

CITY OF PALM BAY, FLORIDA
CODE ENFORCEMENT BOARD
Regular Meeting 2020-02

Held on the 12th day of February 2020 at City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law and is on file in the Code Compliance Office, 120 Malabar Rd SE, Palm Bay, Florida.

Chairperson James Ritter called the meeting to order at approximately 1:06 PM.

CHAIRPERSON:	James Ritter	Present
VICE CHAIRPERSON:	James Boothroyd	Present
MEMBER:	Jimmie Glover	Present
MEMBER:	Victor Silva-Martinez	Present
MEMBER:	Alfred Agarie	Present
MEMBER:	Alan Borkowski	Present
MEMBER:	David Wills	Present
STAFF:	James D Stokes	Present
STAFF:	Rodney Edwards	Present

NEW BUSINESS:

1. Rescheduled November 11, 2020 Code Board hearing date to Tuesday, November 10, 2020. Motion made by Mr. Ritter, seconded by Mr. Silva-Martinez to reschedule the Code Board meeting. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

2. Election of officers for 2020 Code Enforcement Board was discussed. At this time Mr. Boothroyd Vice Chairperson replaced Mr. Ritter as Chairperson.

Mr. Boothroyd nominated Mr. Ritter for Vice Chairperson, seconded by Mr. Glover. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, nay; Mr. Borkowski, aye; Mr. Wills, aye.

SWEARING IN:

1. All respondents, complainants, and City staff required to testify were sworn in.

ADOPTION OF MINUTES:

1. Regular Meeting Number 2019-09; September 11, 2019.

Motion made by Mr. Ritter, seconded by Mr. Borkowski, to approve the minutes as written. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

REPORTS:

1. Authorization to Impose Fines

The City requested the Board find all respondents / cases listed in the Authorization to Impose Fines Report in non-compliance for the period stated in the report. Inspections were performed on September 9, 2019 and the properties remained in non-compliance.

CEB 19706-19	KENYA HAZOURY	\$100.00 per day
CEB 20098-19	THOMAS HOBBS	\$200.00 set fine
CEB 20099-19	COURTNEY M VIERA	\$200.00 set fine
CEB 20111-19	MARIA RENE MARCUS	\$200.00 set fine
CEB 20112-19	LENNOX LIN	\$200.00 set fine
CEB 20116-19	LUCIE DOUYON \ MIRIAM LHERISSE	\$200.00 set fine
CEB 20122-19	JONNETT SIMMS \ URMETA THOMPSON	\$200.00 set fine
CEB 20124-19	LESLIE OKANE	\$200.00 set fine
CEB 20125-19	DONNA C OWENS \ C ALLAN OWENS	\$200.00 set fine
CEB 20128-19	SIXS COMPANIES LLC	\$200.00 set fine
CEB 20129-19	BARBARA M GEHRLEIN	\$50.00 per day
CEB 20131-19	INEZ VINES \ LAFAYETTE VINES	\$200.00 set fine
CEB 20132-19	AARON C EWING \ BRANDY L EWING	\$50.00 per day
CEB 20133-19	ABRAHAM KRYSAK	\$50.00 per day
CEB 20134-19	KARAM DIN INC	\$200.00 set fine
CEB 20135-19	CHRISTOPHER LOUTRIS	\$200.00 set fine
CEB 20137-19	FIRST OMNI SERVICE CORP	\$200.00 set fine
CEB 20139-19	MARJORIE GOLDING	\$200.00 set fine
CEB 20140-19	JOHN BAGGEAS \ ROBIN BAGGEAS	\$200.00 set fine

CEB 20141-19	ANTONIO O ASINAS	\$200.00 set fine
CEB 20142-19	LISA C LANZA	\$200.00 set fine
CEB 20143-19	ALBERTO REINA \ AMPARO REINA	\$200.00 set fine
CEB 20144-19	MARIO E BARBUTI \ LILIAN R BARBUTI	\$200.00 set fine
CEB 20146-19	FRANCISCO G COMBELL	\$200.00 set fine
CEB 20147-19	CARMEN A SMITH	\$200.00 set fine
CEB 20149-19	LYDIA MC KENZIE	\$200.00 set fine
CEB 20150-19	SOLANGE CALIXTE \ JEAN DIONY OLISCAT	\$200.00 set fine
CEB 20151-19	SAMUEL M BIRD \ CHRISTINE A BIRD	\$200.00 set fine
CEB 20156-19	CLARA I CRUZ	\$200.00 set fine
CEB 20157-19	MELVA MILLER	\$200.00 set fine
CEB 20159-19	IRENE L DIMOCK	\$200.00 set fine
CEB 20160-19	KARLENE GRAHAM	\$200.00 set fine
CEB 20161-19	ANNETTE HARRIS	\$50.00 per day
CEB 20164-19	VIRGINIA MAE HECK SCEARCY EST \ JUDY E	\$150.00 per day

Motion made by Mr. Ritter, seconded by Mr. Glover to accept and approve the Authorization to Impose Fines Report, to find the respondents in non-compliance, and to authorize the fines as stated in the report excluding any cases that were heard individually before the Board and given additional time to come into compliance. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

HEARINGS:

1. CEB 20227-20 CITY OF PALM BAY VS AMERICO G JORGE \ MARIA L JORGE
 LOT 5, BLK 2643

This case involved a violation of City Code, Section(s) 93.032(A) and 93.031 (A)(1), Code of Ordinances of the City of Palm Bay for property located at 138 Awin Cir SE, Lot 5, Blk 2643, Subdivision JR, Township 29, Range 37, Section 18, Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 93.032(A) and 93.031 (A)(1). The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion made by Mr. Ritter seconded by Mr. Agarie, to set a compliance date to March 2, 2020 or that a fine of \$50.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

2. CEB 20228-20 CITY OF PALM BAY VS SAM E STEELE
LOT 7, BLK 366

This case involved a violation of City Code, Section(s) 185.123(B) and 185.123 (C), Code of Ordinances of the City of Palm Bay for property located at 120 Dolphin St SE, Lot 7, Blk 366, Subdivision GK, Township 29, Range 37, Section 06, Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Silva-Martinez, to find the respondent in violation based on the findings of fact, Section(s) 185.123(B) and 185.123 (C). The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion made by Mr. Ritter seconded by Mr. Silva-Martinez, to table this case to March 11, 2020. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

3. CEB 20231-20 CITY OF PALM BAY VS 3085 JUPITER LLC
LOT L

This case involved a violation of City Code, Section(s) 185.185, Code of Ordinances of the City of Palm Bay for property located at 3085 Jupiter Blvd SE, Lot L, Subdivision GK, Township 29, Range 37, Section 06, Brevard County, Florida.

Motion made by Mr. Glover, seconded by Mr. Borkowski, to find the respondent in violation based on the findings of fact, Section(s) 185.185. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion made by Mr. Glover, seconded by Mr. Borkowski, to set a compliance date to May 16, 2020 or that a fine of \$100.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

4. CEB 20225-20 CITY OF PALM BAY VS CARMINE TARZIA
LOT 20, BLK 435

This case involved a violation of City Code, Section(s) 93.03, Code of Ordinances of the City of Palm Bay for property located at 701 Andrew St SE, Lot 20, Blk 435, Subdivision GL, Township 29, Range 37, Section 08, Brevard County, Florida.

Motion made by Mr. Glover, seconded by Mr. Silva-Martinez, to find the respondent in violation based on the findings of fact, Section(s) 93.03. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion made by Mr. Glover, seconded by Mr. Silva-Martinez, to set a compliance date to March 2, 2020 or that a fine of \$100.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

5. CEB 20213-20 CITY OF PALM BAY VS FRANK J JR KUZELA \ ANNA M KUZELA
LOT 9, BLK 279

This case involved a violation of City Code, Section(s) 93.031 (A)(1), Code of Ordinances of the City of Palm Bay for property located at 275 Hawthorne Ln NE, Lot 9, Blk 279, Subdivision FS, Township 28, Range 37, Section 32, Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 93.031 (A)(1). The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion made by Mr. Ritter, seconded by Mr. Glover, to set a compliance date to April 16, 2020 or that a fine of \$100.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

The following cases were withdrawn due to voluntary compliance:

CEB# 20211-20	949 DUPONT ST NE
CEB# 20216-20	2748 GABBOYS AVE SE

CEB# 20230-20	276 DUNLAP AVE SE
CEB# 20234-20	572 VIN ROSE CIR SE

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Board find the respondents in violation of the violations not in compliance and that the Code Board set a reasonable time for compliance and a fine per day to be imposed if the respondents fail to come into compliance by the time set.

CEB #20214-20	3138 SAN SALVADOR AVE SE
CEB #20215-20	942 TOLUCA ST SE
CEB #20217-20	531 GALLAGHER ST SW
CEB #20218-20	565 WAYLAID AVE SW
CEB #20219-20	1295 KARLOVY AVE NW
CEB #20220-20	1368 HEDGE COTH ST NW
CEB #20221-20	1001 GLEN COVE AVE NW
CEB #20222-20	1581 GILES ST NW
CEB #20235-20	1138 GULFPORT RD SE
CEB #20236-20	1560 NEWPORT ST SE
CEB #20238-20	1355 RUFFIN CIR SE
CEB #20239-20	1167 TERRY RD SE
CEB #20240-20	1441 ELDRON BLVD SE
CEB #20241-20	1459 VAN BUREN AVE SE
CEB #20242-20	647 COCONUT ST SE
CEB #20243-20	760 SEVEN GABLES CIR SE
CEB #20244-20	1014 UNDERHILL AVE SE
CEB #20245-20	451 BRANTLEY ST SE
CEB #20246-20	3824 JUPITER BLVD SE
CEB #20247-20	3812 JUPITER BLVD SE
CEB #20248-20	1120 TIGER ST SE
CEB #20249-20	466 CHELTENHAM AVE SE
CEB #20250-20	1223 VALLEYBROOK RD SE

Motion by Mr. Boothroyd, seconded by Mr. Ritter, to find the cases listed by the Board Secretary in violation based on the findings of fact entered into evidence. The motion

carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion by Mr. Boothroyd, seconded by Mr. Ritter, to give the respondents in these cases a compliance date of February 26, 2020 or that a set fine of \$200.00 be imposed for the violation; and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Board find the respondents in violation of the violations not in compliance and that the Code Board set a reasonable time for compliance and a fine per day to be imposed if the respondents fail to come into compliance by the time set.

CEB #20212-20	137 ESTERBROOK AVE NE
CEB #20223-20	491 DOMINICAN AVE SE
CEB #20224-20	1383 ZANZIBAR RD SE
CEB #20226-20	462 BREAKWATER ST SE
CEB #20229-20	705 STARLAND ST SE
CEB #20232-20	231 COLUMBIA ST SE
CEB #20233-20	1438 MACKAY AVE SE
CEB #20237-20	1037 QUAIL ST SE
CEB #20251-20	536 WISTAR CT NE
CEB #20252-20	2741 BROADVIEW DR NE
CEB #20253-20	722 BIANCA DR NE
CEB #20254-20	713 BIANCA DR NE
CEB #20255-20	3242 FAIRFAX AVE NE
CEB #20256-20	2924 GARDEN TER NE
CEB #20257-20	474 HARVEY AVE NE
CEB #20258-20	2750 KIRBY CIR NE
CEB #20259-20	499 MERCURY AVE SE
CEB #20260-20	497 MERCURY AVE SE
CEB #20261-20	2742 BROADVIEW DR NE
CEB #20262-20	2750 BROADVIEW DR NE

Motion by Mr. Boothroyd, seconded by Mr. Glover, to find the cases listed by the Board Secretary in violation based on the findings of fact entered into evidence. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion by Mr. Boothroyd, seconded by Mr. Glover, to give the respondents in these cases a compliance date of March 2, 2020 or that a fine of \$50.00 be imposed for every case for each and every day the violations continue. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

ADJOURNMENT:

The meeting adjourned at approximately 1:37 PM.

ATTEST:

Lisa Weggeland, Board Secretary

James Boothroyd, Chairperson