

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT BOARD Regular Meeting 2021-08

Held on the 11th day of August 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	Excused
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:

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

ADOPTION OF MINUTES:

1. **Regular Meeting Number 2021-06; June 9, 2021**
2. **Regular Meeting Number 2021-07; July 14, 2021**

Motion by Mr. Borkowski, seconded by Mr. Ritter, to approve the minutes as written. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Borkowski, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye.

REPORTS:

1. CEB 20423-20 CITY OF PALM BAY VS GREENFIELD LAW GROUP
535 CONSOLATA AVE NW, PALM BAY

This case involved a violation of City Code, Section(s) 93.031(A)(1); 2015 IMPC 308.1; 185.181(A); 93.03, Code of Ordinances of the City of Palm Bay for property located at 535 Consolata Ave NW, Lot 3, Blk 604, Unit 13, Subdivision EX, Township 28, Range 36, Section 35, Brevard County, Florida.

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

2. CEB 22147-21 CITY OF PALM BAY VS DARRYL SPENCER AND DANIELLE N SPENCER
1705 SAWGRASS DR SW, PALM BAY

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 1705 Sawgrass Dr SW, Lot 11, Subdivision SN, Township 29, Range 36, Section 13, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Mr. Borkowski, to grant an extension until September 10, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Borkowski, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye.

3. CEB 22103-21 CITY OF PALM BAY VS GERALDINE GARBACIK
1141 LARKSPUR ST SE, PALM BAY

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, Lot 22, Blk 1219, Unit 24, Subdivision GU, Township 29, Range 37, Section 32, Brevard County, Florida.

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

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

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. Borkowski, seconded by Mr. Silva-Martinez, to set a compliance date to August 21, 2021 or that a fine of \$25.00 be imposed for every day the violations continued.

The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

Mr. Agarie and Mr. Ritter abstained from voting on this case.

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 August 2, 2021 and the properties remained in non-compliance.

CEB 21899-21	HERRERA, YENI	\$100.00 per day
CEB 22116-21	PETERS JR.; JAMES J	\$50.00 per day
CEB 22117-21	LAND TRUST PROPER	\$200.00 set fine
CEB 22122-21	DELVA, JEAN DJEMS	\$200.00 set fine
CEB 22123-21	MORRISSAINT, ADMA	\$200.00 set fine
CEB 22124-21	WALLACE, JEREMIAH	\$50.00 per day
CEB 22129-21	SCI DE LATTRE	\$200.00 set fine
CEB 22130-21	LYONS, DENISE	\$200.00 set fine
CEB 22132-21	COBHAM, MICHAEL	\$200.00 set fine
CEB 22135-21	TARPON LLC	\$200.00 set fine
CEB 22136-21	DOMINQUE, JEAN	\$200.00 set fine
CEB 22142-21	PALDIEL, MORDECAI	\$200.00 set fine
CEB 22143-21	WJHFL LLC D/B/D WJ	\$200.00 set fine
CEB 22144-21	GOREN INVESTMNETS	\$200.00 set fine
CEB 22145-21	WILLIAMS, PAULETT	\$200.00 set fine
CEB 22149-21	LUTHER, PALMA V	\$50.00 per day
CEB 22152-21	HUDSON, CATHERINE	\$200.00 set fine

Motion by Mr. Borkowski, seconded by Mr. Boothroyd to accept, and approve the Authorization to Impose Fines Report, to find the respondents in non-compliance, and to authorize the fines as stated in the report excluding any cases that were heard individually before the Board and given additional time to come into compliance. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

HEARINGS:

1. CEB 22205-21 CITY OF PALM BAY VS TIBBETTS LUMBER CO LLC
2820 KIRBY CIR NE, PALM BAY

This case involved a violation of City Code, Section(s) 74.06(A)(4), Code of Ordinances of the City of Palm Bay for property located at 2820 Kirby Cir NE, VALENTINE ESTATE SUBD, THAT PART OF S 405 FT OF LOT 3 W OF RR & N & E OF KIRBY AVE A/K/A/ PARCEL D EXC ORB 2388 PG, Subdivision FK, Township 28, Range 37, Section 14, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Mr. Borkowski, to find the respondent **not** in violation based on the findings of fact, Section(s) 74.06(A)(4), The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Silva-Martinez, aye; Mr. Borkowski, aye; Mr. Agarie, aye; Ms. Walberg, aye.

2. CEB 22218-21 CITY OF PALM BAY VS TONY L SLY
866 BELLEVUE ST NE, PALM BAY

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 866 Bellevue St NE, Lot 9, Blk 251, Subdivision FS, Township 28, Range 37, Section 32, Brevard County, Florida.

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

Motion by Mr. Borkowski seconded by Mr. Ritter, to set a compliance date to August 21, 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. Agarie, aye; Mr. Borkowski, aye; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

3. CEB 22220-21 CITY OF PALM BAY VS 514 JUSTINE AVE LAND TRUST
514 JUSTINE AVE NW, PALM BAY

This case involved a violation of City Code, Section(s) 179.076; 185.123 (C); 74.06(A)(4); 185.123(B); Code of Ordinances of the City of Palm Bay for property located at 514

Justine Ave NW, Lot 21, Blk 607, Subdivision EX, Township 28, Range 36, Section 36, Brevard County, Florida

Motion by Mr. Borkowski, seconded by Mr. Ritter, to find the respondent in violation based on the findings of fact, Section(s) 179.076; 185.123 (C); 74.06(A)(4); 185.123(B). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

Motion by Mr. Borkowski seconded by Mr. Ritter, to set a compliance date to August 21, 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. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

4. CEB 22249-21 CITY OF PALM BAY VS US BANK NA TRUSTEE C/O
SPECIALIZED LOAN SERVICING
675 TONI ST SW, PALM BAY

This case involved a violation of City Code, Section(s) 93.031(A); 185.183; 185.118(D); 93.032(A); 2015 IPMC 304.9; 2015 IPMC 304.7; 185.123(C); 185.123(C); Code of Ordinances of the City of Palm Bay for property located at 675 Toni St SW, W 156.35 FT OF N 310.35 FT OF S 330 FT OF NE ¼ OF NE ¼ OF NE ¼, Subdivision 00, Township 29, Range 36, Section 02, Brevard County, Florida.

Motion by Mr. Silva-Martinez, seconded by Mr. Borkowski, to find the respondent in violation based on the findings of fact, Section(s) 93.031(A); 185.183; 185.118(D); 93.032(A); 2015 IPMC 304.9; 2015 IPMC 304.7; 185.123(C); 185.123(C). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

Motion by Mr. Silva-Martinez seconded by Mr. Borkowski, to set a compliance date to August 22, 2021 or that a fine of \$250.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

5. CEB 22250-21 CITY OF PALM BAY VS US BANK NA TRUSTEE C/O
SPECIALIZED LOAN SERVICING
675 TONI ST SW, PALM BAY

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 675 Toni St SW, W 156.35 FT OF N 310.35 FT OF S 330 FT OF NE ¼ OF NE ¼ OF NE ¼, Subdivision 00, Township 29, Range 36, Section 02, Brevard County, Florida.

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

Motion by Mr. Silva-Martinez seconded by Mr. Borkowski, to set a compliance date to August 22, 2021 or that a fine of \$250.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

The following cases were withdrawn due to voluntary compliance:

CEB 22214-21	460 CELLINI AVE NE
CEB 22219-21	201 BORDEAUX AVE NE
CEB 22276-21	1067 PAPPAS RD SE
CEB 22261-21	1623 SAN FILIPPO DR SE
CEB 22278-21	100 BELLBROOK ST SE
CEB 22273-21	1423 GOYER RD SE
CEB 22254-21	1680 PALATKA RD SE
CEB 22226-21	580 OLSMAR ST SW
CEB 22248-21	261 SEAHORSE CIR 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 22204-21	2500 HAVERHILL RD NE
CEB 22211-21	1760 NANTON ST NW
CEB 22216-21	730 ANTILLES RD NE

CEB 22217-21	1127 DUNHAM ST SE
CEB 22221-21	795 RALEIGH RD SE
CEB 22245-21	207 HERITAGE ST SW
CEB 22246-21	270 MALABAR RD SW
CEB 22247-21	745 SEATON RD SW
CEB 22275-21	1790 WAPELLO AVE SE
CEB 22277-21	3175 TILDEN RD SE

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

Motion by Mr. Boothroyd, seconded by Mr. Borkowski, to give the respondents in these cases a compliance date of August 26,2021 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. Silva-Martinez, aye; Mr. Agarie, 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 22206-21	915 SIERRA PL NE
CEB 22207-21	399 PEPPER ST NE
CEB 22208-21	786 DOVERBROOK RD NW
CEB 22209-21	1317 STADT RD NW
CEB 22210-21	1708 DELAWARE ST NW
CEB 22212-21	145 ANGELO RD SE
CEB 22213-21	409 BRIDGEPORT AVE NW
CEB 22215-21	440 DI LIDO ST NE
CEB 22222-21	1355 RUFFIN CIR SE
CEB 22223-21	466 SAUDERS RD SE

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CEB 22224-21	447 TOWN RD SW
CEB 22225-21	250 SAYBROOK RD SW
CEB 22227-21	842 WALDEN BLVD SE
CEB 22228-21	725 GEOFFREY AVE SW
CEB 22229-21	561 WICKER RD SW
CEB 22230-21	1698 DEGROODT RD SW
CEB 22231-21	392 WILTON AVE SW
CEB 22232-21	101 TUDOR RD SW
CEB 22233-21	396 WARDELL AVE SW
CEB 22234-21	359 WEBBWOOD AVE SW
CEB 22235-21	219 WEBBWOOD AVE SW
CEB 22236-21	205 TIPTON RD SW
CEB 22237-21	1729 GOULD AVE SW
CEB 22238-21	317 GALENA ST SW
CEB 22239-21	217 LAGOON ST SW
CEB 22240-21	226 LA GORE ST SW
CEB 22241-21	729 KINGFISHER ST SW
CEB 22242-21	267 HERITAGE ST SW
CEB 22243-21	303 GASTIN ST SW
CEB 22244-21	741 KINGFISHER ST SW
CEB 22251-21	785 ELDRON BLVD SE
CEB 22252-21	580 SEVILLE ST SE
CEB 22253-21	313 COLLINGS ST SE
CEB 22255-21	1650 PALATKA RD SE
CEB 22256-21	950 COLONIAL AVE SE
CEB 22257-21	1380 VANDER AVE SE
CEB 22258-21	1391 VAN DYKE AVE SE
CEB 22259-21	474 SAN FILIPPO DR SE
CEB 22260-21	498 SAN FILIPPO DR SE
CEB 22262-21	2851 QUENTIN AVE SE
CEB 22263-21	398 FORBES ST SE
CEB 22264-21	270 PRAIRIE ST SE

CEB 22265-21	454 DADEVILLE ST SE
CEB 22266-21	2854 SAN FILIPPO DR SE
CEB 22267-21	2838 SAN FILIPPO DR SE
CEB 22268-21	2860 HAGDOM AVE SE
CEB 22269-21	1105 SATURN ST SE
CEB 22270-21	2507 PERALTA DR SE
CEB 22271-21	1656 SAN SOVING ST SE
CEB 22272-21	2166 SANTA MARIA AVE SE
CEB 22274-21	1436 SUMMER ST 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. Silva-Martinez, aye; Mr. Agarie, 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 August 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. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

ADJOURNMENT:

The meeting adjourned at approximately 2:17 PM.

ATTEST:

Jeanne Pinsi, Board Secretary

James Boothroyd, Chairperson