

City of Palm Bay, Florida
CODE ENFORCEMENT BOARD

Regular Meeting No. 2014 - 05

Held on the 14th day of May 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 1:10PM.

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. 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. 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 May 05, 2014, and the properties still remained in non-compliance.

CEB # 16412-14	US Bank National Assn	\$ 50.00 per day
CEB # 16413-14	Stacy A Walczak	\$ 50.00 per day
CEB # 16414-14	Sandra E Garner	\$ 50.00 per day
CEB # 16417-14	Patricia Mardy and BAC Home Loans	\$ 50.00 per day

CEB # 16418-14	Larry Michael Novak	\$ 50.00 per day
CEB # 16419-14	Daniel Freeman III	\$ 50.00 per day
CEB # 16442-14	Karl Kochner	\$ 50.00 per day
CEB # 16444-14	Anna Marie Favero and Raymond C Capps Jr	\$ 50.00 per day

Motion made by Mr. Williams, 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.

OLD BUSINESS:

CEB #16446-14 City of Palm Bay vs Penny J Landfried / APA / US National Bank Association, 245 Van Loon Ave NE. Case continued from the March 12, 2014 Code Board Hearing.

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 Posted Statement of Violation, Notice of Hearing, Affidavit of Posted Notice and photographs of the violations were submitted to the Board as evidence.

CITY ATTORNEY; NICK TSAMOUTALES: Stated that he received a letter from Ocwen Financial's attorney and he would like 30 days to inquire on the matter.

Motion by Mr. Bailey, seconded by Mr. Glover, to find the respondent in 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. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion made by Mr. Bailey, seconded by Mr. Glover to set a compliance date of 30 days to June 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. Bailey, aye; Mr. Silva-Martinez, aye.

HEARINGS:

1. CEB #16465-14 CITY OF PALM BAY VS SUSAN / KENNETH RANDOLPH
LOT 20, BLK 2303

CEB SECTY: This case involved a violation of City Code, Section(s) 185.010, Code of Ordinances of the City of Palm Bay for property located at Lot 20, Blk 2303, Subdivision KO, Township 28, Range 36, Section 28, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a violation of the City Ordinance at 1805 Gallivan St NW for maintaining a prohibited use of a building, structure or land for the zoning district in which it is located – to wit: section 185.034 (E)(1) operating a commercial business of lawnmower repair and car sales in residential (RS-2) zoning. The Statement of Violation, Notice of Hearing, certified return receipt and photographs of the violation were submitted to the Board as evidence.

RESPONDENT; KENNETH RANDOLPH: Mr. Randolph stated that he now sells off property and all the vehicles are gone. Only the lawn mowers remain on property.

Motion by Mr. Bailey, seconded by Mr. Williams, to find the respondent in violation based on the findings of fact, Section(s) 185.010 / 185.034(E)(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. Bailey, aye; Mr. Silva-Martinez, aye.

Motion made by Ms. White, seconded by Mr. Glover to set a compliance date of 15 days to May 29, 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. Bailey, aye; Mr. Silva-Martinez, aye.

2. CEB #16460-14 CITY OF PALM BAY VS SAROJINI MAHABUB
LOT 2, BLK 71

CEB SECTY: This case involved a violation of City Code, Section(s) 185.184(B), Code of Ordinances of the City of Palm Bay for property located at Lot 2, Blk 71, Subdivision LW, Township 28, Range 37, Section 28, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; VALERIE CARTER: The City stated there was a violation of the City Ordinance at 1234 Craftsland Lane NE for failure to request required building / construction inspection – to wit: two sheds placed on property without inspection approval. The Posted Statement of Violation, Notice of Hearing, Affidavit of Posted Notice and a copy of e-mail from the Building Department of the violation were submitted to the Board as evidence.

RESPONDENT; SAROJINI MAHABUB: Ms. Mahabub stated that she was not aware that a final inspection was needed; she will contact the Building Department and comply.

Motion by Mr. Glover, seconded by Mr. Bailey, to find the respondent in violation based on the findings of fact, Section(s) 185.184(B). 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. Glover, seconded by Mr. Bailey to set a compliance date of 10 days to May 24, 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. Bailey, aye; Mr. Silva-Martinez, aye.

3. CEB #16461-14 CITY OF PALM BAY VS SAROJINI MAHABUB
LOT 2, BLK 71

CEB SECTY: This case involved a violation of City Code, Section(s) 73.02(A), Code of Ordinances of the City of Palm Bay for property located at Lot 2, Blk 71, Subdivision LW, Township 28, Range 37, Section 28, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; VALERIE CARTER: The City stated there was a violation of the City Ordinance at 1234 Craftsland Lane NE for performing major vehicle repairs in a residential area – to wit: over twelve vehicles on property and repairs being done on a daily basis. The Posted Statement of Violation, Notice of Hearing, Affidavit of Posted Notice and photographs of the violation were submitted to the Board as evidence.

RESPONDENT; SAROJINI MAHABUB: The owner Ms. Mahabub gave authorization for Mr. Patrick Veerasani to represent the case. Mr. Veerasani stated that he does not perform major vehicle repairs he only does some minor repairs and that he owns all the vehicles.

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

Motion made by Ms. White, seconded by Mr. Glover to set a compliance date of 15 days to May 29, 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, nay; Mr. Bailey, nay; Mr. Silva-Martinez, aye.

4. CEB #16449-14 CITY OF PALM BAY VS STEVEN AND LORI O KELLY
LOT 33, BLK 2507

CEB SECTY: This case involved a violation of City Code, Section(s) 185.010, Code of Ordinances of the City of Palm Bay for property located at Lot 33, Blk 2507, Subdivision KR, 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 923 Itzehoe Ave NW for maintaining a prohibited use of a building, structure or land for the zoning district in which it is located – to wit: section 185.034(E)(1) keeping of goats in residential (RS-2) zoning. The Statement of Violation, Notice of Hearing, certified return receipt and photographs of the violations were submitted to the Board as evidence.

Ms. Reckard stated to the Board that she spoke to the owner and received a letter requesting the case be continued to the next hearing due to her illness.

Motion made by Mr. Bailey, seconded by Ms. White to grant continuance of the case to the June 11, 2014 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. Bailey, aye; Mr. Silva-Martinez, aye.

5. CEB #16457-14 CITY OF PALM BAY VS ROBERTO FRET / JUANA V COLON /
JP MORGAN CHASE BANK
LOT 15, BLK 665

CEB SECTY: This case involved a violation of City Code, Section(s) 93.031(A)(1), Code of Ordinances of the City of Palm Bay for property located at Lot 15, Blk 665, Subdivision EX, Township 28, Range 36, Section 36, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; ARLENE RECKARD: The City stated there was a violation of the City Ordinance at 143 Abalone Rd NW for failure to maintain exterior of structure free of discoloration, mildew and/or rust. The Posted Statement of Violation, Notice of Hearing, Affidavit of Posted Notice and photographs of the violations were submitted to the Board as evidence.

Ms. Reckard stated to the Board that she would like the case be continued to the next hearing because a new bank now owns the property and she would like to properly notify them of the violation.

Motion made by Ms. White, seconded by Mr. Glover to grant continuance of the case to the June 11, 2014 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. Bailey, aye; Mr. Silva-Martinez, aye.

At this time, Vice Chairperson White was excused from the meeting.

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 #16455-14 Daniel J and Jill M Bach
- CEB #16463-14 Nancy A Pearson Estate
- CEB #16464-14 Edward A Sysyn Jr and Caridad C Bonham and JP Morgan Chase
- CEB #16467-14 Jeanne Hammond
- CEB #16468-14 Robert and Kristie Hudson and Ocwen Financial
- CEB #16469-14 Carolyn Kay H M Hardin Trustee and Carolyn Kay H Mayfield Hardin

CEB #16470-14 Tawny Prentice
CEB #16471-14 Olga A Pollard and Carlton Horne
CEB #16472-14 Robert Crisafulli Jr
CEB #16473-14 Kurtz Associates

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; 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 May 29, 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; Mr. Glover, aye; Mr. Williams, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

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

16466-14 Guerda and Rosny Odies

ADJOURNMENT:

The meeting adjourned at approximately 2:27 PM.

James L Ritter, Chairperson

ATTEST:

Bernadette Joseph, Board Secretary