

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT BOARD Regular Meeting 2020-12

Held on the 9th day of December 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 1:13 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:	James D Stokes	Present
STAFF:	Rodney Edwards	Present

SWEARING IN:

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

REPORTS:

Authorization to Impose Fines

1. CEB 20423-20 CITY OF PALM BAY VS TOWD POINT MORTGAGE TRUST/GREENFIELD LAW GROUP, P.A.
LOT 3 BLK 604

This case involved a violation of City Code, Section(s) 93.031 (A) (1); 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, Subdivision EX, Township 28, Range 36, Section 35, Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Agarie to grant an extension to March 9, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye; Mr. Borkowski, nye.

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 made by Mr. Borkowski, seconded by Mr. Silva-Martinez to deny an extension to January 9, 2021. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Ms. Walberg, aye; Mr. Borkowski, 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 September 9, 2019 and the properties remained in non-compliance.

CEB 20480-20	Tustin, Linda May	\$ 200.00 set fine
CEB 20501-20	Philistin,Vital	\$ 200.00 set fine
CEB 20503-20	Weaver, Allen J.	\$ 200.00 set fine
CEB 20504-20	Shum, Yuan Che	\$ 200.00 set fine
CEB 20505-20	Beja, Leon Botton	\$ 200.00 set fine
CEB 20509-20	Blanco, Adrian	\$ 200.00 set fine
CEB 20510-20	Wang, Andrew Kai	\$ 200.00 set fine
CEB 20513-20	Voorhees, Bonnie	\$ 50.00 per day
CEB 20520-20	Urias, Esther P.	\$ 50.00 per day
CEB 20522-20	Mound, Donna J.	\$ 200.00 set fine
CEB 20527-20	Casimir, Monique	\$ 200.00 set fine
CEB 20528-20	Boerio, Carolyn	\$ 200.00 set fine
CEB 20529-20	Harrison, Kenneth	\$ 200.00 set fine
CEB 20530-20	Jeune, Pedro	\$ 200.00 set fine
CEB 20531-20	Brito, Bernarda	\$ 200.00 set fine
CEB 20535-20	Truong, Alan	\$ 200.00 set fine
CEB 20536-20	Gerlach, Beatrice	\$ 200.00 set fine
CEB 20538-20	Truong, Quy T.	\$ 200.00 set fine
CEB 20540-20	Dave's Deed LLC	\$ 200.00 set fine

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CEB 20544-20	Stiers, Frank or Jeanette	\$ 200.00 per day
CEB 20545-20	Dave's Deeds LLC	\$ 50.00 per day
CEB 20546-20	Tinney, Brian	\$ 200.00 per day
CEB 20550-20	Thompson Estate S.	\$ 200.00 set fine
CEB 20551-20	Tu, Pao-Duang	\$ 200.00 set fine
CEB 20552-20	Equity Trust Comp	\$ 200.00 set fine
CEB 20553-20	Earls, Joyce L.	\$ 200.00 set fine
CEB 20554-20	Sukhi, Chand	\$ 200.00 set fine
CEB 20556-20	Hart, Phil A.	\$ 200.00 set fine
CEB 20557-20	Chiang, Sau-Wing	\$ 200.00 set fine
CEB 20558-20	Noel, Dukenson	\$ 200.00 set fine
CEB 20559-20	Sumpolec, Edward	\$ 200.00 set fine
CEB 20565-20	Federal National	\$ 50.00 per day
CEB 20567-20	Legrof, Kyle R.	\$ 200.00 set fine
CEB 20568-20	Esquire Investment	\$ 200.00 set fine
CEB 20571-20	Paterakis, Constantine	\$ 50.00 per day
CEB 20572-20	Myers, Roy J.	\$ 50.00 per day
CEB 20573-20	Grant, Nancy	\$ 200.00 set fine
CEB 20575-20	Quaida International	\$ 200.00 set fine
CEB 20576-20	Hobbins, Pearlett	\$ 200.00 set fine
CEB 20577-20	Four Thesauri LLC	\$ 200.00 set fine
CEB 20578-20	Melidor, Loveny M.	\$ 200.00 set fine
CEB 20580-20	Kang, Young H.	\$ 200.00 set fine
CEB 20581-20	Dorlus, Thomas	\$ 200.00 set fine
CEB 20586-20	Sands, Peter	\$ 200.00 set fine
CEB 20588-20	Yavin, Guy	\$ 200.00 set fine
CEB 20590-20	Philip Frey Trust Jr.	\$ 200.00 set fine
CEB 20592-20	Cameron, Fabia	\$ 200.00 set fine
CEB 20593-20	Mortgage Relief	\$ 200.00 set fine
CEB 20594-20	7986 Capital LLC	\$ 200.00 set fine
CEB 20595-20	Phillip, Linford	\$ 200.00 set fine

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

HEARINGS:

1. CEB 20735-20 CITY OF PALM BAY VS SIX COMPANIES LLC.
LOT 28 BLK 2274

This case involved a violation of City Code, Section(s) 93.03; 93.031(A); 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, Subdivision KO, Township 28, Range 36, Section 21, Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Borkowski, to find the respondent in violation based on the findings of fact, Section(s) 93.03; 93.031(A); 93.031(A)(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 made by Mr. Ritter seconded by Mr. Borkowski, to set a compliance date to February 7, 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. Ritter, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Mr. Silva-Martinez, aye; Ms. Walberg, aye.

2. CEB 20726-20 CITY OF PALM BAY VS DORREKA BRAVO, MELBURNE
BRAVO
LOT 22, BLK 2451

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 247 Emerson DR NW, Lot 22, Blk 2451, Subdivision KR, Township 28, Range 36, Section 23, Brevard County, Florida.

Motion made by Mr. Borkowski, seconded by Mr. Agarie, to find the respondent in violation based on the findings of fact, Section(s) 93.04. 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 made by Mr. Borkowski seconded by Mr. Ritter, to set a compliance date to January 8th, 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. Ritter, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

3. CEB 20711-20 CITY OF PALM BAY VS STEVE A. BERMAN / MARISELA BERMAN
LOT 1 BLK 1

This case involved a violation of City Code, Section(s) 93.031(A) and 95.18, Code of Ordinances of the City of Palm Bay for property located at 1640 Water DR. NE, Lot 1, Blk 1, Subdivision 25, Township 28, Range 37, Section 24, Brevard County, Florida.

Motion made by Mr. Ritter, seconded by Mr. Borkowski, to find the respondent in violation based on the findings of fact, Section(s) 93.031(A) and 95.18. 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 made by Mr. Ritter, seconded by Mr. Borkowski, to set a compliance date to January 8, 2021 or that a fine of \$500.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

4. CEB 20744-20 CITY OF PALM BAY VS FRANTZ JEAN
LOT 11 BLK 497

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 860 Airport Ave SE, Lot 11, Blk 497, Subdivision GN, Township 29, Range 37, Section 07, Brevard County, Florida.

Motion made by Mr. Borkowski, seconded by Mr. Ritter, to find the respondent in violation based on the findings of fact, Section(s) 93.04. 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 made by Mr. Borkowski, seconded by Mr. Agarie, to set a compliance date to January 8, 2021 or that a fine of \$200.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Ritter, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

5. CEB 20767-20 CITY OF PALM BAY VS MAYURI INVESTMENT PROPS
LLC / BHANUMATI LLC / RAMJI KRUPA LLC
LOT Q.A

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 1170 Malabar RD SE, Lot QA, Subdivision MZ, Township 29, Range 37, Section 04, Brevard County, Florida.

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

Motion made by Mr. Ritter, seconded by Mr. Borkowski, to set a compliance date to June 6, 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. Ritter, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

The following cases were withdrawn due to voluntary compliance:

CEB 20732-20	1702 HAYS ST NW
CEB 20739-20	141 CROSSPOINT ST SE
CEB 20740-20	1501 KELLY ST SE
CEB 20752-20	1570 FOUNDATION PARK BLVD SE
CEB 20766-20	1170 MALABAR RD SE
CEB 20770-20	1234 CRAFTSLAND LN NE
CEB 20788-20	507 SCODELLA ST SW
CEB 20792-20	737 DANIELS AVE SW
CEB 20793-20	355 DANIS 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 20712-20	2930 KIRKLAND RD NE
CEB 20713-20	2154 HENRY ST NE
CEB 20734-20	255 MALABAR RD NW
CEB 20736-20	100 BELLBROOK ST SE
CEB 20768-20	256 ROMAN AVE NE
CEB 20769-20	1381 VANDER AVE SE
CEB 20794-20	698 KROME ST 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. 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 December 24, 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. 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 set fine to be imposed if the respondents fail to come into compliance by the time set.

CEB 20704-20	1625 LARA ST NE
CEB 20705-20	150 GLADIOLA RD NE
CEB 20706-20	360 BRANDT AVE NE
CEB 20707-20	1564 NEOSHO ST NE
CEB 20708-20	327 HARVEY AVE NE
CEB 20709-20	1113 BROOK ST NE
CEB 20710-20	1901 ACADEMY ST NE

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CEB 20714-20	2906 WILKINSON AVE SE
CEB 20715-20	2922 WILKSINSON AVE SE
CEB 20716-20	1287 LIGEN AVE NW
CEB 20717-20	2905 TOULON RD SE
CEB 20718-20	3001 ELDRON BLVD SE
CEB 20719-20	1915 SAN FILIPPO DR SE
CEB 20720-20	910 LAVA ST SE
CEB 20721-20	794 HAMM ST NW
CEB 20722-20	1059 DUSSELDORF AVE NW
CEB 20723-20	31 EMERSON DR NW
CEB 20724-20	1857 NANTON ST NW
CEB 20725-20	373 JUPITER BLVD NW
CEB 20727-20	1338 VATER AVE NW
CEB 20728-20	1115 PRICE AVE NW
CEB 20729-20	1874 PACE DR NW
CEB 20730-20	566 IVY CT NW
CEB 20731-20	1812 RED BUD CIR NW
CEB 20733-20	1667 EMMAUS RD NW
CEB 20737-20	1683 Advview RD SE
CEB 20738-20	1171 ROSA AVE SE
CEB 20741-20	227 ELDRON BLVD SE
CEB 20742-20	891 DU BOIS AVE SE
CEB 20743-20	871 BUCHANAN AVE SE
CEB 20745-20	982 ZAMORA ST SE
CEB 20746-20	1798 WAPELLO AVE SE
CEB 20747-20	906 ARMSTRONG RD SE
CEB 20748-20	900 ARMSTRONG RD SE
CEB 20749-20	1562 ELMHURST CIR SE
CEB 20750-20	951 COQUINA ST SE
CEB 20751-20	1681 TIBBETS ST SE
CEB 20753-20	580 COMMUNITY COLLEGE PKWAY SE
CEB 20754-20	1475 FOUNDATION PARK BLVD SE

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CEB 20755-20	1547 RAINSVILLE RD SE
CEB 20756-20	1044 ZAMBRANA ST SE
CEB 20757-20	1052 ZAMBRANA ST SE
CEB 20758-20	1240 SALINA ST SE
CEB 20759-20	1490 RANGER RD SE
CEB 20760-20	1950 WARRIOR AVE SE
CEB 20761-20	2668 EMERSON DR SE
CEB 20762-20	286 VAN LOON AVE NE
CEB 20763-20	500 ANDREW ST SE
CEB 20764-20	1166 MINNET CT NE
CEB 20765-20	959 QUAIL ST SE
CEB 20771-20	170 ANDERSON AVE NE
CEB 20772-20	582 J A BOMBARDIER BLVD SW
CEB 20773-20	118 LA CASA ST SW
CEB 20774-20	428 AZALEA AVE SE
CEB 20775-20	50 SAN FILIPPO DR SE
CEB 20776-20	951 ALGARDI ST SE
CEB 20777-20	853 ELDRON BLVD SE
CEB 20778-20	986 GRANATA AVE SE
CEB 20779-20	1144 GENESEE AVE SE
CEB 20780-20	756 CECELIA AVE SE
CEB 20781-20	881 VANTAGE ST SE
CEB 20782-20	1000 ARKANSAS AVE SE
CEB 20783-20	474 SAN FILIPPO DR SE
CEB 20784-20	498 SAN FILIPPO DR SE
CEB 20785-20	885 UPLAND AVE SE
CEB 20786-20	1349 SAGEBLOOM ST SE
CEB 20787-20	431 BINNEY ST NE
CEB 20789-20	295 MALABAR RD NW
CEB 20790-20	256 ABALONE RD NW
CEB 20791-20	413 FOUNTAIN ST 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. 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 December 19, 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. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Borkowski, aye; Ms. Walberg, aye.

ADJOURNMENT:

The meeting adjourned at approximately 2:05 PM.

ATTEST:

Lisa Weggeland, Board Secretary

James Boothroyd, Chairperson