

Town of Grant-Valkaria
Town Council Minutes
Wednesday, January 10, 2007 at 7:00 P.M.
Grant Community Center

A. **CALL TO ORDER** 7:07 P.M.

B. **PLEDGE OF ALLEGIANCE**

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

Del Yonts - present
Joe Hackford – present
Danielle Morgan - present
Pat Bryan – present
Cathy DeMott - present
Dan Faden - present
Jason Mahaney - present

D. **ADDITIONS AND DELETIONS TO AGENDA**

Unfinished business: G.14. – (Wolfe) – Emergency management grants
New business: H. 4. – (Mahaney) – Town name
H. 5. – (Yonts) – 2nd Reading of Ordinance 2006-04

E. **CFO REPORT**

(DeMott) – Prior balance of \$10,401.09 with accrued deposits totaling \$29,392.92 and checks issued totaling \$3,506.80 brings the ending balance to \$36,287.21. Payments are still outstanding for rental of the Grant Community Center through 12/31/06 at \$50.00 per meeting with a maximum of \$200.00 per month.

F. **APPROVAL OF MINUTES**

Approval of the 01/03/07 Town Council minutes

**Motion by C. DeMott to approve the 01/03/07 Town Council minutes as written;
Seconded by Morgan.**

Voice vote on the motion carried unanimously.

G. **UNFINISHED BUSINESS**

1. (Yonts) – Designation of Interim Town Clerk for 01/17/07

Mary Kestner, a public attendee at the meeting, volunteered to do the minutes and related functions of the Interim Town Clerk for the 01/17/07 meeting. In addition, she stated she is also interested in the temporary position of Interim Town Clerk. Her volunteered services for the 01/17/07 meeting were gladly accepted.

2. (Yonts) – Ron Weis (guest) from Division of Forestry to discuss upcoming controlled burns

Ron Weis representing the Division of Forestry, Chris O’Hara representing the Brevard County EEL Land Management, and Mark Lighthill representing Brevard County Fire Rescue discussed the objectives of reducing fires, preservation, and conservation which

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are all considerations in the upcoming controlled burns. It was explained that the controlled burns are planned to start between Cypress Lake and the airport on both sides with consideration of the scrub jay territory on the East and moving West. Many questions were addressed from the public in attendance at this meeting. It was explained that communication of the plans will be relayed as best as possible. Many methods of communicating such plans were discussed. C. DeMott asked if a pre-alert could be posted to the Town web-site. Ron Weis explained that as this year is exceptionally dry, the plans may well be changed as some areas will be postponed and others substituted due to weather conditions so burns as planned may not always occur. The Town contacts are known and with the business cards provided for the three guests, the Town will be notified as best as can be in the future. The presentation concluded with brochures being provided which addressed fire prevention, protection, and fire prescribed for ecological benefits.

3. (Morgan) – Town Manager and Town Clerk job descriptions

Denni Burr and D. Morgan worked to shorten the Town Clerk job description which was sent to all Council Members for review before this evening's meeting. Morgan stressed that the issue of employing a temporary Town Clerk was urgently needed so an agenda item for securing someone to take minutes, create agenda, and such is not the first item on the agenda each week. A wage rate of \$10-\$12 per hour was recommended. Morgan asked if any Council Member had any issues with the current description or pay. No one took any exception. Morgan will post the position's job description on the Town web-site for about one week with a closing date for interested parties being 1/19/07.

Morgan had also provided the drafted job description for the Town Manager to all Council Members. It was discussed that although the temporary Town Clerk responsibilities may be performed in a home office environment, the Town has no building from which a temporary Town Manager can operate. Bryan suggested holding off on hiring a Town Manager until we have an interim Town Hall. It was decided that the job description should be posted to the Town web-site requesting resumes from interested parties and leave the posting with no closing date. Discussion ensued as to setting up new e-mail accounts to receive resumes and then re-directing the resumes to Denni Burr and Morgan. Lisette Kolar suggested checking into the feasibility of placing ads in trade magazines for the position of Town Manager. Morgan agreed to look at other places to post this position and to check out the expenses of additional posting. Discussion of hiring a temporary Town Manager/Administrator was also heard.

A decision was made to provide a list for volunteering on the web-site with identification of specific skills being offered. Mary Kestner stated she would volunteer for most anything the Town needed. Bonnie Allan volunteered to help D. Faden and J. Hackford in obtaining more information on potential buildings to use as a Town Hall.

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4. (Faden) – FPL and other franchise fees

D. Faden confirmed with C. DeMott that the form for electronic submission of the FPL franchise fee was now complete. He stated that he originally had thought a workshop might be needed, but now believes a presentation of the existing fees and the estimated income from those fees would suffice. The estimate for communications service tax and revenue sharing was stated to be approximately \$400,000. Additionally, other fees that might be available would be right-of-use fees, mobile home fees, and fees collected from Waste Management. More info will be forthcoming. By next week, the estimates should be up-to-date and Faden will make a full report.

Peggy Busacca has asked for an official letter requesting the specific dollar amount of FPL franchise fees the Town believes are due them from the date of incorporation to the period in which the FPL franchise fees were paid directly to Grant-Valkaria. A statement was made as to this issue probably being between the lawyers soon for resolution.

5. (Morgan) – Town representation on committees

The Melbourne/Palm Bay Chamber of Commerce was considered. D. Morgan said she would check and see the expected expense of membership and try to derive the value gained by such representation.

D. Yonts reported that he had attended the League of Cities dinner hosted by Malabar and Palm Bay on January 8, 2007. Barefoot Bay was also present. He said that about 110 to 120 persons were present and it seemed to be a good place to meet with other Town Managers. The membership fee is about \$60 per year and he thought the Town might want to join such a group.

6. (Mahaney) – Code enforcement

J. Mahaney met with Mr. Walt Mattheiss about a part-time code enforcement job with the Town. He provided a resume and Mahaney told him he did not need to attend tonight's meeting but he may want to attend the following Town Council meeting. Morgan agreed to scan Mr. Mattheiss' resume to send to the entire Town Council. Mahaney reported that \$10 per hour was discussed and that using his own vehicle with reimbursement for mileage and working out of his home was agreeable. Mr. Mattheiss was looking for a full-time position yet Mahaney said it was part time and that code enforcement in the Town was to be handled in a reactive rather than pro-active manner. Lisette Kolar asked if he enforces the Barefoot Bay Homeowners codes or enforces Brevard County code. Mahaney said he enforces the homeowners code. Discussion resulted as to options to control code enforcement hours. A maximum number of hours per week as well as an enforcement log of time against each call was suggested.

Public response was heard from John Hannah. He stated that the County has logged complaints from him yet had not taken any action. The complaint was about nine dogs, when the limit is for four dogs, and that the dogs bark all day and all night. It was suggested that he call Animal Control. Also, they asked Mr. Hannah to check with

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Council member Mahaney to see if such a complaint got passed to the Town and if not, a new complaint should be logged. Discussion also was heard as to handling of complaints if they are submitted anonymously or not. Other discussion was heard as to repetitive complaints. Bryan said the County has safeguards on repetitive complaints through anonymous calls. Jan Conrad, from Helen Voltz' office, said she would help Mr. Hannah with Animal Control and the complaint previously lodged. She also pointed out that often the Town Clerk takes code enforcement calls and she wanted the Town to know how that can eat-up many hours. Another person stated that in relationship to Animal Control, if you take exception to Chapter 14, the County will pass the issue directly to the Town.

7. (Yonts) – Update of Conditional Use Permit (M. Nicolo)

D. Yonts reported that the cost total for Mr. Nicolo's conditional use permit totaled only \$147.58 which was much cheaper than the amount charged by the County. Mr. Nicolo stated he was pleased to pay those costs and appreciated the follow-through from the Council related to his requested permit.

8. (Hackford) – Seafood Festival permits

J. Hackford reported that the alcohol permit for the Grant Seafood Festival had been obtained last week and so far, no permitting problems have surfaced. D. Yont stated that Karl Bohne, Town lawyer, had received an e-mail from Eden Bentley and Morris Richardson about permits should be going to Grant-Valkaria rather than the County. It was decided to advise Jack King to go forward in required permitting and Yonts will discuss this permitting with Bohne if a problem is encountered.

9. (Yonts) – Status of County contacts

Dan Robino and D. Yonts met with Peggy Busacca, Brevard County Manager, to discuss County/Town issues. The summary findings are:

Valkaria Airport: No action needed yet when the Master Plan is complete, P. Busacca stated she will be glad to send appropriate staff if the Council decides to review the Master Plan. This may be best done in a workshop format.

Sheriff services: To be handled through an MSTU. Direct MSTUs which are not part of the Town's millage rate, could reduce the Town's rate low enough that Chapter 74-430 of the State law would severely restrict increases limited to a 10% increase in ad valorem revenue. If the MSTUs are moved into the Town millage, the purchase of the MSTU services from the County could be accomplished. There are disadvantages and advantages of both plans. Lisette Kolar agreed to call other towns and work with Yonts will provide a presentation later on these alternatives. Additionally, an ordinance is needed to continue any of the MSTUs.

Fire and emergency services: Being worked with no new information presently. This is handled via an MSTU also.

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Building department: The current arrangement may require an agreement to continue. The Town can continue using the County building department as long as the Town changes no requirements.

Road and bridges: No changes required. This is handled via an MSTU also. One question was raised as to when dirt roads get paved. Approved roads that get paved via an MSTU are billed to the landowners. The Town will need to discuss how to proceed for the cost of paving other direct access roads which become too hard to maintain as dirt roads yet are not approved roads for paving paid for through an MSTU.

Emergency 911: Yonts stated no agreements should be required per P. Busacca. J. Mahaney said that Emergency 911 must be under an inter-local agreement. It was decided to send that information to Bohne and include this item on the 1/24/07 agenda.

Parks and recreation: No action required. Future contacts to obtain status of parks in our area include Jeff Whitehead, South Area supervisor, or Don Lusk, Interim Director

Revenue sharing: P. Busacca said a formal letter requesting the FPL franchise fee money with an exact amount from FPL should be submitted.

Ownership of roads: Yonts stated the County said they own the “through” roads in the Town and the remaining roads are owned by the Town unless other agreements are signed. A full definition on ownership of roads must be worked as the Town has two pending issues presently. P. Busacca suggested we review Florida Statute 336.09 related to vacating roads.

Conditional use permit (specifically for Winnerz at 5890 U.S. 1): The Town is in the process of handling this request.

Workshops: P. Busacca said she likes the fact that the County allows votes at a workshop but the Town needs to review and decide if they choose to do that.

10. (Yonts) – Additional status updates

Fountainhead: D. Yonts said that Fountainhead wants to construct a mausoleum, not build a crematorium. Per the institutional zoning, a mausoleum is allowed on this property per Rick Ennis. A crematorium would require a BU-2 zoning. Yonts pointed out that through discussions with the Town lawyer, the Town needs to establish a Local Planning Agency (LPA) to perform the functions of a Planning & Zoning (P&Z) Board even if a P&Z is later established. The LPA would require an ordinance.

Zoning moratorium: This was discussed with Peggy Busacca, Brevard County Manager. Her comment was that as a comp plan provides density limits, the Town cannot approve higher density limits yet could approve lower density limits than included in the plan if there is competent evidence supporting the lower density. An ordinance for the zoning moratorium has been drafted and Karl Bohne has sent it onto the County for review. The effective date included in the draft is 1/3/07 with the Town having to handle zoning requests before that date. The ending date of the moratorium

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should be on or before 7/25/07 as a comp plan must be established within a year of the incorporation. Yonts to draft a blurb related to this zoning moratorium to be available to the person currently answering the Town phone.

Peggy Brown from the audience addressed the Council stating she had an application into the County trying to get 9.8 acres of a 12.9 acre piece of property changed from AU to BU-2 zoning. They had been waiting for P&Z to review the request. The reason for the zoning request change was to accommodate outdoor boating and motor home storage. The County had returned most of the money previously submitted along with the zoning request. The Town agreed to start working this issue.

11. (Yonts) – Vacating road right-of-way, Bobbi Lane

Applicants for the Bobbi Lane right-of-way request have withdrawn the request from the County. The same thing has occurred related to the withdrawal of the request for the unimproved right-of-way on Olive Street. Both will be dealt with by the Town.

12. (Bryan) – zoning and land use committee

P. Bryan researching on what other town do this, what's common, and disadvantages/advantages of various processes. Discussion resulted related on how the comp plan and the future land use elements inter-relate. D. Faden explained that the comp plan is everything you are going to do – future transportation schools, etc. whereas the future land use elements (8-10 elements) provide the written policies that define the zoning. He said this is the top priority as this goes into zoning. Bryan suggested a workshop to start work on the LPA, P&Z Board, administrative procedure and future land use elements. He stated that Mr. Glatz from the Royal Palm Charter School had volunteered his facility for some future Town meetings and said Mr. Glatz would be contacted to see if a workshop could be scheduled there. D. Yonts brought up the holding of a workshop on 1/31/07 following the regular Town Council meeting of that same date at the Grant Community Center. If so, the regular meeting would be limited to only essential agenda items. It was agreed to hold a Planning and Zoning workshop on 1/31/07 directly after a short regular Town Council meeting.

Bryan said the price for obtaining the zoning and future land use maps for the Grant-Valkaria area are \$900 as purchased through the County. They are sized to require 30 zoning maps and 30 future land use maps at \$15.00 each. Also discussed was the possibility of obtaining the maps in electronic copy using shape files and GIS.

Motion by D. Morgan to purchase the maps with a purchase price not to exceed \$1,000.00. Seconded by J. Hackford.

Voice vote on the motion carried unanimously.

D. Faden researched the 10% administrative waiver related to property size. It was based on two County ordinances and required signature of all of the neighbors in the area of the property.

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D. Faden followed up on Ordinance 06-22 related to land clearing and landscaping. Faden said the new ordinance was reduced to 23 pages from 115 pages so comparability would be a fairly major effort. A question was posed as to where does landscaping come in if the County handles the building permitting process. Jan Conrad, from Helen Voltz' office, suggested contacting Amanda Elmore at the County who has compared the requirements and has a power-point presentation on this ordinance of what was and what is and why.

13. (Faden) – Rental property availability

A couple local real estate agents have been contacted about looking for available rental property for a temporary Town Hall. As yet, no responses from those agents have been received. This may help us develop a cost estimate for such a hall.

J. Hackford brought pictures of the yellow building, exterior and interior, behind the Antique Mall on U.S. 1. He said that with some Town effort, that property could accommodate our use and the owner is agreeable to changes needing to be made. The quoted rental fee was \$800 per month, a year lease and one month free rent. Denni Burr commented on there being a mold issue in related buildings there when the Town yard sale was held

Additionally, Hackford said that Jack King was talking about building a separate building to the West of the present Grant Community Center building although immediate occupancy is not available. Hackford also said he has a meeting at the fire station tomorrow and that space has no bathroom or wheel chair ramp but a porta-toilet and ramp could be used.

Denni Burr and Bonnie Allan agreed to go knocking on a few doors to see if anyone was aware of available space for renting of a small office/meeting place and would report back next week.

14. (Wolfe) – Emergency management grants

George Wolfe reported information gathered by himself, Ray Kolar, and Terri Wolfe related to the grants available for emergency management. G. Wolfe provided a concept which they have drafted to support the Grant-Valkaria competitive grants. He had been told that as Grant-Valkaria was a new start, the grant process may well look at the Town very favorably for grant purposes. A municipal grant totaling \$50K for expanded Certified Emergency Response Team (CERT) activities and a community grant totaling \$200K for command, control and support equipment are available. Intended uses under the \$50K grant were seen as (i) training for new recruits; and (ii) additional support equipment for which the requirements are being established. Intended uses under the \$200K grant were seen as (i) command, control, and communications infrastructure including repeater and antenna on an existing tower, Ground Mobile Radio Station (GMRS) networks in the local community and broadband communication with the Brevard Emergency Operation Center (EOC); (ii) mobile EOC until hard facilities are constructed (Town Hall, EOC) including vehicles, mobile

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shelters, portable generators, and laptops; (iii) additional support equipment for which the requirements are being established. Some discussion centered around the monetary feasibility of these grants if they require expenditures prior to being given the grant money. G. Wolfe to get clarification of the order of expenditures and grant money.

H. NEW BUSINESS

1. (Yonts) – Appointment to Brevard Water Supply Board

D. Yonts said the board meets four times per year with the next meeting being 1/29/07.

**Motion by D. Morgan to appoint Pat Bryan to the Brevard Water Supply Board as a representative of Grant-Valkaria. Seconded by J. Mahaney.
Voice vote on the motion carried unanimously.**

2. (Yonts) – Extension of permit for storage area and commercial business on US 1 (Leon Surles)

Discussion resulted from the requested one year extension for permitting.

**Motion by J. Mahaney to grant a six-month extension for permitting requested by Leon Surles. Seconded by J. Hackford.
Voice vote on the motion carried unanimously.**

D. Yonts to notify the County of our approval of a six-month extension to Mr. Surles.

3. (Yonts) – County surplus sale

County is having a surplus sale in Titusville from 1/8/07 through 1/12/07 for items sold through sealed bids.. A generalized listing of the surplus items was reviewed. The overall opinion expressed was that the items may be inoperable as well as possibility of old equipment that may not interface with newer equipment needed by the Town office. Additionally, Yonts said the Mayor's report at the end of the meeting will provide for some of the office equipment needs of the Town. No further action taken.

4. (Mahaney) – Town name

The E911 system is incurring problems with the hyphen in the town name. They have requested a letter stating they can replace the hyphen in Grant-Valkaria with a space in the E911 database. This database identifies addresses in our community.

**Motion by D. Morgan to issue a letter allowing the hyphen in Grant-Valkaria to be dropped from the E911 database identification of the Town. Seconded by P. Bryan.
Voice vote on the motion carried unanimously.**

5. (Yonts) – 2nd Reading of Ordinance 2006-04

D. Yonts read Ordinance 2006-04 by title only.

Motion by J. Hackford to approve Ordinance 2006-04. Seconded by D. Faden.

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ROLL CALL VOTE, UNANIMOUS:

Yonts	aye
Hackford	aye
Morgan	aye
Bryan	aye
DeMott	aye
Faden	aye
Mahaney	aye

Ordinance 2006-04 was hereby adopted.

I. REPORTS:

D. Yonts

1. Dust level at Sebastian Beach and Tennis Club is down
2. Donation of assorted bookcases, file cabinets, chairs, desks and tables have been offered by Rockwell-Collins. Storage places to hold this donated furniture have already been offered until the furniture can be utilized in a temporary Town Hall.
3. Literature from the League of Cities was obtained at the meeting.
4. Letter from Helen Voltz read stating they are moving ahead on the boat ramp project and she will take lead in the naming of the boat ramp with consideration as to the Grant-Valkaria suggestion of name

D. Faden

Agricultural exemptions: Structures can receive an Agricultural Exemption through the building department. Land use for an Agricultural Exemption must pass through the property appraiser's office. D. Faden will supply this information to the people who requested it in a past meeting.

J. Hackford

1. Boat ramp meeting next Wednesday, 1/17/07, here at the Grant Community Center at 7:00 P.M., the same time and date as the Town Council meeting. The Town Council meeting may utilize the West room .
2. No problems in February with the meeting rooms at the Grant Community center due to preparing for the Grant Seafood Festival.

C. DeMott

She is still working on obtaining accountants who may be interested in preparing the final year-end reviews of the Town's books.

J. PUBLIC COMMENTS

Jo Faden asked if there had been any appointment to the Valkaria Airport Advisory Board (VAAB). D. Yonts said there had not been any representative of the Town appointed to the VAAB. Yonts said he would send another e-mail and would speak to Jackie Colon at the meeting next Friday. He stated that as he sees if, the appointment alternatives are (i) to

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replace Malabar's representative with a representative from Grant-Valkaria, or (ii) add two new seats to be filled by Grant-Valkaria representatives. Yonts will follow-up.

K. ADJOURNMENT

**Motion made by J. Hackford to adjourn; Seconded by C. DeMott
Voice vote on the motion carried unanimously.**

Meeting adjourned at 11:06 P.M.

BY:
(Signature on File)

Del Yonts
Mayor, Grant-Valkaria

ATTEST:
(Signature on File)

Karlene Folts
Interim Clerk, Grant-Valkaria

DATE: 1/17/07 _____