

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT BOARD Regular Meeting 2020-07

Held on the 8th day of July 2020 at City Hall 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	Excused
MEMBER:	Alfred Agarie	Present
MEMBER:	Alan Borkowski	Present
MEMBER:	David Wills	Present
STAFF:	James D Stokes	Present
STAFF:	Jill Jacobs	Present

SWEARING IN:

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

ADOPTION OF MINUTES:

1. Regular Meeting Number 2020-02; February 12, 2020

Motion by Mr. Glover, 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. Glover, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Wills, aye.

OLD BUSINESS:

The following Old Business case was read under the wrong findings at our June 10, 2020 Code Board meeting. This property should have been read in under the \$200.00 set fine amount.

1. CEB 20336-20 1377 HELLIWELL ST NW

We are asking the board to revise their findings to reflect a \$200.00 set fine instead of a \$50.00 per day fine.

Motion by Mr. Boothroyd, seconded by Mr. Agarie, 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. Borkowski, aye; Mr. Agarie, aye; Mr. Wills, aye.

Motion by Mr. Boothroyd seconded by Mr. Agarie, to set a compliance date to July 18, 2020 or that a set fine of \$200.00 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. Borkowski, aye; Mr. Wills, aye.

HEARINGS:

1. CEB 20395-20 CITY OF PALM BAY VS JUDITH FLYNN \ JILL FLYNN
LOT 7, BLK 2065

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 2882 Digby Rd SE, Lot 7, Blk 2065, Subdivision KQ, Township 29, Range 37, Section 33, Brevard County, Florida.

Motion by Mr. Ritter, 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. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion by Mr. Ritter seconded by Mr. Glover, to set a compliance date to August 7, 2020 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. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

2. CEB 20387-20 CITY OF PALM BAY VS OAKWOOD VILLAS II
Lot 1.XA, Blk A MASTER ASSOC INC

This case involved a violation of City Code, Section(s) 174.072 (A) (3), Code of Ordinances of the City of Palm Bay for property located at 957 Sonesta Ave NE COMM, Lot 1.XA, Blk A, Subdivision 76, Township 28, Range 37, Section 20, 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) 174.072 (A) (3). The motion carried with the

members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion by Mr. Borkowski seconded by Mr. Glover, to set a compliance date to September 6, 2020 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. Borkowski, aye; Mr. Wills, aye.

3. CEB 20391-20 CITY OF PALM BAY VS TAINA COCHRAN \ ANTONIO COCHRAN
LOT 10, BLK 941

This case involved a violation of City Code, Section(s) 73.21 (B) and 93.03, Code of Ordinances of the City of Palm Bay for property located at 1674 Westcott St SE, Lot 10, Blk 941, Subdivision GR, Township 29, Range 37, Section 21, 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) 73.21 (B) and 93.03. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion by Mr. Agarie, seconded by Mr. Borkowski, to set a compliance date to August 7, 2020 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. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

4. CEB 20397-20 CITY OF PALM BAY VS ROYCE E COLLINS\GAIL D COLLINS
LOT 9, BLK 2455

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 631 Furth Rd NW, Lot 9, Blk 2455, Subdivision KR, Township 28, Range 36, Section 23, Brevard County, Florida.

Motion by Mr. Boothroyd, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 93.031 (A) (1). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion by Mr. Boothroyd, seconded by Mr. Borkowski, to set a compliance date to July 18, 2020 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. Borkowski, aye; Mr. Wills, aye.

5. CEB 20398-20 CITY OF PALM BAY VS ROYC E COLLINS\GAIL D COLLINS
LOT 9, BLK 2455

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 631 Furth Rd NW, Lot 9, Blk 2455, Subdivision KR, Township 28, Range 36, Section 23, Brevard County, Florida.

Motion by Mr. Boothroyd, seconded by Mr. Borkowski, 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. Borkowski, aye; Mr. Wills, aye.

Motion by Mr. Boothroyd, seconded by Mr. Ritter, to set a compliance date to July 18, 2020 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. Borkowski, aye; Mr. Wills, aye.

The following cases were withdrawn due to voluntary compliance:

CEB# 20374-20	426 TULOMA AVE SW
CEB# 20380-20	392 WILTON AVE SW
CEB# 20404-20	2764 DAHLIA RD 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 #20362-20	1023 GRANDEUR ST SE
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CEB #20367-20	2180 JULIAN AVE NE
CEB #20368-20	2231 WASHINGTON ST NE
CEB #20369-20	1849 OLYMPIA AVE SW
CEB #20370-20	205 BRECKENRIDGE CIR SE
CEB #20371-20	777 DAYSLAND AVE SW
CEB #20372-20	591 SAUDERS RD SE
CEB #20385-20	1885 GARCIA ST NE
CEB #20386-20	1712 APACHE ST NE
CEB #20388-20	1702 EDITH ST NE
CEB #20389-20	808 EMERSON DR NE
CEB #20390-20	1103 TARGEE ST SE
CEB #20392-20	904 NIXON CIR NE
CEB #20393-20	856 HAWSER ST NE
CEB #20396-20	717 ROSTOCK CIR NW

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. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion by Mr. Boothroyd, seconded by Mr. Wills, to give the respondents in these cases a compliance date of July 23, 2020 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. Borkowski, aye; Mr. Wills, 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 fine per day to be imposed if the respondents fail to come into compliance by the time set.

CEB #20363-20	437 BRIDGEPORT AVE NW
CEB #20364-20	1114 PORT MALABAR BLVD NE
CEB #20365-20	837 SADNET CIR NE
CEB #20366-20	1295 CABOT DR NE

CEB #20373-20	458 SCARLET RD NW
CEB #20375-20	1362 RUFFIN CIR SE
CEB #20376-20	582 J A BOMBARDIER BLVD SW
CEB #20377-20	574 J A BOMBARDIER BLVD SW
CEB #20378-20	317 GALENA ST SW
CEB #20379-20	1391 HEITZMAN AVE SW
CEB #20381-20	417 TUNIS RD SW
CEB #20382-20	971 ST JOHN'S ST SE
CEB #20383-20	1712 APACHE ST NE
CEB #20384-20	1055 HOOPER AVE NE
CEB #20394-20	856 HAWSER ST NE
CEB #20399-20	3110 SAN FILIPPO DR SE
CEB #20400-20	3275 LOWRY BLVD SE
CEB #20401-20	2587 DIANE AVE SE
CEB #20402-20	2335 MANTILLA AVE SE
CEB #20403-20	1154 PLUTO ST SE
CEB #20405-20	869 TITAN RD SE
CEB #20406-20	818 BROOKFIELD ST SE
CEB #20407-20	1163 VENUS ST 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. Glover, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Wills, aye.

Motion by Mr. Boothroyd, seconded by Mr. Agarie, to give the respondents in these cases a compliance date of July 18, 2020 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. Borkowski, aye; Mr. Wills, aye.

ADJOURNMENT:

The meeting adjourned at approximately 1:45 PM.

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ATTEST:

Lisa Weggeland, Board Secretary

James Boothroyd, Chairperson