2019, 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 or may obtain an audio recording of the meeting by contacting the 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:(02:00:00 PM)

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

II. Roll Call:

Upon roll call, the following Board members were present: Chair Matthew Natale, Vice Chair Scotch Peloso, Members Bram Majtlis, Daniel McDonnell, Rosemary G. Carpenter, Linda K. Wartow, Steven Meltzer, Alternate Members Jack Cohen and Herbert A. Roemmele. Staff present: Code Enforcement Manager Benjamin Alma, Code Enforcement Officer Julien Felix, Code Enforcement Officer John Moriarty, Officer Bigtree and Recording Secretary Carla Marcote.

III. Election of Chair and Co-Chair: (02:00:38 PM)

MOTION BY MR. MIJTLIS TO ELECT MR. NATALE AS CHAIR OF THE CODE BOARD. SECONDED BY MS.

CARPENTER MOTION PASSED UNANIMOUSLY

MOTION BY MR. MCDONNELL TO ELECT MR. PELOSO AS CO-CHAIR OF THE CODE BOARD. SECONDED BY MS. CARPENTER

MOTION PASSED UNANIMOUSLY

IV. Approval of the Minutes of March 21, 2019 :(02:05:37 PM)

MOTION BY MR. MELTZER TO APPROVE THE MARCH 21, 2019 MINUTES SECONDED BY MS. WARTOW

MOTION PASSED UNANIMOUSLY

V. Administration of the Oath to Town Staff:(02:06:02 PM)

The Town staff were sworn in by Secretary Marcote.

VI. Code Statistics:(02:10:16PM)

- 447 - year-to-date Code Enforcement cases • 137 cases initiated since last Code Board Hearing – 46 cases self-initiated
- 91 cases received (not self-initiated)
- 20 cases set to appear at April Code Board • 11 achieved compliance before Hearing
- 8 New Cases to be heard today
- 1 Fine Consideration Cases to be heard today

VII. Public Hearings:(02:26:57 PM)

A. Case # CE 18-1550, 100 Emerald Beach Way, 100 Emerald Beach Way C/o Lamia Jacobs

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

Mrs. Thornton asked to be heard regarding Case CE 18-1550. Mr. Hanlon was also present representing Mrs. Thornton. Mrs. Thornton asked for reconsideration of the Boards findings from the March 21, 2019 meeting.

MOTION BY MR. MELTZER TO GRANT A RECONSIDERATION AND HEAR THE CASE AT THE MAY CODE BOARD HEARING SECONDED MY MR. NATALE CHAIR CALLED FOR A ROLL CALL VOTE

MR. MCDONNELL NO MR. PELOSO NO

MS. CARPENTER NO MS. WARTOW NO

MR. MELTZER YES MR. MIJTLIS NO MR. NATALE YES

MOTION FAILED

B. Case # CE 19-298, 212 Oleander Ave., J LZ Realty South LLC

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances requires all outside appurtenances such be kept in a state of 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 a compliance date of May 14, 2019.

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

MOTION BY MR. MAJTLIS TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVEN A COMPLIANCE DATE OF MAY 14, 2019. SECONDED BY MS. CARPENTER

MOTION PASSED UNANIMOUSLY

C. Case # CE 19-69, 240 S. County Rd., Thomas & Sandra Campaniello, Campaniello 1 LLC, Campaniello 2 LLC, Campaniello 3 LLC

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.

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 a compliance date of May 14, 2019.

The property owner was not present at the hearing and there was a finding of proper notice. MOTION BY MR. MAJTLIS TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVEN A COMPLIANCE DATE OF MAY 14, 2019. SECONDED BY MS. WARTOW MOTION PASSED UNANIMOUSLY

D. Case # CE 19-421, Park Ave/Lake Worth, Bethie Simeus

Violation of Chapter 42, Section 42-2 of the Town of Palm Beach Code of Ordinances, it shall be unlawful to place yard trash, household garbage, offensive matter dead animals, fish, other offal, or refuse of any kind in Lake Worth

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 a fine of \$250.00.

Bethie Simeus was present and gave testimony.

MOTION BY MR. MELTZER TO DISMISS THE CASE. SECONDED BY MS. CARPENTER

MOTION PASSED WITH A VOTE OF 6 TO 1.

E. Case # CE 19-96, 323 Chilean Ave., Mark & Nancy Gilbert:

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances requires all outside appurtenances such be kept in a state of 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 a compliance date of May 14, 2019.

Mr. Gilbert was present and gave testimony. MOTION BY MR. MAJTLIS TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS

ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVEN A COMPLIANCE DATE OF JUNE 17, 2019 AND AT THAT TIME TO PROVIDE AN INSPECTION/REPAIR REPORT. SECONDED BY MR. PELOSO

MOTION PASSED UNANIMOUSLY

F. Case # CE 19-16, 400 Seaspray Ave., Joseph Della Giustina, Joseph Della Giustina Trust

Violation of Chapter 134, Section 134-889 of the Town of Palm Beach Code of Ordinances, the use of any building or land in the R-B medium density residential district for any commercial or quasi-commercial use or purpose is prohibited. Chapter 134, Section 134-2 of the Code defines commercial use as the occupancy of

residential properties for periods of less than three months more frequently than three times per calendar year.

Code Enforcement Officer Felix stated that the property owner asked for a postponement.

MOTION BY MR. MELTZER TO GRANT A POSTPONEMENT UNTIL THE MAY 16, 2019 CODE BOARD HEARING.

. SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY

G. Case # CE 18-1404, 235 Sunrise Ave. #2019, David & Sabrina Marr

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.

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 given a compliance date of May 13, 2019.

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

MOTION BY MR. MCDONNELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVEN A COMPLIANCE DATE OF MAY 13, 2019. SECONDED BY MS. WARTOW MOTION PASSED UNANIMOUSLY

H. Case # CE 19-278, 214 Brazilian Ave., Ingeco Contractor LLC

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances is shall be unlawful to obstruct or cause to be obstructed any sidewalk or crossing in any way as to prevent convenient and safe use thereof by the public

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 a fine of

\$125.00. The violator was not present at the hearing and there was a finding of proper notice.

MOTION BY MR. MCDONNELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND A FINE OF \$125.00

SECONDED BY MR. MELTZER MOTION PASSED UNANIMOUSLY

I. Case # CE 19-442, 200 Blk. Phipps Plaza, Alfred & Janis Malley

Violation of Chapter 10, Section 10-9 of the Town of Palm Beach Code of Ordinances, no person shall keep, possess, feed or maintain any live animal within the town other than domesticated household pets or domesticated

animals. This provision shall not preclude the feeding and maintaining of feral cat colonies permitted and authorized by the town as part of an authorized program specifically designated by the town council for the control and regulation of feral cats within the town.

Code Enforcement Officer Felix stated the violator(s) asked for a postponement.

MOTION BY MR. MELTZER TO GRANT A POSTPONEMENT UNTIL THE MAY 16, 2019 CODE BOARD HEARING.

SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY

VIII. Fine Consideration:(03:28:36 PM)

A. Case # CE 19-47, 401 Peruvian Ave. #402, Lugo Jorge & Mary Rodriguez

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

Code Enforcement Officer Moriarty presented the facts of the case and stated the Town recommended a fine

in the amount of \$50.00 a day commencing on April 16, 2019 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. MAJTLIS TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY COMMENCING ON APRIL 16, 2019 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED. SECONDED BY MR. MCDONNELL MOTION PASSED UNANIMOUSLY

IX. Board Comments:(03:31:18 PM)

Mr. David Leavitt, President of Island Cats requested to address the Board. Mr. Leavitt gave comments in regards to his concerns of illegal feeding of the feral cats in the Town of Palm Beach.

X. Adjournment:(03:37:50 PM)

MOTION BY MR. PELOSO TO ADJOURN THE MEETING SECONDED BY MS. CARPENTER
MOTION PASSED UNANIMOUSLY