

City of Palm Bay, Florida
CODE ENFORCEMENT BOARD

Regular Meeting No. 2013-08

Held on the 14th day of August 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 1:01 PM.

ROLL CALL:

CHAIRPERSON:	James Ritter	Present
VICE CHAIRPERSON:	Diane White	Present
MEMBER:	Jimmie Glover	Present
MEMBER:	George Williams	Present
MEMBER:	Orlando Gatell	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. 2013-07 July 10, 2013

Motion made by Mr. Glover, seconded by Mr. Williams, 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. Williams, 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 August 05, 2013, and the properties still remained in non-compliance.

CEB # 16257-13	Arthur L and Mildred B Whitley	\$ 75.00 per day
CEB # 16264-13	Alcindor and Annette Delpo /BAC/ Deutsche	\$ 50.00 per day
CEB # 16270-13	Tracy Swain	\$ 50.00 per day
CEB # 16272-13	Richard and Jessica Lowe, Sr.	\$ 250.00 per day

CEB# 16273-13	Rasmus W and Albertha King /HSBC Bank	\$ 50.00 per day
CEB# 16274-13	Michelle L and Justin D Burk /HSBC Bank	\$ 50.00 per day
CEB# 16275-13	Roberto and Selena Lopez /Bank of America	\$ 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: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

HEARINGS:

1. CEB #16288-13 CITY OF PALM BAY VS DIEGO DA SILVA / AMERICAN HOME MRTG
LOT 10, BLK 1006

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 10, Blk 1006, Subdivision GI, Township 29, Range 36, Section 02, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a repeat violation of the City Ordinance at 250 Trilby Rd SW for tall grass and weeds. The Statement of Repeat Violation and Notice of Hearing were posted at city hall, and these, along with the Affidavit of Posted Notice, Findings of Fact from previous case and photographs of the violations were submitted to the Board as evidence.

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

Motion made by Mr. Glover, seconded by Mr. Bailey, to fine the respondent \$50.00 per day for the 12 days the repeat violation was observed after the date set for compliance on Section(s) 93.03 for a total of \$600.00 and that a fine of \$75.00 be imposed for each and every day the violation(s) continues from August 23, 2013 until the violation(s) comes into compliance. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

2. CEB #16290-13 CITY OF PALM BAY VS JAMES / DONNA FRISBIE
LOT 21, BLK 1075

CEB SECTY: This case involved a violation of City Code, Section(s) 178.10(F), Code of Ordinances of the City of Palm Bay for property located at Lot 21, Blk 1075, Subdivision 25, Township 29, Range 36, Section 01, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a violation of the City Ordinance at 2599 Jupiter Blvd SW for parking a vehicle with a sign(s) attached or

located thereon on private or public property or right-of-way so as to be visible from public way, for the purposes of advertisement – to wit: black auto. Officer Reckard stated that the owner, Mr. James Frisbie, is requesting a case continuance. The Posted Statement of Violation, Notice of Hearing, and Affidavit of Posted Notice of the violation were submitted to the Board as evidence.

Motion made by Ms. White, seconded by Mr. Bailey to continue the case to the September 11, 2013 Code Board hearing. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

3. CEB #16291-13 CITY OF PALM BAY VS DANNY DAVIS JR
LOT 11, BLK 1712

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 11, Blk 1712, Subdivision KL, Township 29, Range 36, Section 02, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a repeat violation of the City Ordinance at 399 Seabull Ave SW for tall grass and weeds. The Statement of Repeat Violation, Notice of Hearing, Findings of Fact from previous case, certified return receipts and photographs of the violations were submitted to the Board as evidence.

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

Motion made by Ms. White, seconded by Mr. Glover, to fine the respondent \$75.00 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 \$300.00 and that a fine of \$75.00 be imposed for each and every day the violation(s) continues from August 23, 2013 until the violation(s) comes into compliance. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

4. CEB #16298-13 CITY OF PALM BAY VS JANKIE RAMDULAR
LOT 1, BLK 2155

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 1, Blk 2155, Subdivision KN, Township 28, Range 36, Section 26, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ANGELICA MARTINEZ: The City stated there was a repeat violation of the City Ordinance at 1140 Jupiter Blvd NW for parking a commercial vehicle in a residential area. The Statement of Repeat Violation, Notice of Hearing, certified return receipt and photographs of the violation were submitted to the Board as evidence.

Motion made 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: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion made by Ms. White, seconded by Mr. Glover, to fine the respondent \$150.00 per day for the 1 day the repeat violation was observed after the date set for compliance on Section(s) 185.123(B) for a total of \$150.00 and that a fine of \$250.00 be imposed for each and every day the violation(s) continues from August 14, 2013 until the violation(s) comes into compliance. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Williams, 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 #16286-13	Douglas or Shawn Oliveira
CEB #16287-13	Manuel or Robin Pena
CEB #16289-13	A K or Landra Burgess
CEB #16293-13	L & C Arlington Pines Ptrnshp
CEB #16294-13	Odette Momperousse Estate
CEB #16295-13	Thomas Edward Peterson
CEB #16296-13	Georgia L Brown
CEB #16297-13	Kimberly S Fetterly
CEB #16299-13	Jairo Agudelo / Bank of New York Mellon Trust
CEB #16300-13	Michelle Inman / Wendy Crawford / Bank of America
CEB #16301-13	Joseph or Shirley Kovalchick / Chase Home Finance
CEB #16302-13	Jody Sicard
CEB #16303-13	Phillip J or Georgenna Shough / One West Bank
CEB #16304-13	Dan or Betty Jean Durant
CEB #16305-13	Joseph N or Marsha D Blunk

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

Motion made by Mr. Ritter, seconded by Mr. Glover, to give the respondents in these cases a compliance date of August 29, 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. Williams, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

The following case was withdrawn due to voluntary compliance:

CEB #16292-13 1611 Meridian L I C

The following case was withdrawn by the City:

CEB #16306-13 William J Whedbee / Core Logic / GMAC Mortgage

ADJOURNMENT:

The meeting adjourned at approximately 1:38 PM.

James Ritter, Chairperson

ATTEST:

Bernadette Joseph, Board Secretary