

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT BOARD Regular Meeting 2021-02

Held on the 10th day of February 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 1:18 PM.

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

SWEARING IN:

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

OLD BUSINESS:

1. CEB 21801-21 CITY OF PALM BAY VS SHAULA MALIE BAUER
872 VANCE CIR NE, LOT 7, BLK 711, PORT MALABAR
UNIT 43

Motion by Mr. Boothroyd, seconded by Mr. Glover, to find this case 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. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Boothroyd, seconded by Mr. Glover, to give the respondents in this case a compliance date of February 25th, 2021 or that a fine of \$50.00 be imposed 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. Borkowski, aye; Ms. Walberg, aye.

REPORTS:

1. Authorization to Impose Fines:

1. CEB 20516-20 CITY OF PALM BAY VS FEDERAL HOME LOAN
292 EMERSON DR NW, LOT 49, BLK 2488, UNIT 48

This case involved a violation of City Code, Section(s) 93.044 (A)(1), Code of Ordinances of the City of Palm Bay for property located at 292 EMERSON DR NW, LOT 49, BLK 2488, UNIT 48, Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Glover, to grant an extension to May 11, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

2. CEB 20716-20 CITY OF PALM BAY VS CONSTANCE R PAUL
1287 LINGEN AVE NW, LOT 9, BLK 2483, UNIT 48

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 1287 Lingen Ave NW, Lot 9, Blk 2483, Unit 48 Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Glover, to deny the request of reducing the flat fine from \$200.00. Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, 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 February 1, 2021 and the properties remained in non-compliance.

CEB 20541-20	RICHARDSON, MARK	\$200.00 set fine
CEB 20543-20	TIF-FK-II LLC	\$50.00 per day
CEB 20611-20	DAVIS, FRANCELLEA	\$200.00 set fine
CEB 20650-20	HUNT, DENISE TRUST	\$100.00 per day
CEB 20705-20	REISMAN, JEFFREY I	\$200.00 set fine
CEB 20707-20	PERCILEAU, IRENE O	\$200.00 set fine
CEB 20708-20	HILL, MARGARET E	\$200.00 set fine

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CEB 20709-20	FLEMING, MICHAEL	\$200.00 set fine
CEB 20710-20	PINSON, BERTHA N	\$200.00 set fine
CEB 20711-20	BERMAN, STEVE A	\$500.00 per day
CEB 20713-20	DONNELLY, WILLIAM	\$50.00 per day
CEB 20714-20	SILVER PALM HOMES	\$200.00 set fine
CEB 20715-20	GRANT, TAWANA	\$200.00 set fine
CEB 20717-20	BLUE, MICAHEL SHO	\$200.00 set fine
CEB 20718-20	SCARCELLA, HELEN J	\$200.00 set fine
CEB 20720-20	DOLCE, DUCLOS	\$200.00 set fine
CEB 20721-20	ECOSUN, HOMES LLC	\$200.00 set fine
CEB 20722-20	UNITY DEVELOPMENT	\$200.00 set fine
CEB 20727-20	MIRA, ANGELO	\$200.00 set fine
CEB 20728-20	MCGRATH, MILDRED	\$200.00 set fine
CEB 20729-20	ROWLETT, ALFRED D	\$200.00 set fine
CEB 20731-20	FUNKHOUSER, KATH	\$200.00 set fine
CEB 20733-20	RESTIVO, ROBERT A	\$200.00 set fine
CEB 20738-20	WILLIAMS, DAVID R	\$200.00 set fine
CEB 20742-20	NEWLAND, EMILIA	\$200.00 set fine
CEB 20750-20	SABA, SADIA	\$200.00 set fine
CEB 20755-20	GELBER, ADELA C/O	\$200.00 set fine
CEB 20762-20	ROBERTS, ANN MARIE	\$200.00 set fine
CEB 20763-20	HOLMES, VIRGINIA G	\$200.00 set fine
CEB 20764-20	TEMPLE, NOEL	\$200.00 set fine
CEB 20768-20	OSWELL LAINER SUT	\$50.00 per day
CEB 20771-20	LOREK, RONALD F	\$200.00 set fine
CEB 20772-20	TELEFORT, ALEX	\$200.00 set fine
CEB 20773-20	ROMERO, GUSTAVO	\$200.00 set fine
CEB 20774-20	CHEUNG, YUE TING	\$200.00 set fine
CEB 20775-20	TSIOGAS, JIM	\$200.00 set fine
CEB 20776-20	TSENG, BING- YUEH	\$200.00 set fine
CEB 20778-20	TORRES, LUZ M C/O C	\$200.00 set fine

CEB 20781-20	MORALES, WANDA T	\$200.00 set fine
CEB 20782-20	PATURZO, GAIL	\$200.00 set fine
CEB 20783-20	RAMOS, PABLO	\$200.00 set fine
CEB 20786-20	MARK, ALEJANDRA	\$200.00 set fine
CEB 20791-20	DOYLEY, MURIEL A/ J	\$200.00 set fine

The following cases were withdrawn due to voluntary compliance:

CEB 20444-20 187 ABELLO RD SE

HEARINGS:

- | | |
|-----------------|---|
| 1. CEB 21890-21 | CITY OF PALM BAY VS LOVE, JOHN E
2003 MICHELS DR NE, LOT 10, BLK C |
|-----------------|---|

This case involved a violation of City Code, Section(s) 2015 IPMC 304.9; 73.21 (B); 185.123 (B); 93.03, Code of Ordinances of the City of Palm Bay for property located at 2003 Michels DR NE, Lot 10, Subdivision 75, Township 28, Range 37, Section 22, Brevard County, Florida.

Motion made by Mr. Borkowski, seconded by Mr. Ritter, to find the respondent in violation based on the findings of fact, Section(s) 2015 IPMC 304.9; 73.21 (B); 185.123 (B); 93.03. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion made by Mr. Borkowski seconded by Mr. Ritter, to set a compliance date to April 11, 2021 or that a fine of \$150.00 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. Borkowski, aye; Ms. Walberg, aye.

2. CEB 21910-21 CITY OF PALM BAY VS SOOMARIA ALI
922 HAMPSHIRE AVE NE, LOT 34, BLK 67, PORT
MALABAR COUNTRY CLUB UNIT 7

This case involved a violation of City Code, Section(s) 185.123(B); 73.21 (B); 73.02(A), Code of Ordinances of the City of Palm Bay for property located at 922 Hampshire Ave NE, Lot 7, Subdivision LW, Township 28, Range 37, Section 28, 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)185.123(B); 73.21 (B); 73.02(A). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion made by Mr. Ritter seconded by Mr. Borkowski, to set a compliance date to March 12, 2021 or that a fine of \$150.00 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. Borkowski, aye; Ms. Walberg, aye.

The following cases were withdrawn due to voluntary compliance:

CEB 21891-21	2595 SPENCE DR NE
CEB 21892-21	4600 DIXIE HWY NE
CEB 21895-21	1602 PAISLEY
CEB 21896-21	1049 BANKS ST NW
CEB 21901-21	1234 CORAL REEF AVE NW
CEB 21902-21	1051 DUSSELDORF AVE NW
CEB 21912-21	420 ALVARADO AVE SE
CEB 21924-21	2823 ELDRON BLVD SE
CEB 21939-21	1351 RASCAL ST SE
CEB 21942-21	2195 EMERSON DR SE
CEB 21956-21	531 GALLAGHER ST
CEB 21962-21	896 LAIKA RD SW
CEB 21966-21	2828 GAGHAGEN ST SE
CEB 21967-21	767 SIMON ST SE
CEB 21969-21	2537 HARBISON AVE SW
CEB 21971-21	318 HAMMONTON ST SW

The following cases were closed by the City:

CEB 21911-21	227 ELDRON BLVD SE
CEB 21964-21	1461 ELDRON BLVD 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 21899-21	1031 BANKS ST NW
CEB 21900-21	1649 NAPANEE ST NW
CEB 21903-21	1419 DALLAM AVE NW
CEB 21907-21	825 CRICKET DR NE
CEB 21908-21	446 NOGALES AVE NE
CEB 21909-21	990 PENELOPE AVE NE
CEB 21915-21	866 BELLEVUE ST NE
CEB 21945-21	942 SALINA ST SE
CEB 21946-21	1327 PARAGON RD SE
CEB 21947-21	841 ALGARINGO AVE SE
CEB 21948-21	801 BRICKELL ST SE
CEB 21949-21	978 COTORRO RD SE
CEB 21950-21	146 SAN FILIPPO DR SE
CEB 21951-21	1009 TEVIS ST SE
CEB 21952-21	1067 CROCUS ST NE
CEB 21953-21	746 DARBY AVE SW
CEB 21954-21	435 GALLAGHER ST SW

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. Silva-Martinez, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Boothroyd, seconded by Mr. Ritter, to give the respondents in these cases a compliance date of February 25, 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. Silva-Martinez, aye; Mr. Borkowski, 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 21893-21	1293 HELIAS ST NW
CEB 21894-21	675 KEMPTEN ST NW
CEB 21897-21	890 ROSTOCK CIR NW
CEB 21898-21	396 JACARANDA AVE NW
CEB 21904-21	311 BROOKEDGE ST NE
CEB 21905-21	381 CHASKA ST NE
CEB 21906-21	509 GILBERT DR NE
CEB 21913-21	750 BERKLEY ST SE
CEB 21914-21	960 HOSBINE ST SE
CEB 21916-21	2969 FIG RD SE
CEB 21917-21	2743 FREEHOLD AVE SE
CEB 21918-21	2194 SAN FILIPPO DR SE
CEB 21919-21	1175 WESLACO ST SE
CEB 21920-21	1181 TORRINGTON ST SE
CEB 21921-21	3171 SAN SALVADOR AVE SE
CEB 21922-21	1436 SUMMER ST SE
CEB 21923-21	1938 TANTER AVE SE
CEB 21925-21	2495 DIANE AVE SE
CEB 21926-21	224 FERGUSON ST SE
CEB 21927-21	3166 HALCOMB AVE SE
CEB 21928-21	3259 SLAMA AVE SE
CEB 21929-21	3280 WESDAY RD SE
CEB 21930-21	1305 TRANSCORO ST SE
CEB 21931-21	1841 THORMAN AVE SE
CEB 21932-21	1314 RAINBOW RD SE
CEB 21933-21	1326 RAINBOW RD SE
CEB 21934-21	661 SAN FILIPPO DR SE
CEB 21935-21	1508 WACO BLVD SE
CEB 21936-21	1541 NEWPORT ST SE
CEB 21937-21	700 TALMADGE AVE SE

CEB 21938-21	1314 WADSWORTH ST SE
CEB 21940-21	3107 SAN SALVADOR AVE SE
CEB 21941-21	938 BRADDOCK AVE SE
CEB 21943-21	1431 WACO BLVD SE
CEB 21944-21	1364 TIDEWELL ST SE
CEB 21955-21	1907 OLYMPIA AVE SW
CEB 21957-21	574 J A BOMBARDIER BLVD SW
CEB 21958-21	720 HARPER BLVD SW
CEB 21959-21	723 GEDDES ST SW
CEB 21960-21	1379 HARWICK ST SW
CEB 21961-21	864 LAIKA RD SW
CEB 21963-21	1106 WHITEHURST RD SW
CEB 21965-21	1491 ELDRON BLVD SE
CEB 21968-21	2526 GALIANO AVE SW
CEB 21970-21	460 GALHOUSE ST SW

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. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Boothroyd, seconded by Mr. Borkowski, to give the respondents in these cases a compliance date of February 20th, 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. Silva-Martinez, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

ADJOURNMENT:

The meeting adjourned at approximately 2:04 PM.

ATTEST:

Jeanne Pinsi, Board Secretary

James Boothroyd, Chairperson