

Thursday, February 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: (2:00:00)

II. Roll Call: (2:00:31)

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

III. Approval of the Minutes of the January 19, 2023, Minutes: (2:00:55)

**MOTION BY MR. KLEIN TO APPROVE THE JANUARY 19, 2023, MINUTES.
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY.**

IV. Attorney Randolph to address Board: (2:01:08)

Town Attorney J. Randolph addressed the board concerning cases CE 22-774, CE 22-518 and CE 22-516. Mr. Randolph ask the board to grant a postponement of these cases until the August 17, 2023, hearing due to pending litigation.

**MOTION BY MR. KLEIN TO POSTPONE THESE CASES UNTIL THE AUGUST 17, 2023
HEARING.
SECONDED BY MR. McGOWAN.
MOTION PASSED UNANIMOUSLY.**

V. Administration of the Oath to Town Staff (2:09:13)

The Town staff were sworn in by Secretary Marcote.

VI. Code Statistics: (2:09:28)

- 286 Year to date Code Enforcement cases.
- 177 cases initiated since the last Code Board Hearing.
- 112 cases officer generated.
- 65 cases were received (not self-initiated).
- 16 cases are set to appear at the February Code Board.
- 8 cases achieved compliance before the hearing.
- 1 new case to be heard today.
- 0 fine consideration cases to be heard today.
- 3 fine reduction cases to be heard today.
- 4 old business case to be heard today.

VII. Public Hearing: (2:10:22)

A. Case # CE 22-2119, 224 Atlantic Ave., 224 Atlantic LLC: (2:10:31)

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 and entered evidence into the record.

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

MOTION BY 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.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

VIII. Fine Reduction Hearing: (02:18:01)

A. Case # CE 07-2277, 226 Pendleton Ave., Susan Gibson: (2:18:18)

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

All members of the board disclosed ex-parte communications.

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

Jackie Miller was present on behalf of the property owner and gave testimony in the case.

Lynn Ciklin spoke regarding this case.

MOTION BY MR. KLEIN TO NOT GRANT THE FINE REDUCTION AND FOR THE PROPERTY OWNER TO PAY THE FULL AMOUNT OF THE FINE.

MOTION SECONDED BY MS. SABA.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE:

MR. McGOWAN YES

MS. WARTOW YES

MS. SABA YES

MR. KLEIN YES

MR. LARMOYEUX YES

MR. PELOSO YES

MR. MAJTLIS YES

MOTION PASSED.

B. Case # CE 16-1116, 226 Pendleton Ave., Susan Gibson: (3:08:14)

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances requires all appurtenances and exterior surfaces to be maintained in good and safe repair and painted.

All members of the board disclosed ex-parte communications.

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

Jackie Miller was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. KLEIN TO NOT GRANT THE FINE REDUCTION AND FOR THE PROPERTY OWNER TO PAY THE FULL AMOUNT OF THE FINE.

MOTION SECONDED BY MR. McGOWAN.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE:

MR. McGOWAN YES

MS. WARTOW YES

MS. SABA YES

MR. KLEIN YES

MR. LARMOYEUX YES

MR. PELOSO YES

MR. MAJTLIS YES

MOTION PASSED.

C. Case # CE 10-2706, 287 Pendleton Ave., Susan Lee/Susan Gibson: (3:25:15)

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, all exterior surfacing material to be kept painted and in good repair and Chapter 106, Section 106-159, a clearance of 8 feet measured vertically from the edges and extending the full width of all sidewalks to be maintained for a safe passage of pedestrians.

All members of the board disclosed ex-parte communications.

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

Jackie Miller was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. KLEIN TO NOT GRANT THE FINE REDUCTION AND FOR THE PROPERTY OWNER TO PAY THE FULL AMOUNT OF THE FINE.

MOTION SECONDED BY MS. WARTOW.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE:

MR. McGOWAN YES

MS. WARTOW YES

MS. SABA YES

MR. KLEIN YES

MR. LARMOYEUX YES

MR. PELOSO YES

MR. MAJTLIS YES

MOTION PASSED.

IX. Old Business:

A. Case # CE 22-615, 227 Sunrise Ave., Paradise Lost: (3:51:16)

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.

Board Secretary Marcote informed the board that this case has come into compliance and that the business owner has requested to be heard at the March 16, 2023, Code Board Hearing for consideration of fine reduction.

B. The three other cases that were stated in Code Statistics for old business were discussed by Town Attorney J. Randolph under item IV.

IX. Board Comments: (03:52:33)

The Chairman thanked the board for their continued dedication to the Code Enforcement Board.

Officer Moriarty also thanked the board on behalf of the staff for their continued support.

XI. Adjournment: (3:52:46)

MOTION TO ADJOURN BY MR. KLEIN

MOTION SECONDED BY MS. McGOWAN

MOTION PASSED UNANIMOUSLY.