

Grant-Valkaria  
Town Council Minutes  
Wednesday, March 21, 2007 at 7:00 P.M.  
Grant Community Center

A. CALL TO ORDER 7:08 P.M.

B. PLEDGE OF ALLEGIANCE (Morgan)

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

1. (Faden) – Street light request at Laurens & Vally

E. CPO REPORT (Amended from 03-14-07)

(Cathy DeMott)

Previous balance		85,370.00
Deposits (FPL)		18,671.76
Checks issued:		
Schillinger & Coleman, PA	4,218.50	
Florida Today	244.50	4,463.00
Pending due		0.00
Bank fees (supplies)		0.00
<b>Ending balance</b>		<b>99,578.76</b>

CFO REPORT (03-21-07)

(Cathy DeMott)

Previous balance		99,578.76
Deposits		0.00
Checks issued		0.00
<b>Ending balance</b>		<b>99,578.76</b>

F. PUBLIC COMMENT (Non-agenda items only)

1. John Krupp – Contacted County Code Enforcement and was told they would take a report and file it until the interlocal agreement is made between the County and Town. Mr. Krupp stated that a neighbor has put in a driveway that is 3' onto his property and has also constructed a 9' CBS wall without permit. Directed to e-mail Code Enforcement at Town web site and Jason will follow up.

Del also recommended that Mr. Krupp send a registered letter to this person stating that he is not giving easement.

2. Robert Baker - Owns commercial property on Old Dixie Hwy. Wants to increase property parking and storage by approx. one acre. Also requests 6' privacy fencing be waived, as property is bordered by EEL's and a 100' FPL easement, and he would use a 10' landscape buffer instead of fencing. He also wants a variance from installing a sidewalk as there are none on Old Dixie currently. Informed by Del that once the interlocal agreement is complete these issues can be addressed. When he requested a time frame the speaker was told approximately 45 days. Most of time is based on the movement of the agreement through the County and the Commission. Mr. Baker stated that his packet has been submitted to the County (Plan#AD0612002). Del to follow up. Mrs. Baker provided e-mail contact.
3. Kevin Elliott - Purchasing River's Edge Hotel and house on property zoned TU1 (Tourist Commercial). Contract to be settled in 30 days. Wants to subdivide house (approx.  $\frac{3}{4}$  acre) from hotel property so as not to have to pay commercial taxes on the residence. Has spoken with Rick Enos (County) and was told it would be a simple subdivision not a rezoning, but it is ultimately a decision for the Town to make. Del will follow up with Mr. Enos and also with Mr. Bohne regarding legality of change with zoning moratorium in place. Mr. Elliott provided Del with e-mail contact.
4. Bob Thiem - Stated that there are currently 28 homes in the Lake Ridge subdivision off of south Babcock who have the 32909 postal code and Palm Bay mailing address. Expressed concern that revenues are not coming to the Town but errantly going to the city of Palm Bay. Discussion ensued regarding the different postal codes for Palm Bay, Malabar, and Grant that are utilized throughout Grant-Valkaria. With FPL already on line, Dan will follow up and make certain that the Palm Bay and Malabar postal codes are in fact included in the revenue sharing for the Town.
5. George Wolfe - Ongoing concern about dust problems created by the construction of Sebastian Beach and Tennis Club (SBTC). George Barkett representing SBTC spoke and assured the Council and residents present that they are working diligently to resolve the problems. They have hired an engineer to deal with this issue. After lots are brought to grade they will be mulched and seeded. This process takes about 3 weeks to get to the point of being functional to prevent dust. Mr. Barkett will return to provide Council with date by which problem will be resolved.

#### **G. APPROVAL OF MINUTES**

Change in spelling on minutes of 03-14-07: H.1. Section 1, correct spelling should be "Philly Boyz".

**Motion by C. DeMott to approve minutes of 03-14-07 as amended; second by D. Morgan**

**Voice vote on motion carried unanimously.**

#### **H. UNFINISHED BUSINESS**

##### **1. (Yonts) - Advisory board openings**

**a. Planning & Zoning/LPA:** Last day for applications is March 28<sup>th</sup>. Meetings could be monthly. Looking for candidates and coming up short on applications

submitted. To send out special notices through GVPC and on Town web site to encourage residents to apply. P&Z acts as an advisory board, LPA is decision making.

**b. Code Enforcement:** Will not meet monthly as board, will be utilized only when Code Enforcement officer and parties involved cannot handle issue. This is a decision making board.

**c. Citizen's Advisory Council to Metropolitan Planning Organization:** Meets 11 months per year. Town can submit a name to Commissioner Voltz for her consideration and possible appointment. Candidate cannot serve on either a or b above and this board.

In discussion Lisette Kolar reminded everyone that the applications are on the web site as well as available at the Town meetings. Jo Faden suggested that neighborhood associations and e-mail chains be activated to inform as many as possible that the Town is in need of participation.

**2. (Wolfe & Wolfe) - CEMP & Hurricane Preparedness Workshop/EOC Presentation**

- a. There were 113 applications received for the competitive grant for \$14.7M to be used for community emergency management preparedness and 27 applications for funding to "beef up" the CERT program. Should be hearing something in May regarding result.
- b. The County has contracted out the rewriting of the Community Emergency Preparedness Plan (CEMP). George recommends that the Town start drafting a plan for Grant-Valkaria to mirror the County plan (which is based on the national plan). This is important as the Town plan will include items specific to Grant-Valkaria. George also commented that he has already been contacted by 2 contractors regarding a communications trailer.
- c. Terry stated that the CERT training will begin on April 12<sup>th</sup>. Training sessions will be 3 hours in length for 8 consecutive Thursday nights. Those people who filled out applications will be contacted by Terry with more information. Bonnie Allan asked if someone could just come the first night to attend, response from Terry was affirmative.
- d. Public forum on hurricane preparedness will be held on April 23<sup>rd</sup> at the GCC. Evacuation routes will be identified. Terry requested she be notified if anyone is aware of a resident with special needs. This seminar will be advertised in the newspaper, Terry to get information to Lisette Kolar, and open to both Town residents and non-residents.

**3. (Yonts) - Brevard County Fire Department meeting**

Brevard County Fire Department will attend the April 25<sup>th</sup> Town meeting. Lisette Kolar will advertise.

**4. (Yonts) - Status of Town/County Interlocals**

- a. Road ownership/Right-of-way/Easements: No change in the past 2 weeks but it is getting close to completion.

- b. Municipal services: Still 2 outstanding issues, one involves payment of services. The statement “all funding sources not specifically addressed will be addressed” to prevent the Town from signing away funds. The second involves the FPL franchise fees between 07-25-06 and 10-01-06. These monies need to go somewhere Town, County, or back to the people. Discussion ensued involving Mayor, Council and attending residents. (Comments by residents Joe Garbacik and Barry Cohen reflected the opinion that the monies should go to the Town or back to the people.) Final monetary appropriation to be based on the legal decision made by Mr. Bohne representing the Town and Ms. Bentley representing the County.

#### 5. (Bryan) – Zoning & Land Use Committee

The Town has received 5 proposals that were disseminated to the Council and Clerk. There is one more that was sent but not yet received. Cathy to check with the Postmaster in the morning. Pat received a 7<sup>th</sup> but with only one copy not the 8 as per instruction. Council discussion ensued. Danielle and Dan felt that the Town should give the option to the party to send the other 7 copies even though the application process is closed. Del stated that the RFP was specific as to requirements and wondered if it could be challenged. Del will obtain legal direction on this and if the packet that was not yet received could be accepted as long as it was mailed prior to the 19<sup>th</sup>. The only local company solicited declined participation. A Planning Services Selection Process Timeline was proposed and is on file. Discussion regarding process ensued. Need to schedule firm interviews in April, giving ample notice to the candidates. Lisette Kolar will check availability of Royal Palm for meetings and GCC calendar to be reviewed for availability. Dan suggested perhaps a weekend day would be better if people coming from out of the area for interview. Will set firm date at March 28<sup>th</sup> meeting. Council has been provided with a list of questions not to ask. Del will check with Karl as to whether pricing can be addressed in the interview. Majority feel it is a subject for negotiations after number one ranked is chosen. Pat stated that the Land Use Committee will produce a list of recommended questions to be asked. Only one Council Member can ask questions at the interview, but the community or an identified committee can assist.

**Note:** April 11<sup>th</sup> Mel Scott, Assistant County Manager will conduct a Planning & Zoning Board and Council Training Workshop. There will be no regularly scheduled Town meeting that night.

#### 6. (Yonts) – Status of proposed Town Hall location

Del met with John Chase Monday. Mr. Chase wants to keep 1/3 of the building and south entrance as an office. He proposed to wall off the area and put a locking door to the bathroom hallway. He will provide a ramp to the north door with guard rail, all exterior maintenance, and electric to Town. Price will still be \$2000.00 per month. He will move the fencing on the north and south sides back to provide additional parking. He has hurricane shutters for the building. The bathrooms need to be updated. Responsibility for that will be discussed with Mr. Chase. Discussion involving public and Council resulted.

Mr. Chase is asking for a one year lease. Grant Motor Sports has moved to Vero and has nothing to do with the building rental. Mr. Chase has not yet rented the building to the north. As a landlord would he be responsible for plumbing and interior problems as well as exterior? What sort of business would be on the other side of the wall? That would perhaps dictate the type of dividing wall built. Other issues that need to be addressed are pest control, fire extinguishers, signage for public use, use of parking spaces when he rents the other building, potential noise generated by business in adjoining office & outside of office, possible Town use of Boat House parking if necessary, notification by owner if he decides to sell either building, etc. Lisette Kolar will check with the Town insurance carrier regarding renter's insurance. Mr. Bohne will begin looking at a lease to be reviewed by Council. Del will continue contact with Mr. Chase. Del also requested anyone who thinks of additional questions or concerns e-mail them to him.

**7. (Morgan) – Town Administrator Applicants**

Danielle contacted "A" list applicants and found that all (Schneider, Brock, Rupp, Gallagher) but Williams are interested in both interim and permanent positions. Mr. Williams is only interested in interim. Another resume was received today and Mr. Bohne stated that it could be considered with a vote from the Council.

**Motion by D. Morgan to accept and review Town Administrator application received 03-21-07; second by D. Faden**

**Voice vote on motion carried unanimously.**

Richard Reade will be added to the "A" list. Del to contact Mr. Reade and clarify his interest in interim or permanent position. He requests that Council Members take the coming week to review all applications and call candidates with questions. Interview date will be set at March 28<sup>th</sup> meeting. Danielle will contact candidates to determine dates of availability and make sure they are aware that the Town will not cover interview travel expenses. Council is advised to document date and time of all phone calls to applicants and make public. Danielle will notify "B" group that their resumes have been received and will be kept on file and the "C" group will be thanked for their interest but rejected. Danielle has list of groupings. Denni Burr spoke to assure that all Council were appraised of rules of interviewing. All members have information necessary to conduct the interviews.

**8. (Faden) – Street light request at Laurens & Vally**

Nancy de Voss e-mailed requesting the status of her request for a street light at Laurens and Vally because of the ATV's illegal use of the area at night. At this time it is not an option for the Town. The de Voss family could however contact FPL and they will put a light pole up on their property for them and maintain it. It was advised that to be safe the police be contacted immediately and prior to going outside. Use of video equipment also suggested. Mrs. deVoss said that the County signage has been torn out and is now in the ditch. Danielle will check with Officer Drinkwater to see if signage identifying penalty to violators can be posted in the area. She also advised that when a complaint call to the Sheriff is made the caller must meet with them when they arrive or the call is not registered.

**I. NEW BUSINESS**

**1. (Yonts) – Change of usage cost for Town Meetings at GCC**

The Executive Board has offered the Town a monthly rate of \$100.00 per month or \$50.00 per meeting when the lease for the Chase building is in place. Currently the Town pays \$200.00 per month or \$50.00 per meeting. Bonnie Allan stated that the change should be brought up at a regular GCC meeting. Joe will do this. Cathy also needs to be informed of change to write correct amount on monthly check to GCC.

**2. First Reading of Ordinance 2007-01; Relating to landscape/land clearing: AN ORDINANCE OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA; ADOPTING CERTAIN PROVISIONS OF ORDINANCE NO. 06-55 OF BREVARD COUNTY ...**

No public comment made. Brief Council discussion. Identified that articles 3 through 17 embody the goals of the Town.

**Motion by P. Bryan to accept Ordinance 2007-01 as written; second by J. Hackford**

**Voice vote on motion carried unanimously.**

**3. First Reading of Ordinance 2007-06; Relating to a moratorium on adult entertainment: AN ORDINANCE OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA ESTABLISHING AND DECLARING A MORATORIUM ON THE ISSUANCE OF CERTIFICATE OF OCCUPANCIES AND BUSINESS LICENSE CERTIFICATE FOR CERTAIN BUSINESSES DEFINED AS ADULT ENTERTAINMENT AND ELECTRONIC GAME ARCADES IN THE AREA ...**

Public comment: Barry Cohen questioned the legality of such a moratorium. Del explained that the moratorium is temporary until the Comprehensive Plan is in place. Mr. Bohne felt that placing the moratorium is legal. Comments by Pat, Dan, and Danielle included the fact that there is currently a question of the legality of the game rooms. Many towns have banned them and their right to do so has held up in court. Del stated that on the last page of the ordinance a date needed to be filled in. Alan Webb reminded the Council that the date inserted should be the date the adoption process was initiated and moved forward. Council agrees and will research minutes for date.

**Motion by D. Faden to approve Ordinance 2007-06 with date of initiation added; second by J. Mahaney**

**Voice vote on motion carried unanimously.**

**4. First Reading of Ordinance 2007-07; Relating to creating a Code Enforcement Board: AN ORDINANCE OF THE TOWN OF GRANT- VALKARIA, BREVARD COUNTY, FLORIDA, RELATING TO CODE ENFORCEMENT; PROVIDING FOR THE ESTABLISHMENT OF A CODE ENFORCEMENT BOARD; ...**

Public comment: Joe Garbacik expressed concern that code enforcement would infringe on the rights of the citizens. Del explained the history of the plan, that the board would be reactive and not pro-active, and that the Town was mandated to have either a Special Magistrate or a Code Enforcement Board. Barry Cohen commented that the codes need to be enforced equally and fairly. Council discussion: Many blanks to be filled in and legal questions to be answered. Dan stated that the number of members needed to be identified and that the Ordinance did not identify alternates. Council decided to keep 7 members as that number is necessary for populations over 5000 and to identify 2 alternates. Question about if "under oath and recorded" meant recorded in minutes or with audio/video. This needs clarification. In discussion the Council decided that board members must reside in the Town for 6 months, they will be appointed the 1<sup>st</sup> Tuesday of January with term to be decided at a later date as it does not need to be included in the ordinance. Quorum would be 5 with 5 members present for any action. If less than 5 in attendance meeting to be rescheduled. Chair to serve until January of '09. Monetary fines may need to be addressed and there was a discussion regarding liens placed on non-homesteaded properties vs. homesteaded properties. Del recorded changes to be made and clarifications needed. He will discuss them with Mr. Bohne.

**Motion by P. Bryan to approve Ordinance 2007-07 as amended; second by D. Morgan**

**Voice vote on motion carried unanimously.**

**5. First Reading of Ordinance 2007-08; Relating to Communication Services Tax: AN ORDINANCE OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA ADOPTING A NEW LOCAL COMMUNICATION SERVICES TAX RATE; ...**

No public comment made. Council discussed rate and Dan recommended the Town stay with the same rate of 5.10 Town and 0.12 County to total 5.22. After the ordinance is passed it will be sent to the state with the required paperwork. The Town addresses will need to be sent to the state and updated yearly thereafter.

**Motion by J. Mahaney to approve Ordinance 2007-08 as amended; second by J. Hackford**

**Voice vote on motion carried unanimously.**

Comment made by Lisette Kolar that the ordinances need to be put in the library once they are corrected. Del states second readings to be on April 4, 2007.

**J. REPORTS**

**P. Bryan**

- No reports.

#### **D. Faden**

- Researching paint ball activity in area. Will discuss findings next week.

#### **D. Morgan**

- There is a volunteer who needs community service and is available to the Town. Danielle will forward contact information to Joe.
- RJ's still interested in doing a benefit for a needy family in Grant-Valkaria.
- Will be checking into Arvada regarding liquidation of computer equipment

#### **J. Hackford**

- Wade Simones from former Grant Volunteer Fire Department has donated a huge amount of furniture and other things to the Town. Jo Faden will compose "thank you" letter with information provided by Chris Hackford.

#### **J. Mahaney**

- Terry Wolfe: A.J. Morgan, Homer King, and Terry attended a Melbourne meeting on code enforcement by Pete Colby (Public Management Group). Met with Dan Korse, Code Enforcement Administrator for the City of Melbourne. He offered the Town his expertise and will set up code enforcement "ride alongs" and future meeting. This group is also networking with other towns to gather additional code enforcement information.

#### **C. DeMott**

- Working with Marie from W.D. Barnes Accounting as there is an immediate need for federal taxes to be done. Does Town need an RFP for this? Cathy to confirm with Mr. Bohne, but for one instance probably not.
- Contacted Justin Young (Bureau of Local Government) concerning state required financial reports.
- RFP almost done. To be addressed under "New Business" next week. Since annual revenue is now >\$100,000.00, the Town needs an audit in September of this year and every year there after. Council agrees that Town Administrator can perform quarterly audits, but a separate firm should do yearly audits.

#### **D. Yonts**

- Is continuing on with furniture acquisition. Has book cases to match file cabinets.
- Received e-mail from Marguarite from Wastewater/Stormwater Management. Denni Burr is interested in attending their meeting. George Wolfe indicated that Charlie Borders is also interested and will provide him with information obtained.
- Meeting with Bruce Moja regarding an unpaved road in progress off Grant Road. The swale configuration proposed by the County could have a negative impact on drainage. Del will follow with County.
- Two special event applications - First regarding fireworks came from an attorney representing a Grant Farm Island resident which will require a special event permit, and the second is for a church bizarre on Grant and Old Dixie. Not sure if a permit is needed, but they are completing the application. (Stay tuned.)
- Valkaria Airport Advisory Board (VAAB) met last night. Don Darby was appointed to this board by Truman Scarborough. The airport master plan is still in progress. The Town will review the final plan in a special

workshop. Helicopter noise was addressed by several people in attendance. Valkaria Airport Manager, Steve Borowski will speak with the training company, Silver State. He will also put together a list of helicopter rules and recommends "N" numbers be recorded and reported to him with complaints in order for action to be taken.

- Fountainhead zoning request is moving forward. Maps are on disk and zoning review complete.
- Received e-mail from County regarding participation in the National Flood Insurance Program which requires application, resolution, and ordinance. As long as the Town is moving forward on this it should be alright. Del, Mr. Bohne, and Lisette Kolar are working on the application.

**Motion by D. Morgan to proceed with Public Comment section; second by C. DeMott  
Voice vote on motion carries unanimously and meeting to continue past 11:00 hour.**

**J. PUBLIC COMMENT**

Jo Faden provided copies of 2007 - 2008 Contact Directory of Elected Officials with Voter Registration Guidelines prepared and provided to the Town by the Space Coast League of Women Voters. Given to Council and those in attendance. Will bring remainder next meeting.

Joe Garbacik expressed concern about fireworks with the danger of wild fires imminent. County has tightened up laws and some have even banned fires at this time. Brief discussion ensued

**K. ADJOURNMENT**

**Motion made by D. Morgan to adjourn; second by D. Faden**

**Voice vote on the motion carried unanimously**

Meeting adjourned at 11:12 P.M.

**BY:**

**(Signature on File)**

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**Del Yonts**

**Mayor, Grant-Valkaria**

**ATTEST:**

**(Signature on File)**

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**Jo Faden**

**Interim Clerk, Grant-Valkaria**

**3/28/07**

**DATE: -----**