

Thursday, February 15, 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
Martin Klein
Pamela Saba
John McGowan Jr.
Harris S. Fried, Alternate Member
Armand Harris, Alternate Member

III. Approval of the Minutes of the January 18, 2024, Minutes: (2:00:06)

MOTION BY MR. KLEIN TO APPROVE JANUARY 18, 2024, MINUTES.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.

IV. Administration of the Oath to Town Staff: (2:01:00)

V. Code Statistics: (2:01:07)

- 265 Year to date Code Enforcement cases.
- 159 cases initiated since the last Code Board Hearing.
- 88 cases officer generated.
- 71 cases were received (not self-initiated).
- 21 cases are set to appear at the February Code Board.
- 13 cases achieved compliance before the hearing.
- 4 new cases to be heard today.
- 1 fine consideration cases to be heard today.
- 3 fine reduction case to be heard today.
- 0 old business cases to be heard today.

VI. Financial Report: (2:02:00)

The Financial report was presented by Board Secretary Marcote.

VII. Public Hearing: (2:03:00)

A. Case # CE 23-1905, 259 Pendleton Ave., Judith & Thomas Iovino: (2:03:17)

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

The property owner was not present but was represented by Mr. J. Moore, the property manager.

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

MOTION SECONDED BY MR. LARMOYEUX

MOTION PASSED UNANIMOUSLY.

B. Case # CE 23-2209, 300 S Ocean Blvd., Three Hundred South Ocean Blvd. Apts. Inc.: (2:12:54)

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.

Officer Moriarty presented the facts and entered evidence into the record. Mike Olbrych, Building Inspector also gave testimony in the case.

Mr. Cox, Ms. Bianchini and Mr. Parson were present on behalf of the building and gave testimony and presented evidence into the case.

Mr. Grizabian also was present and gave testimony.

MOTION BY MR. KLIEN 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 COMPLAINE BY APRIL 15, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE APRIL 18, 2024, HEARING.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 23-2144, 301 Australian Ave., Brazilian Court Hotel: (2:41:15)

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 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 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. MCGOWAN 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 MARCH 18, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE MARCH 21, 2024, HEARING.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 23-1845, 209 W. Indies Drive, Margarita Gelats: (2:46:09)

Violation of Chapter 88, Section 88-17 of the Town of Palm Beach Code of Ordinances states private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

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

The property owner was not present but was represented by Mr. Jose Gelats.

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 FOR FINE CONSIDERATION AT THE APRIL 18, 2024, HEARING.

MOTION SECONDED BY MS. WARTOW.

MR. MCGOWAN ASKED MR. LARMOYEUX IF HE WOULD AMMEND HIS MOTION TO INCLUDE THAT TEMPORARY SAFETY MEASURES BE ORDERED IN PLACE PRIOR TO THE APRIL 15, 2024, COMPLIANCE DATE TO ENSURE SECURITY FOR PUBLIC SAFETY.

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. TEMPORARY SECURITY FENCING MUST PUT IN PLACE BY MARCH 18, 2024, AND COMPLETE COMPLIANCE MUST BE MET BY APRIL 15, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE APRIL 18, 2024, HEARING.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.

VIII. Fine Consideration Hearing: (3:07:42)

A. Case # CE 23-1941, 2560 S. Ocean Blvd., 2560 S Ocean LLC: (3:07:49)

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 requires exterior property and premises shall be maintained in a clean, safe and sanitary condition.

Officer Moriarty reminded the board of the facts of the case. Building Inspector M. Olbrych was also present and answered questions for the board.

The property owner was not present but was represented by Mr. J. Pierman.

MOTION BY MR. KLIEN TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON FEBRUARY 13, 2024, AND CONTINUING UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSES UNANIMOUSLY.

IX. Fine Reduction Hearing: (3:16:44)

A. Case # CE 23-984, 11 Via Vizcaya, Jonathan Clay: (3:16:53)

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 or plumbing system.

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

Mr. Clay the property owner and Mr. Mizel were present and addressed the board.

MOTION BY MR. KLIEN TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$6,750.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF \$9,250.00.

MOTION SECONDED BY MR. PELOSO

MOTION PASSES UNANIMOUSLY.

B. Case # CE 23-985, 12 Via Vizcaya, County Down Trust: (3:43:10)

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 reminded the board of the facts of the case.

Mr. Clay the property owner and Mr. Mizel were present and addressed the board,

MOTION BY MR. LARMOYEUX TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$2,000.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF \$9,000.00.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSES UNANIMOUSLY,

C. Case # CE 23-575, 220 Onondaga Ave., Erin & Peter Sayer: (3:52:21)

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.

Mr. P. Sayer and Ms. Garry were present and addressed the board.

MOTION BY MR. LARMOYEUX TO WAIVE THE FINE COMPLETELY.

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 PASSES UNANIMOUSLY.

X. Board Comments: (4:05:52)

Chairman Majtlis reminded the board that when hearing cases, they are to keep in mind that they are there to determine just the violation that is before them.

Chairman Majtlis recognized Councilwoman Araskog and thanked her for her attendance at the hearing.

Councilwoman Araskog thanked the board members for all their hard work and dedication.

XI. Adjournment: (4:08:42)

MOTION TO ADJOURN BY MS. SABA.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

