

Thursday, March 16, 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)

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

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

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

**MOTION BY MR. KLEIN TO APPROVE FEBRUARY 16, 2023, MINUTES.
SECONDED BY MS. SABA.
MOTION PASSED UNANIMOUSLY.**

IV. Administration of the Oath to Town Staff: (2:01:13)

V. Code Statistics: (2:01:37)

- 460 Year to date Code Enforcement cases.
- 177 cases initiated since the last Code Board Hearing.
- 101 cases officer generated.
- 76 cases were received (not self-initiated).
- 30 cases are set to appear at the March Code Board.
- 17 cases achieved compliance before the hearing.
- 7 new cases to be heard today.
- 2 fine consideration cases to be heard today.
- 1 fine reduction case to be heard today.
- 3 old business cases to be heard today.

VI. Financial Report: (2:01:58)

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

VII. Public Hearing: (2:05:36)

A. Case # CE 22-1967, 323 Worth Ave., Unit A., Rangoni: (2:05:44)

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 Olivares Rodriguez presented the facts and entered evidence into the record.

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

MOTION BY KLEIN OF FINDING 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, 2023. IF COMPLIANCE IS NOT MET THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 23-365, 100 Blk Bradley Park, Christy Kimbrell: (2:14:26)

Violation of Chapter 74, Section 74-282 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to enter or go upon the grounds of Bradley Park and Lake Drive Park between the hours of 11:00 p.m. and 5:00 a.m.

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

Patrol Officer McNamara gave testimony in the case.

Ms. Kimbrell was present and gave testimony in the case.

MOTION BY MR. PELOSO OF FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND A FINE OF \$125.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 22-2168, 4-1 Australian Ave., Patricia Yunghanns: (2:21:54)

Violation of Chapter 88, Section 88-18 of the Town of Palm Beach Code of Ordinances states that 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 or welfare. Violation 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 Felix presented the facts and entered evidence into the record.

Tony Anguli was present on behalf of the property owner.

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 MAY 16, 2023. IF COMPLIANCE IS NOT MET THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 22-2073, 180 Atlantic Ave., Palm Beach Orthodox Synagogue Inc. (2:27:06)

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.

Mr. Klein declared ex parte communication as being a member of the synagogue.

Mr. Fried recused himself from this case on the advice of council since he is a member of the board for the synagogue. Mr. Fried completed a voting conflict form, Form 8B and it is part of the record.

Ms. Davies became a voting member in this case.

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. 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 MAY 16, 2023. IF COMPLIANCE IS NOT MET THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY.

E. Case # CE 22-1397, 354 Chilean Ave., Island House Condo: (2:35:53)

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 presented the facts and entered evidence into the record.

Mr. Bushiel the property owner was present 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 JULY 18, 2023. IF COMPLIANCE IS NOT MET THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

F. Case # CE 23-55, 12 Via Vizcaya, County Down Trust: (2:50:29)

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 presented the facts and entered evidence into the record.

John Clay the property owner was present and gave testimony.

MOTION BY MR. FRIED OF FINDING OF NON-COMPLIANCE, ASSESS AMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY MAY 16, 2023. IF COMPLIANCE IS NOT MET THEN THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

G. Case # CE 22-2172, 235 Sunrise Ave. #3256, PBHC 3256 LLC: (3:10:01)

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 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 APRIL 17, 2023. IF COMPLIANCE IS NOT MET THAN THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

VIII. Fine Consideration Hearing: (3:13:39)

A. Case # CE 22-748, 210 Via Del Mar, Beachboyz Development LLC: (3:13:47)

Violation of Chapter 54, Section 54-71(a) of the Town of Palm Beach Code of Ordinances states no landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, is located or plainly visible from out-of-doors, shall be under the control of the commission.

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

Ms. Fishel the property owner was present and gave testimony.

MOTION BY MR. KLEIN TO POSTPONE THIS CASE UNTIL JULY 20, 2023.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-540, 246 Everglade Ave. 246 Everglade LLC: (3:23:27)

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.

Dustin Mizel was present on behalf of the property owner and gave testimony.

MOTION BY MR. KLEIN TO POSTPONE THIS CASE UNTIL JULY 20, 2023.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

VIII. Fine Reduction Hearing: (03:32:13)

A. Case # CE 22-615, 227 Sunrise Ave., Paradise Lost: (3:32:13)

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 Felix reminded the board of the fact of this case.

Sean Connelly the business owner was present and gave testimony.

MOTION BY MS. SABA TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$2500.00 TO BE PAID IN TWO EQUAL INSTALLMENTS BY JULY 20, 2023 OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF \$52,650.00.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

IX. **Old Business: (3:49:21)**

A. Case # CE 10-2706, 287 Pendleton Ave., CE 07-2277 & CE 16-116 226 Pendleton Ave., Susan Gibson: (3:49:30)

Town Attorney J. Randolph addressed the board regarding these cases.

MOTION BY MR. KLEIN TO AUTHORIZE THE TOWN ATTORNEY TO TAKE THESE CASES TO THE TOWN COUNCIL FOR CONSIDERATION OF PRE-SUIT MEDIATION. SHOULD AN AGREEMENT NOT BE REACHED THE BOARD RECOMMENDS TO TOWN COUNCIL TO PURSUE CIVIL LITIGATION.

MOTION SECONDED BY MS. WARTOW

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE:

MS. WARTOW YES

MS. SABA YES

MR. KLEIN YES

MR. LARMOYEUX YES

MR. FRIED YES

MR. PELOSO YES

MR. MAJTLIS YES

MOTION PASSED.

X. **Board Comments: (03:51:44)**

Mr. Klein expressed his concern over the number of cases of work being performed without a permit and wondered what the board could do.

The Chairman agreed with Mr. Klein and suggested that the board needs to be strong with these cases that come before them and perhaps not be so lenient.

The Chairman also informed the board that the Vice Chair Mr. Peloso will be Chairing the April 20, 2023, Code Board Hearing.

XI. Adjournment: (3:57:09)

MOTION TO ADJOURN BY Ms. WARTOW.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.