

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT BOARD Regular Meeting 2021-05

Held on the 12th day of May 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 1:10 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	Present
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.

ADOPTION OF MINUTES:

- 1. Regular Meeting Number 2021-03; March 10, 2021**
- 2. Regular Meeting Number 2021-04; April 14, 2021**

Motion by Mr. Glover, seconded by Mr. Borkowski, to approve the minutes as written. 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; Mr. Borkowski, aye; Ms. Walberg, aye.

OLD BUSINESS:

1. CEB20711-20 CITY OF PALM BAY VS STEVEN AND MARISELA BERMAN
1170 MALABAR RD SE

This case involved a violation of City Code, Section(s) 93.031 (A); 95.18, Code of Ordinances of the City of Palm Bay for property located at 1640 WATER DR NE,

TILLMAN, PLAT OF LOTS 1,12 TO 17 & 20 FT ALONG N OF LOT 2 BLK 1, Subdivision 25, Township 28 Range 37, Section 24, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Mr. Silva-Martinez to grant an extension to September 9, 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; Mr. Borkowski, aye; Ms. Walberg, aye.

REPORTS:

1. Authorization to Impose Fines:

1. CEB 22040-21 CITY OF PALM BAY VS DAVID AND JOYCE YANNAYON
425 SARAGASSA AVE SW

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

Motion by Mr. Agarie, seconded by Mr. Glover, to grant an extension to June 11, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, nay; 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 May 3, 2021 and the properties remained in non-compliance.

CEB 21981-21	EL-SEBAALY, HATEM	\$200.00 set fine
CEB 21982-21	CARBONARA, RUDOL	\$200.00 set fine
CEB 21983-21	DAVIS, FRANCELLEA	\$200.00 set fine
CEB 21988-21	DAVIS, JOHN F	\$200.00 set fine
CEB 21992-21	URIAS, JOSE	\$200.00 set fine
CEB 21993-21	CLAY, JOHN L	\$200.00 set fine
CEB 21998-21	PALLADIO DEVELOPMENT	\$200.00 set fine
CEB 22000-21	DUREMDES, MONSERRAT M TRUSTEE	\$200.00 set fine
CEB 22010-21	PALM BAY PETRO LLC	\$200.00 set fine
CEB 22011-21	SILVER PALM HOMES	\$200.00 set fine
CEB 22040-21	YANNAYON, DAVID	\$150.00 per day

HEARINGS:

1. CEB 22084-21 CITY OF PALM BAY VS CARL E GRAVES
402 LA COCO ST SW, LOT 13, BLK 1568, UNIT 32

This case involved a violation of City Code, Section(s) 93.04, Code of Ordinances of the City of Palm Bay for property located at 402 LA COCO ST SW, Lot 13, Blk 1568 Subdivision KK, Township 29, Range 36, Section 13, Brevard County, Florida.

Motion by Mr. Borkowski, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 93.04. 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; Mr. Borkowski, aye; Ms. Walberg, aye.

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

2. CEB 22075-21 CITY OF PALM BAY VS TOWD POINT MTG TRUST 2015-5
535 CONSOLATA AVE NW, LOT 3, BLK 604, UNIT 13

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 535 CONSOLATA AVE NW, Lot 3, block 604, Subdivision EX, Township 28, Range 36, Section 35, Brevard County, Florida.

Motion by Mr. Glover, seconded by Borkowski, to find the respondent in violation based on the findings of fact, Section(s) 185.183. 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; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Glover seconded by Mr. Borkowski, to set a compliance date to August 10, 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; Mr. Borkowski, aye; Ms. Walberg, aye.

3. CEB 22106-21 CITY OF PALM BAY VS KELLY L WARNER AND JOHN
WARNER
540 SEVILLE ST SE, LOT 12, BLK 539, UNIT 12

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 540 SEVILLE ST SE, Lot 12, Blk 539, Subdivision GN, Township 29, Range 37, Section 07, Brevard County, Florida.

Motion by Mr. Agarie, seconded by Mr. Glover, 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. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Agarie, seconded by Mr. Borkowski, to set a compliance date to May 21, 2021 or that a fine of \$50.00 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; Mr. Borkowski, aye; Ms. Walberg, aye.

4. CEB 22103-21 CITY OF PALM BAY VS GERALDINE L GARBACIK
1141 LARKSPUR ST SE, LOT 22, BLK 1219, UNIT 24

This case involved a violation of City Code, Section(s) 93.04, Code of Ordinances of the City of Palm Bay for property located at 1141 LARKSPUR ST SE, Lot 22, BLK 1219, UNIT 24, Subdivision GU, Township 29, Range 37, Section 32, Brevard County, Florida.

Motion by Mr. Glover, seconded by Borkowski, to find the respondent in violation based on the findings of fact, Section(s) 93.04. 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; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Glover seconded by Mr. Borkowski, to set a compliance date to July 11, 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; Mr. Borkowski, aye; Ms. Walberg, aye.

5. CEB 22064-21 CITY OF PALM BAY VS OCEAN BLUE 3 LLC
2575 DOREATHA FIELDS AVE NE

This case involved a violation of City Code, Section(s) 185.045, Code of Ordinances of the City of Palm Bay for property located at 2575 DOREATHA FIELDS AVE NE, THAT PART OF NW ¼ OF NE ¼ LYING W OF FEC RR & N OF ROBERT J CONLAND BLVD EXC N 25 FT & W 175 FT, TOGETHER WITH S, Subdivision 00, Township 28, Range 37, Section 14, Brevard County, Florida.

Motion by Mr. Boothroyd, seconded by Glover, to find the respondent in violation based on the findings of fact, Section(s) 185.045. 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; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Boothroyd seconded by Mr. Glover, to set a compliance date to May 21, 2021 or that a fine of \$500.00 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; Mr. Borkowski, aye; Ms. Walberg, aye.

The following cases were withdrawn due to voluntary compliance:

CEB 22104-21	1191 DEERFIELD ST SE
CEB 22082-21	761 SCOTTEN AVE SW
CEB 22095-21	2235 EMERSON DR SE
CEB 22069-21	107 NEMO CIR NE
CEB 22107-21	543 FLYNN ST 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 22065-21	2553 AMBERLY RD NE
CEB 22066-21	2557 AMBERLY RD NE
CEB 22067-21	2231 WASHINGTON ST NE
CEB 22070-21	1534 AMADOR AVE NW
CEB 22072-21	1011 ESSEN AVE NW
CEB 22073-21	1159 JUPITER BLVD NW
CEB 22074-21	2728 SNAPDRAGON DR NW
CEB 22079-21	250 AWIN CIR SE
CEB 22080-21	761 GIBBONS RD SW
CEB 22081-21	773 BRYANT RD SW
CEB 22099-21	728 EVERGLADE AVE SE
CEB 22105-21	3298 HAINLIN AVE SE

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

Motion by Mr. Boothroyd, seconded by Mr. Borkowski, to give the respondents in these cases a compliance date of May 27, 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; 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 22063-21	837 SADNET CIR NE
CEB 22085-21	403 GARNEY ST SW
CEB 22068-21	1201 CONE AVE NE
CEB 22071-21	1832 NANTON ST NW
CEB 22076-21	351 BRESCIA ST NE
CEB 22077-21	3180 ELDRON BLVD SE
CEB 22078-21	870 GRANDEUR ST SE
CEB 22083-21	1106 WHITEHURST RD SW
CEB 22086-21	1401 WALDRUN ST SE
CEB 22087-21	911 WALDEN BLVD SE
CEB 22088-21	2606 TENNYSON AVE SE
CEB 22089-21	2798 WRIGHT AVE SE
CEB 22090-21	3251 WESTMINSTER AVE SE
CEB 22091-21	3288 WIDEMAN AVE SE
CEB 22092-21	3242 HALACKA AVE SE
CEB 22093-21	680 COCONUT ST SE
CEB 22094-21	700 COCONUT ST SE
CEB 22096-21	127 COLLINGS ST SE
CEB 22097-21	341 BREAKWATER ST SE
CEB 22098-21	361 BREAKWATER ST SE

CEB 22100-21

1458 TRANSCORO ST SE

CEB 22101-21

818 RAVENSWOOD ST SE

CEB 22102-21

1638 SAN SOVING ST 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; 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 May 21, 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; Mr. Borkowski, aye; Ms. Walberg, aye.

ADJOURNMENT:

The meeting adjourned at approximately 2:10 PM.

ATTEST:

Jeanne Pinsi, Board Secretary

James Boothroyd, Chairperson