



TOWN OF HIGHLAND BEACH TOWN CODE ENFORCEMENT BOARD REGULAR MEETING MINUTES

**Town Hall / Commission Chambers
3614 South Ocean Boulevard
Highland Beach, Florida 33487**

**Date: February 08, 2022
Time: 1:00 PM**

1. CALL TO ORDER

Chairperson Schlam called the meeting to order at 1:00 P.M.

2. WELCOME NEW MEMBER

A. David Axelrod

Chairperson Schlam welcomed Mr. David Axelrod to the Code Enforcement Board.

3. ROLL CALL

Board Member David Axelrod
Board Member James Murray
Board Member Robert Lasorsa
Board Member Bryan Perilman (Absent)
Board Member Michael Cherbini
Vice Chairperson Jane Perlow
Chairperson Myles Schlam
Town Attorney Leonard Rubin
Town Clerk Lanelda Gaskins

ADDITIONAL STAFF

Code Enforcement Officer Jason Manko

4. PLEDGE OF ALLEGIANCE

The Code Enforcement Board members led the Pledge of Allegiance.

5. APPROVAL OF THE AGENDA

Chairperson Schlam called for a motion to approve the agenda.

MOTION: Axelrod/Cherbini - Moved to approve the agenda as presented, which passed 6 to 0.

6. SWEARING IN OF THE PUBLIC

Town Clerk Gaskins swore in those giving testimony.

7. PUBLIC COMMENT *(limited to three (3) minutes per speaker)*

There were no public comments.

8. APPROVAL OF MINUTES

A. January 11, 2022- Minutes

MOTION: Perlow/Murray - Moved to approve January 11, 2022, Minutes as presented, which passed unanimously 6 to 0.

9. UNFINISHED BUSINESS

A. Case No. CC2021-08-009

Andrew and Paulette Coronato
2917 S. Ocean Blvd. #601
PCN: 24-43-46-33-18-000-0601
Legal: Trafalgar of Highland Beach Cond Unit 601

Code Section: 30-122 (B) - Expiration of Building Permit
Violation: A/C installation on an expired permit

Chairperson Schlam read the title of Item 9.A. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos taken of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. Before the meeting, the code violation was correct. The town recommends that the respondent be found in violation of the Town Code as alleged in the Notice of Violation is now in compliance and that a do not repeat order be issued. This motion may include the assessment of prosecution costs in the amount of \$250.00 because the Town proved that a violation did exist.

Chairperson Schlam asked the Board members if they had any questions for staff in the matter? The Board members and Code Compliance Officer Manko discussed the violation on the property.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Larsora/Cherbini - Moved to that the Respondent(s) be found in violation of the Town Code as alleged in the Notice of Violation but is/are now in compliance and that a do not repeat order be issued. This motion may include the assessment of prosecution costs in the amount of \$250.00 because the Town proved that a violation did exist. Based upon roll call, the motion passed 6 to 0.

B. Case No. CC2021-09-008

Eunice Bongiovanni
4511 S. Ocean Blvd. #907
PCN: 24-43-47-04-10-001-0907
Legal: 45 Ocean Condo Bldg. 1 Apt. 907

Code Section:30-122 (A) - Building Permits Required
Violation: Observed flooring and drywall work without a permit

Chairperson Schlam read the title of Item 9.B. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. Code Enforcement Officer Manko explained that the current owner passed away and there was a new property owner which has been made aware of the code violation on the property. In addition, he explained it is the previous property owner's responsibility to convey the pending code violation information to the new property owner. The Town has to give the new property owners a reasonable time to rectify the work that has been done without a permit. The town recommends that the new owner be found in violation of the code as alleged in the Notice of Violation; it is ordered to comply within 60 days or be fined any amount up to \$250.00 per day per violation for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance. A new case will be started on the property, which will give the new property owner 60 days to comply.

Chairperson Schlam asked the Board members if they have any questions of staff in the matter? The Board members and Code Enforcement Officer Manko discussed the violations, the standard cost of prosecution, the transfer of the property as it relates to the purchaser and the seller, and how the Town collects the prosecution fee from the new owner.

Town Attorney Rubin explained the Florida Statutes pertaining to the property changing owners. In addition, explained that the Town was not required to refile

the code violation but to allow the new property owner reasonable time to come into compliance. Statutorily, the original property owners are required to notify the new property owners of any pending code violation on the property as well as notify the Town that the property has been transferred.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Larsora/Cherbini - Moved that the Respondent be found in violation of the Town Code as alleged in the Notice of Violation and that he be ordered to comply within 60 days or be fined \$250.00 per day per for each violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 day payable by the date set for compliance. Based upon roll call, the motion passed unanimously 6 to 0.

C. Case No. CC2021-09-009

Joseph Capozzoli
4511 S. Ocean Blvd. #605
PCN: 24-43-47-04-10-001-0605
Legal: 45 Ocean Condo Bldg. 1 Apt. 605

Code Section:30-122 (A) - Building Permits Required
Violation: Observed demolition of bedroom closet without permit

Chairperson Schlam read the title of Item 9.C. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. The violation remains on the property, and the town recommends that the respondent be found in violation of the code as alleged in the Notice of Violation and is ordered to comply within 30 days or be fined any amount up to \$250.00 per day per violation for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance.

Chairperson Schlam asked the Board members if they have any questions of staff in the matter? The Board members and Code Enforcement Officer Manko discussed this case related to compliance and the permit application stalled by the contractor.

Mr. Joseph Capozzoli joined the meeting virtually and spoke about the construction work on his property, contractor, and the violation related to this case.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Axelrod/Perlow - Moved that the Respondent(s) be found in violation of the Town Code as alleged in the Notice of Violation and that he be ordered to comply within 30 days or be fined \$250.00 per day per for each violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 day payable by the date set for compliance. Based upon roll call, the motion passed unanimously 6 to 0.

D. Case No. CC2021-10-002

Robert Leone
4217 Intracoastal Dr.
PCN: 24-43-47-04-02-004-0300
Legal: Bel Lido LT 30 BLK 4

Code Section: 30-122 (A) - Building Permits Required
Violation: Observed bathroom remodel without permit

Chairperson Schlam read the title of Item 9.D. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. The violation remains on the property, and the town recommends that the respondent be found in violation of the code as alleged in the Notice of Violation and is ordered to comply within 30 days or be fined any amount up to \$250.00 per day per violation for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance.

Chairperson Schlam asked the Board members if they have any questions of staff in the matter? The Board members and Code Enforcement Officer Manko discussed the code violation.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Perlow/Axelrod - Moved that the Respondent(s) be found in violation of the Town Code as alleged in the Notice of Violation and that they be ordered to comply within 30 days or be fined \$250.00 per day per for each violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 day payable by the date set for compliance. Based upon roll call, the motion passed unanimously 6 to 0.

E. Case No. CC2021-10-005

Heni and Henri Galel
3720 S. Ocean Blvd., Apt. 1005
PCN: 24-43-47-04-53-000-1005
Legal: Toscana West Condominium Unit 1005

Code Section:30-122 (A) - Building Permits Required
Violation: Observed complete unit remodel: kitchen, bathrooms, flooring without permit

Chairperson Schlam read the title of Item 9.E. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos taken of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. The violation remains on the property, and the town recommends that the respondent be found in violation of the code as alleged in the Notice of Violation and is ordered to comply within 30 days or be fined any amount up to \$250.00 per day per violation for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance.

Chairperson Schlam asked the Board members if they have any questions of staff in the matter? The Board members and Code Enforcement Manko discussed the violations and the status of permits.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Axelrod/Perlow - Moved that the Respondent be found in violation of the Town Code as alleged in the Notice of Violation and that they be ordered to comply within 30 days or be fined \$250.00 per day per for each violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 day payable by the date set for compliance. Based upon roll call, the motion passed unanimously 6 to 0.

F. Case No. CC2021-11-017

Eugene Jamroz
1108 Highland Beach Dr. #1.
PCN: 24-43-47-04-02-002-0120
Legal: Bel Lido LT 12 BLK 2

Code Section:30-122 (A) - Building Permits Required
Violation: Observed water heater changeout without a permit

Chairperson Schlam read the title of Item 9.F. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. He explained, since the property owner obtained a permit for the change out, the town recommends that the respondent be found in repeat violation of the Town Code as alleged in the Notice of Violation and that the respondent be fined \$500.00 per day per from the date given for compliance because it is a repeat violation. The date given for compliance is 12/06/2021, until the compliance date when the permit was obtained 01/11/2022 and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance.

Chairperson Schlam asked the Board members if they have any questions of staff in the matter? The Board members and Code Enforcement Officer Manko discussed the repeat violation matter, the current violation, and the fine amount.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Lasorsa/Cherbini - Moved that the Respondent be found in violation of the Town Code as alleged in the Notice of Violation and that he be ordered to comply within 30 days or be fined \$2,000.00 per day per for each violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 day payable by the date set for compliance. Based upon roll call, the motion passed 5 to 1 with Member Lasorsa dissenting.

G. Case No. CC2021-12-001

Samson Chow
4400 S. Ocean Blvd.
PCN: 24-43-47-04-02-001-0140
Legal: Bel Lido LT 14 BLK 1

Code Section:30-122 (A) - Building Permits Required
Violation: Observed A/C changeout without permit

Chairperson Schlam recessed the meeting at 2:05 p.m. and reconvened the meeting at 2:08 p.m.

Chairperson Schlam read the title of Item 9.G. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Town Clerk Gaskins swore in Samson Chow and Mark Lowry.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. The town recommends that the respondent be found in violation of the code as alleged in the Notice of Violation but is now in compliance and a do not repeat order be issued and assess prosecution costs in the amount of \$250.00.

Chairperson Schlam asked the Board members if they have any questions of staff in the matter? There were none.

Mr. Samson Chow provided comments about the code violation on his property.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Perlow/Murray - Moved that the Respondent be found in violation of the Town Code as alleged in the Notice of Violation and is now in compliance and that a do not repeat order be issued. The motion may include the assessment prosecution costs of \$250.00. Based upon roll call, the motion passed unanimously 6 to 0.

10. NEW BUSINESS

A. Case No. CC2021-10-010

Mark Lowry
4511 S. Ocean Blvd 402
PCN: 24-43-47-04-10-001-0402
Legal: 45 OCEAN CONDO BLDG 1 APT 402

Code Section:30-122 (A) Building Permits Required
Violation: A/C installation without permit. PLEASE OBTAIN PERMIT FROM
BUIDLING DEPARTMENT BY 1/14/22

Chairperson Schlam read the title of Item 10.A. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. The violation has been remedied, and a permit has been issued. The town recommends that the respondent be found in violation of the code as alleged in the Notice of Violation, is now in compliance, and a do not repeat order be issued and assess prosecution costs in the amount of \$250.00.

Chairperson Schlam asked the Board members if they have any questions of staff in the matter? The Board members and Code Enforcement Enforcement Manko discussed the violation.

Mr. Mark Lowry provided comments about the violation on his property.

Town Clerk Gaskins swore in Building Official Jeffrey Remas.

In addition, Building Official Jeffrey Remas provided comments about this matter.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Axelrod/Perlow - Moved that the violation was corrected before hearing, a do not repeat order issued and waived the assessment prosecution costs. Based upon roll call, the motion passed unanimously 6 to 0.

B. Case No. CC2021-12-014

Michael Rothberg
3833 S. Ocean Blvd.
PCN: 24-43-47-04-00-001-0160

Legal: 4-47-43, S 100 FT OF N 1550 FT OF GOV LTS 1, 2 & 3 LYG E OF & ADJ TO ICW R/W & W OF & ADJ TO S OCEAN BLVD R/W & S 100 FT OF N 1350 FT OF GOV LT 1 LYG E OF & ADJ TO S OCEAN BLVD R/W

Code Section:28-10(A) Maintenance standards for cultivated landscape areas

Violation: Observed road rock in swale and on property after construction permits have been closed. PLEASE RESTORE SWALE AND PARKING AREA BY 1/14/22

Chairperson Schlam read the title of Item 10.B. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko explained that this case was not work without a permit violation. The respondent has complied, and the case is closed.

11. ANNOUNCEMENTS

Chairperson Schlam read the announcements as follows:

February 10, 2022 - 9:30 A.M. Planning Board Regular Meeting (Cancelled)

February 15, 2022 - 1:30 P.M. Town Commission Meeting

February 21, 2022- Town Hall Closed in Observance of Presidents' Day

March 09, 2022 - 1:00 P.M. Code Enforcement Board Regular Meeting

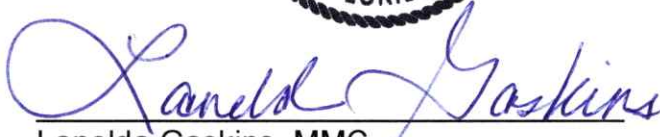
12. ADJOURNMENT

The meeting adjourned the meeting at 2:48 P.M.

APPROVED at the March 09, 2022, Code Enforcement Regular Meeting

ATTEST:




Lanelda Gaskins, MMC
Town Clerk


Myles B. Schlam, Chairperson

Transcribed by: Lanelda Gaskins

3/14/22
Date