

City of Palm Bay, Florida
CODE ENFORCEMENT BOARD

Regular Meeting No. 2013-05

Held on the 8th day of May 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 1:13 PM.

ROLL CALL:

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

ADOPTION OF MINUTES:

1. CEB Regular No. 2013-04 April 10, 2013

Motion by Mr. Glover, seconded by Mr. Williams, to accept the minutes as written. The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Gatell, 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 29, 2013, and the properties still remained in non-compliance.

CEB #16207-13 Louis/Nagela Pierre/Wells Fargo \$ 50.00 per day

Motion made by Mr. Glover, seconded by Mr. Williams, 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. Williams, aye; Mr. Gatell, aye.

1. CEB Foreclosure Report

The City requested that the Board approve the Foreclosure Report for the following cases CEB #(s) 14376-08, 15196-10, 15202-10, 16085-12, Barry K Walter, 251 Mayport Ave NW.

Motion made by Mr. Glover, seconded by Mr. Williams, to accept and approve the Foreclosure Report. The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Gatell, aye.

OLD BUSINESS:

1. CEB # 16242-13 City of Palm Bay vs Matthew/Michelle Lennon, 1461 Talavera St SE, case continued from the April 10, 2013 Code Board Meeting. Case brought into compliance prior to hearing.

HEARINGS:

1. CEB #16243-13 CITY OF PALM BAY VS RACHEL/JOSEPH COSTA
LOT 37, BLK 1057

CEB SECTY: This case involved a repeat violation of City Code, Section(s) 185.123(B), Code of Ordinances of the City of Palm Bay for property located at Lot 37, Blk 1057, Subdivision 25, Township 29, Range 36, Section 01, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a repeat violation of the City Ordinance at 220 Tipton Rd SW for parking a commercial vehicle in a residential area – to wit: semi-tractor and trailer. The Statement of Repeat 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 repeat violation based on the findings of fact, Section(s) 185.123(B). The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Gatell, aye.

Motion by Ms. White, seconded by Mr. Glover, to fine the respondent \$200.00 per day for the 3 days the repeat violation was observed after the date set for compliance on Section(s) 185.123(B), for a total of \$600.00 and that a fine of \$250.00 be imposed for each and every day the violations continued from May 8, 2013 until the violations come into compliance. The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Gatell, aye.

2. CEB #16244-13 CITY OF PALM BAY VS RAMDATH OR DEBBIE JITTA
LOT 12, BLK 1433

CEB SECTY: This case involved a repeat violation of City Code, Section(s) 185.123(B), Code of Ordinances of the City of Palm Bay for property located at Lot 12, Blk 1433, Subdivision KJ, Township 29, Range 36, Section 36, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a repeat violation of the City Ordinance at 587 Macon St SW for parking a commercial vehicle in a residential area – to wit: semi dump truck. The Statement of Repeat 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. Gatell, to find the respondent in repeat violation based on the findings of fact, Section(s) 185.123(B). The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Gatell, aye.

Motion by Mr. Glover, seconded by Mr. Williams, to fine the respondent \$200.00 per day for the 3 days the repeat violation was observed after the date set for compliance on Section(s) 185.123(B), for a total of \$600.00 and that a fine of \$250.00 be imposed for each and every day the violations continued from May 8, 2013 until the violations come into compliance. The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Gatell, aye.

3. CEB #16259-13 CITY OF PALM BAY VS EILEEN OR KEN BURNS
LOT 15, BLK 17

CEB SECTY: This case involved a repeat violation of City Code, Section(s) 93.03, Code of Ordinances of the City of Palm Bay for property located at Lot 15, Blk 17, Subdivision IL, Township 28, Range 37, Section 25, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ANGELICA MARTINEZ: The City stated there was a repeat violation of the City Ordinance at 1019 Daytona Dr NE for tall grass and weeds. The Statement of Repeat 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. Williams, to find the respondent in repeat violation based on the findings of fact, Section(s) 93.03. The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Gatell, aye.

Motion by Mr. Glover, seconded by Mr. Williams, to fine the respondent \$50.00 per day for the 4 days the repeat violation was observed after the date set for compliance on Section(s) 93.03, for a total of \$200.00 and that a fine of \$50.00 be imposed for each and every day the violations continued from May 8, 2013 until the violations come into compliance. The motion carried with the members voting as follows: Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Gatell, 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 #16245-13 Danny R Davis Jr/Flagstar Bank FSB

CEB #16246-13	Debbie or Ramdath Jitta
CEB #16247-13	Hipcot LLC
CEB #16248-13	David Forsythe/BAC Home Loans
CEB #16249-13	Daniel Reyes/Anna Isnardi/BAC Home Loans
CEB #16250-13	Gypcienne or Freud Jean/Deutsche Bank National Trust
CEB #16251-13	Burger King Corpoation
CEB #16255-13	MJR Minton LLC/Mark B Erickson
CEB #16257-13	Arthur L or Mildred B Whitley
CEB #16258-13	Ariel Segall
CEB #16260-13	Joan F Kinney
CEB #16261-13	Federal Home Loan Mortgage Corp
CEB #16262-13	Jason & Ashley Morales/BAC Home Loans
CEB #16263-13	3085 Jupiter LLC

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. Williams, aye; Mr. Gatell, aye.

Motion by Ms. White, seconded by Mr. Glover, to give the respondents in these cases a compliance date of May 23, 2013 or that a fine of \$75.00 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. Williams, aye; Mr. Gatell, aye.

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

CEB #16252-13	Stephen P Collazo
CEB #16253-13	TRS @ Palm Bay Inc/Kenneth Oswald/Seven Eleven
CEB #16254-13	Vincent or Mariko Yannacone
CEB #16256-13	Stephen J Smurda/Daria Olarte Trustee

ADJOURNMENT:

The meeting adjourned at approximately 1:37 PM.

Diane White, Vice Chairperson

ATTEST:

Bernadette Joseph, Board Secretary