

CODE ENFORCEMENT BOARD AGENDA

Tuesday, September 7, 2010 at 7:00 P.M. at Town Hall
4240 Highway U. S. 1, Grant Valkaria, Florida 32949

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. MOMENT OF SILENT MEDITATION
- D. ROLL CALL
 - Terry Wolfe, Chairperson
 - Homer King, 1st Vice Chairperson
 - John Krupp, 2nd Vice Chairperson
 - Mark Pagliarulo
 - Jeff Robertson
 - Royce Stifflemire
 - Vincent Wilson
 - Rod VanDerJagt (Alternate 1)
 - Stephen Fay (Alternate 2)

Any person desiring to appeal any decision made by the Code Enforcement, with respect to any matter considered at this meeting or hearing, will need a record of the proceedings for such purposes, must insure that a verbatim record and transcript of the proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her expense, as the Town does not provide one.

ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceedings shall, at least forty-eight (48) hours prior to the meeting, contact the Town Clerk at (321) 951-1380.

FOR YOUR INFORMATION:
RESPONDENTS OR THEIR REPRESENTATIVES SHOULD BE PRESENT FOR ALL MEETINGS CONCERNING THEIR PROPERTY. PLEASE BE ADVISED CASE ITEMS MAY BE ACTED IN THE ABSENCE OF REPRESENTATION.

E. APPROVAL OF MINUTES

- 1) Code Enforcement Board Meeting Minutes of June 1, 2010

F. UNFINISHED BUSINESS

None

G. NEW BUSINESS

- 1) Discussion/Action Re Request by Ms. Christine Herman for reduction of fines at property located at 5726 Cypress Creek Drive (Hood)

I. BOARD COMMENTS

J. ADJOURN

AGENDA ITEM # E.1

**Town Of Grant-Valkaria
Code Enforcement Board Minutes
Tuesday, June 1, 2010 at 7:00 p.m.
4240 Highway U.S. 1, Grant Valkaria, FL 32949**

The meeting of the Town of Grant-Valkaria, Code Enforcement Board was called to order at 7:00 p.m. by Chairperson Terry Wolfe followed by the Pledge, a moment of silent meditation and roll call to the Board Members, with the following present:

| | |
|---|---|
| Chairperson Terry Wolfe | Town Administrator Richard Hood |
| 1 st Vice Chairperson Homer King | Town Attorney Karl Bohne |
| 2 nd Vice Chairperson John Krupp | Administrative Assistant Jessica Williams |
| Board Member Royce Stifflemire | |
| Board Member Vincent Wilson | |
| Board Member Rod VanDerJagt, Alternate 1 | |

Motion to Excuse Board Member Pagliarulo, Alternate Board Member Fay, and Board Member Robertson

Motion by Board Member Stifflemire, second by Board Member Wilson and vote unanimous to excuse Board Member Mark Pagliarulo and Alternate Board Member Stephen Fay due to personal matters, and Board Member Jeff Robertson due to business.

Approval of Minutes

- 1) Code Enforcement Board Meeting Minutes of April 6, 2010

Motion by Chairperson Wolfe, second by Board Member Stifflemire and vote unanimous to approve the Code Enforcement Board Meeting Minutes of April 6, 2010.

New Business

- 1) Case No. 10-04- Quatraro Enterprises, Inc- 5910 Highway 1
(Richard Andre, Code Officer) (Cited 05-13-2010)
 - a) Chapter 22. Building and Building Repair Regulations- Article II. Division I Sec. 22-46 Florida Building Code adopted. Chapter 1 Administration, Section 105 Permits, 105.1 Permits.

Chairperson Wolfe read the violation by title. Town Attorney Bohne swore Code Enforcement Officer Andre.

Code Enforcement Officer Andre stated that he had received a complaint that someone was living in one of the units located at 5910 Highway 1. Code Enforcement Officer Andre stated that when he went out to the site to follow up on this complaint and found that an electrician working on the building without a permit. Code Enforcement Officer Andre stated that he spoke to the individual and told them to stop working until the proper permits were pulled. Code Enforcement Officer Andre explained that he then contacted Mike McCaughin Brevard County's Chief Building Official and they went out to 5910 Highway 1 to check the status. The electrical work had continued and the owner had done an air-conditioning change out without a permit as well. Mr. Andre stated that a stop work order letter was then sent out by Mr. McCaughin on May 3, 2010. Mr. Andre stated that Mr. Quatraro was also doing interior framing and siding which he cannot continue until he receives the proper permitting from the County. Mr. Andre stated that he suggested that the Board give thirty days to cure and a fine of up to \$250 per day if the property is not brought into compliance within the thirty day cure period.

Chairperson Wolfe stated that since the Mr. Quatraro continued to complete the air-conditioning and electrical work to the point of completion after Mr. Andre verbally asked them to quit all work until permits were issued the Board should give Mr. Quatraro a shorter cure period. Town Attorney Bohne stated that the Board could state that the property owner cannot pursue any additional work without proper permitting. Board Member Stifflemire stated that he believed that the Board should follow Code Enforcement Officer Andre's recommendation because the property owner is trying to improve the property.

Motion by 1st Vice Chairperson King, second by Chairperson Wolfe and vote unanimous that there is enough evidence to prove a prima facia case.

Town Attorney Bohne stated that this is the time when the respondent would present his case; however he is not present but did submit a letter with his air-conditioning permit which the Board was given a copy of. Town Administrator Hood stated that at the present time the Town is not issuing any Business Tax Receipts for the property in question until the property is properly permitted, inspected and approved by Brevard County.

Motion by 1st Vice Chairperson, second by Chairperson Wolfe and vote unanimous to find the property located at 5910 Highway 1 in violation of Chapter 22. Building and Building Repair Regulations- Article II. Division I Sec. 22-46 Florida Building Code adopted. Chapter 1 Administration, Section 105 Permits, 105.1 Permits.

Motion by Chairperson Wolfe, second by 1st Vice Chairperson and unanimous to give the property owner a 14 day cure period from the date of this order.

Motion by 1st Vice Chairperson King, second by Chairperson Wolfe and vote 4 to 1 to assess a fine of 250 dollars per day if property is not brought into compliance within the 14 day cure period continuing until the property is brought into compliance. (Aye: Wolfe, King, Stifflemire, Wilson, Nay: Krupp)

Code Enforcement Officer Andre stated that he had approximately 4.5 hours of time at his hourly rate \$19.65 per hour and two mailings at \$5.54 per mailing totaling \$99.51.

Motion by Chairperson Wolfe, second by 1st Vice Chairperson King and vote unanimous to award the Town \$99.51 for the costs accrued as of the date of the order.

Motion by Chairperson Wolfe, second by 1st Vice Chairperson King, and vote unanimous to adjourn the meeting at 7:45 p.m.

Terry Wolfe, Chairperson

ATTEST:

Jessica Williams, Administrative Assistant

AGENDA ITEM # G.1

TOWN OF GRANT-VALKARIA
CODE ENFORCEMENT BOARD

TOWN OF GRANT-VALKARIA

CASE NO. 10-01

vs.

Sydney S. and Claudette A.
McIntosh, husband and wife
12708 143rd Street
Jamaica, New York 11436
Respondents.

_____ /

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE having come on for the public hearing before the Board on April 6, 2010 after due notice to the respondent and the Code Enforcement Board having heard testimony under oath and receiving evidence, thereupon issues this Finding of Fact, Conclusion of Law and Order as follows:

- A. ~~The Respondents own that certain parcel of real property located at 5726 Cypress Creek Drive, Grant-Valkaria, Florida 32949. Parcel ID/description: TWP 29 RNG 38 SEC 29 SUB TZ BLK A LOT 72, Cypress Creek Subdivision, Phase Two according to the plat thereof as recorded in PB 0052, PG 0046 of the Public Records of Brevard County, Florida.~~
- B. Based upon the testimony heard and the evidence presented the Code Enforcement Board concluded that there is a violation of Section 114-28 in that the yard is in need of mowing and maintenance as described in the Notice of Hearing and Statement of Violation dated March 17, 2010.

ORDER

Based upon the foregoing finding of fact and conclusions of law, it is

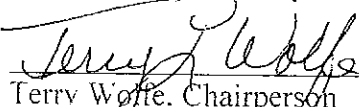
ORDERED AND ADJUDGED THAT:

1. Respondents shall have 10 days from the date of this Order to come into compliance with the violation cited herein by mowing and maintaining the yard as described in the Notice of Hearing and Statement of Violation dated March 17, 2010.
2. Should the Respondents fail to comply with this order within 10 days from the date of this Order, the Respondents are advised that a civil penalty in the amount of \$25.00 per day for the violation of section 114-28 is hereby imposed and shall commence accruing on the 11th day from the date of this Order. This order shall be recorded in the public records of Brevard County, Florida and shall constitute a lien on Respondents' property and shall be enforced according to law.
3. The Respondents are further advised that said civil penalty shall continue accruing until such time as the Respondent contacts the Code Enforcement Officer and schedules an inspection to confirm the compliance with this Order has been achieved. Upon compliance, an Order of Compliance shall be recorded in the public records of Brevard County, Florida at which time the civil penalty imposed herein shall cease to accrue.

- ~~4. Respondents are further advised that should a repeat violation occur, the Respondents will not be given notice to cure and will be brought before the Board at which time the Board may impose a fine up to \$500.00 per day for each repeat violation.~~
5. The Board awards costs to the Town in the amount of \$96.62 which shall become a lien on the property on which the violation exists and any other real or personal property owned by the Respondents.

DONE AND ORDERED this 6th day of April, 2010 at Grant-Valkaria, Brevard County, Florida.

Town of Grant-Valkaria Code Enforcement
Board, Brevard County, Florida


Terry Wolfe, Chairperson

cc: Respondent(s)

Filed in the office of the Town Clerk of the Town of Grant-Valkaria, Florida on 7th day

April of 2010.

A handwritten signature in cursive script, reading "Susanne Krueger", is written over a solid horizontal line.

Susanne Krueger, Town Clerk

Town of Grant-Valkaria

Certified # 7007 3020 0002 4889 5250

August 5, 2010

Christine Herman
4975 Dixie Hwy
Unit # 201
Palm Bay, Florida 32905

Re: Town of Grant-Valkaria v. Mc Intosh, Sydney S. / Claudette A.
Case No. 10-01

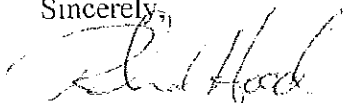
To whom it may concern:

This will acknowledge that the property located at 5726 Cypress Creek Drive, Grant-Valkaria, Florida 32949 has, as of August 1, 2010, been found in complete compliance with the Findings of Fact, Conclusion of Law and Order dated April 7, 2010 and recorded at ORB 6146, page 1724 of the Public Records of Brevard County, Florida. As of August 1, 2010 the accrued fines and costs total \$ 2721.62.

A breakdown of the dates of compliance and fines accrued are as follows: violation of section ~~114-28~~ was brought into compliance on August 1, 2010 with fines in the amount of \$ 2625.00; and Town costs awarded by the Board in the amount of \$ 96.62.

According to your letter dated August 1, 2010 you would like to be relieved of paying the ordered fine of \$25.00 per day. This matter will have to be presented to the Code Enforcement Board as they are the only entity with the power to impose and make changes to the fine. We will contact you once the agenda for this meeting is complete with the date and time.

Sincerely,



Richard Hood
Town Administrator
Town of Grant-Valkaria

August 1, 2010

Town of Grant-Valkaria
4240 US 1
Grant Valkaria, Fl 32949

RE: Lot 72, Cypress Creek, 5726 Cypress Creek Dr.

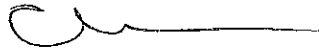
To whom it may concern:

The above listed property was cut on August 1, 2010. It is now in compliance. I am sorry for any inconvenience that it may have caused.

I would like you to remove the \$25/day fine that was imposed. I held the mortgage on the property and have just taken a deed back in lieu of foreclosure. This has been quite a hardship. I came into the office on 7/29, as soon as I got the property back to pay the \$96.50 and was quite surprised to find out about the \$25/day fine. I brought the property into compliance as soon as I found out about it. They had not informed me of any of this. They had not paid property taxes since 2006 which left me quite a bill also.

Thank you for your consideration in this matter.

Sincerely,



Christine Herman
4975 Dixie Hwy
Unit #201
Palm Bay, Fl. 32905

Cell 321-863-5895