

Town of Grant-Valkaria
Interim Council Meeting Minutes
Wednesday, August 16, 2006 at 7 PM
South Mainland Community Center

A. **CALL TO ORDER** – By Tim Reynolds, Interim Council Chair, at 7:08 PM

B. **PLEDGE OF ALLEGIANCE**

C. **ROLL CALL**

Bonnie Allan – present
Denni Burr – present
Lisette Kolar – present
Tim Reynolds – present
Jim Tonti – present

D. **ADDITIONS AND DELETIONS TO AGENDA**

Unfinished business: F. 16. - Web-site and e-mail

New business: G.6. – Candidate forums
G.7. – Supervisor of Elections Form
G.8. – WyomingRd./Valkaria Rd. intersection
G.9. – Offering of attorney services to the Town
G.10. – Q-Fest
G.11. – School board
G.12. – Info distribution to public
G.13. – Update on Bombardier property

E. **CONSENT AGENDA:**

1. Approval of 8/9/06 minutes

Approval of minutes tabled until 8/23/06 meeting based on e-mail problems through Grant-Valkaria web-site and not all Interim Council members receiving the drafted minutes.

2. Approve candidate/qualifying officer/volunteer seminar to be conducted by the Town Clerks from Malabar

Susan Kabana, Malabar Town Clerk, contacted the Qualifying Official to offer the Malabar Town Hall for conducting the candidate/qualifying officer/volunteer seminar on 8/17/06 at 6:30 P.M. The Melbourne City Clerk will also be in attendance.

F. **UNFINISHED BUSINESS:**

1. Obtain an address/account inventory from Brevard County Property Appraiser and/or other sources to identify franchise fee revenue sources for FPL

Allan reported that Roberta Griffith in Titusville is the point-of-contact as she is in charge of special projects. Griffith is due back on 8/21/06 and Allan will call her back on 8/21/06. Item tabled until the next Interim Council meeting on 8/23/06. Folts to send letter to FPL (specifically Sandy Sanderson) for recognition of franchise fee payments per service addresses within Grant-Valkaria. Area manager contact to be provided by Kolar.

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2. Approve Mr. Bohne reviewing FPL Franchise Fee agreement and report back to council by August 23rd meeting

Kolar reported she spoke with Sandy Sanderson, Area Manager for FPL, regarding the franchise fees for Grant-Valkaria. Sanderson indicated he had been working with Mr. Bohne and the City of West Melbourne regarding franchise fees and that Mr. Bohne should have a copy of the basic franchise fee agreement for West Melbourne which should also be applicable to our Town. Sanderson agreed Bohne could start reviewing the basic agreement.

3. Other franchise fees: Contact County Manager for list of other available franchise fees
Del Yonts, Grant-Valkaria Preservation Committee member, reported to the Interim Council that he has been in contact with the County Manager about other franchise fees and that the county is already working the issue. Del has contact info and he will pass that info onto Burr.

4. Approval of reimbursable expenses pursuant to Town Charter paragraph 6(b)

Reynolds read nine reimbursements defined in the Town Charter, paragraph 6(b). Reimbursement is to be based on actual and reasonable expenses incurred and reimbursement is to be paid upon presentation of proof of expense by an Interim Council member. Reynolds requested a resolution to approve reimbursement of reasonable expenses by Interim Council members in the execution of their duties. Motion made to approve reimbursement of reasonable expenses by the Interim Council members.

MOTION BY ALLAN; SECONDED BY KOLAR.

Amended motion made to approve reimbursement of reasonable expenses by the Interim Council members per Town Charter paragraph 6(b).

AMENDED MOTION BY ALLAN; SECONDED BY BURR.

VOICE VOTE ON THE AMENDED MOTION CARRIED UNANIMOUSLY.

5. Save Brevard Charter Amendments: (i) Town input before 8/22/06 and (ii) Representative to attend 8/23/06 meeting at 1 P.M.

Copy of the Save Brevard Charter Amendments and the 7/27/06 letter from the County Manager were available. Kolar reported that Save Brevard had approached the County Commission asking them to put the amendments on the ballot. The county requested three attorneys to review the amendments to determine they (i) deal with only one issue, and (ii) are constitutional. On 8/16/06, two of the three attorneys rendered opinions on these amendments stating they should not be put on the ballot per the legal reviews performed.

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Interim Council discussion was based on the Interim Council not being able to speak for the Town as to “town input” and whether any representative should attend the 8/23/06 workshop as a representative of the Town or attend as an individual. It was decided that as the Interim Council is not elected, and no representative from the Interim Council could express the input of the Town. Also, it was decided that the Interim Council for Grant-Valkaria could send a representative to listen and report back to the council, yet the representative could only state the withholding of any town input. Kolar volunteered to attend the 8/23/06 workshop at 1 P.M. and report back to the council at the next meeting.

6. Drafted Interim Council procedures for agenda assembly, meeting packet assembly and minutes publishing

Draft Agenda Assembly Procedures were read. Presently the Interim Clerk is not sending the final agenda to WEBMASTER. Burr also asked who is performing the tasks of the Assistant Clerk to which Kolar said she is. Burr volunteered to perform those tasks. For e-mailing the meeting notice and the agenda to the Town e-mail list, it was suggested that a link to the notice and agenda could be provided.

Draft meeting packet assembly procedures were read. It was suggested and agreed to that the meeting packet support provided by each Interim Council member should be sent directly to the other council members with the e-mail title to be “meeting packet” and date of the meeting rather than the Interim Clerk collecting all and then e-mailing out to all the council members.

Draft minutes publishing procedures were read. No changes were discussed.

7. Drafted Interim Council procedures for use of e-mail accounts and e-mail archive accounts

Ray Kolar showed the specific e-mail addresses included in each distribution list currently set-up on the Grant-Valkaria web-site. The distribution lists include:

Interim Council Members:

Ballan@grantvalkaria.org

DBurr@grantvalkaria.org

LKolar@grantvalkaria.org

JTonti@grantvalkaria.org

TReynolds@grantvalkaria.org

Staff:

Interim Clerk: Clerk@grantvalkaria.org

Attorney: Legal@grantvalkaria.org

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Distribution Lists:

GVALL@grantvalkaria.org (5 council members, clerk, attorney, archive)
GVIC@grantvalkaria.org (5 council members, clerk, archive)
Archive@grantvalkaria.org

Ray stated that in most cases, each Interim Council member and the Interim Clerk should be able to load something on their personal computers in which to not only receive e-mail through the Town web-site but to also send from the Town web-site which would allow automatic archiving of all communications. Folts was asked to re-draft e-mail procedures by working with Ray Kolar.

8. Engagement with Florida Municipal Insurance Trust

Kolar provided a letter from the Town to Mr. Don Lund, Florida League of Cities for the binding Public Official E&O and Comprehensive General Liability coverage. The letter also provided the statement as to no known losses for the Town to allow the coverage to be effective as of 7/31/06, which is the date of the proposed policy. This insurance will be automatically renewed on 10/1/06 and unless the Interim Council deems otherwise, the Town will accept the renewal policy and provide a payment schedule. Reynolds signed the letter as Chair of the Interim Council. Kolar to mail.

Kolar also provided a response from contacting Ms. Arenz of AJ Gallaher Insurance, as recommended by Palm Bay Risk Management, to request a quote of Error and Omission and General Liability Insurance for the Town. Ms. Arenz advised that for town the size of Grant-Valkaria, the coverage and premium offered by Florida League of Cities was the best choice.

9. Deferred payment to Florida Municipal Insurance Trust

Kolar provided an installment billing statement showing the \$2,508.00 premium due by October 1, 2006.

10. Follow-up on deferred payment to Florida Municipal Insurance Trust (Burr) or follow-up on offer by Harold Anglebeck by Mr. Bohne

Agenda item deleted based on deferred payment granted the Town by Florida Municipal Insurance Trust so Mr. Anglebeck's payment of the premium and repayment to him at a later date was not required.

11. Follow-up on future meeting places

Allan reported on two future meeting places –

- (1) the Grant Community Club Board of Directors has met and unanimously voted that the Grant-Valkaria Interim Council and elected Council could use the Grant Community Center until 1/1/07 for town meetings. After that date, the elected council could come back to the Board to discuss further use of the building. The rental fee would be \$50.00 per meeting or \$200.00 per month and that the

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fee would not have to be paid until such time as the Interim Council has money to operate or in full by 12/31/06.

- (2) In a meeting with John and Laurie Chase of Grant Motorsports, 5110 U.S. Highway 1 in Grant, the building due south of his business (formerly operated as Tumulo's) could be rented. It is approximately 2,500 square feet, has an existing office, and should be vacated by the end of August. The Chases are still discussing the arrangements. They are aware of the Town's lack of operating funds presently and indicated they would be willing to work with the Town on arrangements.

Kolar reiterated the volunteered meeting site at Sunrise Elementary school which is about 1 mile south of Grant Road. The principal there would require a letter for proof of liability insurance. No fee is being requested for use of the school as a meeting place for council meetings. Discussion held as to considering the Grant Community Center as the primary meeting site and requesting Allan to complete application for this secondary meeting site at Sunrise Elementary School. Kolar also stated the South Mainland Community Center is available with a fee of \$12.50 per hour.

Motion made to use the Grant Community Club as the primary meeting place by the Interim Council with the back-up meeting place being Sunrise Elementary.

MOTION BY KOLAR; SECONDED BY BURR.
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

12. Follow-up on draft process for public comment/speaking
Allan stated the draft process was not completed so this item is tabled until the 8/23/06 meeting.
13. Follow-up, if applicable, on FPL franchise fee agreement (Bohne)
No follow-up by Mr. Bohne as he was not present. Status of review of FPL franchise fee agreement shown under agenda item F.2. above. Kolar to follow-up on Bohne's receipt of the franchise fee agreement for his review.
14. Follow-up, if applicable, on ordinance for code enforcement (Bohne)
Memorandum from Terri Jones, Assistant County Attorney, provided for records. The memorandum states that County Code Enforcement cannot currently enforce the Town's municipal code. The Town must accomplish the following before the County Code Enforcement may enforce the Town's municipal codes: (1) enter into an interlocal agreement with the County, (2) adopt all the County regulatory ordinances adopted by the County from the date of the Town's incorporation to the date of the interlocal agreement, (3) continue to adopt any County regulatory ordinance until such time the Town is prepared to enforce its own regulatory ordinances, and (4) establish an ordinance establishing code enforcement procedures consist with Chapter 162, Florida Statutes. Ed Washburn's prior approach did not address this situation with such

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specificity requiring Town action. Jones' memorandum also stated the Town's codes will be unenforceable in the meantime. Also, for situations related to enforcing Enhanced Health and Safety and Public Nuisance violations, the Town may enlist the assistance of the sheriff who may enforce rules pursuant to Florida Statute, Section 162.22. Reynolds to send letter to the code enforcement and the sheriff on these issues as well as coordinate with Bohne on actions required.

15. Discuss Interim Council attendance at Aug. 22nd County Commission meeting for reading of Ordinance facilitating County administration of Building permits and inspections for Grant-Valkaria
Discussion as to having an Interim Council representative at the August 22nd meeting to see the passing of the ordinance and to thank the County Commission for prompt actions taken in response to the permit and inspection issues in our Town. Kolar to send the approximate time of this item on the 8/22 agenda and at that time will solicit volunteers for that meeting.
16. (Added agenda item) Web-site and e-mail
(Covered under agenda item F.7. above)

G. NEW BUSINESS:

1. Review of limitation of powers of the Interim Council
Reynolds reiterated the limitations and powers granted the Interim Council including coordinating code enforcement but waiting further actions pending the duly elected Town Council in November.
2. Use of Grant-Valkaria telephone (who monitors calls, distribution of message, etc.)
The Grant-Valkaria telephone number has been in Reynolds' residence set-up on an answering machine in which Reynolds has been monitoring the calls and forwarding, as appropriate, to individual Interim Council members. A separate telephone line and separate billing has now been established for a Town telephone number which is (321) 951-1380. Bohne should be asked about retaining answering machine tape. Additionally, GVPC is being requested to point to the Town phone number via that web-site.
3. Response to e-mails to info@grantvalkaria.org
Info@grantvalkaria.org presently routes to Reynolds although Reynolds stated he has not received any e-mails from this address to require a response.
4. Administrative communications between Council members: clarification from Mr. Bohne regarding the Sunshine Law
Mr. Bohne was not present yet Kolar brought up the situation in which an Interim Council member was assigned to attend a meeting and an alternate/substitute member was needed to attend. It was decided that a communication of that type could be done

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between Council members as long as no response due to be provided at that meeting was discussed between the members.

5. Contact Leigh Holt, Legislative Liaison or County Manger to request sample inter-local agreements

A sample inter-local agreement from West Park Florida was available. Suggested looking at a listing of inter-local agreements between cities and counties yet question as to where to obtain such a listing. Reynolds stated he would send out the ones he has out to Council members.

6. (Added agenda item) Candidate Forums

Town would be sponsoring three Candidate Forums of which each candidate must attend two forums. Checking with other towns, most towns do not sponsor candidate forums – Malabar does not sponsor forums, Cocoa sponsors no forums to remain impartial, Melbourne Village has candidate forums conducted by the League of Women Voters in which the moderator selects questions turned in by the public and there is no exchange between council candidates. Ann Samuelson of the League of Women Voters was contacted. Samuelson said a donation of \$50 per forum is recommended and the format could be the first forum to be a “meet and great” with the second and third forums being a question and answer or a question and answer with debate between candidates. A preliminary candidate forum date schedule of the weeks of 9/14, 10/5, and 10/26 were tentatively suggested. Interim Council will need to determine a location of proper size for such forums. Harold Angelbeck volunteered three \$50 donations to the Town to cover the League of Women Voters’ donations for the three candidate forums. Burr agreed to draft a format for all three candidate forums for the 8/23/06 Interim Council meeting. Allan agreed to check with Sunrise Elementary on the dates within the suggested “week-of’s” for availability of the school for the candidate forums. Settlement as to dates, location, and forum formats are needed by the 8/23/06 Interim Council meeting.

7. (Added agenda item) Supervisor of Elections Form

Election Information form has been completed showing the candidate qualifying periods from noon on 8/24/06 to noon on 9/1/06 and has been signed by Kolar, Town Qualifying Officer and return by Fax to the Supervisor of Elections.

Claire Zoryk stated an updated CD had been obtained in which to validate the petition signatures of the candidates.

8. (Added agenda item) Improvement of Wyoming/Valkaria Rd/Babcock intersection and Palm Bay water and sewer projects within Grant-Valkaria borders

Call from Lee Feldman, Palm Bay City Manager, stating he had contacted Ed Washburn, Assistant County Manger, to set-up a meeting between the County, Palm Bay and Grant-Valkaria related to the improvement of Wyoming/Valkaria Rd/Babcock intersection and Palm Bay water and sewer projects within Grant-Valkaria borders.

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Feldman stated when he spoke with the County, they indicated that Valkaria Road belonged to Grant-Valkaria. Following the 8/4/06 meeting with the County, the County Manager indicated that Valkaria and Grant Roads are county roads. This will be an issue of interest for the elected Town Council.

9. (Added agenda item) Town Attorney legal services offered
Kolar said a call was received by Mr. Skip Fowler, City Attorney for Cocoa Beach, offering his legal services to the Town of Grant-Valkaria. Mr. Fowler was informed that Mr. Karl Bohne had been selected to service the Interim Council until they are dissolved upon a Town Council election in November.

10. (Added agenda item) Q-Fest
Kolar, Allan, and Del Yonts (GVPC) met with Robin Tibbitts, Q-Fest Organizer and Jack King at the Grant Community Center about permitting process for the Grant Seafood Festival schedule for 9/23/06. Tibbitts stated she has in previous years obtained a confirmation from Brevard County Zoning Department that the event is taking place in a location that is appropriately zoned for the event and that this confirmation starts the permitting process and is required for obtaining a needed beer license. Interim Council members were concerned that as Brevard County is not hearing zoning issues in Grant-Valkaria and that the County's opinion is that the Interim Council has no authority to hear re-zoning requests that this may be a problem for the permitting process for the Grant Seafood Festival. Discussion of re-zoning versus confirmation of current zoning concluded that it should be fine for County to issue this permit for beer.

A listing or copies of permits obtained in prior years for the Grant Seafood Festival was requested from Jack King so confirmation of all of those permits can be obtained.

11. (Added agenda item) School Board
Letter from Peggy Busacca, County Manger, to all city/town managers about the County recommending the inter-local agreement include the more flexible county-wide basis to measure school capacity with a five-year time "phase-in" for using district boundaries. The Interim Council said this would be an issue to be addressed by the elected Town Council.

12. (Added agenda item) Info distribution to public
Allan stated that many residents have expressed (i) not knowing of the current meeting, (ii) not knowing of the existence of the Interim Council, or (iii) knowing of the posting of meetings and agenda planned. Discussions were held as to common public areas in the Grant-Valkaria area for postings of the meeting notices and agendas not already utilized. Interim Council and public comments were stated that posting of meeting notices and agendas at the Grant Grocery Store and at the Citgo in Grant as well as e-mailing to those on the GVPC mailing list seem to be the best public notice process that seemed to be available. Reynolds agreed to check to see what it takes to put out a

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permanent or temporary sign for the next few months. Kolar and Allan to see what it would take to obtain and post notices and agendas in a covered presentation box in other locations.

13. (Added agenda item) Bombardier property

Allan reported that Christopher Hill from Commissioner Voltz's office has a plan for five single homes and five building permits on the 6+ acres.

Additional Discussion:

Reynolds provided the Interim Council with a revenue and expense schedule from known revenue sources reflecting the expected timing of both revenues and expenses. Reynolds stated the current timing shows a potential balance in revenues and expenses in September.

Tonti volunteered to investigate the process of scanning the Town public records with archive of original records.

H. ADJOURNMENT:

Motion made to adjourn.

MOTION BY ALLAN; SECONDED BY BURR.
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 9:13 P.M.

BY:

Interim Council Chairperson

ATTEST:

Karlene Folts
Interim Clerk

DATE: _____