

Town of Grant-Valkaria
Town Council Minutes
Wednesday, December 13, 2006 at 7:00 P.M.
Grant Community Center

- A. **CALL TO ORDER** 7:03 P.M.
- B. **PLEDGE OF ALLEGIANCE**
- C. **ROLL CALL (by Interim Clerk)**
Mayor, Del Yonts – present
Council Member, Seat 1, Joe Hackford – present
Council Member, Seat 2, Danielle Morgan – present
Council Member, Seat 3, Pat Bryan – present
Council Member, Seat 4, Cathy DeMott – present
Council Member, Seat 5, Dan Faden – present
Council Member, Seat 6, Jason Mahaney – present
- D. **ADDITIONS AND DELETIONS TO AGENDA**
Additions included in minutes; no deletions
- E. **APPROVAL OF MINUTES**
1. Approval of the 12/06/06 Town Council Minutes with noted changes to page 3 F6 to read BU-1 and BU-2.
 2. Correction in F1 Unfinished Business that the Town Charter does not spell out Federal and State guidelines.
- Motion by C. DeMotte to approve; second by D. Faden
Voice vote on the motion carried unanimously.**
- F. **UNFINISHED BUSINESS**
1. **(Morgan) – Town Manager & Town Clerk Job Descriptions**
Danielle Morgan and Denni Burr have been compiling Town Manager and Town Clerk job descriptions. They are currently completed in a preliminary phase. Look good, no changes proposed at this time. Communications to other towns attached with their responses and some active job descriptions. Melbourne Village does not have a Town Manager per Del. Del recommended that the requirement for the Town Manager to live within the town boundaries be removed. Charter did not address that the Town Manager be

a United States citizen. All agree that this is important. Dan inquired about contacts to temp agencies. Spirion, Deco, Robinson, Hilliard in Orlando all contacted by Danielle. She is awaiting responses. A.J. Morgan asked if we had heard anything from the retired clerk(s) discussed in previous meeting. Danielle will follow up on that but it seems that the one retired clerk who expressed interest do not want to volunteer for the position. Interested in payment for time spent in travel and performing duties.

2. (Faden) – Update on FPL Franchise Fees

The FPL Account Manager (Mark Hillman) has been most cooperative thus far. He is waiting on a time frame from the Billing Department. Monthly payments lag by 90 days. We should receive direct deposit payment of \$19,366.00 on 12/28/06. Lisette Kolar stated that the Town was in a rush to get our Ordinance signed by 09/29/06 for the purpose of starting payments in October. Prior fees (07/25/06 – 09/29/06) went to County. Tim Reynolds has already addressed that in a letter to Brevard County claiming fees for Town. Cathy DeMotte questioned whether or not it was directly deposited into Town account. (yes) Lisette questioned if the \$19,000.00 would be an approximate monthly payment. Response was affirmative.

3. (Morgan) – Town Representation on committees

Included in the survey to towns was a question regarding what members belong to outside boards and committees. League of Cities, MPO, VAAB were all previously mentioned. Todd Derataney recommended that the Central Florida Regional Planning Council and South Brevard Water Board which meet monthly should be considered. Also Space Coast League of Cities (provides Worker's Comp information), Florida league of Cities and UCF Institute of Government. Del stated that the Valkaria Airport Advisory Board is in the process of assigning new members with the change in County Commission. He will send a letter requesting that the make up of the VAAB be changed to include at least one member from Grant-Valkaria. Also that he spoke with the Bike and Trails Coordinator and there is a meeting on December 15, 2006. He recommended that Bobby Putnam represent Grant-Valkaria on this committee. Cathy said she spoke with Bobby and he was very interested in serving the Town in that capacity.

**Motion by P. Bryan to identify Bobby Putnam as delegate of Town; second by D. Morgan
Voice vote on the motion carried unanimously**

4. (Mahaney) – Status of Code Enforcement

CD given to each Council member with all county ordinances. Jason stated that contrary to popular belief in the community he is not, nor does he want to be the Code Enforcer. He is still accepting calls. Need to decide how to handle complaints when they come in. There are currently 20 unresolved on the record. Pat suggests Code Enforcement Committee establish, meet, review ordinances and report back to the Council. Renee Bryan stated that there is a short 24 page PDF document that addresses complaints commonly made. Called “Neighborhood Guide” for a quick look reference. Jason has sent out Ordinance 06-55 and 04-28 to all council members. Del only one to receive. Jason will send out 24 page document to all Council. Webmaster to be contacted with reception issues. Discussion ensues and Del feels that addressing code complaints at this time will keep Council quite busy when there are more priority issues to be dealt with. Any safety or life/death issue is immediately dealt with by the County when 911 is called. Denni Burr said she received 3 complaints that were easily resolved. She will take and record complaint calls for Jason. Code Enforcement site to be up on internet soon. John Shatzer asked who had made the outstanding complaints, Linda Landrum suggested that volunteers could help. Jason stated that at this time he had been advised by the County Attorney not to share complainant information. They must remain anonymous. Jim Albright asked who is doing the enforcement. Jason responded that currently the county is doing BU1, BU2 and any immediate threats to public safety (911 calls). Del said that the Code Enforcement Officer for Malabar is part time but was not interested in taking on Grant-Valkaria. We need someone who knows county codes. Barefoot Bay has part time Code Enforcement Officer. No part timers who work for Brevard County are interested. Joe Hackford states that he knows of a potential candidate and will make contact. Del reiterated that we need someone who is familiar with all codes not just building codes. A.J. Morgan asked if the candidate needed some sort of certification or experience other than knowledge of codes. Jason responded that he

would ask the county what their minimum requirements were for a Code Enforcement Officer. Danielle will add Code Enforcement potentials to the town survey she has been sending and request job descriptions. Marcie Kinney asked why this isn't part of the interlocal agreement with the County. Del explained that the county won't provide code enforcement as the fines are based on county ordinances and rules. The penalties for our town would be different. Marcie stated that she had discussed this with Attorney Terri Jones and was told that the county would do it if we accepted all their ordinances. She states that her family is repeatedly harassed by a neighbor and is seeking resolution. According to Del Attorney Morris Richardson said no as the legal issues have changed since the incorporation. Marcie also said that at the candidate forums everyone stated that they supported minimal ordinances. Jason said that the Malabar ordinances are currently being scanned and may prove to be considerably smaller than the county. Malabar has been very helpful. Jason will find out if they did a complete replacement or subset. Pat responded that we do need to have a committee to review ordinances and eliminate many that we don't need. Dan stated that if we have a citizen committee outside the sunshine they can only review but not make recommendations to the Council. He feels that we have more pressing issues to spend time on at present such as capturing revenue and securing services. Council may be overwhelmed with code complaints each meeting. Mike Leuthold asks if we have a library of codes. Response was the current CD and that they are available on the county web site. A.J. Morgan asks if citizens can help until legal advice obtained. Response is that they cannot volunteer to do code enforcement, must be Council appointed. Cathy asks if we can go ahead and form a committee. Terry Wolfe and Linda Landrum volunteer to begin reviewing. Carlene Foltz states that a citizen committee will review and perhaps not present all information to the Council. Lisette agrees and adds that this could give all power to the 2 or 3 people reviewing the codes. Del feels Mr. Bohne could provide further information on the issue. He also suggests that the Town may want to appoint a Code Enforcement Board to work under the sunshine and give recommendations. He also states that any code complaint received needs to be reviewed. Dave Foltz warns that there could be problems addressing complaints "as needed" as an ordinance could be changed after violation made. Screen ordinances and find "hot" ones to review first.

Pat asks if we go with an appointed board why not appoint them and let them get started. He feels that the council will not be involved for awhile. Del advises that the current finances of the town could not support the cost of additional meeting locations, etc. Maybe this should be postponed until the beginning of the year after our budget is in place and we are more financially secure.

5. (Yonts) - Status of Conditional Use Permit (CUP)

Del has county packet as submitted to County P & Z for permit request by owner Mario Nicolo. According to the charter the neighbors within 1500 feet of the property must be given 30 days mailed out notice of proposed change and date of decision by Council. The Council must also approve the change 6:7. Will move forward with advertising but given the time frame it will not happen until into 2007. The County charges \$849.00 without rezoning and \$447.00 with rezoning. Our cost needs to be established. This would not be precedent setting as the package is already done and has been approved by the P & Z Board and Council can accept their review. Dan states that under the current County ordinance we would need to have a board to review such cases prior to coming to Council. Jason asks if the Town can process this case at cost. Mr. Nicolo offered to pay whatever the cost might be. Marcie Kinney wants to make certain that the applicant covers all costs. Del comments that there will be the attorney fee, advertising cost, mailing fee, etc Lisette Kolar stated that she would find out what the advertising will cost. Mike Rutho asked if citizens still go through the county for building permits. Response was affirmative.

Motion by D. Morgan to proceed at cost to the applicant; second by J. Hackford.

Voice vote on the motion carried unanimously.

6. (Yonts) - Information regarding vacation of easements

Two issues on hold at present. If roads were deeded to the county they belong to the county if deeded to the public they belong to Grant-Valkaria. Waiting to hear from county attorney with their decision. James McGee wants Bobbi Lane to be vacated as it dead ends in Bear Creek. States that the properties flood and the county won't address it. They identified it as an easement for "drainage & utilities" but Mr. McGee states that the County denies any record of this. Mr. McGee was assured that action will be taken as quickly as possible after Council hears from county attorney. He was not aware that documents provided to the Council become

part of the public record. Stated it was his only copy. Interim Clerk will provide copy to Mr. McGee. (Done 12/14/06) Del reminded the public and Council that any documents or photos provided to the Council will not be returned but is part of legal record. The second issue relates to a property on Berry and Pinesap for an easement change. Pat asked for definition of vacating easement and Del responded that it was giving up road right of way.

7. (Hackford) – Meeting with Harris Sanitation

harris Sanitation wants to make a presentation to the Town and discuss the upcoming waste management agreement. George Geletko is Harris contact. County contract is up in September of 2007. Todd Deratany advised that the Town should explore all options as is might be possible to contain costs. Joe will look at February 2007 to arrange Harris presentation. Del commented that Henderson Rd. trash finally got picked up. Apparently Harris has certain “pick up” sites and this pile was on the “wrong side” of the road.

8. (Hackford) – Update on Town meetings at GCC

Town can use building until 06/07 every Wednesday night at 7:00 P.M. Cost is \$50.00 per meeting with a maximum of \$200.00 per month. Researching other sites. Lisette Kolar asks if Council has paid GCC for usage to date. Will be paid 01/01/07. Cathy to check as to how many meetings we have had there.

9. (Hackford) – Boat Ramp

Joe read letter he composed to Commissioner Voltz regarding Town support of ramp. Del recommended that we eliminate naming of ramp as it will be a topic at a later date. To delete that paragraph. Joe to be delegate from Town in boat ramp meetings. Pat wants the letter to include town participation in naming of ramp when the time comes. Interim Clerk to amend letter and Del to sign

Motion by J. Hackford to proceed with letter; second by D. Morgan

Voice vote on the motion carried unanimously

10. (Yonts) - County contact status

County has not had a general meeting on this yet. Need to meet with Ed Washburn. Dan states that Town needs to inquire as to service agreements that expire at end of 2006.

Sheriff contract does, what about Roads & Bridges and Parks?
Del will follow up.

11. (Yonts) – Other status updates

- a.) Dan is working on land search for Town Manager and Clerk location. Looking at single and double wide trailers, special needs access. Del said we might also look at buildings big enough for offices and meeting room. Charter allocated 3K per month for a facility. Grants may be available to assist with this funding. Dan to research.
- b.) Transition team – Cathy is working on this but with the holidays things are moving more slowly.
- c.) Temporary name tags for Council were provided by Jo Faden.
- d.) Status update to be done to assure items in minutes have proper owner. Nancy Turner expressed accounting concerns and was assured that the fiscal year is October to October. No change in tax payments. Renee Bryan comments that the Town needs to purchase an audio recorder to aide the Clerk and provide archive. Del is researching County system.

G. NEW BUSINESS

1. (Yonts) – Questions for Town Attorney

Mr. Bohne unable to attend tonight but will be here the second Wednesday of January (01/10/07). Danielle suggested we send a collective e-mail to the Town attorney with legal questions. All Council members to e-mail any legal questions to Carlene Foltz by 12/20/06 and she will compile them in a document to present to Mr. Bohne. Send to clerk@grantvalkaria.org. A discussion ensued about when to archive sent e-mails. This will be a question for Mr. Bohne and until then it is recommended that Council archive communications regarding Town business. Council members are having problems related to set-up and receiving mail within the Grant-Valkaria site. Lisette commented that Artemis was chosen because other towns use it successfully. Ray Kolar sent an e-mail explaining how to set up accounts. Denni Burr asked what site she should e-mail to with questions from the phone calls she takes and was instructed to use the town e-mail.

2. (Bryan) – Zoning and Land Use Committee

The committee was to meet on Friday. Ultimately the group would make recommendations so they will need to meet under sunshine. Denni Burr asked if the committee could get started. Dave Foltz commented that there would be a learning and study curve with the group so the volunteers can go ahead and do research. Pat will start information gathering. Need funds for a meeting place and advertising. Discussion about Sunshine Law and potential of violation. Dan will forward the questions that Mr. Bohne has already answered to the Council as he felt they may provide clarification if some issues. He agrees that the group can do research and gather information but not make any recommendations to the Council. A.J. Morgan asked if zoning and code enforcement were the same group. Response was that no they are separate: zoning codes vs. municipal codes. Lisette asked if meetings have to be within the Town boundaries. Response was all meetings for Town business must be held in the Town. Need to look for no cost locations for meetings such as Fisherman's Landing.

3. (Yonts) - 2007 Meeting Schedule

Does the Council need to continue to meet weekly? All agreed that weekly meetings should continue through February and then this issue be revisited. Mr. Bohne has offered to attend the second and fourth Wednesday of each month but perhaps one legal meeting per month would suffice and help contain costs. Danielle inquired about vacation time. Council members are to announce by the meeting prior regarding vacation time off. According to the Charter there are only 4 unexcused meetings that can be missed by a Council member.

4. (Yonts) - Council Expenditures

If there is to be a purchase made for the Town it needs to be authorized in a vote by the Council. A proposal needs to be submitted or it becomes a gift. Danielle said she would develop a purchase order form. Denni Burr inquired as to when the Interim Council members would be reimbursed. Cathy stated that by next week they will be paid. Bank account signature changes have just been completed. She will check to make certain the correct names are in place and obtain the checkbook from Tim Reynolds. Discussion ensued regarding the necessity of a second microphone. Cost needs to be submitted and approved. A.J. Morgan proposed that we use the existing system at GCC, that it just needs a little

work. Pat will bring his microphones and a mixer for temporary usage. Jason recommends Joe be reimbursed for purchase of the existing single microphone system.

Motion made by D. Morgan to appropriate funds for reimbursement; seconded by P. Bryan

Voice vote on the motion carried unanimously

5. (Mahaney) - Alternate Meeting Locations

Jason contacted the Habitat Golf Course and their meeting room is available to be booked in advance for \$75.00 per night. Noted as a viable alternative. Dave Foltz suggested that Council research hours available as Town meetings can be lengthy.

6. (Mahaney) - County Parks in Town

Bobby Putnam will be heading Greenway/Parks team for the Town. Del to send Jason contact information on Bobby.

7. (Mahaney) - Natural Resource Landscaping

county has a new 58 page ordinance (06-55) that Attorney T. Jones states the Town should adopt. If Town diversifies at this time there could be problems with the county continuing with permitting. The County intends to penalize for violations. Would the Town be entitled to any of that revenue? Del requests a copy of what Ordinance 06-55 replaces. Del to forward information to Council members.

8. (Mahaney) - Complaints on Local Establishments

BU1 and BU2 zoning do not allow for outside bands or music. Two days ago the Sheriff's office was instructed to respond to calls and enforce this.

H. REPORTS

D. Yonts

1. Attended County Commission meeting 12/07/06 and presented the Town's recommendations regarding trespass warrants being issued at Valkaria Airport. The Commission, after speakers and discussion, accepted the recommendation of the VAAB with the exception that the County Manager will be the one with the authority to issue/delegate warrants.

Commissioner Scarborough was more concerned about what provoked this issue and that it's priority was skewed in the large scheme of safety concerns within the County.

2. Valkaria Airport masterplan meeting for working paper #4 to be held at the Habitat Golf Course at 7:00 P.M. 12/14/06. Public welcome.
3. Range Rider program offers consultant services at milage cost. They can come out to make a presentation to the Council. They have an Interim Manager program and can provide a list of names and resumes. (Only 3 available in our area at this time.) All agree that Del should invite them to speak on December 20th or at their earliest convenience.
4. Florida League of Cities offers free advice and is a good resource also.
5. American Land lease Company: Del attended a meeting with attorneys and representatives from Tennis Village and other residential areas that are experiencing problems with dirt from their clearing and construction. As of 06/06 they have seeded and mulched part of Phase I to reduce the dust and the seed is growing. Barefoot Bay representatives stated that it did help. Company invited the Town to look at projects under way and to look at the land on Senne Rd. for a potential Town center. The company offered to work with the Town. Pat inquired as to how water needs were being met in the current plans. The home sites will be limited until Barefoot Bay expands their water facility. Grant-Valkaria can negotiate use of common hall being built for subdivision. The company promised that they would look at the other areas impacted (as brought forth by George Wolfe) and get back to Del. A.J. inquired if the Town would be entitled to any franchise fees with regards to water and sewer in this development. Dean Aikens expressed concern that the rye seed will not maintain. Brevard County has not yet dropped their suit and will see what happens with time. Joan Aikens inquired about zoning and was informed that it had been in place for years. Chris Hackford commented on the grandfathering of property previously zoned.

P.Bryan – No reports

D. Faden

1. It is important to do a mass mailing to the citizens of the town to keep them informed of town happenings. He will bring a rough draft back after the holidays.
2. Tim Reynolds has the grant book and will pass it to Dan. Ray Kolar has volunteered to work on this. Del commented that we need to start taking names of volunteers at each meeting whether they are interested in working on something specific or just to volunteer for the Town. Danielle will do a spread sheet

dividing the names. Speaker cards can be used as volunteer information cards to identify areas of interest.

D. Morgan – No reports

J. Hackford

1. May have found storage for office furniture that could become available to Del at no cost. Joe's crew will pick it up. Del stated that someone offered use of a 3 car garage for additional storage.

J. Mahaney – No reports

C. DeMott

1. Working on transition committee and will bring information to council to delegate tasks.
2. Financial (treasury) report to be added to the agenda following "Additions and Deletions". At this time there will be a treasury report as well as an announcement of outstanding bills prior to payment (no cap). There will be a full financial report monthly.

I. PUBLIC COMMENT

1. Bonnie Allan submitted a card to bring to the attention of the Council that the meeting minutes are not available on the web site. Council was informed by Carlene Foltz that they need to be signed by the Mayor prior to posting. (Done following meeting.)
2. Bernie Mann (Joanne): March 19, 2006 the County agreed for this property owner to grant an easement to an unaccessable property for a home. He is concerned the RR1 (4 acres) that he owns will be impacted somehow for his own future development. Mr. Mann will send an e-mail to Del with all information and Del will consult with the county or Mr. Bohne. The requestor asked that the response be on Grant-Valkaria letterhead or something official. Del stated that he will provide a legal response. Joann asked if they had a ½ acre parcel that was zoned for a single home could it be built upon. Whatever zoning property had prior to incorporation was grandfathered into the Town. Mr. Mann expressed his gratitude for all the time and effort expended by the Council members for the betterment of Grant-Valkaria.

J. **ADJOURNMENT**
Motion made by D. Faden to adjourn; Seconded by P. Bryan
Voice vote on the motion carried unanimously
Meeting adjourned at 10:27 P.M.

BY:
(Signature on File)

Del Yonts
Mayor, Grant-Valkaria

ATTEST:
(Signature on File)

Jo Faden
Interim Clerk

DATE: 12/20/06
