

CITY OF PALM BAY, FLORIDA
CODE ENFORCEMENT BOARD
Regular Meeting 2020-03

Held on the 11th day of March 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 Boothroyd called the meeting to order at approximately 1:14 PM.

CHAIRPERSON:	James Boothroyd	Present
VICE CHAIRPERSON:	James Ritter	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

SWEARING IN:

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

ADOPTION OF MINUTES:

1. Regular Meeting Number 2019-10; October 9, 2019

Motion made by Mr. Ritter, seconded by Mr. Silva-Martinez, to approve the minutes as written. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, 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 March 2, 2020, and the properties remained in non-compliance.

CEB 20170-20	KATHLEEN & LARRY BLIZMAN	\$50.00 per day
CEB 20171-20	WILLIAM/PAMELA MARTINI & JOSEPH A /LISA G GURRI H/W	\$50.00 per day
CEB 20179-20	DEAN T GROSS	\$200.00 set fine
CEB 20180-20	JACQUELINE F JENNETTE	\$200.00 set fine
CEB 20182-20	GWENDALYN A GONZALES	\$200.00 set fine
CEB 20183-20	WINSTON E MALCOLM JR	\$200.00 set fine
CEB 20184-20	JULIO SEDA RIVERA / VALDIVIA RIVERA	\$200.00 set fine
CEB 20187-20	GHB ENTERPRISE INC	\$200.00 set fine
CEB 20188-20	JOSE URIAS	\$200.00 set fine
CEB 20197-20	MARK ANTHONY SMITH	\$200.00 set fine
CEB 20201-20	URSULA N BRATHWAITE	\$200.00 set fine
CEB 20202-20	WANDA INDIRA GAYLE	\$200.00 set fine
CEB 20203-20	DANA VALENTINO	\$200.00 set fine
CEB 20207-20	ROBERT E DEMELLO / RONALD A DEMELLO	\$200.00 set fine
CEB 20210-20	PAUL JR DAVIS	\$200.00 set fine

Motion made by Mr. Borkowski, 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. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

OLD BUSINESS:

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

This case was voluntarily brought into compliance before the Code Board hearing.

HEARINGS:

1. CEB 20310-20 CITY OF PALM BAY VS KENNETH BONE
LOT 17

This case involved a violation of City Code, Section(s) 2015 IPMC 308.1, 73.21 (B) and 185.123 (C), Code of Ordinances of the City of Palm Bay, for property located at 2553 Amberly Rd NE, Lot 17, Subdivision 03, Township 28, Range 37, Section 14, Brevard County, Florida.

Motion made by Mr. Borkowski, seconded by Mr. Silva-Martinez, to find the respondent in violation based on the findings of fact, Section(s) 2015 IPMC 308.1, 73.21 (B) and 185.123 (C). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion made by Mr. Borkowski, seconded by Mr. Silva-Martinez, to set a compliance date to April 14, 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. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

2. CEB 20311-20 CITY OF PALM BAY VS EDWARD CARL SASNETT
LOT 18

This case involved a violation of City Code, Section(s) 2015 IPMC 308.1, 73.21 (B) and 185.123 (C), Code of Ordinances of the City of Palm Bay, for property located at 2557 Amberly Rd NE, Lot 18, Subdivision 03, Township 28, Range 37, Section 14, Brevard County, Florida.

Motion made by Mr. Borkowski, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 2015 IPMC 308.1, 73.21 (B) and 185.123 (C). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion made by Mr. Borkowski, seconded by Mr. Silva-Martinez, to set a compliance date to April 14, 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. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

3. CEB 20284-20 CITY OF PALM BAY VS JOHN & KARIN CLAPSADDLE
LOT 2, BLK 57

This case involved a violation of City Code, Section(s) 93.031 (A) (1) and 93.044 (A) (1), Code of Ordinances of the City of Palm Bay, for property located at 1471 Mariposa Dr NE, Lot 2, Blk 57, Subdivision LR, Township 28, Range 37, Section 21, Brevard County, Florida.

Motion made by Mr. Glover, seconded by Mr. Ritter, to find the respondent in violation based on the findings of fact, Section(s) 93.031 (A) (1) and 93.044 (A) (1). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, 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 June 13, 2020, or that a fine of \$75.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

4. CEB 20274-20 CITY OF PALM BAY VS HILDA J BOTWIN\HILDA RIVERA-COLON I
LOT 21, BLK 437

This case involved a violation of City Code, Section(s) 150.40 (A), Code of Ordinances of the City of Palm Bay, for property located at 688 Coconut St SE, Lot 21, Blk 437, Subdivision GL, Township 29, Range 37, Section 08, 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) 150.40 (A). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, 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 June 13, 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. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

5. CEB 20288-20 CITY OF PALM BAY VS JEREMIE L ZEIGLER \ AMANDA ZEIGLER
LOT 18, BLK 1846

This case involved a violation of City Code, Section(s) 93.03, 185.123 (C) and 185.181 (A), Code of Ordinances of the City of Palm Bay, for property located at 1756 Hayworth Cir NW, Lot 18, Blk 1846, Subdivision 25, Township 28, Range 36, Section 34, Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Borkowski, to find the respondent in violation based on the findings of fact, Section(s) 93.03, 185.123 (C) and 185.181 (A). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, 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. Borkowski, to set a compliance date to April 14, 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. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

6. CEB 20309-20 CITY OF PALM BAY VS HONROE N LEIKVOLD TRUST
LOT 1, BLK K

This case involved a violation of City Code, Section(s) 2015 IPMC 308.1, 73.21(B) and 185.123 (C), Code of Ordinances of the City of Palm Bay, for property located at 2800 Hiawatha Ave NE, Lot 1, Blk K, Subdivision 50, Township 28, Range 37, Section 13, 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) 2015 IPMC 308.1, 73.21(B) and 185.123 (C). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, 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 March 30, 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. Boothroyd, aye; Mr. Ritter, 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# 20231-20	3085 JUPITER BLVD SE
CEB# 20269-20	1057 CRANBERRY RD SE
CEB# 20294-20	425 HASKELL AVE SE
CEB# 20295-20	598 AUSTRALIAN RD NW
CEB# 20296-20	184 BENCHOR RD NW
CEB# 20297-20	274 ABELLO RD SE

CEB# 20300-20 1354 AMELIA AVE SW
CEB# 20307-20 2255 MONROE ST NE

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 #20263-20 661 SAN FILIPPO DR SE
CEB #20264-20 1034 WINDMILL ST SE
CEB #20265-20 1398 WADSWORTH ST SE
CEB #20266-20 180 COLUMBIA ST SE
CEB #20267-20 1069 WACO BLVD SE
CEB #20268-20 1114 GULFPORT RD SE
CEB #20286-20 761 GLENCOVE AVE NW
CEB #20290-20 261 BALI ST SE
CEB #20291-20 166 BUSWELL AVE NE
CEB #20292-20 170 ANDERSON AVE NE
CEB #20298-20 482 TREEMONT AVE SW
CEB #20299-20 1137 HARLINGEN RD SW
CEB #20305-20 1550 LICHTY ST NE

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. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion by Mr. Boothroyd, seconded by Mr. Agarie, to give the respondents in these cases a compliance date of March 25, 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. Boothroyd, aye; Mr. Ritter, 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 #20270-20	500 ANDREW ST SE
CEB #20271-20	762 ASHLEY AVE SE
CEB #20272-20	983 TACARO AVE SE
CEB #20273-20	1872 THORNTON AVE SE
CEB #20275-20	3061 TAZEWELL AVE SE
CEB #20276-20	1263 SAN MATIO ST SE
CEB #20277-20	1611 WALKER ST SE
CEB #20278-20	1564 TUGWELL ST SE
CEB #20279-20	1071 RAY RD SE
CEB #20280-20	881 MERRIMAC ST SE
CEB #20281-20	580 ENTRADA ST SE
CEB #20282-20	926 ZAMORA ST SE
CEB #20283-20	1251 PACKER RD SE
CEB #20285-20	4870 BABCOCK ST NE
CEB #20287-20	214 EMERSON DR NW
CEB #20289-20	882 CORTLAND AVE NW
CEB #20293-20	121 BROWARD ST NE
CEB #20301-20	999 WELLINGTON ST SW
CEB #20302-20	319 SAN SERVANDO AVE SW
CEB #20303-20	777 DAYS LAND AVE SW
CEB #20304-20	282 ABELLO RD SE
CEB #20306-20	1155 MALABAR RD NE 09
CEB #20308-20	2395 PORT MALABAR BLVD NE
CEB #20312-20	2566 AMBERLY RD NE

Motion by Mr. Boothroyd, seconded by Mr. Agarie, 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. Boothroyd, aye; Mr. Ritter, 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 30, 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. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

ADJOURNMENT:

The meeting adjourned at approximately 1:40 PM.

ATTEST:

Lisa Weggeland, Board Secretary

James Boothroyd, Chairperson