

Town Of Grant-Valkaria
Code Enforcement Board Minutes
Tuesday, November 18, 2008 6:30 p.m.
5120 Highway U.S. 1, Grant, FL 32949-2003

The meeting of the Town of Grant-Valkaria Code Enforcement Board was called to order at 6:30 p.m. by Vice Chairperson Jeff Robertson followed by the Pledge, a moment of silent meditation and roll call to the Board Members, with the following present:

Vice Chairperson Jeff Robertson	Richard Hood, Town Administrator
Board Member Mark Pagliarulo	Linda Munroe, Administrative Assistant
Board Member John Krupp	Karl Bohne, Town Attorney
Board Member Royce Stifflemire	Erin Harrigan, Assistant Town Attorney
Board Member Homer King	Code Enforcement Officer Andre
Board Member Vince Wilson	
Alternate Board Member John Shatzer	

Moved by Board Member Wilson, seconded by Board Member King to excuse Chairperson Wolfe. Motion carried unanimously.

APPROVAL OF MINUTES

1. Code Enforcement Board Meeting Minutes of August 14, 2008 – Moved by Board Member King, seconded by Board Member Stifflemire to approve the minutes of the meeting of August 14, 2008 with change of location from “Grant and Medjool Roads” to “Medjool Road”. Motion carried unanimously.
2. Code Enforcement Board Meeting Minutes of October 7, 2008 – Moved by Board Member Pagliarulo, seconded by Board Member Krupp to approve the minutes of the meeting of October 7, 2008. Motion carried unanimously.

NEW BUSINESS:

1. Case No. 08-07: Code violation on property located at 5835 Brabrook Avenue. Violation of Code Chapter 114 Vegetation, Article II, Excessive Accumulations and Growths, Sec. 114.28 Declared public nuisance
Town Attorney Bohne swore in Code Enforcement Officer Andre and Gordon Coates since they would be testifying after Vice Chairperson Robertson read the complaint by title only. Code Enforcement Officer Andre stated the property owner has complied but he would like to cite them in case there is a repeat violation. Town Attorney Bohne stated Code Enforcement Officer Andre could find the property owner in violation and post no fine. Board Member King pointed out there were costs involved in this case. Town Attorney Bohne stated that the Town can impose fines. The costs involved were for mailing three (3) certified letters which totaled \$15.96. Moved by Board Member King, seconded by Board Member Wilson to find the property owner in violation and fine him \$15.96. Motion carried unanimously.

2. Case No. 08-09: code violation on property located at 5715 Cypress Creek Drive. Violation of Code Chapter 114 Vegetation, Article II, Excessive Accumulations and Growths, Sec. 114.28 Declared public nuisance

Vice Chairperson Robertson read the complaint by title only. Gordon Coates of 5717 Cypress Creek Drive, next door neighbor to property, stated there is no pool or filter in the pool. Code Officer Andre stated that the pool looks green and there is water in it. He also stated the grass is between 2 and 4 feet high on the property. Moved by Board Member King, seconded by Board Member Krupp that there is prima facia evidence to have a case. Motion carried unanimously. Mayor Yonts was in the audience and stated that the City of Melbourne recently passed an ordinance that is making the bank that owns a foreclosed home be responsible for the property and he asked Code Officer Andre to look into this for the Town. Town Attorney Bohne stated that the Board needed to handle this in three (3) parts;

- 1st to find the property owner in violation
- 2nd to give the property owner a cure period
- 3rd to fine the property owner

Moved by Board Member King, seconded by Board Member Pagliarulo to find the property owner in violation. Motion carried unanimously. Moved by Board Member Pagliarulo, seconded by Board Member King to give the property owner 10 days to cure. Motion carried unanimously. Moved by Board Member King, seconded by Board Member Krupp to fine the property owner \$25.00 a day. Motion carried unanimously. Town Attorney Bohne stated the costs could be figured next. Resident Chris King asked about the processing of pictures and was told that they are printed in the office from the Town's printer/copier. Town Attorney Bohne also pointed out that staff time is not compensable. Mayor Yonts stated that Code Officer Andre is not staff he is a part-time employee. Code Officer Andre was asked how many hours he spent on the case and what his hourly rate is. Code Officer Andre stated he had spent an estimated 4.5 hours on the case and his hourly rate is \$19.08. With the cost of the Code Officer of \$85.86 and the cost of mailing 4 certified letters; 2 at \$5.32 and 2 at \$5.12 the total came out to \$106.74. Moved by Board Member Stifflemire, seconded by Board Member King to impose the cost of this case at \$106.74. Motion carried unanimously.

Town Attorney Bohne then asked Code Officer Andre how much time he spent on Case No. 08-07 and he stated 4.5 hours which comes out to \$85.86. Moved by Board Member Stifflemire, seconded by Board Member King to impose an additional amount to Case No. 08-07. Motion carried unanimously. Moved by Board Member Stifflemire, seconded by Board Member King to add \$85.86 in fees to Case No. 08-07. Motion carried unanimously.

3. Case No. 08-10: Code violation on property located at 3830 Valkaria Road.
 - (a) Violation of Code Chapter 114 Vegetation, Article II, Excessive Accumulations and Growths, Sec. 114.28 Declared public nuisance AND

(b) Violation of Code Chapter 94 Solid Waste, Sec. 94-312. Stored or parked, junked or abandoned vehicles, or parts thereof, on private property prohibited Vice Chairperson Robertson read the complaint by title only. Code Officer Andre stated that the recreational vehicle on the property when the property owner first was cited in Spring 2008 had been removed prior to going back in September. Board Member Pagliarulo pointed out this was the same case they had heard before in reference to abandoned vehicles and weeds growing up around the vehicles. Code Officer Andre pointed out prima facia evidence of abandonment; junked vehicle from Brevard County Code of Ordinance: Chapter 94, Sec. 94-313 which he read and had handed out to the Board Members. Moved by Board member Krupp, seconded by Board Member King that there is prima facia evidence of two (2) violations on this case. Motion carried unanimously. Town Attorney Bohne stated there should be two (2) separate fines; one (1) for each violation. Moved by Board Member Krupp, seconded by Board Member Stifflemire to find property owner in violation of Sec 114.28 and Sec. 94-313. Motion carried unanimously. Moved by Board Member Krupp, seconded by Board Member King to give the property owner 7 days to cure for each violation; concurrently. Motion carried unanimously. Moved by Board Member King, seconded by Board Member Pagliarulo to fine them \$50.00 a day on each violation. Motion carried unanimously. Code Officer Andre was asked how many hours he spent on the cost and he answered 7 hours for a total of \$133.56 plus \$10.64 for certified mailing. The total is \$144.20. Moved by Board Member Pagliarulo, seconded by Board Member King to assess cost of \$144.20. Motion carried unanimously. Board Member Stifflemire stated to Town Attorney Bohne that he had not asked the Board Members if there had been any ex-parte communication on their behalf with each case. Town Attorney Bohne apologized and stated it should be done as a matter of course with each case. Board Member Stifflemire stated he goes by 3830 Valkaria Road every day. Mayor Yonts pointed out to the Board members that they can inspect any site while on public property but they need to get permission from the property owner before they actually go on property. Vice Chairperson Robertson mentioned that the first time they discussed this case the Board had asked Town Council to make a finding of "abandoned vehicles". Mayor Yonts responded to him that the Town Council has not gotten to that point yet. Town Attorney Bohne pointed out the Town Council and Local Planning Agency are still working on the Comprehensive Plan and Land Development Regulations.

Moved by Board Member King, seconded by Board Member Krupp to adjourn at 7:40 p.m. Motion carried unanimously.

(Signature of File)

Jeff Robertson, Vice Chairperson

ATTEST:
(Signature on file)

Susanne Krueger, Town Clerk