

CITY OF PALM BAY, FLORIDA
CODE ENFORCEMENT BOARD
Regular Meeting 2020-08

Held on the 12th day of August 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 1:31 PM.

ROLL CALL:

| | | |
|--------------------------|-----------------------|---------|
| 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 | Excused |
| MEMBER: | David Wills | Present |
| STAFF: | James D Stokes | Present |
| STAFF: | Rodney Edwards | Present |

SWEARING IN:

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

REPORTS:

1. Authorization to Impose Fines

1. CEB 20274-20 CITY OF PALM BAY VS HILDA J BOTWIN \ HILDA RIVERA-COLON
LOT 21, BLK 437

This case involved a violation of City Code, Section(s) 150.40 (A), Code of Ordinances of the City of Palm Bay for property located at 688 Coconut St SE, Lot 21, Blk 437, Subdivision GL, Township 29, Range 37, Section 08, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Mr. Silva-Martinez, to grant an extension to September 11, 2020. 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. Wills, aye.

2. CEB 20348-20 CITY OF PALM BAY VS NEVA MARLENE COULTER
LOT 36, BLK 26

This case involved a violation of City Code, Section(s) 2015 IPMC 308.1 and 73.21 (B), Code of Ordinances of the City of Palm Bay for property located at 2864 Glassner Ave NE, Lot 36, Blk 26, Subdivision 25, Township 28, Range 37, Section 24, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Mr. Glover to grant an extension to August 27, 2020. 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. Wills, 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 August 3, 2020 and the properties remained in non-compliance.

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|--------------|---|-------------------|
| CEB 20003-19 | MARIE RUTH FRANCOIS | \$50.00 per day |
| CEB 20274-20 | HILDA J BOTWIN \ HILDA RIVERA-COLON I | \$200.00 set fine |
| CEB 20276-20 | BESSIE L ROBINSON | \$200.00 set fine |
| CEB 20277-20 | MICHAEL S LILLY | \$200.00 set fine |
| CEB 20278-20 | ZETA SMITH | \$200.00 set fine |
| CEB 20281-20 | KENNETH A BAESLER REVOCABLE TRUST | \$200.00 set fine |
| CEB 20313-20 | JOSE M COELHO \ MARIA ROSA COELHO H/W | \$200.00 set fine |
| CEB 20317-20 | KURT E HOFFMAN | \$200.00 set fine |
| CEB 20318-20 | VIVIAN YANG | \$200.00 set fine |
| CEB 20319-20 | JEAN FEDNER ALEXANDER | \$200.00 set fine |
| CEB 20320-20 | JAMES C LEE M \ BETTY M LEE | \$200.00 set fine |
| CEB 20321-20 | VICTORIA S THOMPSON \ MONICA L THOMPSON | \$200.00 set fine |
| CEB 20323-20 | LYNETTE L MENSAH | \$200.00 set fine |
| CEB 20324-20 | ROBERT W RYAN TRUSTEE | \$200.00 set fine |
| CEB 20327-20 | MICHAEL CARLIN | \$50.00 per day |
| CEB 20328-20 | ELIZABETH HOGAN-MILLS \ DENNIS C MILLS | \$50.00 per day |
| CEB 20329-20 | CAROL LYNN MANNIX | \$50.00 per day |
| CEB 20331-20 | TITO TEMPOROSA \ ADORACION TEMPOROSA | \$50.00 per day |

| | | |
|--------------|---|-------------------|
| CEB 20332-20 | ARIEL KATZ | \$50.00 per day |
| CEB 20337-20 | ROYCE E COLLINS \ GAIL D COLLINS | \$50.00 per day |
| CEB 20342-20 | JOHNNY O SERRANO | \$50.00 per day |
| CEB 20343-20 | SONIA WIENER | \$50.00 per day |
| CEB 20347-20 | FIRST FRENCH ADVENTIST CHURCH OF PALM BAY I | \$50.00 per day |
| CEB 20348-20 | NEVA MARLENE COULTER | \$50.00 per day |
| CEB 20352-20 | 197 CHESTNUT STREET LLC | \$50.00 per day |
| CEB 20353-20 | 197 CHESTNUT STREET LLC | \$50.00 per day |
| CEB 20354-20 | SHU-MEI PERNG | \$200.00 set fine |
| CEB 20357-20 | LSF9 MASTER PARTICIPATION TRUST | \$50.00 per day |
| CEB 20358-20 | LINDA MAY TUSTIN | \$50.00 per day |
| CEB 20359-20 | HERMINIGILDA C CAVERTE | \$200.00 set fine |
| CEB 20360-20 | PALM BAY AIR & HEAT INC | \$50.00 per day |
| CEB 20361-20 | BETTY WIGGINS | \$50.00 per day |

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

OLD BUSINESS:

1. CEB 20335-20 CITY OF PALM BAY VS MIRIAM LHERISSE
LOT 6, BLK 1933

This case was voluntarily brought into compliance before the Code Board hearing.

HEARINGS:

1. CEB 20420-20 CITY OF PALM BAY VS LUIS SANCHEZ\TAMMY SANCHEZ
LOT 38, BLK 509

This case involved a violation of City Code, Section(s) 185.181 (A) and 185.034 (F) (7) (D), Code of Ordinances of the City of Palm Bay for property located at 1094 Barbados

Ave SE, Lot 38, Blk 509, Subdivision GN, Township 29, Range 37, Section 07, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Mr. Silva-Martinez, to find the respondent in violation based on the findings of fact, Section(s) 185.181 (A) and 185.034 (F) (7) (D). 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.

Motion by Mr. Ritter seconded by Mr. Silva-Martinez, to set a compliance date to November 10, 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. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Wills, aye.

2. CEB 20409-20 CITY OF PALM BAY VS C & S EATERY INC
LOT 9.02

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 4445 Dixie Hwy NE, Lot 9.02, Subdivision 29, Township 28, Range 37, Section 24, Brevard County, Florida.

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

Motion by Mr. Glover seconded by Mr. Ritter, to set a compliance date to November 10, 2020 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. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Wills, aye.

3. CEB 20424-20 CITY OF PALM BAY VS ANDREW JEFFERSON \
VONDA L BARNES-JEFFERSON
LOT 16, BLK 633

This case involved a violation of City Code, Section(s) 2015 IPMC 308.1 and 73.21 (B), Code of Ordinances of the City of Palm Bay for property located at 474 Frankford Ave NW, Lot 16, Blk 633, Subdivision EX, Township 28, Range 36, Section 36, 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) 2015 IPMC 308.1 and 73.21 (B). 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.

Motion by Mr. Agarie, seconded by Mr. Glover, to set a compliance date to September 11, 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. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Wills, aye.

4. CEB 20444-20 CITY OF PALM BAY VS MARGELIN M CROOKS
LOT 35, BLK 2668

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 187 Abello Rd SE, Lot 35, Blk 2668, Subdivision JR, Township 29, Range 37, Section 18, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Mr. Glover, 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. Wills, aye.

Motion by Mr. Ritter, seconded by Mr. Glover, to set a compliance date to October 11, 2020 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. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Wills, aye.

5. CEB 20423-20 CITY OF PALM BAY VS TOWD POINT MORTGAGE TRUST
2015-5
LOT 3, BLK 604

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

Motion by Mr. Ritter, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 93.031 (A) (1), 2015 IPMC 308.1, 185.181 (A), and

93.03. 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.

Motion by Mr. Ritter, seconded by Mr. Glover, to set a compliance date to November 10, 2020 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. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Wills, aye.

6. CEB 20440-20 CITY OF PALM BAY VS PALM BAY MEDICAL OFFICE
CORP
LOT 14

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 342 Cogan Dr SE, Lot 14, Subdivision RX, Township 29, Range 37, Section 19, Brevard County, Florida.

Mr. Boothroyd excused Mr. Silva-Martinez from the hearing at 2:30 PM.

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

Motion by Mr. Ritter, seconded by Mr. Glover, to set a compliance date to October 11, 2020 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. Wills, aye.

7. CEB 20441-20 CITY OF PALM BAY VS PALM BAY MEDICAL OFFICE CORP
LOT 14

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 336 Cogan Dr SE, Lot 14, Subdivision RX, Township 29, Range 37, Section 19, Brevard County, Florida.

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

Motion by Mr. Ritter, seconded by Mr. Glover, to set a compliance date to October 11, 2020 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. Wills, aye.

8. CEB 20445-20 CITY OF PALM BAY VS ERNIS PEREZ
LOT 1, BLK 1370

This case involved a violation of City Code, Section(s) 185.123 (B), 73.02 (A), 93.044 and 179.093 (A), Code of Ordinances of the City of Palm Bay for property located at 2601 Lakehurst Ave SW, Lot 1, Blk 1370, Subdivision KJ, Township 29, Range 36, Section 25, Brevard County, Florida.

Motion by Mr. Ritter, seconded by Mr. Agarie, to find the respondent in violation based on the findings of fact, Section(s) 185.123 (B), 73.02 (A), 93.044 and 179.093 (A). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Wills, aye.

Motion by Mr. Ritter, seconded by Mr. Agarie, to set a compliance date to September 11, 2020 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. Wills, aye.

The following cases were withdrawn due to voluntary compliance:

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| CEB 20335-20 | 205 EMERSON DR NW |
| CEB 20414-20 | 1101 HERNE AVE NE |
| CEB 20417-20 | 1351 ZANZIBAR RD SE |
| CEB 20418-20 | 366 RITTER 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.

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| CEB 20408-20 | 113 BROOK ST NE |
| CEB 20410-20 | 3148 WEYBURN AVE SE |

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|--------------|----------------------|
| CEB 20416-20 | 1364 TIDEWELL ST SE |
| CEB 20425-20 | 1012 WESBERRY ST SE |
| CEB 20426-20 | 891 VANTAGE ST SE |
| CEB 20427-20 | 510 GREGORY ST SE |
| CEB 20428-20 | 290 ECKERT ST SE |
| CEB 20429-20 | 329 AWIN CIR SE |
| CEB 20430-20 | 591 SEAPORT TER SE |
| CEB 20431-20 | 725 TEJON AVE SW |
| CEB 20432-20 | 620 SEAPORT TER SE |
| CEB 20433-20 | 1213 SCOTTISH ST SW |
| CEB 20434-20 | 466 FLEETWOOD ST SW |
| CEB 20435-20 | 214 FRIENDLY ST SW |
| CEB 20436-20 | 242 FRIENDLY ST SW |
| CEB 20437-20 | 340 FARMINGTON ST SW |

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

Motion by Mr. Boothroyd, seconded by Mr. Agarie, to give the respondents in these cases a compliance date of August 22, 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. 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.

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|--------------|-------------------|
| CEB 20411-20 | 1010 POPE ST NW |
| CEB 20412-20 | 1340 JARVIS ST NW |

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|--------------|-----------------------|
| CEB 20413-20 | 3996 HIELD RD NW |
| CEB 20415-20 | 1038 ST JOHN'S ST SE |
| CEB 20419-20 | 4950 BABCOCK ST NE |
| CEB 20421-20 | 1246 WAFFLE ST SE |
| CEB 20422-20 | 896 AMERICANA BLVD NW |
| CEB 20438-20 | 788 WALMSLEY ST SW |
| CEB 20439-20 | 517 TREEMONT AVE SW |
| CEB 20442-20 | 467 TROTWOOD LN SW |
| CEB 20443-20 | 598 DANDO ST SW |
| CEB 20446-20 | 630 WILDMER RD SW |

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. Wills, aye.

Motion by Mr. Boothroyd, seconded by Mr. Agarie, to give the respondents in these cases a compliance date of August 27, 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. Wills, aye.

ADJOURNMENT:

The meeting adjourned at approximately 2:49 PM.

ATTEST:

Lisa Weggeland, Board Secretary

James Boothroyd, Chairperson