

CITY OF PALM BAY, FLORIDA
CODE ENFORCEMENT BOARD
Regular Meeting 2021-04

Held on the 14th day of April 2021 in the 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	Excused
MEMBER:	Susan Walberg	Present
STAFF:	Jason M. Gordon	Present
STAFF:	Rodney Edwards	Present

SWEARING IN:

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

OLD BUSINESS:

1. CEB20767-20 CITY OF PALM BAY VS MAYURI INVESTMENT PROPS LLC
1170 MALABAR RD SE

This case involved a violation of City Code, Section(s) 93.031 (A) (1) Code of Ordinances of the City of Palm Bay for property located at 1170 MALABAR RD SE, PART OF TRACT Q AS DESC IN ORB 2774 PG 679 & 2973 PG 104 ALSO PT OF LOT 28 OF PB 1 PG 165 AS DESC IN ORB 2973 PG 101, Subdivision MZ, Township 29 Range 37, Section 04, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Mr. Silva-Martinez to grant an extension to June 13, 2021. 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; Ms. Walberg, aye.

2. CEB#21974-21 CITY OF PALM BAY VS RAMSEY O AGARIE
1965 DANR DR NE

This case involved a violation of City Code, Section(s) 93.041 Code of Ordinances of the City of Palm Bay for property located at 1965 DANR DR NE, VALENTINE EST SUBD PART OF S 760 FT OF LOT 2 W OF FEC RR AS DESC IN ORB 2802 PG 1257, Subdivision FK, Township 28, Range 37, Section 14, Brevard County, Florida.

Motion by Mr. Glover, seconded by Mr. Silva-Martinez to grant an extension to July 13, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Ms. Walberg, aye. Mr. Agarie and Mr. Ritter recused themselves from voting on this case.

REPORTS:

1. Authorization to Impose Fines:

1. CEB 20423-20 CITY OF PALM BAY VS TOWD POINT MORTGAGE TRUST
2015-5
535 CONSOLATA AVE NW,

This case involved a violation of City Code, Section(s) 93.031(A) (1); 2015 IPMC 308.1; 185.181(A); 93.03; 93.03, Code of Ordinances of the City of Palm Bay for property located at 535 CONSOLATA AVE NW, Lot 3, Blk 604, Subdivision EX, Township 28, Range 36, Section 35, Brevard County, Florida,

Motion by Mr. Glover, seconded by Mr. Ritter, to grant an extension to July 13, 2021 on all violations except 93.031(A) (1). The Board authorized the City to take all reasonable action immediately to correct the violation at the expense of the property owner. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

2. CEB 20711-20 CITY OF PALM BAY VS STEVE A. BERMAN / MARISELA
BERMAN
1640 WATER DR NE

This case involved a violation of City Code, Section(s) 93.031(A) and 95.18, Code of Ordinances of the City of Palm Bay for property located at 1640 Water DR. NE, Lot 1, Blk 1, Subdivision 25, Township 28, Range 37, Section 24, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Mr. Glover, to table this case until the May 12, 2021 Code Enforcement Board hearing. The motion carried with the members voting as

follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, Mr. Silva-Martinez, aye; Ms. Walberg, aye.

3. CEB 20600-20 CITY OF PALM BAY VS TUNG PHAN & LACY LINDSAY
942 SALINA ST SE

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 942 SALINA ST SW, Lot 8, BLK 719 Subdivision GP, Township 29, Range 37, Section 17, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Mr. Glover, to grant an extension to May 13, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, 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 April 1, 2021 and the properties remained in non-compliance.

CEB 20488-20	C&S EATERY INC	\$50.00 per day
CEB 21801-21	BAUER, SHAULA	\$200.00 set fine
CEB 21820-21	MASHHOURIANS, AY	\$200.00 set fine
CEB 21893-21	PANOPOULOS, SPIRID	\$200.00 set fine
CEB 21894-21	COPELAND, EUGENIA	\$200.00 set fine
CEB 21897-21	SARMIENTO, SONIA B	\$200.00 set fine
CEB 21898-21	BAUTISTA, DAVID G	\$200.00 set fine
CEB 21899-21	FENNER, JUDITH M	\$50.00 per day
CEB 21906-21	RHODEN, EVERARD C	\$200.00 set fine
CEB 21907-21	WHYBREW LLC	\$50.00 per day
CEB 21909-21	TINNEY, BRIAN	\$50.00 per day
CEB 21913-21	OPALEWYCH, BOHDA	\$200.00 set fine
CEB 21916-21	WHITMAN, LATANYA	\$200.00 set fine
CEB 21917-21	SHUM, YUAN CHE	\$200.00 set fine
CEB 21919-21	MENSAH, LYNETTE L	\$200.00 set fine
CEB 21920-21	ARMADA US INC	\$200.00 set fine
CEB 21921-21	FIRST OMNI SERVICE	\$200.00 set fine

CEB 21922-21	SILVER PALMS HOMES	\$200.00 set fine
CEB 21923-21	ROBERT W TRUSTEE	\$200.00 set fine
CEB 21925-21	ANGELES, REBECCA	\$200.00 set fine
CEB 21928-21	NORTH AMERICAN E	\$200.00 set fine
CEB 21929-21	SMITH, MAY OGDEN	\$200.00 set fine
CEB 21930-21	HENDERSON, ERIN M	\$200.00 set fine
CEB 21931-21	MOALLEM, M DAVID	\$200.00 set fine
CEB 21932-21	ZAROU, SAM	\$200.00 set fine
CEB 21934-21	FRYE, GREGORY TRU	\$200.00 set fine
CEB 21937-21	LEE, BERNARD PAK L	\$200.00 set fine
CEB 21941-21	PIERRE, JESSE	\$200.00 set fine
CEB 21943-21	ALVAREZ, MIRIAM C	\$200.00 set fine
CEB 21944-21	DAVIS JR., PAUL	\$200.00 set fine
CEB 21949-21	ZELENKA, CHRISTIA	\$50.00 per day
CEB 21957-21	SEIDE, MATHILDA	\$200.00 set fine
CEB 21958-21	SILVER PALM HOMES	\$200.00 set fine
CEB 21960-21	MALDA, EDMUNDO E	\$200.00 set fine
CEB 21961-21	COENRAERT, PIERRE	\$200.00 set fine
CEB 21965-21	SALIBENI, FRANCIS P	\$200.00 set fine
CEB 21968-21	BLACKMAN, VERON	\$200.00 set fine
CEB 21970-21	BOYD, RICHARD JOSE	\$200.00 set fine
CEB 22015-21	KATZ, ARIEL	\$50.00 per day

HEARINGS:

- CEB 22039-21 CITY OF PALM BAY VS NANCY E GRANT
898 SEVEN GABLES CIR SE, LOT 16, BLK 2682, UNIT 50

This case involved a violation of City Code, Section(s) 2015 IPMC 304.9, Code of Ordinances of the City of Palm Bay for property located at 898 SEVEN GABLES CIR SE, Lot 16, Blk 2682 Subdivision JR, Township 29, Range 37, Section 17, Brevard County, Florida.

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

Motion by Mr. Glover seconded by Mr. Ritter, to set a compliance date to June 13, 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; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

2. CEB 22021-21 CITY OF PALM BAY VS ERIC HILLER AND ANGELA R HILLER
2784 SNAPDRAGON DR NW, LOT 64

This case involved a violation of City Code, Section(s) 93.032(A), Code of Ordinances of the City of Palm Bay for property located at 2784 SNAPDRAGON DR NW, Lot 64, Subdivision 50, Township 28, Range 36, Section 33, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Glover, to find the respondent in violation based on the findings of fact, Section(s) 93.032(A). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

Motion by Mr. Ritter seconded by Mr. Glover, to set a compliance date to May 14, 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; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

3. CEB 22034-21 CITY OF PALM BAY VS RHONDA R DELMATER
3698 JUPITER BLVD SE, LOT 12, BLK 340

This case involved a violation of City Code, Section(s) 185.123 (C), Code of Ordinances of the City of Palm Bay for property located at 3698 JUPITER BLVD SE, Lot 12, Blk 340, Subdivision GJ, Township 29, Range 37, Section 05, Brevard County, Florida.

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

Motion by Mr. Glover seconded by Mr. Ritter, to set a compliance date to April 24, 2021 or that a fine of \$100.00 per day for 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; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

4. CEB 22040-21 CITY OF PALM BAY VS DAVID AND JOYCE YANNAYO
425 SARAGASSA AVE SW, LOT 10, BLK 1075, UNIT 19

This case involved a violation of City Code, Section(s) 93.03; 185.123(C); 185.123 (B), Code of Ordinances of the City of Palm Bay for property located at 425 SARAGASSA AVE SW, Lot 10, BLK 1075, UNIT 19, Subdivision 25, Township 29, Range 36, Section 01, Brevard County, Florida.

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

Motion by Mr. Boothroyd seconded by Mr. Glover, to set a compliance date to April 29, 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. Agarie, aye; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

The following cases were withdrawn due to voluntary compliance:

CEB 22026-21	105 RING AVE NE
CEB 22028-21	254 VAN LOON AVE NE
CEB 22036-21	1219 ASHLAND AVE SE
CEB 22062-21	2107 WASHINGTON ST NE
CEB 22049-21	588 WINER AVE SW

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 22016-21	1674 HOLBROOK RD NW
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CEB 22017-21	717 ROSTOCK CIR NW
CEB 22018-21	261 EMERSON DR NW
CEB 22019-21	511 JUPITER BLVD NW
CEB 22024-21	1367 HEGIRA ST NW
CEB 22025-21	5270 BABCOCK ST NE
CEB 22031-21	255 ABALONE RD NW
CEB 22033-21	298 AVENS RD NE
CEB 22038-21	101 DECORDRE RD SE
CEB 22041-21	3030 EMERSON DR SE
CEB 22042-21	400 MALABAR RD SW
CEB 22053-21	1265 RAYFIELD ST SE
CEB 22054-21	3179 TROPICAL CIR SE
CEB 22061-21	2188 WAGONWHEEL AVE 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; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

Motion by Mr. Boothroyd, seconded by Mr. Ritter, to give the respondents in these cases a compliance date of April 29, 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; Mr. Silva-Martinez, 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 22020-21	1190 GLENDALE AVE NW
CEB 22022-21	1721 ANCHORAGE ST NW
CEB 22023-21	1707 DELAWARE ST NW
CEB 22027-21	881 HUNTINGTON ST NE
CEB 22029-21	430 BARGELLO AVE SE

CEB 22030-21	406 CALABRIA AVE SE
CEB 22032-21	230 MEDEA AVE NW
CEB 22035-21	197 CASSIA AVE SE
CEB 22037-21	758 SPOONBILL ST SW
CEB 22043-21	1270 HARWICK ST SW
CEB 22044-21	473 SCANLON RD SW
CEB 22045-21	519 FORT PIERCE ST SW
CEB 22046-21	931 GARLEND AVE SW
CEB 22047-21	1255 SEABOLD RD SW
CEB 22048-21	1079 WELLINGTON ST SW
CEB 22050-21	568 WINER AVE SW
CEB 22051-21	577 SARAGASSA AVE SW
CEB 22052-21	746 SPOONBILL ST SW
CEB 22055-21	824 TALUGA AVE SE
CEB 22056-21	1490 RANGER RD SE
CEB 22057-21	2373 AGUILOS AVE SE
CEB 22058-21	890 PALO ALTO ST SE
CEB 22059-21	1585 TROJAN ST SE
CEB 22060-21	2451 QUINCY AVE 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; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

Motion by Mr. Boothroyd, seconded by Mr. Silva-Martinez, to give the respondents in these cases a compliance date of April 24, 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; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

ADJOURNMENT:

The meeting adjourned at approximately 2:00 PM.

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ATTEST:

Jeanne Pinsi, Board Secretary

James Boothroyd, Chairperson