

Town of Grant-Valkaria
Interim Council Meeting Minutes
Wednesday, September 20, 2006 at 7:00 P.M.
Sunrise Elementary School

A. **CALL TO ORDER** – By Tim Reynolds, Interim Council Chair, at 7:00 P.M.

B. **PLEDGE OF ALLEGIANCE**

C. **ROLL CALL (by Interim Council Clerk)**

Bonnie Allan - present

Denni Burr - present

Lisette Kolar - present

Jim Tonti – (not present during roll call yet arrived at 7:08 P.M.)

Tim Reynolds - present

D. **ADDITIONS AND DELETIONS TO AGENDA**

New business: G.3. (Kolar) – Workshop with the County on 10/17/06

G.4. (Kolar) – County owed funds crossing FYs

G.5. (Kolar) – Anything IC can do to help elected Council

G.6. (Kolar) – Candidate information

G.7. (Kolar) – Treasurer’s report due for candidates

G.8. (Burr) – Possibility of Interim Council meetings every 2 weeks

G.9. (Reynolds) – E-mail from land owner

G.10. (Reynolds) – End of year audit

E. **CONSENT AGENDA:**

1. Approval of 9/13/06 minutes

Motion made to accept minutes from 9/13/06 as written.

MOTION BY ALLAN; SECONDED BY KOLAR

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY

F. **UNFINISHED BUSINESS:**

1. (Reynolds) – Update on funding of insurance payment to Florida League of Cities FMIT with payment to be paid prior to 10/1/06

Reynolds contacted Susan Kabana, Malabar Town Clerk to ask about the acceptability of the Town’s insurance expense using the revenue from the Local Option Gas Tax, the only revenue the Town has received to-date. She explained that as you move through a normal year, cash is cash and you balance out at the end of the year, which is next month. Her opinion was that it was risky as we would not have money to cover that line item by the end of the fiscal year, next month. The Interim Council discussed how to obtain the needed cash for the \$2,508 payment. It was decided that each Interim Council member would contribute \$500 and Reynolds would pick up the additional \$8 for a payment of \$508. The Interim Council members can be reimbursed through submitting request for reimbursable expenses. Checks were to be made payable to the Town of Grant-Valkaria. Reynolds will make sure all money is in Town account before payment of the \$2,508 insurance premium.

Town of Grant-Valkaria
Interim Council Meeting Minutes
Wednesday, September 20, 2006 at 7:00 P.M.
Sunrise Elementary School

2. (Kolar) – Status on receipt of Country Beginnings/Oakwood Charter School permitting package from Palm Bay as requested on September 15, 2006

Kolar had called Palm Bay on 9/15 and today spoke with Lee Feldman. Kolar stated Allan had information on the permitting package and turned this agenda item over to her. Allan went to the Palm Bay Building Department on 9/19/06 to acquire more information on the Charter School. She obtained a certified site plan and all permits and applications pertaining to the Charter School. She was told several times during the conversation regarding the files and permits, that Palm Bay has not stopped the permitting process and the Town's incorporation was not the only reason the permitting has not been finalized.

Allan had made copies of extractions from the site plan related to placement of the buildings, the description, and the site data. The plans were reviewed by the Interim Council members. It was noted that the buildings, with separate addresses, were identified for use as a library and an administrative building. The site plan was approved by Palm Bay, yet the building permits were not approved. Reynolds mentioned that the driveway apron already seems to be constructed for the new modular units' placement upon the property. The inter-local agreement with Palm Bay should be covering the two modular buildings only. Palm Bay has provided no response to the initial inter-local agreement sent by Bohne.

3. (Reynolds) – Status of communicating with Karl Bohne on five assurances in inter-local agreement with Palm Bay re: Country Beginnings/Oakwood Charter School

Reynolds sent the five assurances to Bohne. Bohne had responded to the Town as to the requesting of reimbursement for legal counsel related to this specific property/building issue by stating the current effort on this issue totaled \$752 of billed time. The Interim Council again looked over the current copy of the drafted inter-local agreement e-mailed by Reynolds today (9/20/06) at 6:06 P.M. The Council looked for specific references to the five assurances detailed to Bohne. Page 3 states the project refers to the proposed installation of two modular buildings only for the Royal Palm Charter School including all real property described in Exhibit "A". Discussion as to whether the term "temporary" might be limited. Del Yonts addressed the Council in stating that an article had been in the paper stating the annexation of the property had been stopped and that owners could have to pay Palm Bay a surcharge for water and sewer. Bohne had also included a statement that the definition shall exclude any control of zoning or land use in the Town (page 3) and had included the appropriate reimbursement for legal fees for this agreement of \$752 (page 6). Discussion ended upon Reynolds requesting each Council member review the 9/20/06 6:06 P.M. draft of the inter-local agreement and send any concerns to Karl Bohn, Town Attorney, by the end of the week.

Town of Grant-Valkaria
Interim Council Meeting Minutes
Wednesday, September 20, 2006 at 7:00 P.M.
Sunrise Elementary School

4. (Reynolds) – Karl Bohne’s opinion on reimbursement of legal fees related to inter-local agreement with Palm Bay on permitting for Oakwood Charter School

Mr. Bohne had responded that the request for reimbursement of legal fees related to this inter-local agreement was appropriate and it had been incorporated into the current drafted agreement (see G.3. above).

5. (Burr) – Possible videotaping of candidate forums #2 and #3 by Reality’s Edge Productions

Reality’s Edge Productions has agreed to videotape candidate forums #2 and #3. Burr is now trying to establish the length of time between the actual forums and the availability of the videotapes before scheduling showing of the videos. The taping of candidate forum #2 held on 10/5 will be available for showing on either 10/14/06 or 10/21/06. The taping of candidate forum #3 held on 10/26 will be available for showing on either 10/28/06 or 11/4/06, depending on the company’s turnaround time. Discussion related to use of the Grant Community Center for political advocacy, candidate attendance for questions and brochure distribution, showings on Saturdays and additional days, etc. were considered. It was decided that making five copies of the videotapes of which two at each library (South Mainland Library and Grant Library) and one for the archive or to be used as a back-up would be the best solution. The viewing would be performed from check-out at the libraries and Burr will confirm the process for doing so at each library. No public viewing of the videotapes will occur.

6. (Kolar) – Possible videotaping of candidate forums #2 and #3 by Sunrise Elementary personnel or using existing equipment

Kolar stated that per the prior agenda item, this is not an option. In addition, they were not able to provide us these services or equipment.

7. (Reynolds) – Second reading of Ordinance 2006-02

Reynolds, Interim Council Chair, read Ordinance 2006-02 by title only. Reynolds asked if there was any discussion. Pat Bryan addressed the Council and said “let’s get the money”. Chair closed the public hearing when no more discussion remained. Motion made to accept Ordinance 2006-02 as read for FPL franchise fees.

MOTION BY KOLAR; SECONDED BY ALLAN
ROLL CALL VOTE, UNANIMOUS:

Kolar	aye
Tonti	aye
Allan	aye
Burr	aye
Reynolds	aye

Town of Grant-Valkaria
Interim Council Meeting Minutes
Wednesday, September 20, 2006 at 7:00 P.M.
Sunrise Elementary School

Reynolds proclaimed Ordinance 2006-02 here-by adopted.

8. (Reynolds and Sandy Sanderson) – Dates through which the County received FPL Franchise Fees from Town service addresses after 7/25/06, the date of Grant-Valkaria incorporation, and amount of fees collected and paid to the County during that period

Sandy Sanderson accepted a copy of Ordinance 2006-02 signed and sealed with the Town stamp to get final approval from the FPL Corporate office. He asked the Council for a two-week grace period in which to provide the Council with the franchise fee data paid to the County. He explained that his staff had worked the additional time to work on expediting the franchise fee agreement with the Town so the accrual process could begin on 9/29/06. Reynolds explained that the amounts collected and paid to other from Town service addresses would be part of the inter-local agreement with the County so that grace period was agreeable and that the elected Council could contact him when the inter-local agreement was nearing finalization.

Mr. Sanderson also provided a file for new electric request forms and contacts for future Town business with FPL. He stated that our present contacts would be Pam Diaz for operational issues and Mark Hillman for policy issues.

9. (Allan) - Public information format

Allan reported that she was approached at the Grant Community Center Luau this week about many residents not having computers, not subscribing to daily newspapers, and not being able to attend the candidate forums. Topics of discussion included possible transportation to events and current use of signs for posting notice of town meetings. Based on evaluating current acceptable notification of meetings, agendas, and candidate forums, the Council agreed that no further postings or signs would be purchased or displayed. The elected council will have to address any further publication of the council meetings as well as any permanent signage.

10. (Reynolds) – Follow-up with Mr. Ritchie on Mr. Nicolo’s request for a conditional use permit

Reynolds called Brevard County Planning and Zoning on 9/15/06 and spoke with Mr. Ritchie. He identified himself as a member of the Interim Council of the Town of Grant-Valkaria. He indicated that Mr. Nicolo stated the County was ready to issue his conditional use permit if the Town of Grant-Valkaria gave them permission. Reynolds reminded Mr. Ritchie of the letter sent out by the County regarding zoning issues and asked if the County had reconsidered their position. Mr. Ritchie confirmed the County was not processing any zoning changes for the Town and was not planning on doing so. No viable path for issuance of a conditional use permit for Mr. Nicolo’s establishment was found.

Town of Grant-Valkaria
Interim Council Meeting Minutes
Wednesday, September 20, 2006 at 7:00 P.M.
Sunrise Elementary School

G. NEW BUSINESS:

1. (Reynolds) – Public hearing: Inter-local agreement with Palm Bay re: Country Beginnings/Oakwood School permitting

Reynolds reported that Palm Bay has the initial draft of the inter-local agreement related to the Country Beginnings/Oakwood School permitting yet no response had been received. Additionally, a new drafted inter-local agreement on this subject will probably be available by Friday which will be sent to Palm Bay. The Interim Council is not ready to approve this inter-local agreement presently to this public hearing will be included on the agenda for the 9/27/06 Interim Council meeting.

Mr. Chris Glatz from the Oakwood School permitting issue arrived at the meeting. He was informed of the current status. Reynolds detailed the prior comments forwarded by the Council to Bohne, the Town Attorney, related to the prior draft of this inter-local agreement. Glatz asked what those comments/concerns were and Reynolds addressed them as the original draft agreement (i) gave Palm Bay planning and zoning and land use authority, (ii) didn't restrict Palm Bay to just this given project, (iii) didn't request courtesy copies of the site plan and building permits, and (iv) did not include requesting reimbursement for the legal fees totaling \$752.00 related to this specific building issue. Mr. Glatz was informed of the statement made to Allan by Palm Bay related to the Town's incorporation not being the only thing holding up the permitting process on this property and also of not receiving any communication from Palm Bay as to sending the original draft agreement or of repeated contacts made since. Mr. Glatz stated he would pay the Town legal fees related to this issue, would establish communication with Palm Bay through his legal counsel, and would establish what other things are obstacles presently with the permitting process for his modular buildings.

2. (Kolar) – Mailing addresses in Grant-Valkaria

Kolar received a call through Susan Kabana, Malabar Town Clerk, of postal service returns of letter due to incorrect addresses. It seems that persons are changing the town for their formal postal service address to Grant-Valkaria regardless of the assigned zip code of 32949, 32950, or 32909. Until the postal service makes any required changes formally, mailing addresses will remain as they were before the Town's incorporation.

3. [Added agenda item] (Kolar) - Workshop with the County on 10/17/06

Kolar reported that a law just passed the 2006 Legislature called Interlocal Service Boundary Agreement. This law stated that municipalities can now annex land that is not contiguous, may not be compact, and that would create an enclave. The intent according to the wording is to more efficiently provide municipal services. The County is having a workshop with the "big" cities in Brevard to review this legislation. The workshop is open to the public and will be held 10/17/06 at 1 P.M. in the Florida Room

Town of Grant-Valkaria
Interim Council Meeting Minutes
Wednesday, September 20, 2006 at 7:00 P.M.
Sunrise Elementary School

at Viera. Kolar is planning on attending to listen and report back to the Council. Burr stated she would also like to attend.

4. [Added agenda item] (Kolar) – County owed funds crossing FYs

Kolar suggested the Interim Council draft a letter to the County as to the accrued reimbursements to the Town of Grant-Valkaria received by the County from various revenue sources including FPL franchise fee, half-cent sales tax, etc. Reynolds agreed to send a letter to the County claiming this reimbursement which will cross fiscal years.

5. [Added agenda item] (Kolar) – Anything IC can do to help elected Council

The Interim Council agreed that the most they could do to assist the elected Council was to collect information for the inter-local agreement with the County by possibly looking at the West Park inter-local agreement.

6. [Added agenda item] (Kolar) – Candidate information

Kolar asked about posting candidate information on the Town website. It was mentioned that the release of candidate information other than the names would require each candidate to call the Supervisor of Elections to authorize the distribution of their address, telephone number, and any other information. It was determined by the Council that the Town cannot post candidate information on the website. It was mentioned that the Grant Valkaria Preservation Committee (GVPC) might be able to do this. No action taken.

7. [Added agenda item] (Kolar) – Treasurer's report due for candidates

Kolar announced to the public in attendance that the treasurer's report for candidates is due by 9/22/06 and can be sent to Kolar, as the Qualifying Officer, or to the Town but must be received or postmarked by 9/22/06. The report details the contribution and expenditures or requests a waiver of the report due to no activity. It can be mailed to the Town at P.O. Box 766, Grant FL 32949.

8. [Added agenda item] (Burr) – Possibility of Interim Council meetings every 2 weeks

Burr asked that this agenda item be deferred to the next Interim Council meeting on 9/27/06.

9. [Added agenda item] (Reynolds) – E-mail from land owner

Reynolds provided background on a lady living in Palm Bay and owning land in Grant-Valkaria who was upset because she pays lots of taxes yet has no vote or even knew of the incorporation pursuit. On behalf of this issue, Reynolds addressed some

Town of Grant-Valkaria
Interim Council Meeting Minutes
Wednesday, September 20, 2006 at 7:00 P.M.
Sunrise Elementary School

specific questions to Karl Bohne, Town Attorney. Reynolds asked if (i) a non-resident landowner should have had any voting rights in the incorporation referendum, (ii) are non-resident landowners afforded any voting rights in the Town even though they are not living in the Town, and (iii) does Florida or Brevard County recognize rights where non-resident landowners can vote in municipal matters. Mr. Bohne answered that Bohne and Reynolds' research answered all of the questions as "no".

10. [Added agenda item] (Reynolds) – End of year audit

Reynolds contacted Susan Kabana, Malabar Town Clerk, about the end of year audit. She stated the end of year audit includes a Statement of Cash Flows and other required statements. She also said these audit services need to go out for bid. Reynolds stated he would review the bid process and the bidders solicited by Malabar. Reynolds also stated all expense reports must be turned into the Town by the next Interim Council meeting on 9/27/06. Reynolds agreed to send out the process for reimbursed expenses, the expense account form and what is required for support of the expenses.

H. PUBLIC COMMENTS:

1. (Jo Faden) – Two more large signs available for Town postings

Jo Faden stated the Town has two more large signs available for posting the Town meetings if they are needed. One sign was recommended to be posted south of Shell Pit Road. Dan Robino agreed to ask Gary Becker who lives at the corner of Brabrook and Grant Roads whether a sign might be posted at his corner.

2. (George Wolfe) - Emergency Management

George Wolfe spoke with Brevard County Emergency Operations Coordinator Bob Lay yesterday. As proposed now, the County emergency management would contact George Wolfe and he would contact the Town through Jim Tonti. With this arrangement, George Wolfe would participate through conference calls and pass the information back to the Town through Jim Tonti. George was provided a CD with the 2006 emergency plan of which he will get a copy made. Tonight, George provided the state-wide mutual aid agreement which Reynolds will copy as a pdf file and send to the Interim Council for review. In the event of an emergency, financial and other aid may be provided to the town by other municipalities, but if a Mutual Aid Agreement has not been signed, the Town could be liable for the cost of any aid rendered. George also stated a grant is available to create and maintain an emergency response capability and organization. Follow-up on this item will appear on the agenda for the Interim Council meeting on 9/27/06.

Suggestion was made to add George Wolfe to the Grant-Valkaria e-mail system as EOC@grantvalkaria.org.

Town of Grant-Valkaria
Interim Council Meeting Minutes
Wednesday, September 20, 2006 at 7:00 P.M.
Sunrise Elementary School

3. (Del Yonts) – Help elected Council

Del suggested an agenda item be added to the next Interim Council meeting on 9/27/06 to plan for the first meeting of the elected Council.

I. **ADJOURNMENT:**

Motion made to adjourn.

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

Meeting adjourned at 9:11 P.M.

BY:

(Signature on File)

Interim Council Chairperson

ATTEST:

(Signature on File)

Karlene Folts
Interim Clerk

DATE: 09/27/06