

TOWN OF GRANT-VALKARIA, FLORIDA
CODE ENFORCEMENT BOARD MEETING MINUTES
SEPTEMBER 10, 2007
TOWN HALL BUILDING, 5120 S. HIGHWAY US1, GRANT, FL 32949

The Regular Meeting of the Town of Grant-Valkaria, Florida, Code Enforcement Board was called to order at 6:15 p.m. by Chair Person Wolfe, followed by the Pledge, and roll call to the Board Members, with the following present:

Chair Person Terry Wolfe
Vice Chair Person Jeff Robertson
Board Member Homer King
Board Member Mark Pagliarulo
Board Member Pete DeVos
Board Member Royce Stifflemeyer
Alternate Board Member Al Janesky

Town Manager Matt Brock
Town Attorney Karl Bohne
Town Clerk Susanne Krueger

APPROVAL OF MINUTES: JULY 17, 2007

Motions by Vice Chairperson Robertson, second by Board Member King, and vote unanimous to approve the minutes of July 17, 2007.

UNFINISHED BUSINESS:

- 1) Machata Property – Parcel ID 29-38-34-00-00008-000.00
(Item tabled at July 17, 2007 meeting)

Motions by Vice Chairperson Robertson, second by Board Member King, and vote unanimous to remove from the table from July 17, 2007 meeting.

Attorney Joseph Miniclier, Scott Glaubitz, James Vickers and Ernie Brown were sworn in by Town Attorney Bohne.

Ernie Brown, Brevard County Natural Resources presented evidence quantifying the extent of Mr. Machata's clearing. Mr. Brown testified that the administrative order allowed removal of brazilian pepper trees and invasive plants, and that the alleged unauthorized clearing consisted of 3.314 acres.

Attorney Miniclier, 1970 Michigan Avenue, testified that the County authorized Mr. Machata to clear the entire parcel of brazilian pepper trees and invasive plants. Mr. James Vickers, 1400 Willowbrook Street, Palm Bay testified that he cleared an area for the County for their machines to access the ditch to clear.

Charles Murphy stated that he is surrounded by Mr. Machata's property on three sides. Carolyn Martell stated that he had no silt barriers put up. Joe Hackford acknowledged that he spoke to Mr. Vickers regarding his technique, and that he visibly saw them stacking and plowing live trees.

Town Attorney Bohne advised the Board of the following:

- They need to determine whether or not a violation occurred
- If the violation occurred, then it needs a cured period
- If the violation is irreversible or irreparable, there is no cure
- Whether to impose a fine

Motions by Board Member King, second by Board Member DeVos and vote unanimous finding Mr. Machata in violation of land clearing without a permit.

Motions by Board Member King, second by Board Member DeVos, and vote unanimous that the damage done in the process of clearing constitutes irreversible and irreparable damage, and therefore not curable.

Motion by Board Member King that we fine \$4,000 on basis of one violation – motion fails for lack of second.

Motions by Board Member Pagliarulo, second by Board Member DeVos, and vote unanimous to impose a maximum fine of \$5,000.00, and allow Mr. Machata the opportunity to mitigate to reduce the fine.

Town Attorney Bohne informed the Board that he will draft an order for Chairperson's signature regarding Mr. Machata's fine.

NEW BUSINESS:

- 1) Membership in the Central Florida Code Enforcement Association (Wolfe)

Chairperson Wolfe informed Board Members that this organization would provide valuable information in the Board's decision making process at a cost of \$20.00 per person per year.

Motions by Board Member Pagliarulo, second by Vice Chairperson Robertson, and vote unanimous to have each Board Member become members of the Central Florida Code Enforcement Association.

Motions by Board Member Pagliarulo, second by Vice Chairperson Robertson, and vote unanimous to adjourn the meeting at 8:18 p.m.

ATTEST:

Terry Wolfe, Chairperson

Susanne Krueger, MMC, Town Clerk