

AGENDA

CODE ENFORCEMENT BOARD REGULAR MEETING



Tuesday, January 09, 2024 AT 1:00 PM

TOWN OF HIGHLAND BEACH, FLORIDA
3618 S. OCEAN BOULEVARD
HIGHLAND BEACH, FL 33487
Telephone: (561) 278-4548

Website: www.highlandbeach.us

LIBRARY COMMUNITY ROOM

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF THE AGENDA**
5. **SWEARING IN OF THE PUBLIC**
6. **PUBLIC COMMENT** (*limited to three (3) minutes per speaker*)
7. **APPROVAL OF MINUTES**

A. December 12, 2023

8. **UNFINISHED BUSINESS**

A. **CASE NO. CC2023-02-014**
Fine Reduction Request

Margaret Oumano
2565 S. Ocean Blvd. Unit 303N
Highland Beach FL, 33487
PCN: 24-43-46-28-47-001-3030
Legal Description: TOWNHOUSES OF HIGHLAND BEACH COND BLDG
NORTH UNIT 303-N

Code Sections: 30-122 (B) Expiration of building permit, IPMC 304.3 Premises
identification- Address numbers

Violations: Expired Permit and Missing address numbers.

9. NEW BUSINESS

A. None.

10. ANNOUNCEMENTS

January 11, 2024	9:30 AM	Planning Board Regular Meeting
January 15, 2024		Town Hall Closed in Observance of Martin Luther King Jr. Day
February 06, 2024	1:30 PM	Town Commission Meeting
February 13, 2023	1:00 PM	Code Enforcement Board Meeting

11. ADJOURNMENT

Any person that decides to appeal any decision made by the Board of Adjustment & Appeals with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such record. There may be one or more Town Commissioners attending the meeting.

In accordance with the Americans with Disabilities Act (ADA), persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (561) 278-4548 within a reasonable time prior to this meeting in order to request such assistance.

File Attachments for Item:

A. December 12, 2023



TOWN OF HIGHLAND BEACH CODE ENFORCEMENT BOARD REGULAR MEETING MINUTES

Library Community Room
3618 South Ocean Boulevard
Highland Beach, Florida 33487

Date: December 12, 2023
Time: 1:00 PM

1. CALL TO ORDER

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

2. ROLL CALL

Board Member Michael Cherbini
Board Member Bryan Perilman
Board Member Robert Lasorsa
Board Member James Murray
Vice Chairperson Jane Perlow
Chairperson Myles Schlam
Town Attorney Leonard Rubin
Deputy Town Clerk Jaclyn DeHart

ABSENT

Board Member David Kaufman

Additional Staff Present

Code Compliance Officer Adam Osowsky

3. PLEDGE OF ALLEGIANCE

The Code Enforcement Board led the Pledge of Allegiance of the United States of America.

4. APPROVAL OF THE AGENDA

Motion: Murray/Perlow - Moved to approve the agenda as presented which passed 6 to 0.

5. SWEARING IN OF THE PUBLIC

Ms. DeHart swore in those giving testimony.

4. PUBLIC COMMENT

There were no public comments.

5. APPROVAL OF MINUTES

A. November 14, 2023

Motion: Perlow/Murray - Moved to approve the minutes of November 14, 2023 which passed 6 to 0.

6. UNFINISHED BUSINESS

**A. CASE NO. CC2023-02-014
Fine Reduction Request**

Margaret Oumano
2565 S. Ocean Blvd. Unit 303N
Highland Beach FL, 33487
PCN: 24-43-46-28-47-001-3030
Legal Description: TOWNHOUSES OF HIGHLAND BEACH COND BLDG
NORTH UNIT 303-N

Code Sections: 30-122 (B) Expiration of building permit, IPMC 304.3 Premises identification- Address numbers

Violations: Expired Permit and Missing address numbers.

Chairperson Schlam read the title of 8.A. and mentioned that this item was tabled on August 08, 2023 and brought back on October 10, 2023 and tabled again because the requestor was not present. He asked the Board members if they had any ex parte communications to disclose in the matter? Hearing none he reopened the fine reduction hearing and called for Code Compliance Officer Osowsky to give testimony.

The requestor was not present.

Motion: Perlow/Murray – Moved to deny the request for a fine reduction. Based upon a roll call, Vice Chairperson Perlow (Yes), Member Murray (Yes), Member Cherbini (Yes), Member Perilman (Yes), Member Lasorsa (Yes), and Chairperson Schlam (Yes). The motion passed on a 6 to 0 vote.

7. NEW BUSINESS

A. CASE NO. CC2023-10-028

James Paris & Karin Mueller Paris
1106 Bel Air Dr. B
Highland Beach FL, 33487
PCN: 24-43-47-04-03-000-0072
Legal Description: HIGHLAND BEACH ISLES E 61.59 FT OF LT 7

Code Sections:12-4(D)(3) Temporary Construction Fence Locked and Secure

Repeat Violation: Unsecured construction fence.

Chairperson Schlam read the title of Item 9.A. and asked the Board members if they had any ex parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Compliance Officer Osowsky to give testimony and recommendations regarding the violation.

Code Compliance Officer Adam Osowsky provided a brief timeline of the facts of the case. He entered submittals of evidence into the record. He mentioned that this is a repeat violation of code section 12-4(D)(3) Temporary Construction Fence Locked and Secure. They are now in compliance and the Town recommends that they be found in repeat violation and fined \$500 a day for eight (8) days and to assess prosecution costs in the amount of \$250 to be paid within 30 days.

Christopher Beale, of Beale Con, talked about the missing section of fence and locking the fence.

Member Lasorsa moved that there was no violation of the Town Code as alleged in the Notice of Violation, but the motion failed due to a lack of a second.

Vice Chairperson Perlow moved that the respondent be found in repeat violation of the Town Code as alleged in the notice of violation and that he/she be fined \$250 per day for 8 days and assess prosecution costs in the amount of \$250 payable within 10 days, but the motion failed due to a lack of a second.

Motion: Perilman/ Perlow – Moved that the respondent be found in repeat violation of the Town Code as alleged in the notice of violation and that he/she be fined \$100 per day for 8 days and assess prosecution costs in the amount of \$250 payable within 10 days. Based upon a roll call, Member Perilman (Yes), Vice Chairperson Perlow (Yes), Member Cherbini (Yes), Member Lasorsa (No), Member Murray (Yes), and Chairperson Schlam (Yes). The Motion passed 5 to 1.

B. CASE NO. CC2023-09-019

Michael Duggan
4229 Tranquility Dr.
Highland Beach FL, 33487
PCN: 24-43-47-04-02-005-0170

Legal Description: BEL LIDO LT 17 BLK 5

Code Sections: 12-6 (B) Hours of construction-Saturdays, 12-6 (A) Hours of construction, 12-2(A) Construction site cleanliness; construction site safety, 12-

2(B) Construction Site Cleanliness/Construction Site Safety, 12-2(E)
Construction site cleanliness; construction site safety.

Violations: 1) Dirt/debris from construction site spilling into the public roadway. 2) Hours of construction on Saturdays.

Chairperson Schlam read the title of Item 9.B. and asked the Board members if they had any ex parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Compliance Officer Osowsky to give testimony and recommendations regarding the violation.

Code Compliance Officer Adam Osowsky mentioned that the violation has been corrected. Therefore, the Town recommends that the Respondents be found in violation of the Town Code as alleged in the Notice of Violation and recommended to assess prosecution costs in the amount of \$250.00 payable set by the date for compliance.

The respondent was not present.

The public hearing was closed followed by a motion.

Motion: Perlow/Cherbini - Moved that the Respondents be found in violation of the Town Code as alleged in the Notice of Violation, Section 12-2(E), but is now in compliance and that a do not repeat order be issue and assess prosecution costs in the amount of \$250.00 payable within 30 days. Based upon a roll call, Vice Chairperson Perlow (Yes), Member Cherbini (Yes), Member Perilman (Yes), Member Lasorsa (Yes), Member Murray (Yes), and Chairperson Schlam (Yes). The motion passed on a 6 to 0 vote.

C. CASE NO. CC2023-10-021

Jeanette Leaf
3720 S. Ocean Blvd. Unit 1606
Highland Beach FL, 33487
PCN: 24-43-47-04-53-000-1606

Legal Description: TOSCANA WEST CONDOMINIUM UNIT 1606/1607

Code Sections: FBC 110.5 Inspection requests, FBC 110.6 Approval required.

Repeat Violation: Inspections required. Unpaid permit fees. Permit AC23-0153 MECHANICAL AC CHANGEOUT.

Chairperson Schlam read the title of Item 9.C. and asked the Board members if they had any ex parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Compliance Officer Osowsky to give testimony and recommendations regarding the violation.

Code Compliance Officer Adam Osowsky stated that the property has been brought into compliance since the Notice of Hearing and the case is closed.

D. 2024 PROPOSED CODE ENFORCEMENT BOARD MEETING DATES

Chairperson Schlam introduced the item, and the Board discussed the dates.

Motion: Perlow/Murray – Moved to accept the 2024 Code Enforcement Board Meeting schedule as presented, which passed unanimously 6 to 0.

8. ANNOUNCEMENTS

Chairperson Schlam read the announcements as follows.

December 14, 2023	9:30 AM	Planning Board Regular Meeting
December 19, 2023	1:30 PM	Town Commission Meeting

9. ADJOURNMENT

The meeting adjourned at 1:38. P.M.

APPROVED January 09, 2024, Code Enforcement Regular Meeting

Myles B. Schlam, Chairperson

ATTEST:

Transcribed by: Jaclyn DeHart

January 09, 2024

Jaclyn DeHart
Deputy Town Clerk

Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the event of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com>

File Attachments for Item:

A. CASE NO. CC2023-02-014 Fine Reduction Request

Margaret Oumano 2565 S. Ocean Blvd. Unit 303N Highland Beach FL, 33487 PCN: 24-43-46-28-47-001-3030 Legal Description: TOWNHOUSES OF HIGHLAND BEACH COND BLDG NORTH UNIT 303-N

Code Sections: 30-122 (B) Expiration of building permit, IPMC 304.3 Premises identification- Address numbers

Violations: Expired Permit and Missing address numbers.



Town of Highland Beach

Building Department

3616 South Ocean Boulevard • Highland Beach, Florida 33487

NOTICE OF HEARING

CASE NO. CC2023-02-014

Date: December 14, 2023

**Margart Oumano
11524 Lawton RD
Boynton Beach, FL 33437-6452**

RE: 2565 S Ocean Blvd 303N, Highland Beach FL 33487

YOU ARE HEREBY NOTIFIED that pursuant to your Fine Reduction Request, the Code Enforcement Board will be conducting a hearing on *Tuesday, January 9, 2024, at 1:00 P.M.* The hearing will be held in the town library, 3618 S Ocean Blvd, Highland Beach, FL 33487.

Adam Osowsky
Code Compliance Officer

TOWN OF HIGHLAND BEACH, FLORIDA
CODE ENFORCEMENT BOARD

TOWN OF HIGHLAND BEACH, FLORIDA,

Petitioner,

v.

MARGARET OUMANO
1154 Lawton Road
Boynton Beach, FL 33437

Case No: 2023-02-014

PCN: 24-43-46-28-47-001-3030

Respondent.

LEGAL: TOWNHOUSES OF HIGHLAND
BEACH COND BLDG NORTH UNIT 303-N

ORDER DENYING FINE REDUCTION

THIS MATTER having come before the Code Enforcement Board on December 12, 2023, and having heard the testimony of the parties, and having considered the evidence presented by the parties, and having been fully appraised of the circumstances, the Board does find as follows:


FINDINGS OF FACT

1. Respondent is the owner of the property located at 2565 South Ocean Boulevard, Unit 303-N, Highland Beach, Florida as described above.
2. On May 15, 2023, the Board entered an Order: finding Respondent in violation of Sections 30-122(B) of the Town Code of Ordinances (expired permit) and Section 304.3 of the International Property Maintenance Code (premises identification); requiring compliance on or before June 8, or imposing a fine of \$250.00 per day; and awarding the Town \$250.00 for its administrative costs.
3. Michael Oumano, on behalf of Respondent, filed a request for a reduction of the accrued fine amount of \$1,500.00.
4. Respondent's request for a fine reduction had been scheduled for both the August hearing and the October hearing and was continued at Respondent's request. Prior to the October hearing, Michael Oumano was advised that the Town would reschedule one additional time. The Town notified Respondent that the request was rescheduled to December 12th, yet Respondent failed to appear before the Board.
5. The Code Compliance Officer presented the request. Because Respondent failed to appear, the Board had no testimony or other evidence demonstrating any basis for a fine reduction.

ORDER

Based on the foregoing findings of fact, Respondent's request for a fine reduction is hereby DENIED.

DONE AND ORDERED this 14th day of Dec, 2023.



Myles Schlam, Chair
Code Enforcement Board

Copies Furnished to:

Respondent

TOWN OF HIGHLAND BEACH, FLORIDA
CODE ENFORCEMENT BOARD

TOWN OF HIGHLAND BEACH, FLORIDA,

Petitioner,

v.

MARGARET OUMANO
8400 72ND Drive, Suite 6
Glendale, NY 11385-7900

Case No: 2023-02-014

PCN: 24-43-46-28-47-001-3030

Respondents.

LEGAL: TOWNHOUSES OF HIGHLAND
BEACH COND BLDG NORTH UNIT 303-N

ORDER FINDING VIOLATION

THIS MATTER having come before the Code Enforcement Board on May 9, 2023, and having heard the testimony of the parties, and having considered the evidence presented by the parties, and having been fully appraised of the circumstances, the Board does find as follows:

FINDINGS OF FACT

1. Respondent is the owner of property located at 2565 South Ocean Boulevard, Unit 303-N, Highland Beach, Florida, as described above.
2. By Notice of Violation, the Town advised Respondent that she was in violation of Section 30-122(B) of the Town Code of Ordinances (expired permit) and Section 304.3 (premises identification) of the International Property Maintenance Code.
3. Respondent was not in attendance.
4. All required notices were served in compliance with Section 162.12, Florida Statutes, and Section 2-106 of the Town Code of Ordinances.
5. The testimony and evidence presented at the hearing demonstrated that the violation remained on the Property as of the date of the hearing.

CONCLUSIONS OF LAW

1. By reason of the foregoing, Respondent is in violation of Section 30-122(B) of the Town Code of Ordinances and Section 304.3 of the International Property Maintenance Code as incorporated by reference in Section 6-29 of the Town Code of Ordinances and is therefore subject to the provisions of Article V, Chapter 2, of the Code of Ordinances of the Town of Highland Beach, under the authority of Chapter 162 of the Florida Statutes, as both may be amended from time to time.
2. Respondent remains in violation of the Code sections cited above.

COMPLIANCE

1. IT IS HEREBY ORDERED that Respondent shall comply with the above section of the Town of Highland Beach's Code of Ordinances as follows:

a. Respondent shall comply with the Town Code within thirty (30) days of the date of the hearing **or by June 8, 2023.**

b. Should Respondent fail to bring the Property into compliance by the date specified above, **a fine in the amount of \$250.00** shall be assessed against Respondent for each day the Property remains in violation past the date set for compliance.

c. No further action shall be required for the entry of such fine.

2. Respondent is further ordered to reimburse the Town in the amount of \$250.00 for administrative costs incurred in prosecuting the case before the Board, which shall be included in the Lien amount. Said costs shall be paid by the date set for compliance.

3. Should Respondent violate the same code section cited herein, such reoccurrence may subject the Respondent to a repeat violator fine of up to \$500.00 per day for every day of the violation, plus administrative costs in enforcing the action, pursuant to Chapter 162, Florida Statutes.

4. Respondent may submit a written request for a hearing to challenge this Order prior to its recordation as a Lien provided Respondent does so within thirty (30) days from the date this Order was executed. If Respondent fails to comply with the Town Code within the specified deadline and timely request such a hearing in writing to the Town, the Town may record a certified copy of such Order in the Public Records of Palm Beach County, Florida, and thereafter the Order shall constitute a Lien against the real and/or personal property owned by Respondent. If such a hearing is requested, the Town shall notify Respondent of the hearing date by regular and certified mail. Respondent is not entitled to a rehearing of the case, and there shall be no presentation of evidence as to the existence or non-existence of the violation. Instead, Respondent shall Show Cause why this Order should not be recorded as a Lien in the Public Records of Palm Beach County, Florida.

DONE AND ORDERED this 15 day of May, 2023.



Myles Schlam, Chair
Code Enforcement Board

Copies Furnished to:

Respondent