# City of Palm Bay, Florida
# CODE ENFORCEMENT BOARD
Regular Meeting No. 2013-04

Held on the 10th day of April 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.

Vice Chairperson White called the meeting to order at approximately 1:12 PM.

**ROLL CALL:**

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

**ADOPTION OF MINUTES:**

## 1. CEB Regular No. 2013-03 March 13, 2013

Motion by Mr. Glover, seconded by Mr. Bailey, to accept the minutes as written. The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, 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 April 01, 2013, and the properties still remained in non-compliance.

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| CEB #16142-12 | Benedict/Daphne Hypolite/BAC Home | $ 100.00 per day |
| CEB #16142-12 | Benedict/Daphne Hypolite/BAC Home | $ 50.00 per day |
| CEB #16200-13 | Jairo Acevedo/Qualified Mortgage | $ 50.00 per day |
| CEB #16201-13 | Marian/Charlotte Davis | $ 50.00 per day |

| | | |
|---|---|---|
| CEB #16202-13 | SFR 2012-Florida LLC | $ 50.00 per day |
| CEB #16203-13 | Jeffrey Farless | $ 50.00 per day |
| CEB #16205-13 | Kelly or William Jolly/US Bank | $ 50.00 per day |

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

**OLD BUSINESS:**

1. CEB # 16212-13 City of Palm Bay vs Leigh M/Joyce A Hathaway, 1799 Nanton St NW, case continued from the March 13, 2013 Code Board Meeting. Case brought into compliance prior to hearing.

**HEARINGS:**

1. CEB #16228-13 CITY OF PALM BAY VS EDWIN H MERCADO/NEREIDA RODRIGUEZ LOT 29, BLK 2473

CEB SECTY: This case involved a violation of City Code, Section(s) 73.21(B), 185.010 / 185.034(E)(1) and 73.02(A), Code of Ordinances of the City of Palm Bay for property located at Lot 29, Blk 2473, Subdivision KR, Township 28, Range 36, Section 24, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a violation of the City Ordinance at 1297 Bei Ct NW in the storage of junk or discarded vehicle(s), maintaining a prohibited use of a building, structure or land for the zoning district in which it is located – to wit: keeping of poultry in a residential (RS-2) zoning, performing major vehicle repairs in a residential area. 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 Mr. Bailey, to find the respondent in violation based on the findings of fact, Section(s) 73.21(B), 185.010 / 185.034(E)(1) and 73.02(A). The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion by Mr. Glover, seconded by Mr. Bailey, to set a compliance date of May 10, 2013, or that a fine of $75.00 be imposed for each and every day the violations continued. The motion carried with the members voting as follows: Ms. White, nay; Mr. Glover, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

2. CEB #16229-13 CITY OF PALM BAY VS CHRIS D/BRENDA CHANCEY
LOT 06, BLK 2153

CEB SECTY: This case involved a violation of City Code, Section(s) 73.21(B) and 73.02(A), Code of Ordinances of the City of Palm Bay for property located at Lot 06, Blk 2153, 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 979 Slocum ST NW in storage of junk or discarded vehicle(s) – to wit: several autos and auto parts, performing major vehicle repairs in a residential area.

Motion by Mr. Glover, seconded by Ms. White, to find the respondent in violation based on the findings of fact, Section(s) 73.21(B), and 73.02(A). The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion by Mr. Glover, seconded by Mr. Bailey, to set a compliance date of May 10, 2013, or that a fine of $75.00 be imposed for each and every day the violations continued. The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

CEB #16242-13 CITY OF PALM BAY VS MATTHEW/MICHELLE LENNON
LOT 24, BLK 882

Motion by Mr. Bailey, seconded by Mr. Glover, to continue case CEB #16242-13 to the May 8, 2013 Code Board meeting unless property is brought into compliance. The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, 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 #16217-13 Federal National Mortgage Assoc.

CEB #16220-13 David & Hester Mc Intyre Sr/US Bank National Assoc

CEB #16226-13 Michael Stoeg Bauer Berger/Suntrust Mortgage

CEB #16231-13 Jorge or Janice Vasquez/Bank of America

CEB #16235-13 Robert or Kristie Hudson

CEB #16237-13 Wells Fargo Home Mortgage

CEB #16240-13 Jared or Stacey Elkins/Bank of New York Mellon Trust

CEB #16241-13 Minouche Valeus/Reginal Clerveau/Onewest Bank FSB

Motion by Ms. White, 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: Ms. White, aye; Mr. Glover, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion by Ms. White, seconded by Mr. Glover, to give the respondents in these cases a compliance date of April 25, 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: Ms. White, aye; Mr. Glover, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

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

CEB #16218-13 Sarojini Mahabub

CEB #16219-13 Robert Marcus Bowman, Sr./Margaret E Bowman Trustees

CEB #16222-13 City of Melbourne Housing

CEB #16223-13 Joyceline A Simon Trustee

CEB #16224-13 Mark Dutler

CEB #16225-13 Kevin & Sharalyn Bouley/Qualified Mortgage/BAC Homes

CEB #16227-13 Louise E Watson-Simpson

CEB #16230-13 Jay or Vicki Dahoda

CEB #16232-13 Roy or Karen Baker

CEB #16233-13 Frank or Lisa Campana

CEB #16234-13 William D or Dawnette Banks

CEB #16236-13 Justin Bach

CEB #16238-13 Luis Hernandez or Maby Caraballo

CEB #16239-13 Summer Bowen

The following case(s) were withdrawn by the City:

CEB #16221-13 Penny J Landfried/Bank of America NA/Ocwen Financial

**ADJOURNMENT:**

The meeting adjourned at approximately 1:35 PM.

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Diane White, Vice Chairperson

ATTEST:

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Valerie Carter, Board Secretary