

**CITY OF PALM BAY, FLORIDA**  
**CODE ENFORCEMENT BOARD**  
**Regular Meeting 2020-09**

Held on the 9<sup>th</sup> day of September 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 1:15 PM.

<b>CHAIRPERSON:</b>	James Boothroyd	Excused
<b>VICE CHAIRPERSON:</b>	James Ritter	Present
<b>MEMBER:</b>	Jimmie Glover	Present
<b>MEMBER:</b>	Victor Silva-Martinez	Present
<b>MEMBER:</b>	Alfred Agarie	Excused
<b>MEMBER:</b>	Alan Borkowski	Present
<b>MEMBER:</b>	David Wills	Excused
<b>STAFF:</b>	James D Stokes	Present
<b>STAFF:</b>	Erich Messenger	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 11, 2020**

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

**OLD BUSINESS:**

The following Old Business case was read under the wrong findings at our August 12, 2020 Code Board meeting. This property should have been read in under the \$200.00 set fine amount.

CEB 20442-20    467 TROTWOOD LN SW

We are asking the board to revise their findings to reflect a \$200.00 set fine instead of a \$50.00 per day fine.

Motion made by Mr. Glover, seconded by Mr. Borkowski, 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. Ritter, 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 October 9, 2020 or that a set fine of \$200.00 be imposed for the violation. The motion carried with the members voting as follows: Mr. Ritter, 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 September 1, 2020 and the properties remained in non-compliance.

CEB 20275-20	THOMPSON, LA SHAN	\$ 200.00 set fine
CEB 20314-20	TAYLOR JAMES SCO	\$ 50.00 per day
CEB 2036-20	SERRANO, JOHNNY O	\$ 200.00 set fine
CEB 20336-20	DENTON II LLC	\$ 200.00 set fine
CEB 20340-20	BAKER, NARVIN DIO	\$ 50.00 per day
CEB 20344-20	DEL PRETE, JOSEPH C	\$ 50.00 per day
CEB 20348-20	COULTER, NEVA MA	\$ 50.00 per day
CEB 20363-20	TARPON IV LLC	\$ 200.00 set fine
CEB 20365-20	JENNETTE, JACQUELINE	\$ 200.00 set fine
CEB 20367-20	PUZZLE BOX ACADEMY	\$ 50.00 per day
CEB 20376-20	TELFORT, ALEX OR N	\$ 200.00 set fine
CEB 20377-20	SEIDE, MATHILDA	\$ 200.00 set fine
CEB 20382-20	BIRD, SAMUEL OR CH	\$ 200.00 set fine
CEB 20386-20	OLKKOLA, PATRICIA	\$ 50.00 per day
CEB 20388-20	CHAMPION JR., STEPH	\$ 50.00 per day
CEB 20389-20	HIVELY JR., ERNEST	\$ 50.00 per day
CEB 20393-20	LEVY, JOSEPH / SAM	\$ 50.00 per day
CEB 20399-20	WRIGHT, PAIGE E	\$ 200.00 set fine
CEB 20400-20	SYLVESTRE, NEHEMI	\$ 200.00 set fine

CEB 20401-20	DIEGOX INVEST LLC	\$ 200.00 set fine
CEB 20402-20	WU, KUEI LAN / HO, F	\$ 200.00 set fine
CEB 20405-20	DUNBAR, AGNES J	\$ 200.00 set fine

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

#### **HEARINGS:**

1. CEB 20464-20 CITY OF PALM BAY VS KIMBERLY CLIFFORD /JAMIE RICHARDS  
LOT 19, BLK 1126

This case involved a violation of City Code, Section(s) 185.181 (A), Code of Ordinances of the City of Palm Bay for property located at 2151 Cogan DR SE, Lot 19 Blk 1126, Subdivision GT, Township 29, Range 37, Section 33, 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) 185.181 (A). The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

Motion made by Mr. Borkowski, seconded by Mr. Silva-Martinez, to set a compliance date to October 9, 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. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

2. CEB 20462-20 CITY OF PALM BAY VS LAWRENCE MCINTYRE /  
BETH MCINTYRE FLA INDIAN RIVER LAND CO SUBD PER PB  
1 PG 165A W ½ OF S ¼ OF LT 13 PB 1 PG 165A EXC W 25 FT AS  
DESC IN ORB 2275 PG

This case involved a violation of City Code, Section(s) 179.076, Code of Ordinances of the City of Palm Bay for property located at 1829 Plantation Circle SE, Subdivision 00, Township 29, Range 37, Section 34, Brevard County, Florida.

Motion made by Mr. Borkowski, seconded by Mr. Glover, table this case until the November 10<sup>th</sup>, 2020 hearing. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

3. CEB 20488-20 CITY OF PALM BAY VS C&S EATERY INC  
LOT 9.02,

This case involved a violation of City Code, Section(s) 185.181(A), Code of Ordinances of the City of Palm Bay for property located at 4445 Dixie Hwy, Lot 9.02, Subdivision 29, Township 28, Range 37, Section 24, 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) 185.181(A). The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

Motion made by Mr. Borkowski, seconded by Mr. Silva-Martinez, to set a compliance date to December 8, 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. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

4. CEB 20483-20 CITY OF PALM BAY VS PAUL HUDSON / DEBRA HUDSON  
LOT 14, BLK 254

This case involved a violation of City Code, Section(s) 185.181(A) Code of Ordinances of the City of Palm Bay for property located at 925 Dupont St NE, Lot 14, Blk 254, Subdivision FS, Township 28, Range 37, Section 32, 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) 185.181(A). The motion carried with the members voting as follows: Mr. Ritter, 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 8, 2020 or that a set 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. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

5. CEB 20448-20 CITY OF PALM BAY VS ROBERT M MAHAR / KIM M MAHAR  
LOT 6, BLK 16

This case involved a violation of City Code, Section(s) 93.03; 93.031(A)(1), Code of Ordinances of the City of Palm Bay for property located at 451 Port Malabar Blvd NE Lot 6, Blk 16, Subdivision JO, Township 28, Range 37, Section 28, 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) 93.03; 93.031(A)(1). The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

Motion made by Mr. Glover, seconded by Mr. Brokowski, to set a compliance date to November 8, 2020 or that a set 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. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

**The following cases were withdrawn due to voluntary compliance:**

CEB# 20446-20	630 WILDMER RD SW
CEB# 20455-20	1560 RACHEL AVE SE
CEB# 20458-20	5571 BABCOCK ST NE
CEB# 20459-20	5661 BABCOCK ST NE
CEB# 20486-20	3226 JACKSON AVE NE
CEB# 20487-20	2580 HAVERHILL RD
CEB# 20479-20	831 ARABIA RD
CEB# 20450-20	1157 TOPLIFF CIR 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 #20456-20	1837 GLENWOOD ST NE
CEB #20457-20	1095 HOOPER AVE NE
CEB #20460-20	1765 WILKIG AVE SE
CEB #20465-20	424 KRASSNER DR NW
CEB #20466-20	1253 RAYFIELD ST SE
CEB #20467-20	692 BANKS ST NW
CEB #20468-20	931 GANNET AVE NW
CEB #20469-20	1522 EAGLE AVE NW
CEB #20470-20	1857 ASHCROFT ST NW
CEB #20471-20	1252 GLENCOVE AVE NW
CEB #20472-20	1566 PAISLEY ST NW
CEB #20473-20	1882 HAYS ST NW
CEB #20474-20	300 TITAN RD SE
CEB #20475-20	1395 COX AVE NW
CEB #20476-20	1379 HAVRE ST NW
CEB #20477-20	717 ROSTOCK CIR NW
CEB #20484-20	147 SHALIMAR AVE NW
CEB #20485-20	320 ALGIERS AVE SE
CEB #20489-20	1491 FLORIDA AVE NE
CEB #20491-20	793 DAVIDSON ST SE
CEB #20492-20	370 SEABULL AVE SW
CEB #20493-20	180 TUCKER ST SW
CEB #20494-20	256 SAN SERVANDO AVE SW
CEB #20495-20	1443 DAMON RD SE
CEB #20496-20	500 PILGRIM LN SE
CEB #20497-20	229 FITCHBURG ST SW
CEB #20498-20	2280 GASCON RD SW
CEB #20499-20	739 GERHARD AVE SW
CEB #20500-20	653 WEAVER RD SW

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

Motion by Mr. Ritter, seconded by Mr. Borkowski, to give the respondents in these cases a compliance date of September 19, 2020 or that a set fine of \$200.00 be imposed for every case, 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. 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 #20447-20	1316 MARINER AVE SE
CEB #20449-20	932 NIXON CIR NE
CEB #20451-20	195 ROUGE LN NE
CEB #20452-20	820 PALM BAY RD NE
CEB #20453-20	1280 CREEL RD NE
CEB #20454-20	942 SALINA ST SE
CEB #20461-20	862 ALTONA ST SW
CEB #20463-20	3280 TERKELSON AVE SE
CEB #20478-20	960 GULFPORT RD SE
CEB #20481-20	1060 EMERALD RD SE
CEB #20482-20	294 AVENS RD NE
CEB #20490-20	1099 SAN RAFAEL RD SW

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

Motion by Mr. Ritter, seconded by Mr. Glover, to give the respondents in these cases a compliance date of September 24, 2020 or that a fine of \$50.00 be imposed for every case for each and every day the violations continues; 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. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye.

**ADJOURNMENT:**

The meeting adjourned at approximately 2:00 PM.

ATTEST:

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Lisa Weggeland, Board Secretary

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James Ritter, Chairperson