

City of Palm Bay, Florida
CODE ENFORCEMENT BOARD

Regular Meeting No. 2013-02

Held on the 13th day of February 2013 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, Suite 201, Palm Bay, Florida.

Chairperson Ritter called the meeting to order at approximately 1:10 PM.

ROLL CALL:

CHAIRPERSON:	James Ritter	Present
VICE CHAIRPERSON:	Diane White	Present
MEMBER:	Jimmie Glover	Present
MEMBER:	George Williams	Absent (Excused)
MEMBER:	Orlando Gatell	Present
MEMBER:	Jeffrey Bailey	Present
MEMBER:	Victor Silva-Martinez	Present
STAFF:	Morris Richardson	Present
STAFF:	Nick Tsamoutales	Present

Chairperson Ritter excused Mr. Williams absence.

ADOPTION OF MINUTES:

1. CEB Regular No. 2013-01 January 9, 2013

Motion by Mr. Glover, seconded by Ms. White, to accept the minutes as written. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

SWEARING IN:

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

REPORTS:

1. Authorization to Impose Fines

The City requested the Board find all respondents listed in the Authorization to Impose Fines Report in non-compliance for the period stated in the report. Inspections were performed on February 4, 2013, and the properties still remained in non-compliance.

CEB #16129-12	Patricia Wagner	\$100.00 per day
CEB #16151-12	Dianne Thomas	\$ 50.00 per day
CEB #16153-12	Marie M Owens	\$ 50.00 per day

CEB #16166-12	Ida F West	\$ 50.00 per day
CEB #16169-12	Claudio Mateos	\$ 50.00 per day
CEB #16175-12	Alice Leon	\$ 50.00 per day

Motion made by Mr. Glover, seconded by Ms. White, 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. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

OLD BUSINESS:

1. CEB #16148-12 City of Palm Bay vs Earl/Dianne Ericsson Jr, 2171 Advana St NE – Exterior of premises or structure not maintained in good repair; to wit: exterior of house rotten.

RESPONDENT: Ms. Ericsson requested an extension from the Board in order to bring the property into compliance. Ms. Ericsson stated that she needed a few months to come up with the finances to do the repairs.

Motion by Mr. Glover, seconded by Mr. Bailey to grant an extension to June 13, 2013 or a fine of \$50.00 per day will be imposed. Motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

NEW BUSINESS:

1. Election of Officers:

Motion made by Ms. White, seconded by Mr. Glover to nominate Mr. Ritter as Chairperson for the Code Enforcement Board. Motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion made by Mr. Glover, seconded by Mr. Ritter to nominate Ms. White as Vice Chairperson for the Code Enforcement Board. Motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

HEARINGS:

1. CEB #16195-13 CITY OF PALM BAY VS RAMON/SUNILDA FERNANDEZ
LOT 5, BLK 1938

CEB SECTY: This case involved a violation of City Code, Section(s) 185.183, 185.181(A) and 93.04, Code of Ordinances of the City of Palm Bay for property located at Lot 5, Blk 1938, Subdivision KN, Township 28, Range 36, Section 23, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a violation of the City Ordinance at 1266 Roslyn Ave NW in the use of structure or land without the required certificate of occupancy; to wit: erecting fence on vacant lot without certificate of occupancy, building or structure erected, moved, added to or altered without required permit; to wit: wood fence, accumulation of trash and debris and/or unsightly matter on unimproved property; to wit: large pile of brush apparently used as barrier. The Statement of Violation, Notice of Hearing, certified return receipt and photographs of the violations were submitted to the Board as evidence.

RESPONDENT; JONNY FERNANDEZ (son of Ramon/Sunilda Fernandez): Mr. Fernandez stated that he was responsible for doing the work on the property and requested some time to bring the property into compliance.

Motion by Ms. White, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 185.183, 185.181(A) and 93.04. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion by Ms. White, seconded by Mr. Bailey, to set a compliance date of March 15, 2013, or that a fine of \$50.00 be imposed for each and every day the violations continued. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

2. CEB #16197-13 CITY OF PALM BAY VS BEVERLY D RAE
LOT 10, BLK 2279

CEB SECTY: This case involved a violation of City Code, Section(s) 170.119(A) and 93.03, Code of Ordinances of the City of Palm Bay for property located at Lot 10, Blk 2279, Subdivision KO, Township 28, Range 36, Section 22, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a violation of the City Ordinance at 1374 Pakenham St NW in failure to maintain fence in original upright condition, tall grass and weeds. The Statement of Violation, Notice of Hearing, certified return receipt and photographs of the violations were submitted to the Board as evidence.

RESPONDENT; BEVERLY D RAE: Ms. Rae stated that her fence keeps falling down due to the neighbors tree leaning on her fence. Ms. Rae has requested that the Code Officer speak to the neighbors to have the tree removed in order for her fence to get fixed.

Motion by Ms. White, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 170.119(A) and 93.03. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, nay; Mr. Silva-Martinez, aye.

Motion by Ms. White, seconded by Mr. Glover, to set a compliance date of February 28, 2013 for Section 93.03, or that a fine of \$20.00 be imposed for each and every day the violations continued and May 14, 2013 for Section 170.119(A), or that a fine of \$30.00 be imposed for each and every day the violations continued. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, nay; Mr. Silva-Martinez, aye.

3. CEB #16196-13 CITY OF PALM BAY VS ADOLFO SANCHEZ/PEDRO COLON
LOT 1, BLK 589

CEB SECTY: This case involved a violation of City Code, Section 185.123(B), Code of Ordinances of the City of Palm Bay for property located at Lot 1, Blk 589, Subdivision EY, Township 28, Range 36, Section 35, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a violation of the City Ordinance at 194 Shalimar Ave NW in parking a commercial vehicle in a residential area; to wit: semi truck-tractor. The Statement of Violation, Notice of Hearing, certified return receipt and photographs of the violations were submitted to the Board as evidence.

Motion by Ms. White, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section 185.123(B). The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion by Ms. White, seconded by Mr. Glover, to set a compliance date of February 22, 2013, or that a fine of \$250.00 be imposed for each and every day the violations continued. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, nay; Mr. Silva-Martinez, aye.

4. CEB #16198-13 CITY OF PALM BAY VS HILDA G RODRIGUEZ
LOT 39, BLK 2132

CEB SECTY: This case involved a violation of City Code, Section(s) 93.031(A)(1) and 93.03, Code of Ordinances of the City of Palm Bay for property located at Lot 39, Blk 2132, Subdivision KN, Township 28, Range 36, Section 26, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a violation of the City Ordinance at 976 Elmont St NW in the exterior of premises or structure not maintained in good repair; to wit: siding in disrepair and accumulation of trash and debris and/or unsightly matter. The Statement of Violation, Notice of Hearing, certified return receipt and photographs of the violations were submitted to the Board as evidence.

Motion by Mr. Glover, seconded by Ms. White, to find the respondent in violation based on the findings of fact, Section(s) 93.031(A)(1) and 93.03. The motion carried with the members voting

as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion by Mr. Glover, seconded by Ms. White, to set a compliance date of March 15, 2013, or that a fine of \$50.00 be imposed for each and every day the violations continued. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

The following cases listed were heard as uncontested cases. These cases had not come into compliance and the respondents were not present to be heard.

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 #16191-13	April N Strickland
CEB #16199-13	Sandra E Garner
CEB #16200-13	Jairo Acevedo/Qualified Mortgage Services/Bac Home Loans Servicing
CEB #16201-13	Marian/Charlotte Davis
CEB #16202-13	SFR 2012-Florida LLC
CEB #16203-13	Jeffrey Wayne Farless
CEB #16205-13	Kelly S/William Jolly/US Bank Home Mortgage
CEB #16206-13	Rosemary/Steven Herron/PHH Mortgage

Motion by Mr. Ritter, seconded by Ms. White, 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. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion by Mr. Ritter, seconded by Mr. Glover, to give the respondents in these cases a compliance date of February 28, 2013 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. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

The following case(s) were withdrawn due to voluntary compliance:

CEB #16192-13	Michael V Trisho/Norma P Augment
CEB #16193-13	Paula Clark

CEB #16194-13 George S Campbell

CEB #16204-13 Sarah G Rothery Estate

ADJOURNMENT:

The meeting adjourned at approximately 2:06 PM.

James L Ritter, Chairperson

ATTEST:

Valerie Carter, Board Secretary