

Thursday, March 21, 2024, 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: (2:00:01)

Bram Majtlis - Chairman
Scotch Peloso, Vice Chairman
Linda Wartow
Chris Larmoyeux
Pamela Saba
Harris S. Fried, Alternate Member
Armand Harris, Alternate Member

Board Secretary Marcote informed the Chairman that Mr. Fried and Mr. Harris would be voting members for this meeting.

III. Approval of the Minutes of the February 15, 2024, Minutes: (2:00:39)

MOTION BY MR. FRIED TO APPROVE FEBRUARY 15, 2024, MINUTES.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

IV. Administration of the Oath to Town Staff: (2:00:52)

V. Code Statistics: (2:01:11)

- 680 Year to date Code Enforcement cases.
- 415 cases initiated since the last Code Board Hearing.
- 281 cases officer generated.
- 134 cases were received (not self-initiated).
- 29 cases are set to appear at the March Code Board.
- 23 cases achieved compliance before the hearing.
- 3 new cases to be heard today.
- 3 fine consideration cases to be heard today.
- 0 fine reduction case to be heard today.
- 0 old business cases to be heard today.

VI. Financial Report: (2:02:02)

The Financial report was presented by Board Secretary Marcote.

VII. Public Hearing: (2:02:38))

A. Case # CE 23-2304, 3440 S. Ocean Blvd., halcyon Condominium: (2:02:47)

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 or plumbing system.

Officer Moriarty amended the notice letter to remove the violation of Chapter 106. Officer Moriarty presented the facts of the case and entered evidence into the record.

Elena the General Manger was present on behalf of the condominium and gave testimony in the case.

MOTION BY MR. LARMOYEUX 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 15, 2024, OR THIS CASE WILL RETURN TO THE APRIL 18, 2024, HEARING FOR FINE CONSIDERATION.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 23-2271, 336 S. County Road, 336 Partners Inc.: (2:12:34)

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 an electrical or plumbing system. Chapter 106, Section 106-1(1)(2) of the Town of Palm Beach Code of Ordinances states it shall be unlawful to obstruct or cause to be obstructed any sidewalk or crossing in any way. It shall be unlawful to erect, build, construct, deposit or place upon or in any street, or any place where the public has a right of way passage, any structure obstruction of any kind.

Officer Moriarty 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. FRIED 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 COMPLAINECE BY APRIL 15, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE APRIL 18, 2024, HEARING.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 24-202, 123 Chilean Ave., Robert & Perri Bishop: (2:17:58)

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. Violation of 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. Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances does not allow conditions which provide breeding places.

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. FRIED 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 15, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE APRIL 18, 2024, HEARING.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

VIII. Fine Consideration Hearing: (2:26:55)

A. Case # CE 23-2144, 301 Australian Ave., Brazilian Court Hotel: (2:27:05)

Violation of Chapter 88, Section 88-16 of the Town of Palm Beach Code of Ordinances requires the exterior property and premises shall be maintained in a clean, safe and sanitary condition. Chapter 134, Section 134-1733(b)(2)(b) states dumpsters and recycling containers shall be screened on all four sides. Gates shall be closed when the dumpster or recycling containers are not being filled or dumped and shall be maintained in good repair.

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

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

MOTION BY MR. HARRIS TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON MARCH 19, 2024, AND CONTINUING UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSES UNANIMOUSLY.

B. Case # CE 23-1106, 201 Banyan Road, 201 Banyan Trust & Lester Lipschutz Trust: (2:30:47)

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 or plumbing system.

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

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

MOTION BY MR. FRIED TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON MARCH 20, 2024, AND CONTINUING UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSES UNANIMOUSLY.

C. Case # CE 23-1728, 249 Seabreeze Ave., Joseph & Elizabeth Berger: (2:34:18)

Violation of Chapter 18, Section 18-205(a) of the Town of Palm Beach Code of Ordinances states the architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the criteria of the ARCOM approval is complied with.

Officer Rodriguez reminded the board of the facts of the case.

Jack Rice was present on behalf of the property owner, gave testimony in the case and entered evidence into the record.

Emily Clifford gave testimony in the case.

MOTION BY MR. LARMOYEUX TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON MARCH 20, 2024, AND TO RUN UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. SABA.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE:

MS. WARTOW YES

MS. SABA YES

MR. LARMOYEUX YES

MR. FRIED NO

MR. HARRIS YES

MR. PELOSO YES

MR. MAJTLIS YES

MOTION PASSES SIX TO ONE VOTE.

IX. **Board Comments: (3:03:53)**

Chairman Majtlis announced that the election for Chair and Vice Chair will occur in April and that Board Secretary Marcote would be sending out an email to see who was interested in running. Chairman Majtlis also announced that he would not be running again for the Chairman's seat and that he would be resigning his position on the Board effective August 1, 2024.

Mr. Fried thanked the Chairman and stated that he has done a terrific job as the Chairman of the Code Enforcement Board.

Chairman Majtlis thanked Ms. Wartow for her service on the Code Board and stated that she would be missed. Chairman Majtlis asked Ms. Wartow to make her final motion to adjourn this hearing.

XI. Adjournment: (3:07:58)

MOTION TO ADJOURN BY MS. WARTOW.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.