

**Town of Grant-Valkaria
Code Enforcement Board Minutes
Tuesday, March 4, 2008 6:30 P.M.
Town Hall Building, 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 6:36 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 Manager, Matt Brock
Board Member Peter DeVos	Assistant to the Clerk, Linda Munroe
Board Member Homer King	Town Attorney Robert Beals
Board Member Mark Pagliarulo	Code Enforcement Officer Richard Andre
Board Member John Krupp	
Board Member Royce Stifflemire	
Board Member Al Janesky	

Vice Chairperson Jeff Robertson was excused prior to the meeting.

APPROVAL OF MINUTES:

September 10, 2007 and November 8, 2007. Moved by Board Member DeVos, seconded by Board Member Pagliarulo to approve the minutes of both Sept. 10, and Nov. 8, 2007. Motion carried unanimously.

UNFINISHED BUSINESS:

- 1) Case No. 07-03. Code violation on property located at 250 Grant Road. Violation of Code Chapter 102, Sec. 102-44, Sec. 102-50; Chapter 62, Sec. 62-1254.

The Board discussed this case and some members were concerned whether both the property owner and business owner had to be notified by the Town of the next meeting. Moved by Board Member Krupp, seconded by Board Member DeVos to have the property owner appear before the Board on April 1, 2008, to show cause as to why he has not complied with this request to verify proof of tax status for this business. Motion carried unimously.

NEW BUSINESS:

- 1) Case No. 08-02. Code violation on property located at Twp 29 Rng 37 Sec 14 Subd 01 All Block 12. Violation of Code Chapter 62, Article III, Sec. 62-4336.

Town Attorney Robert Beals did a "mass swearing in" of all parties present that would be speaking. Town Manager Brock introduced the case history to the Board and then turned it over to Richard Andre, Code Officer who elaborated more. The Board was told how the Town of Malabar was first involved due the closeness of their Town boundary and the fact that the property owner had obtained a culvert permit there. There were photos of the property showing the land as it was after all the phone calls to the Town as well as showing the trucks that the property owner had stored there. Attorney Beals told the Board that they had to vote on whether they had substantial evidence to try the case which is land clearing without a permit. Mr. Andre told the Board he took his pictures on December 13, 2007. Moved by

Board Member King, seconded by Board Member DeVos that they had sufficient evidence to proceed with the land clearing without a permit. Motion carried unanimously. Attorney Beals told the Board that the burden of proof now shifts to the respondent. Mr. Ronnie Powell, the property owner, told the Board that he may have made a mistake; he had only removed palmettos and pushed existing pine trees and pepper trees out of his way to his property. He didn't feel that what he did was land clearing; he just opened the area up. He first called the Town of Malabar to get access to his property. The entrance to his property is in the Town of Malabar even though the road now belongs to the Town of Grant-Valkaria. He was told by the County that Malabar had the rights to the road. He got a temporary culvert permit from Malabar. He never contacted the Town of Grant-Valkaria for anything. The Board as well as several residents asked questions of Mr. Powell. Mr. Powell stated that he thought it all was underbrush. Moved by Board Member King, seconded by Board member Krupp that Mr. Powell is in violation of land clearing without a permit. Motion carried unanimously.

Attorney Beals told the Board that unlike usual procedures there is irreversible damage to the property so the Board could go directly to the penalty phase and could fine the property owner up to \$5,000. Chairperson Wolfe referred the Board to the last page of the case file in the meeting packet which the costs that the Town incurred in bringing the case to the Town and to the Board. Moved by Board Member King, seconded by Board Member Krupp to fine Mr. Powell \$250.00 on Case 08-02 plus as cost stated \$558.84. Alternate Board Member Janesky asked if Mr. Powell pays the expenses of \$558.84 plus \$50.00 plus \$250.00 fine if he would need to get a permit. The consensus was he would need to get a permit on any other land clearing. Moved by Board Member King, seconded by Board Member Krupp to amend the earlier motion that the fine is \$250.00, plus \$558.84, plus cost of office supplies of \$50.00. Motion carried unanimously.

- 2) Case No. 08-03. Code violation on property located at Twp 29 Rng 37 Sec 14 Subd 01 All Block 5. Violation of Code Chapter 62, Article III, Sec. 62-4336.

Town Attorney Robert Beals did a "mass swearing in" of all parties present that would be speaking. The Board wanted to know why there were 2 separate cases and they were told that the property is adjacent to the property already addressed by this meeting. Code Officer Andre told the Board that Mr. Powell was cited on both pieces of property and Mr. Powell hadn't given the Town any additional information. After discussion it was moved by Board Member King, seconded by Board Member Pagliarulo that there is a lack of prima facia evidence for Case #08-03, that it is not in violation. Motion carried unanimously.

The Board requested that they be notified by the Code Officer when a case complies so they will know. Chairperson Wolfe mentioned to the Board about having them also be the Code Review Board for the purpose of reviewing codes and ordinances. Moved by Board Member King, seconded by Board Member Pagliarulo that the current Code Enforcement Board also serves as Code Review Board. Motion carried unanimously.

Chairperson Wolfe told the Board that she is working on a form for Town Hall to use for complaints, for review out in the field, and a comment page to state what happened, when the code officer speaks to property owner(s). She stated that she and Assistant to the Clerk, Linda Munroe, are working on making a "user friendly" form. Board Member King asked about the Code Officer having arials for them to review and Attorney Beals stated that "they cannot illicit anything from anyone other than the code officer and have to wait for a prima facia finding before they can deal with the case". Code Officer Andre said "they need to educate the public about code enforcement". Chairperson Wolfe asked that the Board be sure that Linda has email addresses for everyone since that is the best way to communicate with them about meetings and other information. She also told the Board that the next meeting date is scheduled for Tuesday, April 1, 2008. Moved by Board Member King, seconded by Board Member Stifflemire to adjourn at 8:10 pm. Motion carried unanimously.

(Signature on file)

Terry Wolfe, Chairperson

ATTEST:

(Signature on file)

Linda Munroe, Assistant to the Clerk

