

Town of Grant-Valkaria
Town Council Minutes
Wednesday, December 6, 2006 at 7:00 P.M.
Grant Community Center

A. CALL TO ORDER 7:05 P.M.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL (by Interim Clerk)

1. Mayor, Del Yonts – present
2. Council Member, Seat 1, Joe Hackford – present
3. Council Member, Seat 2, Danielle Morgan – present
4. Council Member, Seat 3, Pat Bryan – present
5. Council Member, Seat 4, Cathy DeMott – present
6. Council Member, Seat 5, Dan Faden – present
7. Council Member, Seat 6, Jason Mahaney – present

D. ADDITIONS AND DELETIONS TO AGENDA

1. Additions: New Business – Brevard Delegation
2. Deletions: Unfinished Business – 1. Conditional Use Permit (CUP) Winnerz.

E. CONSENT AGENDA:

1. Approval of the 11/29/06 Town Council Minutes with noted changes to page 3 of the minutes.

Motion by P. Bryan; seconded by J. Hackford.

Voice vote on the motion carried unanimously

F. UNFINISHED BUSINESS:

1. (Morgan) – Town Manager and Town Clerk job descriptions:
D. Morgan reported that she has completed the initial draft of job descriptions for the positions of Town Manager and Town Clerk and emailed the descriptions to all council members for review. She has also contacted a Temp Agency as the first step in hiring someone to be responsible for some of the clerk duties while waiting to permanently fill the position. She will need to finalize the job description and have the pay rate determined before she can move forward. D. Faden reminded the council that the Town Charter would need to be referred to as it spells out many of the duties. An understanding of financial federal and state guidelines must be included in the job descriptions. D. Yonts further reported that he spoke with the individual who is a retired clerk and determined that she remains interested in working as the clerk for the town council. D. Morgan will contact this individual to provide her with additional details and request a resume. D. Yonts further reported that several volunteers are willing to continue with their clerk responsibilities in the interim. He suggested that the council contact other towns to see what the standard rate of pay is for a town clerk. D. Burr stated that we needed to make sure that the job responsibilities for other town clerks were in alignment with are own as this would effect the rate of pay determined. P. Bryan raised concerns about having enough of a revenue stream to currently meet the salary needs for the clerk position. D. Yonts stated that he will need

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to make sure that all other fiscal responsibilities are met first but he believes that we are in a position to hire a clerk. D. Yonts further reported that the council's most important need is to have someone to record the minutes and agenda. All other tasks are currently being covered by volunteers. D. Burr who reported that she would only be available to assist with her clerk responsibilities through the end of December 2006. She further asked about the types of benefits that the permanent clerk would be eligible for. D. Yonts stated that the current temporary position would only be part-time and hourly with no benefits. D. Robino questioned the need for workers compensation. D. Morgan stated that if an individual was hired through a Temp Agency they would be responsible for workers compensation. T. Wolfe suggested that the council look into the current laws and requirements during the hiring process. D. Faden inquired about any revenue sharing funds coming to the council at the first of the year. D. Yonts reported that monies from this resource would not be available until the first part of next year. D. Burr requested that the council look in to the total breakdown of salary and benefits as part of the entire salary established for the full time positions of Manager and Clerk. D. Yonts requested we research the standards and see "how other towns are doing it" and present at the next council meeting.

2. (Faden) – Update on FPL Franchise:

D. Faden reported that L. Kolar and T. Reynolds had already provided the ground work. He has made a few calls and is currently having e-mail conversations with the mgr@fpl.com. He further reported that Sandy Sanderson is no longer involved as the Executive Account Manager. The FPL franchise has recently generated 19,366.00 which will be transferred to the Town Council accounts on 12/28/06. D. Faden reported that he is in the process of following up on other franchise details such as how often funds will be received (quarterly or monthly?). T. Datary asked what other franchise fees were available to the town. D. Faden reported that he will be looking at all options, grants and conditions. T. Deratany volunteered D. Faden in the unresolved franchise and grant issues as he has experience in this area. T. Deratany that he had been the Mayor of Indialantic in the past and now resides in Grant-Valkaria.

3. (Yonts) – Representative Committee (MPO, VAAB, and League of Cities):

Yonts requested that this item be tabled until the responsibility was assigned. D. Morgan agreed to be responsible for the assignment and to set up a committee. T. Deratany volunteered to be a member of the committee.

4. (Mahaney) – Status of code enforcement:

J. Mahaney reported that he contacted Brevard County on 12/04/06 about the county codes. On that day there were 20 open code enforcement cases in the Town of Grant-Valkaria. Some of the cases dated back to August 2006. J. Mahaney further presented the following questions: 1. how fast will the town want to fill the position of Code Enforcement? 2. What will the qualifications be? 3. Who will supply the Transportation? 4. If the Transportation will be a private vehicle, what will the mileage reimbursement be? 5. Will the town need to set up a Code Enforcement Board to hear the cases? 6. Will the town be looking for a Building Code Violations, or only Ordinances? If so the town will need to have a building official to site building codes, if the council does not specify it in the town ordinances. If the council makes it an

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ordinance, it will need a Building Official to enforce it. Will the town need to have a contact with the county to send Building Code complaints? This could possible eliminate the need for a Building Official. 7. What will the town pay? 8. Do we need a full time position and if not how many hours will we require. 9. What will the hours be? 10. Will there be benefits? 11. Will there be an office? 12. Will there be a computer? Do we want to contact the Town of Malabar to see if they would want to do code enforcement until a certain date or until we get a Town Manager? P. Bryan suggested that we hold off on determining the future of code enforcement until a Town Manager has been put in place. D. Yonts stated that the town could not wait as their were current code enforcement issues that needed to be resolved. He suggested that we contact the Town of Malabar to see if we could utilize their code enforcement staff. It was reported that the county cannot continue to provide this service as they will be penalized. P. Bryan asks how the town would provide code enforcement in the interim. D. Yonts stated that he liked the idea of approaching the Town of Malabar to see if we could utilize services through them temporarily. A.J. Morgan asked if the code enforcement position was for pay. He suggested that there be a system that will allow the public to view code enforcement complaints. B. Allan asked if there was a way to post code violations for public review. J. Mahaney stated that he would have to research the question. F. Putnam asked that the council address the "20" current violations and have them resolved. J. Mahaney suggested that new complaints could be emailed to him and he will present them to the council. D. Yonts stated that it was his understanding that the town was held to the current county codes until we make our own. J. Mahaney asked if a code enforcement board should be considered. D. Yonts suggested that the complaints be submitted to the Grant-Valkaria website instead of to J. Mahaney. D. Faden asks about what the legal responsibility was until a mechanism was in place? J. Mahaney would go through the 20 pending code enforcement items to determine their priority. D. Yonts stated that the council must establish an ordinance to form a board but suggest that a fact finding committee be formed instead. All will need to be addressed with the Town Attorney. He further stated that the Town of Malabar should be contacted regarding details of a possible part time code enforcer via them. D. Yonts will email the attorney and verify that he will be at the next meeting to address the legal issues of code enforcement as well as other legal town issues.

6. (Yonts) Status of Conditional Use Permit (CUP):

D. Yonts reported that the county codes will govern codes issues. He further stated that it was OK for the council to go ahead and follow county codes and that the council needed to figure out what the procedure was to apply for applications. The Winnerz business currently has a BU-1 and BU-2 status and the council will need to determine the CUP process. It questioned whether or not we could use the original paperwork filed with the county. D. Yonts requested that Winnerz provide the council with a copy of the original paperwork. D. Faden reported that procedures such as "notification of neighbors" would need to be verified and in keeping with the town charter standards. Winnerz reported that this process had already taken place. It was noted by the town council that the "notification of neighbors" may not be the same standard as stated in the charter. D. Yonts stated that the council will need to re-advertise the Winnerz request and re-notify the neighbors per charter standards. He further stated that there

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may be additional cost to Winnerz for the re-advertisement and re-notification to neighbors. M. Kenny requested that the notification of neighbors be posted on the Grant-Valkaria website. D. Faden reported that the charter stated that notification of neighbors encompassed an area up to 1500 feet from the business.

G. NEW BUSINESS:

1. (Yonts) – Resolution to change signatures on the SunTrust Account

Yonts reported that those voted to sign on the SunTrust Account was rejected as none on the original signers were on the list. Stated that the council would need to do a resolution. It was suggested that those assigned to the signature process for the SunTrust Account be accepted. Motion was made to approve the resolution provided by SunTrust.

Motion by D. Faden; seconded by D. Morgan.

Voice vote on the motion carried unanimously

2. (Yonts) – Addition of Chief Financial Officer (CFO) to approved signatures

D.Yonts requested that C. DeMott be changed to the CFO and added as the 5th signature to the SunTrust Account

Motion by P. Bryan; seconded by D. Faden.

Voice vote on the motion carried unanimously

3. (Yonts) – Board of County Commissioners Agenda item to authorize airport manager to issue trespass warnings

Yonts reported that the main issue concerning trespassing on Valkaria Airport property was directly related to security issues. It has been proposed that if anyone trespasses in the trespass area the Airport Manager can authorize a trespass warning. If an individual has a “suspicious nature” the Airport Manager and can call the Sheriffs Department to investigate the situation. The key thing to remember is this is still an airport that needs security. Linda Mason addressed the board and stated that “what you do tonight will influence tomorrows outcome”. She provided the town council with additional public records addressing the issues and further stated that the council make a complete, fair and just decision on how they proceed with this issue. She does not feel that the environmentalist should be treated in such a way. She believes that a community awareness meeting of clearing is missing from the process. P. Bryan stated that the real issue is whether or not to give the Airport Manager the right to issue a trespass warning. He further stated that he was not comfortable with the language to issue trespass warning beyond the airport property. M. Kinney stated that she likes the idea of clearly defining what are considered suspicious behavior as well as clearly defining and posting what represents the no trespass zone. D. Yonts stated that inspections from U.S. Fish and Wildlife reflected that the recent clearing looked fine. D. Yonts also stated that communication or lack of has created a lot of the current problem between the airport and environmentalist. Leroy Rogers addressed the council stating that the scrub jays are still there as well as the gopher turtles. He asked that the Airport Manager be invited to one of the future town council meetings. He further stated that he did not like the threatening

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manner in which the council was handling the situation. D. Yonts reported that the complaints about the meeting were in regard to problems with the public at the meeting not the council. He did not recall any council member being negative. The main issue seems to be trees vs. people and that we need to look at what the town wants to do to the end of the airport runways. He would like to come up with a plan. D. Yonts further stated that the golf course area should be excluded from restricted area to those who have been issued a trespass warning. D. Faden asked the following: 1. is the authority cover inside or outside the fence. 2. He believes that the major problem is the “bad blood” between the airport and the environmentalist. He feels that there has been an over reaction to this specific problem. He does not like “suspicious activity” and “zone area” definition. D. Yonts stated that they are considering putting a sheriff on the airport site. D. Yonts stated that he had emailed the town attorney to determine the correctness of a council member attending the County Commissioners meeting. The attorney stated that council members could attend but should remain silent.

Gavel was passed to Vice Mayor Hackford

D. Yonts made a motion that the Grant-Valkaria Town Council recommend to the Brevard County Board of County Commissioners that we recommend they deny the request. However, if the County Commissioners decide to move forward on the Valkaria Airport situation, the following is recommended by the Grant-Valkaria Town Council:

- Remove the ability to site “suspicious nature” by the Airport Manager.
- Clearly mark all trespass zones and only issue a trespass warning when an individual is trespassing in a clearly marked no trespass area.
- remove the golf course from the restricted area if a trespass warning has been issued to an individual.
- Provide for an on site sheriff – let the sheriff take care of security

Motion by D. Yonts; seconded by D. Faden

Voice vote on the motion carried unanimously

Gavel was passed back to Mayor Yonts

- The council selected D. Yonts to attend the County Commissioners meeting

Motion by J. Mahaney; seconded by D. Faden.

Voice vote on the motion carried unanimously

4.Brevard Delegation Meeting

D. Yonts inquired as to whether or not the town council wanted to send a representative to the Brevard Delegation meeting to thank them for their support of the incorporation effort in Grant-Valkaria. It was recommended that P. Bryan attend the meeting on Tuesday, December 12, 2006 at the County Chambers. P. Bryan agreed to attend the meeting.

Motion by D. Morgan; seconded by C. DeMott.

Voice vote on the motion carried unanimously

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H. **REPORTS**

D. Yonts – Reported that he had received several emails regarding legal and code enforcement issues. Code enforcement issues / vacation of easements will be on the December 12th county agenda. D.Yonts will report on results of county meeting. Additional emails received from the Sebastian Beach Tennis Club. D. Yonts plans to meet with them to discuss what they are doing. He will further request for variances. He will research what the requirements are for occupational license. Del further stated that his company may like to donate some office furniture and is this something that the council wants to look at now. If the town accepts the furniture it will need to find a place to store it.

C. DeMott – SunTrust Account balance as of 11/30/06 is 16,573.56. This includes a recent deposit from the Gas Tax of 4,256.90. Current bills include: Florida Today Newspaper of 250.56 due on 12/11/06, Artemis web host of 24.95, Supervisor of Elections of 286.28, the 2nd installment of Florida Municipal Insurance Trust of 3,763.50 due 01/01/07. Amount of 2nd installment was questioned and C. DeMott was going to review with FMIT.

J. Hackford - Location of meeting places for town council - I have rescheduled our meetings to Wednesday at 7:00pm at the Grant Community Center from January – forward which will be brought up to the Grant Community Club E-Board on Monday, December 11, 2006. The cost will remain 50.00 per meeting with a maximum monthly cost of 200.00. Potential sites for City Managers / Clerks office and town council meetings as follows

- Old Grant Fire Dept building that is for sale – 550,00.00
- Senne Lumber Yard – contacted the owner Mike. He has 4 sites available ranging in size and cost. Various cost at 2,500.00, 1,250.00, and 800.00
- Grant Motors old building on US1 currently rented but may be available in the future.
- Potential home that may be up for sale within the next year. Not confirmed.

George Geletko – Florida Government Affairs Director for Harris Waste Management (321- 723-4455) as follows:

- Current contract with the county will expire on September 30, 2008
- Current services paid via property taxes collected and include
 - a. Garbage pick-up 2 X weekly
 - b. Recycle 1 X weekly
 - c. Yard Waste 1 X weekly
 - d. Bulky Yard Waste 1 X weekly
 - e. White goods 1 X weekly (refrigerators, etc.)

Area considered Low commercial / High residential which means that the residents are responsible for the bulk of cost for waste management.

Mr. Geletko reported that he usually begins negotiations with the City Manager. I explained that we were in the process of setting up the basics for town government and a town manager had not yet been hired. Mr. Geletko understands that we are a new town but believes that we should begin the process of establishing an agreement soon. He has offered to meet with the town council at one of the meetings in January in order to get the process started. He further reported that Malabar and Palm Bay have waste management

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billed directly to the resident. Again this could mean relatively high bills due to low commercial / high residential status

Grant Boat Ramp – The Grant Boat Ramp Committee is requesting that the council send a letter to the County Commissioners Office requesting that they expedite the construction of the Boat Ramp. D. Yonts requested that J. Hackford prepare a letter and submit at the next town council meeting.

I. PUBLIC COMMENT:

L. Walters requested that the council meetings be videoed.

G. Wolfe reported on Emergency Management and stated that the Office of Emergency Management would like to review the towns emergency logistics plan as they are looking for site where they can host an Emergency Management Team in the event of a natural disaster. Sites suggested include the Grant Community Club festival grounds as they have been host the Emergency Management Team in the past. Another suggested site was the Valkaria Airport. He further stated that there will be an Emergency Management System Training on Friday, December 9, 2006. He plans to attend with Terry Wolfe. He also reported that Riverview Terrace would like some feed back regarding any conversations with Sebastian Beach Tennis Club and problems with noise and construction dust.

J. ADJOURNMENT:

Motion made to adjourn.

Motion by P. Bryan; Seconded by D. Morgan
Voice vote on the motion carried unanimously
Meeting adjourned at 9:55 P.M.

BY:

(Signature on File)

Del Yonts
Mayor

ATTEST:

(Signature on File)

Christine Hackford
Interim Clerk

12/21/06

DATE: _____