

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT BOARD Regular Meeting 2021-06

Held on the 9th day of June 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.

Vice Chairperson James Ritter called the meeting to order at approximately 1:05 PM.

CHAIRPERSON:	James Boothroyd	Excused
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.

ADOPTION OF MINUTES:

1. Regular Meeting Number 2021-05; May 12, 2021

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

OLD BUSINESS:

1. CEB 22017-21 CITY OF PALM BAY VS ROBERT E KOEHLER
717 ROSTOCK CIR NW, PALM BAY

Motion by Mr. Ritter, seconded by Mr. Glover, to amend the findings of facts to 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. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye.

REPORTS:

1. Authorization to Impose Fines:

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

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 CONLAN BLVD EXC N 25 FT & W 175 FT, TOGETHER WITH S, Brevard County, Florida.

Motion by Mr. Agarie, seconded by Mr. Silva-Martinez, to deny an extension of the fine. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye.

2.CEB 20412-20 CITY OF PALM BAY VS AMY ROLLINS
1340 JARVIS ST NW, PALM BAY

This case involved a violation of City Code, Section(s) 93.031(A), Code of Ordinances of the City of Palm Bay for property located at 1340 Jarvis ST NW, Lot 7, Blk 2285, Unit 44, Subdivision KO, Township 28, Range 36, Section 22, Brevard County, Florida.

Motion by Mr. Glover, seconded by Mr. Silva-Martinez, to grant an extension until October 7, 2021. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, 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 June 1, 2021 and the properties remained in non-compliance.

CEB 22022-21	KEECH, JAMES	\$200.00 set fine
CEB 22023-21	KEYSER, GERTRAUD	\$200.00 set fine
CEB 22025-21	PALM BAY IMPROVEMENT	\$50.00 per day
CEB 22029-21	SANCHEZ, CARLOS A	\$200.00 set fine
CEB 22030-21	CAVERTE, HERMINIG	\$200.00 set fine

CEB 22037-21	ZAMBORSKY, LEONA	\$200.00 set fine
CEB 22042-21	PLATT, MARILYN	\$50.00 per day
CEB 22044-21	CHEN, HSIU- MEI	\$200.00 set fine
CEB 22047-21	HENRY, TREVOR T	\$200.00 set fine
CEB 22048-21	MARCELIN, PAULEY	\$200.00 set fine
CEB 22050-21	HIGGINS, BEVERLEY	\$200.00 set fine
CEB 22052-21	CHARLES, PRIMEVER	\$200.00 set fine
CEB 22053-21	HEFLER, BRIAN	\$50.00 per day
CEB 22054-21	2018-3 IH BORROWER	\$50.00 per day
CEB 22055-21	REES, RUTH E	\$200.00 set fine
CEB 22056-21	BAIRD, WILLIAM P/B	\$200.00 set fine
CEB 22057-21	ARAGON, A ORLAND	\$200.00 set fine
CEB 22060-21	MILAM, LOUIS	\$200.00 set fine

HEARINGS:

1. CEB 22110-21 CITY OF PALM BAY VS ALFRED R AGARIE AND M AGARIE
4371 DIXIE HWY NE, PALM BAY

This case involved a violation of City Code, Section(s) 185.181(A); 170.133; 2015 IPMC 308.1, Code of Ordinances of the City of Palm Bay for property located at 4371 Dixie Hwy NE, Lot 10 as DES IN ORB 377 PGS 45, 47 EX HWY R/W, Subdivision 29, Township 28, Range 37, Section 24, Brevard County, Florida.

This case was tabled until the July 14, 2021 Code Enforcement Board meeting due to Mr. Alfred Agarie and Mr. James Ritter needing to recuse themselves from voting on this case.

2. CEB 22115-21 CITY OF PALM BAY VS LACEANN N AGARIE
1981 DANR DR NE, PALM BAY

This case involved a violation of City Code, Section(s) 185.181 (A); 185.010, Code of Ordinances of the City of Palm Bay for property located at 1981 Danr DR NE, VALENTINE EST SUBD PART OF S ½ OF LOT 2 W OF FEC RR AS DESC IN ORB 2564 PG 305 EXC ORB 3251 PG 4905, Subdivision FK, Township 28, Range 37, Section 14, Brevard County, Florida.

This case was tabled until the July 14, 2021 Code Enforcement Board meeting due to Mr. Agarie and Mr. Ritter needing to abstain from voting on this case.

3. CEB 22111-21 CITY OF PALM BAY VS ALFRED R AGARIE
1987 DANR DR NE, PALM BAY

This case involved a violation of City Code, Section(s) 185.010; 185.171(A), Code of Ordinances of the City of Palm Bay for property located at 1987 Danr Dr NE, VALENTINE ESTATE SUBD, PT OF LOT 2 AS DESC IN ORB 3749 PG 1239, Subdivision FK, Township 28, Range 37, Section 14, Brevard County, Florida.

This case was tabled until the July 14, 2021 Code Enforcement Board meeting due to Mr. Alfred Agarie and Mr. James Ritter needing to recuse themselves from voting on this case.

4. CEB 22127-21 CITY OF PALM BAY VS CHRISTOPHER R PERRY
682 ANTIGUA ST NE, PALM BAY

This case involved a violation of City Code, Section(s) 170.113(A); 170.119(A), Code of Ordinances of the City of Palm Bay for property located at 682 Antigua ST NE, Lot 6, Blk 229, Unit 7, Subdivision FR, Township 28, Range 37, Section 32, Brevard County, Florida.

Motion by Mr. Glover, seconded by Mr. Agarie, to find the respondent in violation based on the findings of fact, Section(s) 170.113(A); 170.119(A). The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye.

Motion by Mr. Glover, seconded by Mr. Silva-Martinez, to set a compliance date to August 8, 2021 or that a fine of \$75.00 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. Agarie, aye; Ms. Walberg, aye.

5. CEB 22113-21 CITY OF PALM BAY VS KARAMCHAND Y SINGH AND BII
Z RAHAMAN-SINGH TRUSTEES
2565 MARIETTA ST NE, PALM BAY

This case involved a violation of City Code, Section(s) 185.123(B); 170.111; 73.21(B); 93.03, Code of Ordinances of the City of Palm Bay for property located at 2565 Marietta

ST NE, Lot 1, Blk P, Subdivision 02, Township 28, Range 37, Section 26, Brevard County, Florida.

Motion by Mr. Agarie, seconded by Mr. Silva-Martinez, to find the respondent in violation based on the findings of fact, Section(s) 185.123(B); 170.111; 73.21(B); 93.03. The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye.

Motion by Mr. Agarie, seconded by Mr. Silva-Martinez, to set a compliance date to August 8, 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. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye.

6. CEB 22148-21 CITY OF PALM BAY VS BRANDON POHORENEC
1074 WING RD SW, PALM BAY

This case involved a violation of City Code, Section(s) 2015 IPMC 308.1; 185.123 (C); 73.21(B), Code of Ordinances of the City of Palm Bay for property located at 1074 Wing RD SW, Lot 12, Blk 983, Unit 20, Subdivision GI, Township 29, Range 36, Section 02, Brevard County, Florida.

Motion 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; 185.123 (C); 73.21(B). The motion carried with the members voting as follows: Mr. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye.

Motion by Mr. Glover, seconded by Mr. Agarie, to set a compliance date to August 8, 2021 or that a fine of \$75.00 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. Agarie, aye; Ms. Walberg, aye.

7. CEB 22150-21 CITY OF PALM BAY VS LOUIS EDWARD COUNTERMASH
3350 FLORALA AVE SW, PALM BAY

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 3350 Florala Ave SW, Lot 7, Blk1452, Unit 30, Subdivision KJ, Township 29, Range 36, Section 36, Brevard County, Florida.

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

Motion by Mr. Agarie, seconded by Mr. Glover, to set a compliance date to August 8, 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. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye.

The following cases were withdrawn due to voluntary compliance:

CEB 22112-21	2875 STEARNS AVE NE
CEB 22120-21	1354 AMADOR AVE NW
CEB 22128-21	211 ANTHONY AVE SE
CEB 22134-21	189 FINLAND ST SW
CEB 22137-21	2880 EMERSON DR SE
CEB 22138-21	777 DAVIDSON 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 22114-21	2756 MYERS DR NE
CEB 22116-21	1757 BIG CYPRESS ST NE
CEB 22124-21	1539 DOWSE CT NE
CEB 22146-21	448 EASTON FOREST CIR SE
CEB 22147-21	1705 SAWGRASS DR SW
CEB 22149-21	437 HARRISON ST SW
CEB 22154-21	1638 SAN SOVING ST SE
CEB 22155-21	3148 WESTOVER AVE SE

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

Motion by Mr. Ritter, seconded by Mr. Glover, to give the respondents in these cases a compliance date of June 24, 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. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, 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 22108-21	2756 MYERS DR NE
CEB 22109-21	2682 PALM BAY RD NE
CEB 22117-21	1296 HEGIRA ST NW
CEB 22118-21	1853 HAYS ST NW
CEB 22119-21	1395 UNTER AVE NW
CEB 22121-21	197 DANDRIDGE AVE NW
CEB 22122-21	411 KRASSNER DR NW
CEB 22123-21	423 KRASSNER DR NW
CEB 22125-21	507 KARNEY AVE NE
CEB 22126-21	335 PEGGY CIR NE
CEB 22129-21	741 BERKLEY ST SE
CEB 22130-21	407 FILLMORE AVE NE
CEB 22131-21	325 EL RANCHO TER NE
CEB 22132-21	159 HOFFER AVE NW
CEB 22133-21	320 DOLPHIN ST SE
CEB 22135-21	410 LA CROIX RD SW
CEB 22136-21	1235 WING RD SW
CEB 22139-21	385 MOTT ST SW
CEB 22140-21	577 SARAGASSA AVE SW
CEB 22141-21	359 WILLMETTE AVE SW

CEB 22142-21	458 HOLIN AVE SW
CEB 22143-21	1375 SCOTTISH ST SW
CEB 22144-21	784 HAWKINS AVE SW
CEB 22145-21	521 TOPEKA RD SW
CEB 22151-21	2797 GADSHAW AVE SE
CEB 22152-21	918 WESLACO ST SE
CEB 22153-21	1831 THORMAN AVE SE

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

Motion by Mr. Ritter, seconded by Mr. Silva-Martinez, to give the respondents in these cases a compliance date of June 19, 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. Ritter, aye; Mr. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye.

ADJOURNMENT:

The meeting adjourned at approximately 2:03 PM.

ATTEST:

Jeanne Pinsi, Board Secretary

James Ritter, Vice Chairperson