

City of Palm Bay, Florida
CODE ENFORCEMENT BOARD

Regular Meeting No. 2011-12

Held on the 14th day of December, 2011 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:

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| CHAIRPERSON: | James Ritter | Present |
| VICE CHAIRPERSON: | Diane White | Present |
| MEMBER: | Jimmie Glover | Present |
| MEMBER: | George Williams | Present |
| MEMBER: | Orlando Gatell | Present |
| MEMBER: | Dominic Lombardi | Present |
| MEMBER: | Mia Dunaway | Present |
| STAFF: | Morris Richardson | Present |
| STAFF: | Nick Tsamoutales | Present |

ADOPTION OF MINUTES:

1. CEB Regular No. 2011-11 November 9, 2011

Motion by Mr. Glover, seconded by Ms. White, 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. Lombardi, aye; Mr. Gatell, aye; Ms. Dunaway, aye.

SWEARING IN:

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

REPORTS:

1. CEB #15840-11 CITY OF PALM BAY VS EZTOPELIZ LLC
LOT AA

CEB SECTY: This case involved a violation of City Code, Section(s) 93.042, Code of Ordinances of the City of Palm Bay for property located at Lot AA, Subdivision 01, Township 28, Range 37, Section 25, Brevard County, Florida.

RESPONDENT; JEFF MILHAUSEN: Mr. Milhausen stated to the Board the history of this case and that there was a verbal agreement with Lee Feldman that allowed them to maintain the crushed rock on the property. Mr. Milhausen was going to obtain an affidavit from Mr. Feldman backing his statement.

Motion by Ms. White, seconded by Mr. Glover, to grant case #15840-11 an extension until February 5, 2012, allowing Mr. Milhausen the opportunity to obtain the supporting documents

necessary from Mr. Feldman, or that a fine of \$50.00 per day be imposed. 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. Lombardi, aye; Ms. Dunaway, 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 December 5, 2011, and the properties still remained in non-compliance.

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| CEB #15839-11 | Elizabeth/Delbert Scott | \$ 50.00 per day |
| CEB #15840-11 | Eztopeliz LLC | \$ 50.00 per day |
| CEB #15841-11 | Luis/Idda Ramirez | \$ 50.00 per day |

Motion made by Mr. Glover, seconded by Ms. White, 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. Lombardi, aye; Mr. Gatell, aye; Ms. Dunaway, aye.

HEARINGS:

1. CEB #15896-11 CITY OF PALM BAY VS GEVORK KAVTARYAN
LOT 1, BLOCK 870

CEB SECTY: This case involved a violation of City Code, Section(s) 185.123(B), Code of Ordinances of the City of Palm Bay for property located at Lot 1, Block 870, Subdivision GS, Township 29, Range 37, Section 28, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; EDWARD NEUMANN: The City stated there was a violation of the City Ordinance at 1329 Ran Rd SE in parking a commercial vehicle in a residential area; to wit: trailer. The Statement of 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 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. Lombardi, aye; Mr. Gatell, aye; Ms. Dunaway, aye.

Motion by Ms. White, seconded by Mr. Glover, to set a compliance date of December 29, 2011, or that a fine of \$100.00 be imposed for each and every day the violations continued. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Lombardi, aye; Mr. Gatell, aye; Ms. Dunaway, aye.

2. CEB #15898-11 CITY OF PALM BAY VS CRAIG/ROBIN BOWEN SR
LOTS 15, BLOCK 2051

CEB SECTY: This case involved a violation of City Code, Section(s) 185.123(B), Code of Ordinances of the City of Palm Bay for property located at Lot 15, Block 2051, Subdivision KQ, Township 29, Range 37, Section 28, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; EDWARD NEUMANN: The City stated there was a violation of the City Ordinance at 2610 Palisades Dr SE in parking a commercial vehicle in a residential area; to wit: stake truck. The Statement of 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 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. Lombardi, aye; Mr. Gatell, aye; Ms. Dunaway, aye.

Motion by Ms. White, seconded by Mr. Glover, to set a compliance date of December 23, 2011, or that a fine of \$150.00 be imposed for each and every day the violations continued. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Lombardi, aye; Mr. Gatell, aye; Ms. Dunaway, aye.

3. CEB #15913-11 CITY OF PALM BAY VS LUIS/SHARON DIAZ
LOT 1, BLOCK 624

CEB SECTY: This case involved a violation of the City Code, Section(s) 185.010, 185.034(E)(1), 185.118(A)(3) and 185.181(A), Code of Ordinances of the City of Palm Bay for property located at Lot 1, Block 624, Subdivision EX, Township 28, Range 36, Section 36, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; JACK DAVIS: The City stated there was a violation of the City Ordinance at 433 Avocado Rd NW, in maintaining a prohibited use of a building, structure or land for the zoning district in which it is located, maintaining an aviary in a residential area (pigeons), erecting an accessory structure within the rear setback closer than 10 feet from the rear property line or within 6 feet of the side property line; to wit: accessory structures in rear setback and building or structure erected, moved, added to or altered without required permit; to wit: accessory structures. The Statement of 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 Ms. White, to find the respondent in repeat violation based on the findings of fact, Section(s) 185.010, 185.034(E)(1), 185.118(A)(3) and 185.181(A). The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Lombardi, aye; Mr. Gatell, aye; Ms. Dunaway, aye.

Motion by Mr. Glover, seconded by Mr. Williams, to set a compliance date of January 6, 2012, or that a fine of \$100.00 be imposed for each and every day the violations continued. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Williams, aye; Mr. Lombardi, aye; Mr. Gatell, aye; Ms. Dunaway, 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.

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| CEB #15894-11 | Aurelio Maldonado |
| CEB #15895-11 | Rosemary/Steven Herron |
| CEB #15897-11 | Russell Waters |
| CEB #15899-11 | Jessica Madigan |
| CEB #15904-11 | Danielle/Mark Youmans |
| CEB #15905-11 | Juan Salas-Perez/Jean Salas |
| CEB #15907-11 | Benjamin/Lisa Julich |
| CEB #15908-11 | Thomas/Rosemary Money |
| CEB #15910-11 | Anthony J Pandolfo |
| CEB #15912-11 | Beverly D Rae |
| CEB #15914-11 | Daniel Galasso/Nancy Gomez |
| CEB #15915-11 | Beverly D Rae |
| CEB #15916-11 | Patricia G Coyle |
| CEB #15918-11 | Wanda Burns |
| CEB #15919-11 | Martiza Ford/Nelson Velez |
| CEB #15920-11 | Robert/Rebecca Caldwell |
| CEB #15921-11 | Robert/Nancy Medford |
| CEB #15922-11 | William Himes |
| CEB #15923-11 | Robert/Deborah Sasser |
| CEB #15924-11 | Thomas Rava |
| CEB #15925-11 | Adassa/Michael Allen |

CEB #15926-11 Ernest Cherilus
CEB #15927-11 Thomas Kuchma/William Persons
CEB #15928-11 Ernest Cherilus
CEB #15929-11 Abdier O Portes

Motion 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. Lombardi, aye; Mr. Gatell, aye; Ms. Dunaway, aye.

Motion by Mr. Ritter, seconded by Ms. White, to give the respondents in these cases a compliance date of December 29, 2011 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. Lombardi, aye; Mr. Gatell, aye; Ms. Dunaway, aye.

The following cases were withdrawn due to voluntary compliance:

CEB #15893-11 Derek S Hindle
CEB #15901-11 Debbie/Ramdath Jitta
CEB #15902-11 Robert/Elena La Manna
CEB #15903-11 Lenie Louise Van Dalen Meyer
CEB #15906-11 Sharon Doyle
CEB #15909-11 Shamcomar/Kowsillia Rai
CEB #15911-11 Sabas/Cherie Murillo
CEB #15917-11 Kenneth/Katherine Sandberg
CEB #15925-11 Adassa/Michael Allen

The following case(s) were closed by the City:

CEB #15900-11 Jesse/Andrea Jones

ADJOURNMENT:

The meeting adjourned at approximately 1:55 PM.

James Ritter, Chairperson

ATTEST:

Valerie Carter, Board Secretary