City of Palm Bay, Florida
CODE ENFORCEMENT BOARD
Regular Meeting No. 2014 - 03

Held on the 12th day of March 2014 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 1:15 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	Absent (Excused)
MEMBER:	Victor Silva-Martinez	Present
STAFF:	Morris Richardson	Present
STAFF:	Nick Tsamoutales	Present

ADOPTION OF MINUTES:

1. CEB Regular No. 2014-03; March 12, 2014

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. Silva-Martinez, aye.

SWEARING IN:

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

REPORTS:

AUTHORIZATION TO IMPOSE FINES:

1. CEB #16304-13 CITY OF PALM BAY VS DAN OR BETTY JEAN DURANT
LOT 13, BLK 9

CEB SECTY: This case involved an authorization to impose fines located at Lot 13, Blk 9, Subdivision 50, Township 28, Range 37, Section 14, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; VALERIE CARTER: The City stated there is an authorization to impose fines at 3693 Lipscomb St NE for exterior of premises or structure not maintained in good repair and exterior paint on structure deteriorated. The Statement of Violation, Notice of Hearing, certified return receipt and photographs of the violations were submitted to the Board as evidence.

RESPONDENT; MARGIE DURANT: Respondent, Margie Durant, daughter of the owner represented the case on behalf of her mother who is ill. She stated that work has begun to correct the violations but will need more time from the Board to complete the work and bring the property into compliance.

Motion made by Mr. Glover, seconded by Mr. Williams to grant CEB # 16304-13 an extension of 90 days to June 12, 2014 or a fine of $50.00 be imposed for each and every day the violation continues. 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. Silva-Martinez, aye.

2. 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 March 03, 2014, and the properties still remained in non-compliance.

CEB # 16304-13	Dan and Betty Jean Durant	$ 50.00	per day
CEB # 16365-13	Jermane Rugenstein Trustee	$ 75.00	per day
CEB # 16393-14	Qiau Ru Guo Yang	$ 50.00	per day
CEB # 16394-14	Nicholas R Strickland	$ 50.00	per day
CEB # 16399-14	Stephen N and Cheryl A Lindner	$ 50.00	per day
CEB # 16405-14	Theresa Dolphy	$ 50.00	per day
CEB # 16406-14	Peter Bedford and Chase Home Finance	$ 50.00	per day
CEB # 16407-14	Michael D Wellman and Bank of America	$ 50.00	per day
CEB # 16408-14	Kyle R Legrof	$ 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. Gatell aye; Mr. Silva-Martinez, aye.

HEARINGS:

1. CEB #16445-14 CITY OF PALM BAY VS PENNY J LANDFRIED / APA / US BANK NATIONAL ASSOCIATON LOT 10, BLK 2200

CEB SECTY: This case involved a violation of City Code, Section(s) 99.03(A), Code of Ordinances of the City of Palm Bay for property located at Lot 10, Blk 2200, Subdivision 75, Township 28, Range 37, Section 33, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; VALERIE CARTER: The City stated there was a violation of the City Ordinance at 245 Van Loon Ave NE for failure to register abandoned foreclosing residential properties with the City. The Statement of Violation, Notice of Hearing and Affidavit of Posted Notice of the violation were submitted to the Board as evidence.

RESPONDENT; ANDY LAFAVE, ESQ: Respondent representing on behalf of US Bank, requested more time to bring the violation into compliance.

Motion by Ms. White, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 99.03(A). 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. Silva-Martinez, aye.

Motion made by Ms. White, seconded by Mr. Glover to set a compliance date of 15 days to March 27, 2014 or a fine of $50.00 be imposed for each and every day the violation continues. 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. Silva-Martinez, aye.

2. CEB #16446-14 CITY OF PALM BAY VS PENNY J LANDFRIED / APA / US BANK NATIONAL ASSOCIATON LOT 10, BLK 2200

CEB SECTY: This case involved a violation of City Code, Section(s) 93.03, Code of Ordinances of the City of Palm Bay for property located at Lot 10, Blk 2200, Subdivision 75, Township 28, Range 37, Section 33, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; VALERIE CARTER: The City stated there was a violation of the City Ordinance at 245 Van Loon Ave NE for Public Nuisance – to wit: unsafe burnt structure. The Statement of Violation, Notice of Hearing, Affidavit of Posted Notice and photographs of the violation were submitted to the Board as evidence.

RESPONDENT; ANDY LAFAVE, ESQ: Respondent representing on behalf of US Bank, requested more time from the Board and for the case to be heard again.

Motion made by Ms. White, seconded by Mr. Glover to continue CEB# 16446-14 to the April 9, 2014 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. Gatell, aye; Mr. Silva-Martinez, aye.

3. CEB #16447-14 CITY OF PALM BAY VS CARL A BEATTY
LOT 12, BLK D

CEB SECTY: This case involved a violation of City Code, Section(s) 93.03(A)(1), Code of Ordinances of the City of Palm Bay for property located at Lot 12, Blk D, Subdivision 76, Township 28, Range 37, Section 11, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; VALERIE CARTER: The City stated there was a violation of the City Ordinance at 2520 Clinton Dr NE for exterior of premises or structure not maintained in good repair – to wit: collapsed roof. The Statement of Violation, Notice of Hearing, certified return receipt and photographs of the violation were submitted to the Board as evidence.

RESPONDENT; CARL BEATTY: Mr. Beatty stated that he has been working to correct the violations but he needs more time.

Motion by Mr. Glover, seconded by Ms. White, to find the respondent in violation based on the findings of fact, Section(s) 93.03(A)(1). 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. Silva-Martinez, aye.

Motion made by Mr. Glover, seconded by Ms. White to set a compliance date of 30 days to April 13, 2014 or a fine of $50.00 be imposed for each and every day the violation continues. 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. Silva-Martinez, aye.

4. CEB #16432-14 CITY OF PALM BAY VS COLONIAL SQUARE PROPERTY OWNERS ASSOCIATION INC / JOSEPH DIGELANDO
LOT 5

CEB SECTY: This case involved a violation of City Code, Section(s) 185.142(D), Code of Ordinances of the City of Palm Bay for property located at Lot 5, Subdivision 04, Township 29, Range 37, Section 06, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; SABRINA PERKINS: The City stated there was a violation of the City Ordinance at 620 Malabar Rd SE for failure to properly maintain required landscaping. The Statement of Violation, Notice of Hearing, Affidavit of Posted Notice and photographs of the violation were submitted to the Board as evidence.

GROWTH MANAGEMENT CITY PLANNER; ROBERT LORING: Mr. Loring stated that various trees were removed from the property and that the minimum requirement of trees were never replaced.

Motion by Ms. White, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 185.142(D). 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. Silva-Martinez, aye.

Motion made by Ms. White, seconded by Mr. Glover to set a compliance date of 30 days to April 13, 2014 or a fine of $100.00 be imposed for each and every day the violation continues. 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. Silva-Martinez, aye.

5. CEB #16440-14 CITY OF PALM BAY VS DURWARD O CLINGENPEEL II / JP MORGAN CHASE / GLOBAL BUSINESS PARTNERS/MCS
LOT 11, BLK 696

CEB SECTY: This case involved a violation of City Code, Section(s) 93.03, 93.031(A), and 93.031(A)(1), Code of Ordinances of the City of Palm Bay for property located at Lot 11, Blk 696, Subdivision GO, Township 29, Range 37, Section 09, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ANGELICA MARTINEZ: The City stated there was a violation of the City Ordinance at 914 Underhill Ave SE for public nuisance, for maintaining a condition that constitutes a blighting influence on adjacent properties and constitutes a hazard to public health, safety and welfare and for the exterior of premises or structure not maintained in good repair – to wit: extensive structural fire damage. The Statement of Violation, Notice of Hearing, Affidavit of Posted Notice and photographs of the violation 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(s) 93.03, 93.031(A), and 93.031(A)(1). 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. Silva-Martinez, aye.

Motion made by Ms. White, seconded by Mr. Glover to set a compliance date of 30 days to April 13, 2014 or a fine of $100.00 be imposed for each and every day the violation continues. 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. 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 #16420-14 Daniel Stallbaum and BAC Home Loans Svsg LP

CEB #16422-14 Odette Momperousse Estate and Ocwen Financial Svs

CEB #16423-14 Cheryl Michell and Chase Home Finance

CEB #16424-14 Ernesto and Sylvia Perez

CEB #16426-14 Anthony and Aileen Maisonet

CEB #16428-14 William D and Plyllis E Erwin and SunTrust Mortgage Inc

CEB #16429-14 Alan or Jini Lee Ramsey

CEB #16430-14 Sandy Martin

CEB #16433-14 Burger King Corporation

CEB #16434-14 Eztopeliz LLC

CEB #16436-14 2501 LLC

CEB #16437-14 Jerome S Perkins

CEB #16439-14 Jennifer A Hobbs and Stephen & Adele H Britton

CEB #16441-14 Tammy G Hodge

CEB #16442-14 Karl Kochner

CEB #16443-14 Yunisbel Marrero and Citi Mortgage Inc

CEB #16444-14 Anna Marie Favero and Raymond C Capps Jr

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. Gatell, 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 15 days to March 27, 2014 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. Silva-Martinez, aye.

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

16421-14 Larry M Aronson

16425-14 The Florida LP Invitation Home

16427-14 Frederick and Daphne Goddard

16431-14 Creative Choice Homes XXV Ltd

16435-14 Palm Harbor Assoc Inc

16438-14 Gilbert E Nelson Estate

16448-14 Aljean Bellanfantie and Allinton L Crooks

ADJOURNMENT:

The meeting adjourned at approximately 2:27 PM.

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James L Ritter, Chairperson

ATTEST:

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Bernadette Joseph, Board Secretary