

Thursday, February 17, 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: (1:59:33)

II. Roll Call: (1:59:43)

Bram Majtlis, Chairman
Steven Meltzer, Vice Chairman
Daniel McDonnell
Linda Wartow
Martin Klein
Scotch Peloso
Chris Larmoyeux
Pamela Saba, Alternate Member
Julie Herzig-Desnick, Alternate Member

III. Approval of the Minutes of the January 20, 2022: (2:00:11)

**MOTION BY MR. KLEIN TO APPROVE THE JANUARY 20, 2022 MINUTES.
SECONDED BY MR. MELTZER.
MOTION PASSED UNANIMOUSLY.**

IV. Administration of the Oath to Town Staff (2:00:29)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (2:00:46)

- 334 Year to date Code Enforcement cases.
- 200 Cases initiated since the last Code Board Hearing
- 99 cases officer generated
- 101 cases were received (not self-initiated)
- 33 cases set to appear at the February Code Board
- 23 cases achieved compliance before the hearing
- 10 new cases to be heard today
- 0 fine consideration cases to be heard today
- 0 fine reduction cases to be heard today
- 0 old business case to be heard today

VI. Public Hearing: (2:01:48)

A. Case # CE 22-138, 229 Royal Poinciana Way, Henry's Palm Beach: (2:01:54)

Violation of Chapter 118, Section 118-151(6) of the Town of Palm Beach Code of Ordinances states the valet service shall not utilize any portable objects within the town right-of-way, however, a keyboard and signage may be located in front of the business or entity in a manner approved by the town and located so as not to impede pedestrian travel or driver's view.

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

Nick Leone Jr. was present on behalf of the property owner and gave testimony in the case.

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

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 21-1525, 191 Bradley Place, Meat Market: (2:08:11)

Violation of Chapter 134, Section 134-2106(9) of the Town of Palm Beach Code of Ordinances states all outdoor café seating furniture, including all accessory appurtenances including but not limited to approved space heaters, misters and portable umbrellas that are located within the outdoor seating area shall be stored inside a building after close of business.

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 A 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. MELZTER

MOTION PASSED UNANIMOUSLY.

C. Case # CE 21-1530, 191 Bradley Place, Meat Market (2:13:34)

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances does not allow placement of obstructions/structures in the Town's right of ways.

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 AND TO 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 MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 21-1467, 380 S. County Road, Le Bar A Vin: (2:18:25)

Violation of Chapter 134, Section 134-2106(9) of the Town of Palm Beach Code of Ordinances states all outdoor café seating furniture, including all accessory appurtenances including but not limited to approved space heaters, misters and portable umbrellas that are located within the outdoor seating area shall be stored inside a building after close of business.

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. MELTZER OF NON-COMPLIANCE AND TO 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 MR. KLEIN

MOTION PASSED UNANIMOUSLY

E. Case # CE 21-1425, 101 Seminole Ave, Robert Meister: (2:22:09)

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 Moriarty re-presented the facts of the case. John Randolph spoke and gave testimony in the case.

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

Christine Stapleton gave testimony in the case.

MOTION BY MR. KLEIN TO POSTPONE THE CASE UNTIL THE MARCH 18, 2022 HEARING. MR. KLEIN REQUESTS THAT MR. MEISTER OR HIS REPRESENTATIVE BE PRESENT AT THE HEARING ALONG WITH ROB WEBER AND SOMEONE FROM THE BUILDING DEPARTMENT.

MOTION SECONDED BY MR. MELTZER

MOTION PASSED UNANIMOUSLY.

F. Case # CE 21-1397, 255 Sunrise Ave., Biltmore Galleria LLC: (2:44:36)

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 states exterior property and premises shall be maintained in a clean safe and sanitary condition. The occupant shall keep the part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

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

Ms. Gabansky was present on behalf of Biltmore Galleria LLC and gave testimony in the case.

**MOTION BY MR. LARMOYEUX 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 APRIL 18, 2022.**

MOTION SECONDED BY MR. KLEIN

MOTION PASSED UNANIMOUSLY.

G. Case # CE 21-765, 1280 N Lake Way, AK Family Trust, Giselle Asplundh Tr., Jeffrey D. Asplundh Tr., Rowland M. Smith III Tr.: (2:53:47)

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

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

**MOTION BY MR. KLEIN TO POSTPONE THE CASE UNTIL THE MAY 19, 2022
HEARING.**

MOTION SECONDED BY MR. LARMOYEUX

MOTION PASSED UNANIMOUSLY.

H. Case # CE 21-1399, 106 Hammon Ave., Hammon 106 LLC: (3:04:49)

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 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. MELTZER TO POSTPONE THE CASE UNTIL THE MARCH 18, 2022 HEARING.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

I. Case CE 21-1329, 250 Seminole Ave., PB Capital Royalty LLC: (3:07:03)

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 states exterior property and premises shall be maintained in a clean safe and sanitary condition. The occupant shall keep the part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

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 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 MARCH 14, 2022.

MOTION SECONDED BY MR. LARMOYEUX.

MOTION PASSED UNANIMOUSLY.

J. Case # CE 21-1261, 301 Australian Ave., Brazilian Court Hotel and Condominium: (3:10:48)

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 Felix informed the Board that the violator came into compliance prior to the hearing.

MOTION BY MR. MELTZER TO DISMISS THE CASE.

MOTION SECONDED BY MR. KLEIN

MOTION PASSES UNANIMOUSLY.

VII. Board Comments: (3:11:15)

There were no board comments.

VIII. Adjournment: (3:11:17)

MOTION TO ADJOURN BY MR MELTZER.

SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.