

CITY OF PALM BAY, FLORIDA
CODE ENFORCEMENT BOARD
Regular Meeting 2020-10

Held on the 14th day of October 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 1:08 PM.

ROLL CALL:

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:	(VACANT)	
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 2020-03; March 11th, 2020
2. Regular Meeting (Canceled) Number 2020-04; April 8th, 2020
3. Regular Meeting (Canceled) Number 2020-05; May 13th, 2020
4. Regular Meeting Number 2020-06; June 10th, 2020
5. Regular Meeting Number 2020-07; July 8th, 2020

Motion made by Mr. Glover, seconded by Mr. Ritter to accept the minutes as written. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, 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 October 5, 2020 and the properties remained in non-compliance.

CEB 20274-20	HILDA J BOTWIN \ HILDA RIVERA-COLON I	\$200.00 set fine
CEB 20408-20	MICHAEL FLEMING	\$200.00 set fine
CEB 20410-20	SILVER PALM HOMES LLC	\$200.00 set fine
CEB 20416-20	PAUL DAVIS JR	\$200.00 set fine
CEB 20419-20	RI CS2 LLC	\$50.00 per day
CEB 20421-20	LARRY B STALLINGS \ BRENDA J STALLINGS	\$50.00 per day
CEB 20422-20	MICHAEL D MC GRATH	\$50.00 per day
CEB 20425-20	SILVER PALM HOMES LLC	\$200.00 set fine
CEB 20426-20	WANDA T PALLARES MORALES	\$200.00 set fine
CEB 20427-20	GRETCHEN GUNDERSTANK	\$200.00 set fine
CEB 20430-20	PATRICIA NEAR \ A WILLIAMS \ O POTTINGER-BROWN	\$200.00 set fine
CEB 20431-20	NORA ROBINSON \ DARIO GORDON	\$200.00 set fine
CEB 20432-20	MICHAEL G DZIALO	\$200.00 set fine
CEB 20433-20	JOY PLATT \ ERNA PLATT	\$200.00 set fine
CEB 20434-20	GERALD F KEYES	\$200.00 set fine
CEB 20435-20	RONALD THEODORE	\$200.00 set fine
CEB 20436-20	JOHN F HOYTE	\$200.00 set fine
CEB 20437-20	VESA TRUST	\$200.00 set fine

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

OLD BUSINESS:

1. CEB 20440-20 CITY OF PALM BAY VS PALM BAY MEDICAL OFFICE CORP
LOT 14

This case involved a violation of City Code, Section(s) 185.183, Code of Ordinances of the City of Palm Bay for property located at 342 Cogan Dr SE, Lot 14, Subdivision RX, Township 29, Range 37, Section 19, Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Glover, to grant an extension to November 13, 2020 or that a fine of \$100.00 per day be imposed for every day the violation continued. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

2. CEB 20441-20 CITY OF PALM BAY VS PALM BAY MEDICAL GROUP
LOT 14

This case involved a violation of City Code, Section(s) 185.183, Code of Ordinances of the City of Palm Bay for property located at 336 Cogan Dr SE, Lot 14, Subdivision RX, Township 29, Range 37, Section 19, Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Glover, to grant an extension to November 13, 2020 or that a fine of \$100.00 per day be imposed for every day the violation continued. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

3. CEB 20480-20 CITY OF PALM BAY VS LINDA MAY TUSTIN
LOT 28, BLK 412

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 599 Black Horse St SE, Blk 412, Lot 28, 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) 150.40(A). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

Motion made by Mr. Ritter, seconded by Mr. Glover, to set a compliance date to November 13, 2020, or that a set fine of \$200.00 be imposed for the violation. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

HEARINGS:

1. CEB 20566-20 CITY OF PALM BAY VS TONY D JR DI CHIRIA
LOT 9, BLK 290

This case involved a violation of City Code, Section(s) 2015 IPMC 304.7, Code of Ordinances of the City of Palm Bay for property located at 931 Crocus St NE, Lot 9, Blk 290, Subdivision FS, Township 28, Range 37, Section 32, 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) 2015 IPMC 304.7. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

Motion made by Mr. Ritter seconded by Mr. Glover, to set a compliance date to February 11, 2021 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. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

2. CEB 20521-20 CITY OF PALM BAY VS ANTHONY WALTER BELAU
LOT 25, BLK 2458

This case involved a violation of City Code, Section(s) 73.21(B), 73.02 (A) and 93.03, Code of Ordinances of the City of Palm Bay for property located at 321 Krefeld Rd NW, Lot 25, Blk 2458, Subdivision KR, Township 28, Range 36, Section 24, Brevard County, Florida.

Motion made by Mr. Glover seconded by Mr. Borkowski, to table this case to the November 10, 2020 Code Board meeting. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

3. CEB 20516-20 CITY OF PALM BAY VS FEDERAL HOME LOAN MORTGAGE CORP
LOT 49, BLK 2488

This case involved a violation of City Code, Section(s) 93.044 (A)(1), 185.133(B) and 93.03, Code of Ordinances of the City of Palm Bay for property located at 292 Emerson Dr NW, Lot 49, Blk 2488, Subdivision KR, Township 28, Range 36, Section 23, Brevard County, Florida.

Motion made by Mr. Boothroyd, seconded by Mr. Glover, to table this case to the November 10, 2020 Code Board meeting. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

4. CEB 20546-20 CITY OF PALM BAY VS BRIAN TINNEY
LOT 1, BLK 2372

This case involved a violation of City Code, Section(s) 179.093(A), 93.03 and 170.119(A), Code of Ordinances of the City of Palm Bay for property located at 990 Penelope Ave NE, Lot 1, Blk 2372, Subdivision KP, Township 28, Range 37, Section 30, 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) 179.093(A), 93.03 and 170.119(A). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

Motion made by Mr. Ritter, seconded by Mr. Agarie, to set a compliance date to November 13, 2020 or that a fine of \$200.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

5. CEB 20544-20 CITY OF PALM BAY VS FRANK & JEANETTE STIERS
LOT 17, BLK 798

This case involved a violation of City Code, Section(s) 93.044, 93.031 (A)(1), 93.03 and 93.031(A)(1), Code of Ordinances of the City of Palm Bay for property located at 1620 Yahner St SE, Lots 17 & 18, Blk 798, Subdivision GP, Township 29, Range 37, Section 16, Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Agarie, to find the respondent in violation based on the findings of fact, Section(s) 93.044, 93.031 (A)(1), 93.03 and 93.031(A)(1).

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

Motion made by Mr. Ritter, seconded by Mr. Glover, to set a compliance date to November 13, 2020 or that a fine of \$200.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

6. CEB 20562-20 CITY OF PALM BAY VS PATRICK DA SILVA
LOT 1, BLK 3044

This case involved a violation of City Code, Section(s) 73.21(B) and 2015 IPMC 308.1, Code of Ordinances of the City of Palm Bay for property located at 399 Fluvia Ave SE, Lot 1, Blk 3044, Subdivision MZ, Township 29, Range 37, Section 04, 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) 73.21(B) and 2015 IPMC 308.1. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

Motion made by Mr. Glover, seconded by Mr. Borkowski, to set a compliance date to November 13, 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. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

7. CEB 20568-20 CITY OF PALM BAY VS ESQUIRE INVESTMENT PROPERTIES
LOT 12, BLK D

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 2520 Clinton Dr NE, Lot 12, Blk D, Subdivision 76, Township 28, Range 37, Section 11, Brevard County, Florida.

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

Motion made by Mr. Ritter, seconded by Mr. Agarie, to set a compliance date to October 24, 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. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

The following cases were withdrawn due to voluntary compliance:

CEB# 20512-20	771 BOC CIR NW
CEB# 20514-20	461 HALLORAN ST SE
CEB# 20518-20	1280 HELIAS ST NW
CEB# 20519-20	359 GORDON RD NW
CEB# 20523-20	621 SAN FILIPPO DR SE
CEB# 20525-20	1800 TULANE AVE SE
CEB# 20526-20	1435 VAN BUREN AVE SE
CEB# 20534-20	1428 AGNES AVE SE
CEB# 20560-20	901 GRAPEFRUIT RD SE
CEB# 20563-20	847 BAYHARBOR AVE 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 #20513-20	2596 PERALTA DR SE
CEB #20515-20	1155 ALBION ST NW
CEB #20517-20	1542 JASPER AVE NW
CEB #20520-20	550 PRELUDE ST NW
CEB #20542-20	1376 WALTHAN ST SE
CEB #20543-20	1621 YAHNER ST SE
CEB #20545-20	1631 TALBOTT ST SE
CEB #20547-20	1578 SUTSCHEK ST NE
CEB #20561-20	925 CROCUS ST NE
CEB #20564-20	875 CORNELIA AVE SE

CEB #20565-20	411 EL DORADO AVE SE
CEB #20569-20	2584 HAVERHILL RD NE
CEB #20570-20	2202 SPRING CREEK CIR NE
CEB #20571-20	3013 ROWE ST NE
CEB #20572-20	760 CADEZ ST 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. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

Motion by Mr. Boothroyd, seconded by Mr. Ritter, to give the respondents in these cases a compliance date of October 29, 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. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, 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 #20501-20	2391 MANTILLA AVE SE
CEB #20502-20	2338 COGAN DR SE
CEB #20503-20	842 REARDON ST SE
CEB #20504-20	858 WHEATLEY ST SE
CEB #20505-20	3291 WESTOVER AVE SE
CEB #20506-20	279 TITAN RD SE
CEB #20507-20	797 BAUTZEN AVE NW
CEB #20508-20	412 KRASSNER DR NW
CEB #20509-20	1832 NANTON ST NW
CEB #20510-20	1496 STARBOARD ST NW
CEB #20511-20	1205 CORAL REEF AVE NW
CEB #20522-20	1875 WAPELLO AVE SE
CEB #20524-20	1017 TEVIS ST SE

CEB #20527-20	1379 VANDALIA AVE SE
CEB #20528-20	1391 VANDALIA AVE SE
CEB #20529-20	1090 TETZEL ST SE
CEB #20530-20	1167 TERRY RD SE
CEB #20531-20	1643 TALBOTT ST SE
CEB #20532-20	1044 ST JOHN'S ST SE
CEB #20533-20	1310 RASCAL ST SE
CEB #20535-20	596 ELWOOD AVE NE
CEB #20536-20	401 HOMESTEAD AVE NE
CEB #20537-20	2172 PAOLI DR NE
CEB #20538-20	507 KARNEY AVE NE
CEB #20539-20	1148 WABASH RD SE
CEB #20540-20	1631 TALBOTT ST SE
CEB #20541-20	1037 QUAIL ST SE
CEB #20548-20	1270 ALCAZAR ST SE
CEB #20549-20	502 AMERICANA BLVD NE
CEB #20550-20	1055 DOLORES RD NE
CEB #20551-20	975 SORREL ST NW
CEB #20552-20	863 ONTARIO ST NW
CEB #20553-20	341 ABALONE RD NW
CEB #20554-20	460 GREGORY ST SE
CEB #20555-20	406 CALABRIA AVE SE
CEB #20556-20	841 CARNIVAL RD SE
CEB #20557-20	1071 FLAGAMI RD SE
CEB #20558-20	702 ASHLEY AVE SE
CEB #20559-20	897 AUTUMN ST SE
CEB #20567-20	788 BIANCA DR NE
CEB #20573-20	898 SEVEN GABLES CIR SE
CEB #20574-20	938 HARPER BLVD SW
CEB #20575-20	1220 HARWICK ST SW
CEB #20576-20	474 TILHAL RD SW
CEB #20577-20	674 TONI ST SW
CEB #20578-20	798 SEVEN GABLES CIR SE
CEB #20579-20	229 OLSMAR ST SW

CEB #20580-20	839 OWL ST SW
CEB #20581-20	238 FITCHBURG ST SW
CEB #20582-20	579 HALEYBURY ST SW
CEB #20583-20	1160 KEVITT CT SE
CEB #20584-20	830 NIGHTENGALE ST SW
CEB #20585-20	823 OWL ST SW
CEB #20586-20	1380 GIBRALTER ST SW
CEB #20587-20	1370 SEABREEZE ST SW
CEB #20588-20	228 SAWYER ST SW
CEB #20589-20	149 GALLOPO RD SW
CEB #20590-20	172 LAMAR ST SW
CEB #20591-20	1491 ELDRON BLVD SE
CEB #20592-20	734 HAINEY ST SW
CEB #20593-20	795 GEDDES ST SW
CEB #20594-20	358 GATES ST SW
CEB #20595-20	1516 ERIE CT SE

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

Motion by Mr. Boothroyd, seconded by Mr. Ritter, to give the respondents in these cases a compliance date of October 24, 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. Agarie, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

ADJOURNMENT:

The meeting adjourned at approximately 1:55 PM.

ATTEST:

Lisa Weggeland, Board Secretary

James Boothroyd, Chairperson