

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT BOARD Regular Meeting 2021-01

Held on the 13th day of January 2021 in the Dawn Reid Community Room, 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 1:11 PM.

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

SWEARING IN:

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

OLD BUSINESS:

1. CEB 20616-20 City of Palm Bay vs Andrew J Maniscalco
1136 Wyoming DR SE, Blk 846, Lot 15,

This property was brought into voluntary compliance.

REPORTS:

1. Authorization to Impose Fines:

1. CEB 20601-20 CITY OF PALM BAY VS COUCH, VICTOR & DEBI
2051 NORTHVIEW ST NE

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 2051 Northview ST NE, PART OF SW ¼ N OF ROBERT J. CONLAN BLVD AS DESC IN ORB 4087 PG 323, Brevard County, Florida, LOT 20.

Motion made by Mr. Glover, seconded by Mr. Agarie, to grant an extension to March 14, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Ms. Walberg, aye.

2. CEB 20488-20 CITY OF PALM BAY VS C&S EATERY INC.
4445 DIXIE HWY NE, 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 NE, Lot 9.02, Subdivision 29, Township 28, Range 37, Section 24, Brevard County, Florida.

Motion made by Mr. Glover, seconded by Mr. Agarie, to grant an extension to March 14, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Ms. Walberg, aye.

3. CEB 20600-20 CITY OF PALM BAY VS KENNETH BONE
2553 AMBERLY RD NE, LOT 17

This case involved a violation of City Code, Section(s) 2015 IPMC 308.1, 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. Glover, seconded by Mr. Agarie, to grant an extension to February 12, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Ms. Walberg, aye.

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 20517-20	VET CONSTRUCTION	\$200.00 set fine
CEB 20521-20	BELAU, ANTHONY W	\$100.00 per day
CEB 20598-20	FEDERICO/ HERLIND	\$200.00 set fine
CEB 20599-20	WE LIGHTHOUSE POI	\$50.00 set fine
CEB 20604-20	BAUER, JOHANN	\$200.00 set fine
CEB 20607-20	RICE, PAMELA ANN	\$200.00 set fine
CEB 20612-20	DND MANAGEMENT	\$200.00 set fine
CEB 20618-20	STAFFORD, JULIANN	\$50.00 per day
CEB 20620-20	FRANCIS, ALEXANDER	\$200.00 set fine

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CEB 20621-20	KELLY, JAMES E	\$200.00 set fine
CEB 20624-20	NGUYEN, OANH THU	\$200.00 set fine
CEB 20625-20	PRO2 INVESTMENTS GROUP	\$200.00 set fine
CEB 20626-20	MALFAIT, HEATHER	\$200.00 set fine
CEB 20628-20	MAC, FEMINIA C	\$200.00 set fine
CEB 20629-20	HARRELSON, WILLIA	\$200.00 set fine
CEB 20630-20	BENJAMIN, MICHAEL	\$200.00 set fine
CEB 20631-20	CEPEDA, HERIBERTO	\$200.00 set fine
CEB 20634-20	HIPPOLYTE, LEONTY	\$200.00 set fine
CEB 20635-20	VERO ATLANTIC 2 LLC.	\$200.00 set fine
CEB 20636-20	SILVER PALM HOMES	\$200.00 set fine
CEB 20637-20	SILVER PALM HOMES	\$200.00 set fine
CEB 20641-20	MATHIEU, VLADIMIR	\$200.00 set fine
CEB 20644-20	LARGACHA, CHRITI	\$50.00 per day
CEB 20646-20	GARCIA, OSCAR/ ANG	\$50.00 per day
CEB 20649-20	CENTKOWSKI, SHER	\$50.00 per day
CEB 20651-20	PARSAN, USHARBOU	\$50.00 per day
CEB 20652-20	DELMATER, CHARLES	\$50.00 per day
CEB 20653-20	VG COMMUNITY LLC.	\$50.00 per day
CEB 20655-20	RAMSOOK, FRANKIE	\$200.00 set fine
CEB 20656-20	BERRY, ELSA FUENT	\$200.00 set fine
CEB 20657-20	BISUNDIAL, GOWTA	\$200.00 set fine
CEB 20659-20	REGISTE, CYNTHIA I	\$200.00 set fine
CEB 20660-20	SAMLAL, DENISE L/S	\$200.00 set fine
CEB 20661-20	VAN HETZAND, JACQ	\$200.00 set fine
CEB 20662-20	PLATT, JOY	\$200.00 set fine
CEB 20663-20	JOHNSON, GREGG	\$200.00 set fine
CEB 20664-20	JAWARDI, NAJAT E/	\$200.00 set fine
CEB 20665-20	TRAN, CUNG/ PHAN, P	\$200.00 set fine
CEB 20667-20	PETER, KARL	\$200.00 set fine
CEB 20668-20	PETER, KARL	\$200.00 set fine
CEB 20669-20	QUAIDA INTERNATIONAL	\$200.00 set fine

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CEB 20670-20	DEWEY D REVOCABLE	\$200.00 set fine
CEB 20671-20	G P KALIMBASSIERIS	\$200.00 set fine
CEB 20672-20	BECKAGE, NANCY	\$200.00 set fine
CEB 20673-20	SCOTT, GLENDA	\$200.00 set fine
CEB 20674-20	GRACIELA A DE OCA	\$200.00 set fine
CEB 20676-20	SEGARRA, ARTEMIS/	\$200.00 set fine
CEB 20678-20	DORLUS, THOMAS/ FE	\$200.00 set fine
CEB 20680-20	WRIGHT, WILLIAM C	\$200.00 set fine
CEB 20681-20	PHILIPPI, TERENCE L	\$200.00 set fine
CEB 20682-20	MP DEVELOPERS INC	\$200.00 set fine
CEB 20684-20	EVELYN A HARRING	\$200.00 set fine
CEB 20685-20	OAK, PAIGE E	\$200.00 set fine
CEB 20687-20	MAQBOOL, AHSAN/M	\$200.00 set fine
CEB 20691-20	MAB 1 LLC.	\$200.00 set fine
CEB 20692-20	ROBERT ROSENWASS	\$200.00 set fine
CEB 20694-20	ENGE, JUAN O NIEMA	\$200.00 set fine
CEB 20696-20	OLIVE TREE TERRA I	\$200.00 set fine
CEB 20698-20	HADCOCK, ERNEST P	\$50.00 set fine
CEB 20700-20	ALCANTARA, RONAL	\$200.00 set fine
CEB 20702-20	ARVIDSON, CHRIS	\$200.00 set fine
CEB 20703-20	MENDIOLA, DAMASO	\$200.00 set fine

The following cases were withdrawn due to voluntary compliance:

CEB# 20641-20 137 PRAIRIE ST SE

HEARINGS:

1. CEB 21889-21 CITY OF PALM BAY VS YENI HERRERA
 PORT MALABAR UNIT 30, LOT 18, BLK 1412

This case involved a violation of City Code, Section(s) Florida Fire Prevention Code by section 33.21 (A); 2015 IPMC 304.6; 2015 IPMC 304.9; 2015IPMC 304.7; 2015 IPMC 308.1; 2015 IPMC 304.13, Code of Ordinances of the City of Palm Bay for property located at 2836 Fitzpatrick Ave SW, Lot 18, Blk 1412 Subdivision KJ, Township 29, Range 36, Section 25, Brevard County, Florida.

Motion made by Mr. Glover, seconded by Mr. Agarie, to find the respondent in violation based on the findings of fact, Section(s) 2015 IPMC 308.1, and 2015 IPMC 304.13. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Ms. Walberg, aye.

Motion made by Mr. Glover seconded by Mr. Agarie, to set a compliance date to January 28, 2021 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. Agarie, aye; Ms. Walberg, aye.

Motion made by Mr. Glover, seconded by Mr. Ritter, to find the respondent in violation based on the findings of fact, Section(s) 33.21(A); 2015 IPMC 304.6, and 2015 IPMC 304.9; 2015 IPMC 304.7. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Ms. Walberg, aye.

Motion made by Mr. Glover seconded by Mr. Ritter, to set a compliance date to July 12, 2021 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. Glover, aye; Mr. Agarie, aye; Ms. Walberg, aye.

2. CEB 21888-21 CITY OF PALM BAY VS JUDITH A PHILLIPS
PORT MALABAR UNIT 17, LOT 12, BLK 845

This case involved a violation of City Code, Section(s) 179.080, Code of Ordinances of the City of Palm Bay for property located at 1199 Sandusky ST SE, Lot 12, Blk 845, Subdivision GQ, Township 29, Range 37, Section 21, 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) 179.080. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Ms. Walberg, aye.

Motion made by Mr. Ritter seconded by Mr. Agerie, to set a compliance date to June 12, 2021 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. Agarie, aye; Ms. Walberg, aye.

3. CEB 21887-21 CITY OF PALM BAY VS LUIS GOMES
PORT MALABAR UNIT 15, LOT 17, BLK 701

This case involved a violation of City Code, Section(s) 150.40 (A); 2015 IPMC 308.1, Code of Ordinances of the City of Palm Bay for property located at 1373 Sagbloom ST SE, Lot 17, Blk 701, Subdivision GO, Township 29, Range 37, Section 09, 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. Agarie, aye; Ms. Walberg, aye.

Motion made by Mr. Ritter seconded by Mr. Glover, to set a compliance date to January 23, 2021 or that a flat 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. Glover, aye; Mr. Agarie, aye; Ms. Walberg, aye.

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. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Ms. Walberg, aye.

Motion made by Mr. Ritter seconded by Mr. Glover, to set a compliance date to January 28, 2021 or that a fine of \$50.00 be imposed for every day the violation continues. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Ms. Walberg, aye.

The following cases were withdrawn due to voluntary compliance:

CEB 21795-21	890 EMERSON DR NE
CEB 21797-21	330 HUNTSVILLE ST NE
CEB 21799-21	514 AVONDALE RD NE
CEB 21809-21	1230 DESTINY ST SE
CEB 21814-21	1574 HEARTWELLVILLE
CEB 21821-21	1650 RED BUD CIR NW
CEB 21836-21	291 DECORDRE RD SE
CEB 21856-21	2798 DIGBY RD 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 21804-21	3060 DIXIE HWY NE
CEB 21805-21	2580 HAVERHILL RD NE
CEB 21806-21	430 ALMANSA ST NE
CEB 21807-21	1114 HERNE AVE NE
CEB 21827-21	2855 TISHMAN RD SE
CEB 21828-21	1476 REED ST NW
CEB 21833-21	1538 LEEWARD AVE SE
CEB 21846-21	775 TEAL ST SE
CEB 21881-21	788 WALMSLEY ST SW
CEB 21882-21	340 DE CASTRO AVE SE
CEB 21883-21	482 COOLIDGE RD NE
CEB 21884-21	153 DONALD AVE 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. Agarie, aye; Ms. Walberg, aye.

Motion by Mr. Boothroyd, seconded by Mr. Ritter, to give the respondents in these cases a compliance date of January 28, 2021 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. Agarie, aye; Ms. Walberg, 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 flat fine to be imposed if the respondents fail to come into compliance by the time set.

CEB 21796-21	491 DELMONICO ST NE
CEB 21798-21	1781 GLENWOOD ST NE
CEB 21800-21	3279 GALLEON AVE NE

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CEB 21811-21	971 PANDORA RD SE
CEB 21812-21	1798 NANTON ST NW
CEB 21813-21	1190 GLENDALE AVE NW
CEB 21815-21	1553 ALBERNI ST NW
CEB 21816-21	1011 EARLY DR NW
CEB 21817-21	1019 ESSEN AVE NW
CEB 21818-21	1839 MACKLIN ST NW
CEB 21819-21	1055 PACE DR NW
CEB 21820-21	1672 RED BUD CIR NW
CEB21822-21	404 KRASSNER DR NW
CEB 21823-21	1049 SERENADE ST NW
CEB 21824-21	725 IVANHOE ST NW
CEB 21825-21	1700 MAHOGANY CT NW
CEB 21826-21	1608 EARLHAM AVE NW
CEB 21829-21	978 ST JOHN'S ST SE
CEB 21830-21	1379 VANCOUVER AVE SE
CEB 21831-21	1394 MARINER AVE SE
CEB 21832-21	1683 SAIPAN ST SE
CEB 21834-21	448 ELLINGTON AVE SE
CEB 21835-21	1069 CASTILE RD SE
CEB 21837-21	757 EVERGLADE AVE SE
CEB 21838-21	1002 COMMERCE RD SE
CEB 21839-21	728 CORNELIA AVE SE
CEB 21840-21	2134 WAGONWHEEL AVE SE
CEB 21841-21	1775 TRADEWINDS AVE SE
CEB 21842-21	640 SAUDERS RD SE
CEB 21843-21	498 CHELTENHAM AVE SE
CEB 21844-21	1700 WAPELLO AVE SE
CEB 21845-21	1161 KEVITT CT SE
CEB 21847-21	482 SAN PEDRO AVE SW
CEB 21848-21	1079 WELLINGTON ST SW
CEB 21849-21	1375 WHITEHURST RD SW
CEB 21850-21	1213 HAULOVER ST SW
CEB 21851-21	531 SEA FURY AVE SW

CEB 21852-21	1311 SEABREEZE ST SW
CEB 21853-21	718 DANIELS AVE SW
CEB 21854-21	311 HARRINGTON ST SW
CEB 21855-21	331 HARRINGTON ST SW
CEB 21857-21	1391 HEITZMAN AVE SW
CEB 21858-21	2628 FINDLAY AVE SW
CEB 21859-21	502 FREDERICKSBURG ST SW
CEB 21860-21	384 OLSTER ST SW
CEB 21861-21	1440 DEGROODT RD SW
CEB 21862-21	568 TROPICAIRE AVE SW
CEB 21863-21	1298 SCOTTISH ST SW
CEB 21864-21	884 DARTMOUTH AVE SW
CEB 21865-21	749 SCHUSTER RD SW
CEB 21866-21	747 SCOTT AVE SW
CEB 21867-21	762 GERHARD AVE SW
CEB 21868-21	1000 HAMMACHER AVE SW
CEB 21869-21	1706 DEGROODT RD SW
CEB 21870-21	358 HAMMONTON ST SW
CEB 21871-21	383 HANFORD RD SW
CEB 21872-21	566 FIREBRAND ST SW
CEB 21873-21	1280 SCOTTISH ST SW
CEB 21874-21	800 WAKAW LN SW
CEB 21875-21	2200 WAGONWHEEL AVE SE
CEB 21876-21	2827 DERBY AVE SE
CEB 21877-21	971 QUESADA ST SE
CEB 21878-21	2827 TIVOLI AVE SE
CEB 21879-21	935 TURQUOISE ST SE
CEB 21880-21	3097 TROPICAL CIR SE
CEB 21885-21	524 REMBRANDT ST SE
CEB 21886-21	755 ATLANTIS RD 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. Glover, aye; Mr. Agarie, aye; Ms. Walberg, aye.

Motion by Mr. Boothroyd, seconded by Mr. Glover, to give the respondents in these cases a compliance date of January 23rd, 2021 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. Agarie, aye; Ms. Walberg, aye.

ADJOURNMENT:

The meeting adjourned at approximately 2:20 PM.

ATTEST:

Jeanne Pinsi, Board Secretary

James Boothroyd, Chairperson