

## **CITY OF PALM BAY, FLORIDA**

### **CODE ENFORCEMENT BOARD Regular Meeting 2020-11**

Held on the 10<sup>th</sup> day of November 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 1:17 PM.

<b>CHAIRPERSON:</b>	James Boothroyd	Present
<b>VICE CHAIRPERSON:</b>	James Ritter	Unexcused
<b>MEMBER:</b>	Jimmie Glover	Present
<b>MEMBER:</b>	Victor Silva-Martinez	Present
<b>MEMBER:</b>	Alfred Agarie	Present
<b>MEMBER:</b>	Alan Borkowski	Excused
<b>MEMBER:</b>	Vacant	
<b>STAFF:</b>	James D Stokes	Present
<b>STAFF:</b>	Rodney Edwards	Present

#### **SWEARING IN:**

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

#### **ADOPTION OF MINUTES:**

##### **1. Regular Meeting Number 2020-08; August 12, 2020**

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

#### **REPORTS:**

##### **1. Authorization to Impose Fines**

1. CEB 20478-20 CITY OF PALM BAY VS CHERYL VON BRUNT  
960 GULFPORT RD SE

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 960 Gulfport Rd SE, Lot 8, Blk 469, Subdivision GL, Township 29, Range 37, Section 08, Brevard County, Florida.

Motion made by Mr. Glover, seconded by Mr. Silva-Martinez to grant an extension to January 9, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Glover, aye.

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

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, Subdivision KO, Township 28, Range 36, Section 22, Brevard County, Florida.

Motion made by Mr. Glover, seconded by Mr. Agarie to grant an extension to May 9, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Glover, aye.

3. CEB 20444-20 CITY OF PALM BAY VS. CROOKS, MARGELIN M.  
187 ABELLO RD SE

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 made by Mr. Agarie, seconded by Mr. Silva-Martinez to grant an extension to January 9, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Glover, 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 October 14, 2020 and the properties remained in non-compliance.

CEB 20442-20	OLIVER, JAQUELINE	\$ 200.00 set fine
CEB 20449-20	SKARA, STEPHEN	\$ 50.00 per day
CEB 20451-20	DRILLING AND IRRIGATION	\$ 50.00 per day
CEB 20452-20	MISSION CAPITAL IN	\$ 50.00 per day
CEB 20454-20	PHAN, TUNG/ LINDS	\$ 50.00 per day
CEB 20456-20	SOLIMAN, WAGEEH	\$ 200.00 set fine
CEB 20465-20	KEANE, JAMES H&A	\$ 200.00 set fine
CEB 20466-20	SILVER PALM HOMES	\$ 200.00 set fine

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CEB 20468-20	KELLY, JAMES E &L	\$ 200.00 set fine
CEB 20469-20	LINCOLN CHILDRENS	\$ 200.00 set fine
CEB 20471-20	MANFRA, PATRICIA	\$ 200.00 set fine
CEB 20472-20	GONZALES, GWENDA	\$ 200.00 set fine
CEB 20473-20	GRANT, MURIEL & K	\$ 200.00 set fine
CEB 20474-20	GRAY, YVONNE	\$ 200.00 set fine
CEB 20475-20	HENDRICKSEN, DON	\$ 200.00 set fine
CEB 20476-20	MERCADO, ELIGIO	\$ 200.00 set fine
CEB 20477-20	KOEHLER, ROBERT	\$ 200.00 set fine
CEB 20484-20	HOLY HOMES DEVEL	\$ 200.00 set fine
CEB 20485-20	SHILLIDAY, ZERRY S.	\$ 200.00 set fine
CEB 20489-20	PARADIGM DEVELOPMENT	\$ 200.00 set fine
CEB 20492-20	FREDERIQUE, WINY	\$ 200.00 set fine
CEB 20493-20	HEPBURN, DAVE C	\$ 200.00 per day
CEB 20494-20	REIL, VLADIMIR	\$ 200.00 set fine
CEB 20495-20	D32 WHOLESALE LLC	\$ 200.00 set fine
CEB 20497-20	THEODORE, RONALD	\$ 200.00 set fine
CEB 20499-20	YAVIN, GUY	\$ 200.00 set fine
CEB 20500-20	ST SAUVEUR, MIREIL	\$ 200.00 set fine

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

The following case came into compliance:

CEB 20494-20 256 SAN SERVANDO AVE SW

## OLD BUSINESS:

1. CEB 20462-20 CITY OF PALM BAY VS. LAWRENCE MCINTYRE/ BETH  
MCINTYRE  
1829 PLANTATION CIR SE

Motion made by Mr. Agarie, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 179.1076. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, aye; Silva-Martinez, aye.

Motion made by Mr. Agarie seconded by Mr. Glover, to set a compliance date to January 9, 2021 or that a set 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. Silva-Martinez, aye.

2. CEB 20516-20 CITY OF PALM BAY VS. FEDERAL HOME LOAN  
MORTGAGE CORPORATION  
292 EMERSON DR NW

Motion made by Mr. Glover, seconded by Mr. Agarie, to find the respondent in violation based on the findings of fact, Section(s) 93.04(A)(1); 185.133(B); 93.03. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, aye; Silva-Martinez, aye.

Motion made by Mr. Glover, seconded by Mr. Agarie, to set a compliance date to December 10, 2020 or that a set 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. Silva-Martinez, aye

The following Old Business case was read under the wrong findings at our October 4, 2020 Code Board meeting. This property should have been read in under the \$200.00 set fine amount.

3. CEB 20517-20 CITY OF PALM BAY VS. VET CONSTRUCTION FLORIDA  
LLC.  
542 JASPER AVE NW

Motion made by Mr. Boothroyd, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section: 93.03. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, aye; Silva-Martinez, aye.

Motion made by Mr. Glover, seconded by Mr. Agarie, to set a compliance date to November 20, 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. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye

4. CEB 20521-20 CITY OF PALM BAY VS. BELAU, ANTHONY WALTER  
321 KREFELD RD NW

Motion made by Mr. Glover, seconded by Mr. Agarie, to find the respondent in violation based on the findings of fact, Section: 73.02(A). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, aye; Silva-Martinez, aye.

Motion made by Mr. Glover, seconded by Mr. Agarie, to set a compliance date to November 25, 2020 or that a set 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. Silva-Martinez, aye

**HEARINGS:**

1. CEB 20596-20 CITY OF PALM BAY VS JEFFREY J GEORGE  
LOT 63,

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 2551 Chatham Way, NE, Lot 63 Subdivision 03, Township 28, Range 37, Section 14, Brevard County, Florida.

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

Motion made by Mr. Glover, seconded by Mr. Agarie, to set a compliance date to January 9, 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. Silva-Martinez, aye.

2. CEB 20643-20 CITY OF PALM BAY VS BONAVENTURA, COYERA OR  
JOSEPH  
Lot 13, Blk 2303

This case involved a violation of City Code, Section(s) 185.118(C). Code of Ordinances of the City of Palm Bay for property located at 1875 Gallivan ST NW, Lot 13, Blk 2303, Subdivision KO, Township 28, Range 36, Section 28, Brevard County, Florida.

Motion made by Mr. Glover, seconded by Mr. Agarie, to find the respondent in violation based on the findings of fact, Section(s) 185.118(C). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye.

Motion made by Mr. Glover seconded by Mr. Agarie, to set a compliance date to February 8, 2021 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. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye.

3. CEB 20601-20 CITY OF PALM BAY VS VICTOR COUCH / DEBI COUCH  
2051 NORTHVIEW ST NE

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 2051 Northview ST NE, Township 28, Range 37, Section 14, Brevard County, Florida.

Motion made by Mr. Agarie, seconded by Mr. Glover, 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. Silva-Martinez, aye.

Motion made by Mr. Agarie, seconded by Mr. Glover, to set a compliance date to December 10, 2020 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. Silva-Martinez, aye.

4. CEB 20616-20 CITY OF PALM BAY VS ANDREW J MANISCALCO  
LOT 15, BLK 846

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 1136 Wyoming DR SE, Lot 15, Blk 846, Subdivision GQ, Township 29, Range 37, Section 20, Brevard County, Florida.

Motion made by Mr. Glover, seconded by Mr. Agarie, to table this case until the January 13, 2021 meeting. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye.

5.    CEB 20645-20            CITY OF PALM BAY VS JAY & LYNN HEWITT REVOCABLE TRUST  
   LOT 26, BLK 1927

This case involved a violation of City Code, Section(s) 93.03, 73.21(B), 185.123(C), 185.123(B), 93.031(A)(1), Code of Ordinances of the City of Palm Bay for property located at 1115 Kenmore St NW, Lot 26, Blk 1927, Subdivision KN, Township 28, Range 36, Section 23, Brevard County, Florida.

Motion made by Mr. Glover, seconded by Mr. Agarie, to find the respondent in violation based on the findings of fact, Section(s) 93.03, 73.21(B), 185.123(C), 185.123(B), 93.031(A)(1). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye.

Motion made by Mr. Glover, seconded by Mr. Agarie, to set a compliance date to January 9, 2021 or that a set 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. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye.

The following cases were withdrawn due to voluntary compliance:

CEB 20597-20	2507 CHATHAM WAY NE
CEB 20639-20	2563 PARALTA DR SE
CEB 20640-20	3070 FLANDERS AVE SE

The following cases were closed by the City:

CEB# 20596-20	2551 CHATHAM WAY NE
CEB# 20658-20	559 TOWN RD SW

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 20599-20	3305 WEDGEWOOD DR NE
CEB 20600-20	2553 AMBERLY RD NE
CEB 20614-20	949 RIVIERA DR NE
CEB 20615-20	715 EMERSON DR NE
CEB 20617-20	150 NATALIE CIR NE
CEB 20618-20	162 NATALIE CIR NE
CEB 20644-20	377 EMERSON DR NW
CEB 20646-20	1350 DEPEW ST SE
CEB 20647-20	1438 BECHE ST SE
CEB 20648-20	3080 TROPICAL CIR SE
CEB 20649-20	2608 PERALTA DR SE
CEB 20651-20	482 CORAL AVE SE
CEB 20652-20	971 GULFPORT RD SE
CEB 20653-20	123 CAMERON ST SE
CEB 20654-20	930 BARBADOS AVE SE
CEB 20697-20	585 EL DORADO AVE SE
CEB 20698-20	414 ARCHER RD 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. Silva-Martinez, aye.

Motion by Mr. Boothroyd, seconded by Mr. Glover, to give the respondents in these cases a compliance date of November 25, 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. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, 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 to be imposed if the respondents fail to come into compliance by the time set.

CEB 20598-20	2180 HARRIS AVE NE
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CEB 20602-20	888 SEVEN GABLES CIR SE
CEB 20603-20	1077 SALINA ST SE
CEB 20604-20	1065 WELCO ST SE
CEB 20605-20	1491 PANAMA AVE SE
CEB 20606-20	1471 PANAMA AVE SE
CEB 20607-20	2199 SAPELO AVE SE
CEB 20608-20	450 ABELLO RD SE
CEB 20609-20	515 VIN ROSE CIR SE
CEB 20610-20	1360 ATHENS DR NE
CEB 20611-20	205 NEMO CIR NE
CEB 20612-20	1095 HOOPER AVE NE
CEB 20613-20	267 RILEY AVE NE
CEB 20619-20	1581 GILES ST NW
CEB 20620-20	1770 PARRSBORO ST NW
CEB 20621-20	931 GANNET AVE NE
CEB 20622-20	1042 BRIGANTINE AVE NW
CEB 20623-20	813 DELANO AVE NW
CEB 20624-20	1040 JUPITER BLVD NW
CEB 20625-20	1105 JUPITER BLVD NW
CEB 20626-20	1110 WHISPER RD SE
CEB 20627-20	3298 FRESNO AVE SE
CEB 20628-20	2695 SAN FILIPPO DR SE
CEB 20629-20	958 WESLACO ST SE
CEB 20630-20	2629 QUENTIN AVE SE
CEB 20631-20	1306 SILVA ST SE
CEB 20632-20	1211 DESTINY ST SE
CEB 20633-20	1135 TOWER ST SE
CEB 20634-20	1066 WEBSTER RD SE
CEB 20635-20	1101 LARKSPUR ST SE
CEB 20636-20	3130 TROPICAL CIR SE
CEB 20637-20	1068 WESTUNDER ST SE
CEB 20638-20	1285 DEVON ST SE

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CEB 20641-20	137 PRAIRIE ST SE
CEB 20642-20	357 LATHAM ST SE
CEB 20655-20	286 HOFFER AVE NW
CEB 20656-20	973 IVANHOE ST NW
CEB 20657-20	305 HANFORD RD SW
CEB 20659-20	160 HAMMOCK RD SE
CEB 20660-20	1347 BIARRITZ ST NW
CEB 20661-20	138 HEARTHSIDE AVE NW
CEB 20667-20	1187 IVANHOE ST NW
CEB 20668-20	1192 NORDIC ST NW
CEB 20670-20	165 CUTLESS ST NE
CEB 20671-20	674 FIRESTONE ST NE
CEB 20672-20	1181 GRAPEFRUIT RD SE
CEB 20673-20	720 CARLYLE AVE SE
CEB 20674-20	718 DUNCAN RD SE
CEB 20692-20	281 BREAKWATER ST SE
CEB 20693-20	115 BENCHOR RD NW
CEB 20694-20	170 GLADIOLA RD NE
CEB 20699-20	1036 WESTPORT ST SE
CEB 20700-20	1043 TOLSON ST SE
CEB 20701-20	239 GREENBRIER AVE NW
CEB 20702-20	202 CATALONIA AVE NW
CEB 20703-20	1386 AMBERG AVE NW
CEB 20689-20	339 WILMETTE AVE SW
CEB 20696-20	802 CHARCOAL AVE SE
CEB 20695-20	151 EUREKA AVE NE
CEB 20691-20	413 FELLEENZ ST SW
CEB 20690-20	439 WELLWOOD ST SW
CEB 20688-20	151 TUCKER ST SW
CEB 20687-20	533 DANDO ST SW
CEB 20686-20	1373 GIDDINGS ST SW
CEB 20685-20	857 HARTLEY AVE SW

CEB 20684-20	848 HAPPINESS AVE SW
CEB 20683-20	1327 DE GROODT RD SW
CEB 20682-20	250 SAYBROOK RD SW
CEB 20681-20	1390 SAXONY RD SW
CEB 20680-20	1820 DE GROODT RD SW
CEB 20679-20	1374 SAXONY RD SW
CEB 20678-20	228 FITCHBURG ST SW
CEB 20677-20	207 GARDNER RD SW
CEB 20676-20	2900 POMELLO AVE SW
CEB 20675-20	656 TREASURE COVE ST SW
CEB 20669-20	589 LAMON ST SW
CEB 20666-20	318 HAMMONTON ST SW
CEB 20665-20	520 TREEMONT AVE SW
CEB 20664-20	824 SCHOMER AVE SW
CEB 20663-20	862 WALPOLE RD SW
CEB 20662-20	1213 SCOTTISH ST SW

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. Silva-Martinez, aye.

Motion by Mr. Boothroyd, seconded by Mr. Glover, to give the respondents in these cases a compliance date of November 20, 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. Glover, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye.

#### **ADJOURNMENT:**

The meeting adjourned at approximately 2:26 PM.

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ATTEST:

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Lisa Weggeland, Board Secretary

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James Boothroyd, Chairperson