

City of Palm Bay, Florida
CODE ENFORCEMENT BOARD

Regular Meeting No. 2013-09

Held on the 11th day of September 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 1:05 PM.

ROLL CALL:

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

ADOPTION OF MINUTES:

1. CEB Regular No. 2013-08 August 14, 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. 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 September 02, 2013, and the properties still remained in non-compliance.

CEB # 16279-13	E H Pooled Investments	\$ 50.00 per day
CEB # 16281-13	David or Kenya Norgren/Qualified Mortg/BAC	\$ 50.00 per day

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

HEARINGS:

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

CEB SECTY: This case was continued from the August 14, 2013 Code Board Meeting 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.

RESPONDENT; JAMES FRISBIE: Mr. Frisbie stated that the signs were removed from the vehicle.

Motion made by Ms. White, seconded by Mr. Glover to find the respondent not in violation based on the findings of fact, Section(s) 178.10(F). The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

At this time, the Board Attorney, Morris Richardson explained the Wrecker/Tow Ordinance to the Board.

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.

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| CEB #16307-13 | Fifth Third Bank |
| CEB #16309-13 | Gypcienne or Freud Jean / Deutsche Bank |
| CEB #16310-13 | US Bank NA Trustee |
| CEB #16312-13 | Edmund H Quiroga Jr Estate |
| CEB #16313-13 | Sara or Jason Perhealth |
| CEB #16314-13 | Sheila M Pisano / Howard Fierstat / BAC Home Loans |

CEB #16315-13 Joseph F or Tracey L Delbene / BAC Home Loans

CEB #16319-13 Marie Rose Civilus-Prophete

CEB #16320-13 Mathilde Adams

CEB #16322-13 Melissa Susan Eck / BAC Field Services Corp

Motion made 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. Williams, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion made by Mr. Ritter, seconded by Ms. White, to give the respondents in these cases a compliance date of September 26, 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. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

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

CEB #16308-13 Carole Pierre Louis

CEB #16311-13 Grace Beaufort

CEB #16316-13 Jeremy Forrest and Amber Dawn Majors

CEB #16317-13 P E and Bertha B Newsom

CEB #16318-13 Bruce L Gasque, Estate

CEB #16321-13 Denis Walzer

ADJOURNMENT:

The meeting adjourned at approximately 1:30 PM.

James Ritter, Chairperson

ATTEST:

Bernadette Joseph, Board Secretary