

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT BOARD Regular Meeting 2021-03

Held on the 10th day of March 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 1:04 PM.

CHAIRPERSON:	James Boothroyd	Present
VICE CHAIRPERSON:	James Ritter	Excused
MEMBER:	Jimmie Glover	Present
MEMBER:	Victor Silva-Martinez	Excused
MEMBER:	Alfred Agarie	Present
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.

ADOPTION OF MINUTES:

- 1. Regular Meeting Number 2020-09; September 9, 2020**
- 2. Regular Meeting Number 2020-10; October 14, 2020**
- 3. Regular Meeting Number 2020-11; November 10, 2020**

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

OLD BUSINESS:

1. CEB 20767-20 City of Palm Bay vs Mayuri Investment Prop LLC
1170 Malabar Rd SE

Motion by Mr. Glover, seconded by Mr. Agarie, to amend the findings of facts. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Glover, seconded by Mr. Borkowski, to give the respondents in this case a new compliance date of April 9, 2021 or that a flat 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. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

REPORTS:

1. Authorization to Impose Fines:

1. CEB 20735-20 CITY OF PALM BAY VS SIX COMPANIES LLC
1701 MACKLIN ST NW, LOT 28, BLK 2274, UNIT 44

This case involved a violation of City Code, Section(s) 93.03; 93.031(A)(1), Code of Ordinances of the City of Palm Bay for property located at 1701 Macklin St. NW, Lot 28, Blk 2274, Unit 44, Brevard County, Florida.

Motion by Mr. Glover, seconded by Mr. Borkowski, to grant an extension to April 9, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, 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 March 1, 2021 and the properties remained in non-compliance.

CEB 21810-21	KRAIZBERG, DEAN	\$200.00 set fine
CEB 21800-21	MOTTA, LUCIANA	\$200.00 set fine
CEB 21803-21	NATHI APARTMETNS	\$200.00 set fine
CEB 21804-21	DESERT DOG SURPLUS	\$50.00 per day
CEB 21806-21	KING, ROXANNE	\$50.00 per day
CEB 21815-21	CRUZ, ERNESTO	\$200.00 set fine
CEB 21816-21	NELSON, PAUL	\$200.00 set fine
CEB 21817-21	REGIS, RUDY AND MARI	\$200.00 set fine
CEB 21818-21	SHARPE, CEPHELIN E	\$200.00 set fine
CEB 21822-21	SAUNDERS, ELIZE E	\$200.00 set fine

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CEB 21824-21	BREVARD INVESTING	\$200.00 set fine
CEB 21828-21	BRODIE, ROBERT F	\$50.00 per day
CEB 21830-21	DULIEPRE, JEAN	\$200.00 set fine
CEB 21831-21	MENDEZ, MAYRA	\$200.00 set fine
CEB 21832-21	DUTREUIL, KATTIE A	\$200.00 set fine
CEB 21833-21	RAMSOOK, FRANK B	\$200.00 set fine
CEB 21839-21	LEE, YOU-CHUN	\$200.00 set fine
CEB 21841-21	QUAI HOLDINGS OF FL	\$200.00 set fine
CEB 21842-21	HORIZON TRUST CO	\$200.00 set fine
CEB 21843-21	A&C OF TAMPA LLC	\$200.00 set fine
CEB 21852-21	JOHNSON, LEIGHTON	\$200.00 set fine
CEB 21853-21	MELANSON, MICHAEL	\$200.00 set fine
CEB 21854-21	RODRIGUEZ, FAUSTO	\$200.00 set fine
CEB 21857-21	GOSINE, VIDYA & DER	\$200.00 set fine
CEB 21859-21	MARSAN, SUSAN	\$200.00 set fine
CEB 21860-21	V GUPTYA INC	\$200.00 set fine
CEB 21861-21	SERRES, RONALD/ KIM	\$200.00 set fine
CEB 21862-21	STERLIN, PIERRE ORI	\$200.00 set fine
CEB 21863-21	BOCK, DIEDRICH K.	\$200.00 set fine
CEB 21864-21	OWALSL, FAHAD AL	\$200.00 set fine
CEB 21865-21	DE PAULA, JACK J	\$200.00 set fine
CEB 21866-21	GURALNICK, BENJA	\$200.00 set fine
CEB 21867-21	BARBER INVESTMENT	\$200.00 set fine
CEB 21870-21	CHENG, CHEE JEN	\$200.00 set fine
CEB 21871-21	MURRAY, EDWARD	\$200.00 set fine
CEB 21872-21	RODMAN, RUTH	\$200.00 set fine
CEB 21875-21	QUAIL HOLDING OF FL	\$200.00 set fine
CEB 21876-21	FOX, AARON	\$200.00 set fine
CEB 21877-21	CRUZ, OBNIEL & VAL	\$200.00 set fine
CEB 21878-21	MARTIN, LOLA	\$200.00 set fine

The following cases were withdrawn due to voluntary compliance:

CEB 21803-21

5701 PINEWOOD DR NE

HEARINGS:

1. CEB 21977-21 CITY OF PALM BAY VS OCEAN BLUE 3 LLC
2575 DOREATHA FIELDS AVE NE, PART OF NW ¼ OF NE
¼ LYING W OF FEC RR & N OF ROBERT J CONLAN BLVD
EXC N 25FT & W 175FT, TOGETHER WITH S

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 2575 Doreatha Fields Ave NE, part of NW ¼ of NE 1/4 lying W of FEC RR & N of Robert J Conlan Blvd Exc N 25ft & W 175ft, together with S, Subdivision 00, Township 28, Range 37, Section 14, Brevard County, Florida.

Motion by Mr. Glover, seconded by Mr. Borkowski, 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. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Glover, seconded by Mr. Borkowski, to set a compliance date to April 9, 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. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

2. CEB 21972-21 CITY OF PALM BAY VS JEFFREY S GEORGE
2551 CHATHAM WAY NE, LOT 63

This case involved a violation of City Code, Section(s) 93.01(A); 2015 IPMC 304.6; 2015 IPMC 304.9; 2015 IPMC 304.7; 2015 IPMC 308.1; 2015 IPMC 304.13, Code of Ordinances of the City of Palm Bay for property located at 2551 Chatham Way NE, Lot 63, Subdivision 03, Township 28, Range 37, Section 14, Brevard County, Florida.

Motion by Mr. Glover, seconded by Mr. Borkowski, to find the respondent in violation based on the findings of fact, Section(s) 93.01(A); 2015 IPMC 304.6; 2015 IPMC 304.9; 2015 IPMC 304.7; 2015 IPMC 308.1; 2015 IPMC 304.13. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Glover, seconded by Mr. Borkowski, to set a compliance date to April 9, 2021 or that a flat fine of \$200.00 be imposed for the violations, 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. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

3. CEB 21974-21 CITY OF PALM BAY VS RAMSEY O AGARIE
 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

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. Glover, to find the respondent in violation based on the findings of fact, Section(s) 93.041. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Borkowski, aye; Ms. Walberg, aye. Mr. Agarie recused himself from voting on this case.

Motion by Mr. Borkowski, seconded by Mr. Glover, to set a compliance date to April 9, 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. Glover, aye; Mr. Borkowski, aye; Ms. Walberg, aye. Mr. Agarie abstained from voting on this case.

4. CEB 21977-21 CITY OF PALM BAY VS CHARLES R WOOSLEY II
 1395 TUFTS CT NE, LOT 19, BLK 3006

This case involved a violation of City Code, Section(s) 185.118(D), 170.119 (A), Code of Ordinances of the City of Palm Bay for property located at 1395 Tufts Ct NE, part of NW, Lot 19, Subdivision LI, Township 28, Range 37, Section 33, 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) 185.118(D), 170.119 (A). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Borkowski, seconded by Mr. Glover, to set a compliance date to April 9, 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. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

5. CEB 21996-21 CITY OF PALM BAY VS WILLIAM C STEPANEK
501 BORRACLOUGH AVE NW, LOT 18, BLK 607

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 501 Borracloough Ave NW, Lot 18, Blk 607, Subdivision EX, Township 28, Range 36, Section 36, Brevard County, Florida.

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

Motion by Mr. Glover, seconded by Mr. Borkowski, to set a compliance date to March 20, 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. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

6. CEB 22003-21 CITY OF PALM BAY VS KEIRSTEN COYLE
754 SEVEN GABLES CIR SE, LOT 35, BLK 2712

This case involved a violation of City Code, Section(s) 179.080, Code of Ordinances of the City of Palm Bay for property located at 754 Seven Gables Cir SE, Lot 35, Blk 2712, Subdivision JR, Township 29, Range 37, Section 17, 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) 179.080. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, 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 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. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

The following cases were withdrawn due to voluntary compliance:

CEB 21976-21	2107 PELHAM ST NE
CEB 21985-21	748 PALM BAY RD NE
CEB 21987-21	1561 GARDENTON ST NW
CEB 21997-21	898 SEVEN GABLES CIR SE
CEB 21991-21	1146 LYNBROOK ST NW
CEB 21999-21	530 SEAPORT TER SE
CEB 22001-21	1697 HAMILTON AVE SW
CEB 22005-21	1391 ELDRON BLVD SE
CEB 21007-21	2221 RAMROD LN SE
CEB 22012-21	360 REDDING ST SE
CEB 22013-21	1015 TAHITI AVE SE

The following cases were closed by the City:

CEB 21980-21	5551 BABCOCK ST NE
CEB 21978-21	2575 DOREATHA FIELDS AVE NE

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 21979-21	1941 ROBERT J CONLAN BLVD
CEB 21989-21	1096 SPRING ST NW
CEB 22004-21	571 WICKER RD SW
CEB 22014-21	1316 MARINER AVE SE
CEB 22015-21	1238 SANCHEZ 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. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Boothroyd, seconded by Mr. Glover, to give the respondents in these cases a compliance date of March 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. Glover, 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 21973-21	1167 WILD ROSE DR NE
CEB 21975-21	779 CRANBROOK AVE NE
CEB 21981-21	2171 FALLON BLVD NE
CEB 21982-21	1362 SAN CORTEZ AVE NE
CEB 21983-21	205 NEMO CIR NE
CEB 21986-21	536 CARPENTER AVE NW
CEB 21988-21	1754 TAYMOUTH ST NW
CEB 21990-21	1138 PORTER AVE NW
CEB 21992-21	913 IVANHOE ST NW
CEB 21993-21	634 AMERICANA BLVD NW
CEB 21994-21	1367 DEEDRA ST NW
CEB 21995-21	444 AUSTRALIAN RD NW
CEB 21998-21	515 VIN ROSE CIR SE
CEB 22000-21	447 GODFREY RD SE
CEB 22002-21	1756 GOULD AVE SW
CEB 22006-21	3258 WEYBURN AVE SE
CEB 22008-21	2251 RAMROD LN SE
CEB 22009-21	2877 PALISADES DR SE
CEB 22010-21	890 TEDDER RD SE
CEB 22011-21	1184 WINDINGDALE 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. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

Motion by Mr. Boothroyd, seconded by Mr. Glover, to give the respondents in these cases a compliance date of March 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. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

ADJOURNMENT:

The meeting adjourned at approximately 1:40 PM.

ATTEST:

Jeanne Pinsi, Board Secretary

James Boothroyd, Chairperson