

CITY OF PALM BAY, FLORIDA

CODE ENFORCEMENT BOARD Regular Meeting 2022-01

Held on the 12th day of January 2022 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.

Vice Chairperson James Boothroyd called the meeting to order at approximately 1:06 PM.

CHAIRPERSON:	James Boothroyd	Present
VICE CHAIRPERSON:	James Ritter	Excused
MEMBER:	Jimmie Glover	Present
MEMBER:	Victor Silva-Martinez	Present
MEMBER:	Alfred Agarie	Present
MEMBER:	Alan Borkowski	Excused
MEMBER:	Susan Walberg	Excused
STAFF:	Jason M Gordon	Present
STAFF:	Erich Messenger	Present

SWEARING IN:

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

ADOPTION OF MINUTES:

1. Regular Meeting Number 2021-12; December 8, 2021

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

REPORTS:

Authorization to Impose Fines:

1. CEB 22460-21 CITY OF PALM BAY VS MARK WILLIAM WEAVER
1670 HEARTWELLVILLE ST NW, PALM BAY

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 1670 Heartwellville ST NW, Lot 6, Blk 1806, Unit 42, Subdivision KN, Township 28, Range 36, Section 28, Brevard County, Florida.

Motion by Mr. Glover, seconded by Mr. Silva-Martinez, to grant an extension until January 22, 2022. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Glover, aye.

2. CEB 22458-21 CITY OF PALM BAY VS ROBERT KARTEN
1711 GAGMAN ST NW, PALM BAY

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 1711 Gagman St NW, LOT 21, Blk 2309, Unit 44, Subdivision KO, Township 28, Range 36, Section 28, Brevard County, Florida.

Motion by Mr. Agarie, seconded by Mr. Silva-Martinez, to grant an extension until January 22, 2022. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Silva-Martinez, aye; Mr. Glover, aye; Mr. Agarie, aye.

3. CEB 22318-21 CITY OF PALM BAY VS BARNEY JACK PATTON
132 DEAVILLE AVE SE, PALM BAY

This case involved a violation of City Code, Section(s) 2015 IPMC 308.1, Code of Ordinances of the City of Palm Bay for property located at 132 Deauville Ave SE, Lot 5, Blk 358, Unit 10, Subdivision GK, Township 29, Range 37, Section 06, Brevard County, Florida.

Motion by Mr. Glover, seconded by Mr. Silva-Martinez, to grant an extension until February 11, 2022. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Silva-Martinez, aye; Mr. Glover, aye; Mr. Agarie, aye.

4. CEB 22481-21 CITY OF PALM BAY VS M & R UNITED INC
3565 JUPITER BLVD SE 04, PALM BAY

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 3565 Jupiter Blvd SE 04, PORT MALABAR UNIT 9 TRACT J EXC E 100 FT, Subdivision GJ, Township 29, Range 37, Section 05, Brevard County, Florida.

Motion by Mr. Agarie, seconded by Mr. Glover, to grant an extension until February 11, 2022. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Silva-Martinez, aye; Mr. Glover, aye; Mr. Agarie, aye.

The following cases were brought into voluntary compliance:

CEB 22075-21	535 CONSOLATA AVE NW
CEB 22488-21	367 TRILBY RD SW

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 December 1, 2021 and the properties remained in non-compliance.

CEB 22369-21	ROMA, RUSSELL FRA	\$100.00 per day
CEB 22370-21	PETERS JR., JAMES J	\$50.00 per day
CEB 22438-21	WILLIAMS, ELEANOR	\$200.00 set fine
CEB 22441-21	R-MAX OF INDIAN RIVER	\$200.00 set fine
CEB 22442-21	FLEMING, MICHAEL	\$200.00 set fine
CEB 22444-21	KATZ, ARIEL	\$50.00 per day
CEB 22445-21	KATZ, ARIEL	\$50.00 per day
CEB 22446-21	STEWART, CHARLES	\$50.00 per day
CEB 22449-21	SASNETT, EDWARD C	\$50.00 per day
CEB 22454-21	NIEVES, ALBERTO	\$200.00 set fine
CEB 22467-21	DE BLANK, GLADIS	\$200.00 set fine
CEB 22471-21	KEHOE, THOMAS	\$50.00 per day
CEB 22472-21	BRODIE, ROBERT F	\$50.00 per day
CEB 22474-21	VICTORIN, JOSEPH S	\$50.00 per day
CEB 22479-21	FERRARO, PABLO	\$200.00 set fine
CEB 22480-21	LOREK, RONALD F	\$200.00 set fine
CEB 22482-21	RAMDULAR, NALTRA	\$200.00 set fine
CEB 22483-21	CPI/AMHERST SFR PR	\$200.00 set fine
CEB 22484-21	GURALNICK, BENJA	\$200.00 set fine
CEB 22486-21	MAALA, CHRISTINE	\$200.00 set fine
CEB 22487-21	GADDY, SONIA	\$200.00 set fine
CEB 22489-21	CELIA A LEWIS LIVING TRUST	\$200.00 set fine

CEB 22490-21	PALLADIO DEVELOPMENT	\$200.00 set fine
CEB 22493-21	YOUNG, ANDREA RE	\$200.00 set fine
CEB 22496-21	HUMBLE, SHANE	\$200.00 set fine
CEB 22497-21	PIERRE, MARC COENR	\$200.00 set fine
CEB 22498-21	YUK-CHUN, LAM CHA	\$200.00 set fine
CEB 22501-21	FIGUEROA, AGUSTIN	\$200.00 set fine
CEB 22505-21	FKH SFR C1 LP	\$50.00 per day
CEB 22507-21	SCOTT, GLENDA	\$200.00 set fine
CEB 22509-21	YUNG HOU, TSUNG	\$200.00 set fine
CEB 22510-21	MARION, PETER ROB	\$50.00 per day
CEB 22514-21	MALKIEL, MORAD	\$200.00 set fine
CEB 22516-21	HAWKINS, KEVIN S	\$200.00 set fine
CEB 22518-21	MERCIES ENTERPRISE	\$200.00 set fine
CEB 22520-21	SECOND AVENUE SF	\$200.00 set fine
CEB 22525-21	WILLIAMS, EMORRIS	\$200.00 set fine
CEB 22526-21	LOBELLO, JOSEPH A	\$200.00 set fine
CEB 22529-21	CHE SHUM, YUAN	\$200.00 set fine
CEB 22534-21	DAVE'S DEEDS LLC	\$50.00 per day
CEB 22537-21	WILLIAMS, DAVID R	\$50.00 per day
CEB 22560-21	PALM BAY AIR & HEAT	\$500.00 per day

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

HEARINGS:

1. CEB 22661-22 CITY OF PALM BAY VS WALTER F MROZ AND SHARON A MROZ
122 AWIN CIR SE, PALM BAY

This case involved a violation of City Code, Section(s) 179.093(A), Code of Ordinances of the City of Palm Bay for property located at 122 Awin Cir SE, Lot 3, Blk 2643, Unit 50, Subdivision JR, Township 29, Range 37, Section 18, Brevard County, Florida.

Motion by Mr. Glover, seconded by Mr. Agarie, to find the respondent in violation based on the findings of fact, Section(s) 179.093(A), The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Glover, aye.

Motion by Mr. Glover seconded by Mr. Agarie, to set a compliance date to January 27, 2022 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. Agarie, aye; Mr. Silva-Martinez, aye; Mr. Glover, aye.

2. CEB 22659-22 CITY OF PALM BAY VS CARLOS A BRITO AND JENNIFER
MONICA BRITO
598 MACON ST SW, PALM BAY

This case involved a violation of City Code, Section(s) 93.031(A); 93.03; 2015 IPMC 304.7; 2015 IPMC 304.13, Code of Ordinances of the City of Palm Bay for property located at 598 Macon St SW, Lot 10, Blk 1434, Unit 30, Subdivision KJ, Township 29, Range 36, Section 36, Brevard County, Florida.

Motion by Mr. Glover, seconded by Mr. Silva-Martinez, to find the respondent in violation based on the findings of fact, Section(s) 93.031(A); 93.03; 2015 IPMC 304.7; 2015 IPMC 304.13. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye; Mr. Glover, aye.

Motion by Mr. Glover seconded by Silva-Martinez, to set a compliance date to February 11, 2022 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. Agarie, aye; Mr. Silva-Martinez, aye; Mr. Glover, aye.

3. CEB 22634-22 CITY OF PALM BAY VS ERIC SPELLMAN
1558 REED ST NW, PALM BAY

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 1558 Reed St NW, Lot 9, Blk 1795, Unit 42, Subdivision KN, Township 28, Range 36, Section 27, Brevard County, Florida

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

Motion by Mr. Glover seconded by Mr. Agarie, to set a compliance date to March 13, 2022 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. Agarie, aye; Mr. Silva-Martinez, aye; Mr. Glover, aye.

4. CEB 22617-21 CITY OF PALM BAY VS THOMAS J DISTLER
1121 RIVIERA DR NE, PALM BAY

This case involved a violation of City Code, Section(s) 185.118(D), Code of Ordinances of the City of Palm Bay for property located at 1121 Riviera Dr NE, Lot 9, Blk 68, Unit 7, Subdivision LW, Township 28, Range 37, Section 28, Brevard County, Florida.

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

Motion by Mr. Glover seconded by Mr. Agarie, to set a compliance date to February 11, 2022 or that a fine of \$75.00 be imposed for every day the violations continued. The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye; Mr. Glover, aye.

5. CEB 22643-22 CITY OF PALM BAY VS SUNIL GOEL
627 ALMANSA ST NE, PALM BAY

This case involved a violation of City Code, Section(s) 93.04 (B), Code of Ordinances of the City of Palm Bay for property located at 627 Almansa St NE, Lot 20, Blk 233, Unit 7, Subdivision FR, Township 28, Range 37, Section 31, 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) 93.04(B), The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Glover, aye.

Motion by Mr. Agarie seconded by Mr. Glover, to set a compliance date to March 13, 2022 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. Agarie, aye; Mr. Silva-Martinez, aye; Mr. Glover, aye.

6. CEB 22688-22 CITY OF PALM BAY VS 6164 INVESTMENTS LLC
2124 PALM BAY RD NE, PALM BAY

This case involved a violation of City Code, Section(s) 185.140, Code of Ordinances of the City of Palm Bay for property located at 2124 Palm Bay RD NE, E 47 FT LOT 4, RD R/W BLK A, Subdivision 75, Township 28, Range 37, Section 22, Brevard County, Florida.

This case was tabled to the February 9, 2022 meeting.

3. CEB 22687-22 CITY OF PALM BAY VS IVO ESTATE GRIGOLIN
3061 FORGHUN AVE SE, PALM BAY

This case involved a violation of City Code, Section(s) 93.04; 185.123(C); Code of Ordinances of the City of Palm Bay for property located at 3061 Forghun Ave SE, Lot 17, Blk 1284, Unit 25, Subdivision GV, Township 29, Range 37, Section 31, Brevard County, Florida

Motion by Mr. Silva-Martinez, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 93.04; 185.123 (C). The motion carried with the members voting as follows: Mr. Boothroyd, aye; Mr. Agarie, aye; Mr. Silva-Martinez, aye; Mr. Glover, aye.

Motion by Mr. Silva-Martinez seconded by Mr. Agarie, to set a compliance date to February 11, 2022 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. Agarie, aye; Mr. Silva-Martinez, aye; Mr. Glover, aye.

The following cases were withdrawn due to voluntary compliance:

CEB 22624-22	1042 BRIGANTINE AVE NW
CEB 22656-22	694 TARR AVE SW
CEB 22679-22	3249 WALLACE AVE SE
CEB 22682-22	881 CARNIVAL RD SE

CEB 22685-22 787 DIPLOMAT AVE 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 22612-22	1279 GLENHAM DR NE
CEB 22618-22	5551 BABCOCK ST NE
CEB 22619-22	1302 CHERRY HILLS RD NE
CEB 22620-22	1915 AGORA CIR SE 102
CEB 22621-22	1915 AGORA CIR SE 101
CEB 22622-22	1915 AGORA CIR SE 201
CEB 22623-22	1915 AGORA CIR SE 202
CEB 22631-22	1391 ISLAND AVE NW
CEB 22632-22	1659 ZAFFER ST NW
CEB 22633-22	312 EMERSON DR NW
CEB 22645-22	407 BREVARD AVE SE
CEB 22646-22	990 BROCKSMITH ST SE
CEB 22657-22	539 OCEAN SPRAY ST SW
CEB 22658-22	411 TONKLIN RD SW
CEB 22660-22	317 GALENA ST SW
CEB 22686-22	3175 TILDEN 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. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Glover, aye.

Motion by Mr. Boothroyd, seconded by Mr. Agarie, to give the respondents in these cases a compliance date of January 27, 2022 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. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Glover, 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 22613-22	1781 GLENWOOD ST NE
CEB 22614-22	1295 DRILL AVE NE
CEB 22615-22	1849 ARDMORE ST NE
CEB 22616-22	1380 ALTAMONT AVE NE
CEB 22625-22	450 GRENADIER AVE NW
CEB 22626-22	458 GRENADIER AVE NW
CEB 22627-22	1833 DELKI ST NW
CEB 22628-22	1733 RANGOON RD NW
CEB 22629-22	100 DANDRIDGE AVE NW
CEB 22630-22	1391 ISLAND AVE NW
CEB 22635-22	341 ABALONE RD NW
CEB 22636-22	490 CAROLINA AVE NW
CEB 22637-22	301 BROOKEDGE ST NE
CEB 22638-22	581 VIOLET AVE NE
CEB 22639-22	491 KODIAC AVE SE
CEB 22640-22	169 HURTIG AVE NW
CEB 22641-22	499 GRENADIER AVE NW
CEB 22642-22	1365 GILROY ST NW
CEB 22644-22	120 ANGELO RD SE
CEB 22647-22	1392 WING RD SW
CEB 22648-22	STONEBRIAR SUBDIVISION
CEB 22649-22	675 RALEIGH RD SE
CEB 22650-22	1320 SAPULPA RD SW
CEB 22651-22	211 TAUNTON RD SW
CEB 22652-22	1299 HASTINGS RD SW
CEB 22653-22	1131 GAWAIN RD SW
CEB 22654-22	1268 DEGROODT RD SW

CEB 22655-22	1831 HALLENDALE AVE SW
CEB 22662-22	3247 TERKELSON AVE SE
CEB 22663-22	1227 TORRINGTON ST SE
CEB 22664-22	883 WHEATLEY ST SE
CEB 22665-22	2982 CREECH AVE SE
CEB 22666-22	2971 WILKINSON AVE SE
CEB 22667-22	1498 DEMING DR SE
CEB 22668-22	1482 DEMING DR SE
CEB 22669-22	446 DADEVILLE ST SE
CEB 22670-22	619 BRICKELL ST SE
CEB 22671-22	895 DRIFTWOOD AVE SE
CEB 22672-22	770 CARLYLE AVE SE
CEB 22673-22	1681 WEIMAN RD SE
CEB 22674-22	1117 RAYWOOD ST SE
CEB 22675-22	1118 WYOMING DR SE
CEB 22676-22	913 SANGER ST SE
CEB 22677-22	379 SAN FILIPPO DR SE
CEB 22678-22	3279 WALTERS AVE SE
CEB 22680-22	3247 TERKELSON AVE SE
CEB 22681-22	507 EDISON ST SE
CEB 22683-22	346 SHERMAN ST SE
CEB 22684-22	274 DECORDRE 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. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Glover, aye.

Motion by Mr. Boothroyd, seconded by Mr. Agarie, to give the respondents in these cases a compliance date of January 22, 2022 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. Ritter, aye; Mr. Silva-Martinez, aye; Mr. Agarie, aye; Mr. Glover, aye.

ADJOURNMENT:

The meeting adjourned at approximately 2:00 PM.

ATTEST:

Jeanne Pinsi, Board Secretary

James Boothroyd, Chairperson