

Town Of Grant-Valkaria
Code Enforcement Board Minutes
Tuesday, June 17, 2008, 6:30 p.m.
5120 Highway U.S. 1, Grant Valkaria, FL 32949

The meeting of the Town of Grant-Valkaria, Code Enforcement Board was called to order at 6:30 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	Sue Krueger, Town Clerk/Acting Town Administrator
Vice Chairperson Jeff Robertson	Karl Bohne, Town Attorney
Board Member Homer King	
Board Member Mark Pagliarulo	
Board Member John Krupp	
Board Member Royce Stifflemire	
Board Member Al Janesky, Alternate 1	
Board Member John Shatzer, Alternate 2	

Chairperson Wolfe stated that there would be funeral services for Pete DeVos on Wednesday, June 28th at Fountainhead Funeral Home on Babcock Street.

APPROVAL OF MINUTES:

Moved by Board Member King, seconded by Board Member Stifflemire, and vote unanimous to approve the minutes of June 3, 2008.

ADD TO AGENDA:

Chairperson Wolfe requested that new item under new business be added – Assign Alternate Vice Chairperson.

Board Member King announced that he is reclosing himself from voting on the next item on the agenda.

Alternate Board Member Janesky was informed by Chairperson Wolfe that he would be voting on the agenda item, Case No. 08-05, to make a quorum.

NEW BUSINESS:

- 1) Case No. 08-05 Code Violation on property located on Grant and Medjool Roads. Violation of Code Chapter 162, Division 6, Supplemental Regulations, Sec. 62-2117. Parking, locating and storing of recreation vehicles and equipment, commercial vehicles and heavy equipment, and motor vehicles and recreational vehicles for sale.

Chairperson Wolfe read the violation by title. Town Attorney Bohne swore in the following as witnesses: Mr. Paris, Chris King, Homer King, Franchesca Mariani, and Code Enforcement Officer Andre.

Board Member Stifflemire disclosed that he and his wife rode around after the fire, went down Medjool Road to check the fire damage and did return to see what the layout was.

Alternate Board Member Janesky disclosed that he went down to the cul-de-sac on Medjool Road and did return to see site.

Code Enforcement Officer Andre stated that he received a call last September from Agent Holiday regarding activity on Medjool Road that he needed to look at. He responded to site and stated he saw a recreation vehicle there and was told by Mr. Paris that he and his wife stay there a couple nights. Mr. Paris was told that he needed to remove the recreation vehicle from the property. On January 2, 2008 he returned to the site and rescinded the violation for the mobile home and cited the owner for violation of Chapter 62-2117. On January 3, 2008 he did not follow up with a letter but spoke to Mr. Paris about it. Mr. Paris was given two weeks as a cure period and given an additional two weeks cure period. On January 12, 2008 he sent a code violation letter and given a ten day cure period for violation of Chapter 62-1254 and 62-1843. After discussion with Attorney Bohne, he did not proceed on these violations. Photos were taken of recreation vehicle on the property, and additional photos were taken today. He noted that the property is zoned agriculture.

Attorney Beadle, representing Mr. Paris, was given floor to cross examine Code Enforcement Officer Andre at which time he asked how he determined if this property was vacant. Code Enforcement Officer Andres stated that he could not see if it was attached to sewer.

Franchesca Mariani gave her testimony. She stated that she lives northeast of Paris property and was concerned about property value and if the town was setting a precedent. She stated that the Paris's were pumping water with generators running all night and inquired as to where does it go, do they have sewage there. She stated that she is getting rats and flies due to the condition of the property.

Christine King gave her testimony. She stated that according to the Tax Assessor's website, the description of Paris property is vacant grazing land and vacant. She stated that on the westernmost part of the property has a barn, the easternmost has a camper, north of camper is a jeep, and tarp-like shelter for animals. She stated that there needs to be development on the property in order to store camper on property. She stated that an email was sent to Matt Brock on July 24, 2007 written by Mr. Paris. Attorney Beadle stated that this was heresay evidence. Attorney Bohne stated that heresay evidence can be introduced and has very limited weight, and should not be the sole basis of the Board's decision.

Homer King gave his testimony. He stated that the two parcels of land are two separate parcels and the parcel in question is the front parcel. He stated that 1.2 acres does not qualify for agriculture. He stated that Mrs. Paris stays there all night with the generator running.

Town Attorney Bohne stated that the Board must decide if there is prima facia evidence that he has violated Chapter 62-2117 of the code and then they can go onto the next level.

Motions by Board Member Krupp, second by Board Member Pagliarulo, and vote unanimous that there is prima facia evidence that the recreational vehicle on agriculture land is not permitted there.

Chairperson Wolfe called for a ten minute recess at 7:37 p.m.
Chairperson Wolfe recalled the meeting to order at 7:45 p.m.

Town Attorney Bohne stated that the Board needs to make a final determination without prejudice. He stated that the Board could get clarification for the record by asking the Code Enforcement Officer to identify what things are out there, and that the Board could go straight to making a final vote. He recommended that the Board make a final determination, propose a time to cure, and fine within.

Code Enforcement Officer Andre stated the following during questions from Board members:

- There are four barn structures on property
- Unknown if feeding bins
- Unknown if interior fencing
- There are holding pens
- Determined that it was a farm or ranch on property because of the dogs and donkeys

For purposes of identifying evidence, Town Attorney Bohne stated that the Board's agenda package be Exhibit A, four pictures of June 10th be Exhibit B, photos of June 17th be Exhibit C, one picture of Google Earth presented by Mr. King be Exhibit D, picture depicting front parcel be Exhibit E. He then stated that it would be appropriate for the Board to enter into a motion considering if there is a violation, a cure date for the removal of the recreational vehicle, and if not removed within time frame to impose a fine from zero to \$250/per day.

Alternate Board Member Janesky inquired to Town Attorney Bohne if the finding is solely based on the definition of vacant land, and that he did not find it being a vacant land. Town Attorney Bohne stated that the Code Enforcement Officer believed that it was vacant property.

Motions by Board Member Krupp, second by Board Member Pagliarulo, and vote FAILED, 4-1 VOTE (Nay-Janesky) to find Mr. Paris in violation of section 62-2117 because it was believed it was vacant land.

2) Assign Alternate Vice Chairperson (Wolfe)

Chairperson Wolfe stated that due to the possibility that the Vice Chairperson might be out of town at the same time as herself that this should be voted on. Motions by Board Member Stifflemire, second by Board Member Krupp, and vote unanimous to nominate Mark Pagliarulo as Alternate Vice Chairperson.

Town Attorney Bohne stated that violations can be initiated again if it is determined that violations still exist, and that if there is another violation that it will come back to the Board.

Chairperson Wolfe requested clarification for the record from Town Attorney Bohne in that during the last Town Council meeting one Council Member said that if the Code Enforcement Officer is sent out to a specific violation and he sees another violation that he is told to ignore it. Town Attorney Bohne responded that it is not the Town's philosophy that he is not to go out there and find violations, he has to use some discretion.

Board Member King asked if there was any conversation among Board Members to discuss this topic, and stated that it was a violation of sunshine law. Town Attorney Bohne stated that discussion should not occur between Board Members during recess relating to Board business. Chairperson Wolfe stated that if this occurs again, she will be taking this to the Mayor and will ask that the Board Members be replaced. Town Attorney Bohne stated and stressed the importance of compliance with the sunshine law. He further explained that it can lead to the removal of the Board Member to the extreme as a second degree misdemeanor brought before the prosecuting authority. Christine King was concerned about the sunshine law violation and requested that this be considered. Town Attorney Bohne stated that a formal complaint needs to be processed by the Town and it would be brought before the Sheriff's Department. Board Member King stated that he feels this vote tonight was a direct reflection of that; this matter got dismissed because camper on the property; they will be allowed to keep it there; and the conversation at break cause it to be voted out. Town Attorney Bohne stated that if the Board believes this occurred, he can look into if the Board can declare the action void. Chairperson Wolfe requested that the Board void the vote.

Alternate Board Member Shatzer stated that he was disputing the Code Enforcement Officer's testimony. Alternate Board Member Janesky asked if it would make it easier for him to resign.

Board Member Stifflemire stated that since there were multiple lots in question, wouldn't it be advantageous to write up the front lot.

Motions by Board Member Stifflemire, second by Board Member Krupp, and vote unanimous to adjourn the meeting at 9:30 p.m.

(signature on file)

Chairperson Terry Wolfe

ATTEST:

(signature on file)

Town Clerk Susanne Krueger