

Grant-Valkaria  
Town Council Minutes  
Wednesday, March 28, 2007 at 7:00 P.M.  
Grant Community Center

A. CALL TO ORDER 7:10 P.M.

B. PLEDGE OF ALLEGIANCE (Yonts)

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

None.

E. CPO REPORT (Copy on file)

(Cathy DeMott)

Previous balance:	99,578.76
Deposits: (State of FL)	26,291.20
Checks issued:	
Del Yonts (2 checks)	259.86
Pending due:	0.00
Bank fees/supplies:	0.00
<b>Ending balance</b>	<b>125,610.10</b>

Comments: Peter Heidt, new resident, inquired as to where Town account was. Cathy responded that it was a simple checking at Sun Trust for now. Dan asked about FPL revenue, Cathy stated that it does not yet show but should be transferred electronically.

F. PUBLIC COMMENT (Non-agenda items only)

None.

G. APPROVAL OF MINUTES

**Motion by C. DeMott to approve minutes of 03-21-07; second by J. Hackford  
Voice vote on motion carried unanimously.**

Del had questions about correction(s) to minutes of 03-14-07. Will follow up with Karlene Folts who recorded the minutes at that meeting.

## H. NEW BUSINESS

### 1. (Yonts) – County Site Plan Request #AD0612002 (Robert & Judith Baker)

Applicants are requesting a waiver on installation of a privacy wall on the rear of the subject property and proposes a landscape buffer instead. Also requesting a waiver on the installation of a sidewalk in front of the property. Applicant came with plans for review by anyone interested. No public comment noted. Council agreed that the use of the landscape buffer was the more favorable option. Size of buffer would need to meet with the County standard. Applicant would also need to be amenable to an assessment should sidewalks be in the plan for Old Dixie in the future. The applicant states he will use asphalt millings to pave the parking lot planned when questioned by Dan. Pat inquired as to plans for retention areas, etc. and was informed that the packet had been submitted to the County and the applicant would need to be in compliance with set County standards.

**Motion by P. Bryan to accept buffer plan waiving privacy wall requirement on the rear of the property and installation of sidewalk on the front of the property. All other requirements must be met including landscape buffer and agreement for future sidewalk assessment if required; second by D. Morgan**

**Voice vote on motion carried unanimously.**

### 2. (Faden) – Paint Ball Activity

This is ultimately an issue for Code Enforcement and will come back in front of the Council in the future. Dan continuing research, waiting for call back from Rick Enos. As it was brought to the Council by a resident it should be registered as a code enforcement complaint. Dan to contact Mr. Bohne to find out if code violations prior to incorporation can be addressed. John Sessa inquired as to what the complaint was and issue was clarified by Dan. Dean Akins commented that he had seen an ad for membership in a free paper and saved it but could not locate it prior to meeting. Anyone seeing such an ad should bring it to Council.

### 3. (DeMott) – Federal Tax Status Update

Cathy states that she has found out that as a local government Grant-Valkaria is exempt from filing federal taxes. Contacted Justin Young from the Department of Financial Services to find out what needs to be filed and is waiting for a response. Del inquired if we need to file for 2006, Cathy responded that the Town was below the monetary threshold prior to October of 2006. However the Town Charter calls for an audit to be done prior to April 15, 2007. Council agrees that a firm can just do an audit without an RFP as it is not being mandated by state statute but by charter. Should be able to have a report by next Wednesday.

**Motion by D. Faden to pay reasonable costs for audit to be done by a professional firm as mandated by the Town Charter; second by P. Bryan**  
**Voice vote on motion carried unanimously.**

### 4. (DeMott) – RFP for Accountant

Reviewed those from Malabar and Palm Shores and combined into packet RFP for Annual Independent Audit (on file). According to the Town Charter the

budget is due July 5, 2007. Council to review and bring changes to Cathy next week. W.D. Barnes interested in handling the Town's day-to-day accounting for which no RFP is necessary. Council discussed timelines and ability to change those to accommodate Town. Cathy read that according to FL Statute the governing body must establish an audit committee to select auditor for annual audits. This committee would collect and review RFP's and make recommendations to Council by ranking no fewer than three choices. Cathy to make identified changes and review with Mr. Bohne. Del asked if the Council wanted volunteers or to select a committee. Lisette Kolar recommended the selection procedure be looked at for any committee chosen in the future and noted that decisions must be made in the sunshine. She will add this position to the volunteer application available on the web site. Peter Heidt inquired if accountant had to be local as he would be able to provide several interested parties through contacts at work. Del suggested that there may be a conflict of interest if he chose to sit on that committee. Dan Robino asked if serving on this committee precluded you from serving on the others. Janis Walters stated that P&Z and Code Enforcement are both quasi judicial with decision making power. You can serve on as many advisory boards as you want as long as there is no conflict of interest. Del recommended a committee of 3 to collect, analyze, and recommend. Date accounting firm will be on board is yet to be announced. Cathy to finalize RFP and get to Tim Reynolds for review. Cathy will make discussed changes in document and scan it out to Council for their review prior to the next meeting.

## **I. UNFINISHED BUSINESS**

### **1. (Yonts) – Advisory Board Updates**

Thus far Interim Clerk has 6 applications for P&Z, 2 for Code Enforcement, and one for either board. As 7 copies of each application submitted were required for this meeting, Council agrees to reimburse Jo Faden (\$19.33) for copies made (receipt submitted to Cathy). She will scan and distribute any new copies received in a timely manner prior to the April 4<sup>th</sup> meeting at which time applications will be reviewed and considered. Del requests Council review and rank for next week. He reminds all to bear in mind that the board members need to cover as much of a geographical area of the Town as possible and not be centered in one area. John Sessa inquired about the depth of the financial statements required of board applicants. L. Kolar stated that it was "Form 1" and doesn't delve deeply into personal finances, only looking for conflict of interest. She will have a Form 1 posted on the web site for anyone interested. He also asked what if someone has a zoning issue and sits on the board. Response was they would need to abstain from voting on that issue. April 4<sup>th</sup> Council will select 7 P&Z/LPA members and, if enough applications available, 2 alternates. April 11<sup>th</sup> P&Z will convene, elect a chair and adjourn, then LPA will do the same. The workshop will follow. Need applications ASAP. Applicants should go through a Council Member or the Clerk staff to make sure all applications are scanned to Council before next week so as to give them time to review prior to meeting. Denni Burr suggested that they could be brought to the special meeting on Saturday. Still looking for a volunteer for the Citizens Advisory Committee to the Metropolitan Planning Organization (CAC). Board and meeting frequency is on the application.

## **2. (Wolfe) – CEMP Update**

- April 12<sup>th</sup> the first CERT class will be held at GCC starting at 6:00P.M. Contact Terry or George if interested or just come the night of the first class. Course is 8 weeks in length, classes are scheduled to be 3 hours each. You can miss 2 of the classes, but need to take a make-up exam for each missed. Last class is mock emergency. No cost to participants. You do not have to live in Grant-Valkaria to attend. The course prepares the participant to react to a disaster situation and prepares you to protect yourself and your family then see how you can help in the community. The time you give to the Town (or other municipalities) following a disaster depends on your availability. You are not mandated to respond once trained. Discussion ensued regarding past experiences of audience and additional questions were addressed by George.
- If grant comes in the Town should have a board to review use of funds. Will need to put out RFP and make recommendations to Council. Ray Kolar, Terry Wolfe, and George to participate.
- April 23<sup>rd</sup> will be the Hurricane preparedness presentation with Bob Lay.
- Received the execution of state wide mutual aid agreement, will supply for archive.
- Comprehensive Emergency Management Plan (CEMP) for County in the process of update. County is calling for topics that need to be addressed. George is currently active in this update and collecting information that will be helpful for the Town.

## **3. (Yonts) – Status of Interlocals**

- No update available at this time on Town/County interlocal agreements.
- Pete Belmont – Inquiring as to standards related to building a road prior to interlocal agreements being in place. Town could step forward and indicate that it intended to use County standards and individual could proceed on that basis assured of a “grandfathered” status. Dan commented that the roads need to meet County standards as County will do inspections and maintenance also.

**Motion by P. Bryan to use the County standard for roads; second by C. DeMott**

**Voice vote on motion carried unanimously.**

Mr. Belmont also asked about recouping the cost of paving. This will require an ordinance. Del will e-mail Mr. Bohne to move forward on the ordinance. Discussion brought out the fact that it would be to Mr. Belmont’s benefit to wait for the interlocal to be in place. He will bring this question in front of the Council at a later date and was advised to watch the Town agenda for date.

- Richard Morris and 2 other property owners have brought forward questions about usage of “non-conforming lots of record”. Mr Morris has 1 ½ acres that was platted prior to 1975 and zoned AU. He wants to build a single family residence all under one roof. Currently AU has minimum requirement of 2 ½ acres for a single family dwelling. County wants

opinion from Town on whether to turn down these requests, approve all, or have each case present individually. Discussion ensued including Council and public. L. Kolar stated that if a blanket is done there could be some Res. 4 out there which would increase density. Janis Walters states that Cape Canaveral Estates (location of property in question) is mainly Residential 1 and lots are 1 ½ acres. After discussion, Del passed gavel and chair of meeting to Vice Mayor Hackford.

**Motion by D. Yonts that approval be given for single family residence to be defined as non-conforming lots of record if they were zoned AU with Residential 1 designation platted or recorded prior to March 6, 1975 without coming before the Grant-Valkaria Town Council. The applicant must provide all supporting documentation to the County and meet all land development regulations for permitting; second by D. Morgan**

Discussion: P. Bryan adds that a completed packet with County staff analysis must be provided to the Town Council. D. Morgan agrees.

**Voice vote on motion carried unanimously.**

**Gavel returned to Mayor Yonts.**

Del to e-mail the decision to the County in the morning. Denni Burr stated that she receives many calls to the Town phone line and asked if she could provide them with the above information. Council agrees.

- Applicant requests waiver of 12" minimum height requirement above crown of road for first floor of structures. Discussion ensued with Council and public. Dan Robino stated that the maximum was 35". Judy Baker said that some of this has to do with the septic system and drainage. Del informed all that the garage is included in the finished floor now. States that the Council can approve or evaluate each specific request. Pat asked if the Planner could make these decisions in the future and was informed that the decisions could not only be made by the Planner but that the vote could be reversed in the future. Del supports waiver of minimum. Jason adds that the applicant still has to meet all requirements of permitting. Lisette Kolar suggests that Council see all requests. Jason stated that if they are engineer approved through the County, Council does not have the expertise to deny. Could be legally challenged. Pat stated that the County is actually acting as staff now with the expertise to evaluate these issues. Janis Walters recommended that a copy of the engineering analysis accompany any notification for future reference of the Town. Del wants list of currently asked for all waivers to requested keep Town aware.

**Motion by J. Mahaney to accept County criteria on finished floor variance waiver with County providing Town with application and data packet; second by J. Hackford**

**Voice vote on motion carried unanimously.**

- Applicant has 1.75 acres of property that is zoned ½ AU and ½ GU with residence on AU property. Wants to put a 40 X 60 shed on the GU property. Shed kit has been delivered and he is ready to build but wants to do it legally. Shed will be 2400 sq. ft. and if put on the GU side could only be 825 sq. ft. Del states that the size of the property supports the proposed structure. He will discuss this with Rick Enos and possibly Mr. Bohne. John Sessa inquired about the length of the zoning moratorium.

Del responded that it is there until P&Z is in place and can look at a Comprehensive Land Use Plan. Lisette Kolar asked if the Town could begin to develop a Board of Adjustment to deal with these issues. Del will e-mail Mr. Bohne to draft ordinance. Council would serve as Board of Adjustment. Discussion. Dick Backus asked how long a building permit was good. Response 180 days from issue, but applicant can apply for an extension.

**4. (Bryan) – Zoning & Land Use Committee**

- Status of RFP's for Planner: Seven applicants met the requirements, one did not. Pat recommends Council move on and interview 7 applicants (Calvin, Giordano & Associates, Ragsdale Planning Group, Inc., DRMP, Kimley-Horn, LaRue Planning & Management Services, Inc., CSA, and Miller-Legg). Discussion ensued on whether one technically non-compliant applicant could be legally eliminated. Decision was that the request was specific and 8<sup>th</sup> applicant could be eliminated on that basis and that time is of the essence. Discussion continued regarding elimination of one of the 7 based on application focus. Decision made to interview all 7 with date to be determined based on availability of applicants (Denni Burr to contact) and interview facility. GCC tentatively booked for April 22<sup>nd</sup> and April 28<sup>th</sup>. (Del informed Nancy Turner to come to him if someone else wants the facility on either of those dates.)

**Motion by D. Morgan to hear all seven RFP's; second by J. Mahaney  
Voice vote on motion carried unanimously.**

**Motion by J. Hackford to reject eighth applicant from which Town only received one RFP copy; second by D. Morgan  
Voice vote on motion carried unanimously.**

**5. (Yonts) – Status of Chase Building**

Proposed Town Hall building is ready to go. Will work on lease agreement, with hopes of getting it to Mr. Bohne next week for review. Del is comfortable that the Town's identified conditions will be met in the lease.

**6. (Morgan) – Status of Town Administrator**

Del states letters were sent to "B" and "C" group as identified last week after which he received a call from Mr. Cottrell who requested reconsideration. Del requests he be moved to the "A" group. Council discussion.

**Motion by D. Morgan to add Steve Cottrell to the "A" list for interview;  
second by P. Bryan**

**Voice vote on motion carried unanimously.**

Del inquired as to who on the Council called the applicants during the week. He called all "A" applicants and Danielle called 2 of them. Some on the Council felt there was a miscommunication of direction and some felt comfortable reviewing the applications followed by the face-to-face interview process. Del expressed his disappointment and felt that time was wasted. Denni Burr commented that Council could have learned more about the candidates through personal contact. Discussion continued.

**Motion by C. DeMott to enact short list for interview excluding Rupp and Schneider and going forward with interviews of Brock, Cottrell, Gallagher, Reade, and Williams; second by J. Hackford  
Voice vote on motion carried unanimously.**

Denni Burr to advertise and give notice of meeting informing applicants that cost of travel for interview not paid by Town. To be held this Saturday, March 31<sup>st</sup> at the Chase Building convening at 9:00 A.M. Jason inquired about insurance and was informed that Town policy covers no matter where meeting is held. Joe will handle set up of building using tables and chairs from GCC and bring the microphones. Joe Mullins will bring amplifiers. Lunch and social time around noon, Lisette Kolar to arrange food. A.J. Morgan suggested that the applicants be interviewed in alphabetical order. Per Del, order will be based on availability as some will be traveling from a distance. Chris Hackford will record minutes. Danielle will send letters to 2 applicants basing rejection on lack of experience as Town Administrator (Rupp) and lack of Florida experience (Schneider). Lisette Kolar went to Malabar to review their question list and got a booklet on interview etiquette. Will provide Mayor and Council with packet prepared by herself and Denni Burr. Public also will be provided with packets to give their input on the candidates in the follow up meeting discussion. Lisette recommends for future the Town look at the process utilized by Malabar who forms a committee to participate in the selection process.

**11:03 P.M Motion by D. Morgan to continue meeting; second by J. Hackford  
Voice vote on motion approved unanimously.**

**7. (Yonts) – River’s Edge Hotel**

No new information available.

**8. (Faden) – Update on Town Addresses Relating to Revenues**

There are addresses in 32909 listed in the Town. Will need to drive through Lake Ridge neighborhood and collect random numbers to check against FPL list.

**9. (Yonts) – Update on Resolution of Dust Problem from SBTC Development**

George Barkett not present. To be first on agenda next week.

**J. REPORTS**

**P. Bryan**

- Will not be present at April 25, 2007 Town Council Meeting.

**D. Faden**

- No report.

**D. Morgan**

- No report.

**J. Hackford**

- Reports that he needs a key to the Chase building for Saturday. Del to provide.

**J. Mahaney**

- No report

**C. DeMott**

- Will not be present at the April 11, 2007 Town Council Meeting
- According to the Town Charter there needs to be a method in place to select the Town name by May 21, 2007. Del states issue to be put on the agenda for next week.

**D. Yonts**

- Two more complaints about ATV's this week. Complainants need to meet with the officer responding when they call the Sheriff for call to be officially recorded.
- Can P&Z hear zoning request and site plan on same meeting? As long as it is advertised as such.
- Need to get donated furniture out of his office building soon. Will arrange with Joe to move and store.
- Attended Civilian Military Party and met the Melbourne Beach mayor. Spoke with the Town Manager, Jason to call on Friday. The Town may be able to arrange an interlocal agreement to utilize their part time Code Enforcement officer.
- Lisette Kolar, Volunteer Staff, reports: 1)Town insurance through FMIT will provide \$15,000.00 in content coverage for \$500.00 per year. Volunteers are covered under Town liability. FMIT does provide workers comp if needed in the future; 2)Valerie James is willing to help with the Comprehensive Plan and will try to be present at the 4/11/07 Town Workshop Meeting; 3)National Flood Insurance work is in progress; 4) Visited Royal Palm School and found it would be too small for most Town meetings; 5) All ordinances need to be in the library so that they are accessible to the public; 6)Need to provide the County with a signed copy of the CUP and a "signatures on file" copy for Mario Nicolo.

**J. PUBLIC COMMENT**

A.J. Morgan requested clarification of the naming the Town. Del explained that according to the Charter the Council had to come up with a process by May 21<sup>st</sup>. It did not mean the name would change but that a method for naming the Town has to be in place by that date.

**K. ADJOURNMENT**

**Motion made by D. Morgan to adjourn; second by J. Mahaney**  
**Voice vote on the motion carried unanimously**  
Meeting adjourned at 11:30 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**

4/4/07

**DATE:** -----