

**Grant-Valkaria
Town Council Minutes
Wednesday, May 16, 2007 at 7:00 P.M.
Grant-Valkaria Town Hall**

A. CALL TO ORDER 7:06 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

1. Add an agenda item: 1.9 - (Faden) - Conflicts of Interest in Serving on Town Boards

E. CPO REPORT (C. DeMott)

Previous balance	178,397.55
Deposits	.00
Checks issued (total)	<u>7,370.67</u>
Ending balance	171,026.88

F. TOWN ADMINISTRATOR REPORT (M. Brock)

- Introduction of Susan Krueger who Matt hired as the Town Clerk. Susan left the Clerk position at Indian Harbour Beach to join the Town. She comes to Grant-Valkaria with a high level of expertise and will officially start 05/29/07.
- Matt and Susan will prepare a budget schedule including the TRIM process to be presented in June.
- Copier, internet, and phone (with conference call capability) are in place at the Town Hall.
- Matt proposed that the Town share the cost of a Sprint cellular phone with him at \$59.99 prior to 15% discount for 900 minutes, nights and weekends free.

Motion by D. Morgan that the Town will pay half of the Town Administrator cell phone as proposed; second by J. Hackford

Voice vote on the motion carried unanimously.

- Matt met with a consultant who summarized the needs for sound in the Town Hall. Further discussion during agenda item J.2.

G. PUBLIC COMMENT (Non-agenda items only)

Milo Zonka: Resident of Palm Bay and member of the Valkaria Airport Advisory Board stated that the e-mail letter sent out by the GVPC was based on false information presented to the Town Council. He advised that the Town research the Department of Business & Professional Regulation (DBPR) action as he felt that it was not well presented. Del responded that the GVPC is a private group and can address issues in any manner they choose. He read the letter from the DBPR aloud and stated that all the Council discussed

was the letter as related to the proposed master plan. It was an official letter instructing FIT to "cease & desist" with no specifics addressed.

Ed Dolan: A home near his is being rented out and currently has 14 boats on trailers stored on the property as well as junked vehicles and tires. (Photos on file.) Currently the renter is working on cars on the property. Mr. Dolan asked for assistance from the Town in resolving matter. Jason is meeting with Matt on Friday regarding Code Enforcement and they will discuss an agenda for addressing these issues.

LeRoy Rotgers: States he publicly requested a letter sent to the Town and has not as of yet received it. Del states he e-mailed the letter to 2 different addresses as requested, but asked Mr. Rotgers to e-mail him through the Town and he will respond with the document. Mr. Rotgers agreed.

H. APPROVAL OF MINUTES

**Motion by D. Faden to approve minutes of 05-09-07 Town meeting as recorded;
second by D. Morgan
Voice vote on the motion carried unanimously.**

Regarding the minutes, Del stated that if there was no objection, the agendas for 05-23-07 and 05-30-07 will come out as one final copy after review only by the Mayor. Any further additions can be done the night of the meeting. Minutes from 05-16-07 will also come out as final after review by the Mayor. May 23rd Karlene Folts will be recording the minutes for the Town meeting, Susan will begin on May 30th. The agenda for 06-06-07 and from there on will be the responsibility of the Town Administrator and Town Clerk.

Special recognition: Del wanted to recognize outstanding work by Brevard County Fire Rescue and Brevard County Sheriffs department for managing the recent fire on the south end of town and the local CERT Team & GCC for support of the fire fighters. Volunteers included Terry Wolfe, George Wolfe, Nancy Turner, Peaches, and Cindy Powell. The Town donated \$250.00 towards the effort. Also, Joe Mullins needs to be recognized for all his volunteer electrical and cable work at the Town Hall and Ray Kolar for selection, procurement, and installation of the Town Hall computers.

I. NEW BUSINESS

1. (Yonts) – Valkaria Volunteer Fire Department (VVFD) Presentation (Steve Eastwood)

Mr. Eastwood stated that the VVFD has been in existence for 27 years (information on file). He continued that the VVFD can provide fire protection and other services, as defined in a scope of service previously provided to Council, at no cost to the Town. Stated that location site of station, building, and equipment are just a phone call away. Criticized the current service provided by BCFR and stated that VVFD could better serve the Town. The item was opened for public comment. Ed Beairsto of Palm Bay added that the VVFD follows all county rules and regulations and reiterated points made by Mr. Eastwood in support of VVFD. Ed Dolan stated that the mutual aid aspect of fire management was essential no matter who was primarily fighting the fire. Marcie Kinney spoke in support of the concept of utilizing the VVFD. George Wolfe was concerned about Mr. Eastwood's statements of "no cost" to the Town. Currently the budgets everywhere are frugal. He stated that the current system provides excellent support with minimum of equipment. Current plan should remain in place. Allen Webb stated that he looks for a paid professional to do the job. Jack King stated that the well at the former GFD site is not working. That would be a great location to begin. Bonnie Allan stated that the water for the fire was pulled out of the lake and that Micco and the fire station at the airport cover the Town. Council discussion

ensued. Joe stated that BCFR did a good job at the Berry Rd. fire and CERT & GCC support was excellent. Del said that in his presentation, Mr. Eastwood repeatedly stated there would be no cost to the Town and in that vein he had a difficult time understanding where funding would come from. Solicitation of donations is still money coming from the Town's residents. He would like to see the VVFD and BCFR working together to provide as much protection as possible for the Town. He wants certified, trained, professionals who have gone through background checks, and a reliable response to emergencies. Del also questioned the liability of the Town and Matt will follow up with Mr. Bohne for clarification on this issue. The County does have a mutual aid system in place and it works. BCFR has a site and building of the new fire station near the airport is scheduled to begin next month. Responding to a question from Dan, Mr. Eastwood said that VVFD would have 12 to 15 volunteers ready to go in 6 months time, then additional support would depend on community volunteerism. The property he is proposing is behind the 7th Day Adventist Church on Babcock which he states was offered for their use. BCFR previously stated that VVFD could come work in their system as reservists. Del commented that the Town can't depend solely on volunteer fire fighting and cited the house fire across from Malabar Volunteer Fire Dept. to which the unit at the airport was the first responder. Cathy commented that she didn't like the lack of cohesiveness between VVFD and BCFR and that the Town needs to pursue the issue of liability. Danielle agreed. Del reiterated a concern about the 2 working together as Mr. Eastwood verbalized frequent criticisms of Chief Farmer and BCFD. Pat stated that he would love to see Brevard County resources augmented but was concerned about the animosity. Danielle commented that Mr. Eastwood obviously did not like Chief Farmer and she would like to see volunteers but was not sure how these groups would mesh. Del read a response received from Chief Farmer to questions during his past presentation. Between 01/01/07 and 04/05/07 there were 73 EMS calls and 20 fire calls in the Town. He also provided information regarding fire hydrant testing and maintenance that Del will pass on to Cypress Creek residents. As Chief Farmer is scheduled to return to the 05/30/07 meeting, Mr. Eastwood (VVFD) was invited to attend also. Council agrees that decisions will be based on this future presentation, no action tonight.

2. **(Mahaney) - Code Enforcement: Land Clearing on U.S.1**

Del announced that County staff would not be attending as scheduled due to legal concerns. The County Notice of Violation will be rescinded as they do not have code enforcement ability in the Town limits. To proceed the Town needs to designate a code inspector to address issues of this nature.

Motion made by D. Morgan that Matt Brock act as code inspector until such date that another system is in place; second by J. Mahaney

Discussion: Dan stated that for Matt to serve as code inspector could at times present a conflict of interest. In this particular situation there is no problem. Also, if the Town addresses this code enforcement issue will it also address those that have been waiting for the Town system to be in place? Matt stated that the Department of Environmental Protection should be responsible for enforcing if the County can't. Jason stated that the Town needs a notice of violation. He will be meeting with Matt on Friday and feels that the Town does need to move forward on all code complaints. If Matt needs assistance initially getting through those that have been waiting, other municipalities have offered the aid of their code enforcement officers. Tom Sammon asked if the County issued the permit why they couldn't act on a violation. Del explained permitting (County acting as staff to issue permits) vs. code

violation within the Town. Scott Glaubitz, BSE Consultants, Inc., states that he is representing land owner Mr. Machata and explained that initial clearing was the result of 2 county culverts which drained onto the property. He stated that a vegetative analysis was done prior to clearing and the trees cleared were either dying or non-native. Pat responded that he understood the culvert issue, but the clearing went well beyond that and there was no silt fencing placed. In addition, they did not stop when ordered to, and according to county ordinance trees cannot be cleared without permitting. Carolyn Martell made a presentation accompanied by a poster with photos of the clearing and wildlife that once frequented the property. She stated that she lost the buffer between the train and her home. Also stated that there was an active osprey nest in one of the pines that was cleared and neighbors had been watching the young ones. She added that there were oaks amongst the trees cleared and she had observed gopher tortoises on the property. Curt Lorenc suggested that the Council proceed with caution when utilizing code enforcement officers from other municipalities and should seek legal counsel. Terry Wolfe stated that she watched the workers bulldoze the trees. George Wolfe asked Mr. Glaubitz if the property owner has cleared other parcels in the area before (not answered) and for the intended use of the property by the owner (plant nursery). Bonnie Allen commented that the property is currently zoned non-bonafide agricultural and the owner can grow but can't do anything else without a zoning change. Back to Council: Matt to issue violation and Council will look to move forward with other code complaints. Cathy inquired as to why land owner hasn't come before Council himself. Mr. Glaubitz stated that he lives in Miami as his home in Vero was destroyed in the past hurricanes. He comes to this area for business. Joe thanked Ms. Martell for her presentation and Pat stated that he would like to meet with her to see the spring or abandoned well she discussed. Matt will provide weekly reports on this item. After violation is issued, Code Enforcement Board will meet to determine the punishment.

Voice vote on the previously made motion carried unanimously.

3. **(Yonts) – Request for Zoning Change (Kuhns Real Estate Group)**
Representative of group stated they were contracted by the Church of God in Tampa to establish a local branch. Currently they are sharing a location on Jupiter in Palm Bay but cannot use the facility all the time. He requested the zoning moratorium be modified to accommodate the change they need to build their church on the property at 7755 S.E. Babcock St. Del posed this question to Mr. Bohne prior to the meeting and his recommendation was clearly “no exceptions” to the moratorium. Del continued to explain that the Town was moving forward with a comprehensive plan and perhaps when some basic guidelines were in place this request could be entertained. Matt's card was given to him and he will stay in touch regarding Town progress.
4. **(Yonts) - Method for Naming of the Town**
Diagram (on file) copies circulated to Council and public for review. Discussion ensued with resulting addition of dates and some minor changes. Del to make proposed changes and send diagram back out to Council.
Motion by P. Bryan to accept method for naming of the town as outlined; second by D. Morgan
Voice vote on the motion carried unanimously.
5. **(Yonts) – Consideration of Town Citizen Award (M. Kinney)**
Moved to 05/23/07 agenda, presenter could not stay any longer.

6. **(Yonts) – Signage for Agricultural Uses (Kinney/Atkins)**

Moved to 05/23/07 agenda, presenter could not stay any longer.

7. **(Yonts) – Request from Citizen’s Coalition of South Mainland Regarding Palm Bay Comp Plan Amendment 07-01 (V. Benoit/L. Kolar)**

Lisette Kolar stated that Palm Bay has submitted an amendment to their comprehensive plan to add a 600% increase density in an area adjacent to Micco and surrounded by environmentally protected land & EELS property. This area provides a critical wildlife corridor. The County is composing a letter and Lisette read the proposed letter to be signed by the Town. Discussion ensued following the reading. Matt stated that the Town needs to be advised of the hearing date as affected property. Pat stated that the proposed development will close wildlife corridors and create islands. Jason requests to be recused from vote due to employment status. He will pursue paperwork from Mr. Bohne. Del stated the town should take the position of objection and that the informational handout (on file) had some very good points that should be bulleted in the letter. Council verbalizes agreement. Lisette to rewrite letter to address additional issues and send out to Council who will have the opportunity for input before Del finalizes and sends. It was agreed that a copy of the Town letter should also be sent to the Brevard delegation. Pat added that caution should be taken with water potability statement as although it is potentially a threat to the immediate properties it does not directly affect the Town.

Motion by J. Hackford to move letter forward with process as stated; second by C. DeMott

Voice vote on motion carried unanimously (Mahaney abstained).

Dan requested that the letter be posted on the Town web site to make the public aware. Del voiced concern about cluttering the site. All agree that a link needs to be created with a title identifying “Recent Town Council Action”.

8. **(Yonts) – Change in Signature Authority on Town Bank Account**

Del stated that currently there are 6 signatures on the account and proposes change be made to 5 with the following people identified: CFO, Mayor, Vice-Mayor, Town Administrator, and Town Clerk. He recommends that background checks be done on all with signature authority.

Motion by D. Morgan to change signature authority as proposed; second by J. Hackford

Discussion: Tres Holton states that it was ruled unconstitutional to mandate a background check on an elected official. They can volunteer. Background checks are already done on employees of the Town. The background checks can also be narrowed to specific issues if desired. Del to discuss legalities with Mr. Bohne. Janis Walters stated that the Town was covering itself by requiring 2 signatures on the checks. Matt stated that when he writes a check he plans on having a Council member co-sign. Cathy will check back into the minutes to see if the 2 signatures were previously made a requirement.

Previous motion amended by D. Morgan to proceed with change to signature authority as proposed and look into background checks for the future; second by J. Hackford

Voice vote on the motion carried unanimously.

9. **(Faden) - Conflict of Interest Related to Serving on GCC and Town Boards**
Dan states that some residents have expressed concern about conflict of interest when working with the Grant Community Club (GCC) and serving on Town boards. Dan will request a statement from Mr. Bohne on this issue.

J. UNFINISHED BUSINESS

1. (Yonts) - Valkaria Airport Proposed Master Plan Position Statement by Town

Del read a letter of cancellation for the 05-17-07 County Commission meeting agenda item from Commissioner Voltz due to concerns of the Town expressed at the last meeting. He also read a letter stating that due to complaints of the surrounding residents Melbourne Airport is restricting helicopter activity in their area. Del spoke with Mayor Eschenberg of Malabar who told him that Joe McClure has been replaced as Malabar representative to the VAAB by Bobbi Moccia. There may be opportunity for a joint workshop between Malabar and Grant-Valkaria to discuss the airport plan and other issues. Malabar will get back to Del with their decision whether or not to proceed. Pat stated that on his way to the meeting on Valkaria Road a red helicopter was tree top flying and questioned the required altitude. Janis Walters stated that Frank Galagher, who currently serves on the VAAB stated that the helicopters should maintain 500' over people and developed areas unless they are in a pattern. Royce Stifflemire stated that the planes used to follow a pattern off of runway 9 to avoid the homes and have not been doing that. Dan stated that he thought it was a request but not mandated and will seek out an answer. Don Whitehouse stated that it was pretty quiet overhead this past weekend. Curt Lorenc commented that it was nice to see the Council support the citizens. He pointed out there was a pattern of County behavior that had developed citing the infield clearing, calling in of the FBI on known residents and environmentalists viewing the cleared lands, VAAB seats not given for Town representation on the board, and the lack of communication with the Airfest and the master plan process. Mr. Lorenc stated there is a state statute which requires the County to involve the Town in the planning process. Del said there always have been communication problems and the County has made some mistakes. We are all in a learning process. It is essential for the Town to stay alert and continue to address issues. Dave Folts stated that there will obviously be something going on within the County regarding the proposed master plan prior to July and inquired as to what form of notice the Town will have. Del responded that Commissioner Voltz stated in the letter that the Town will be involved.

2. (Yonts) - Town Hall Infrastructure Status

The landlord must be involved in any changes made in the building. He was not aware that the security system was being updated. Joe Mullins addressed the issue and stated that Mr. Chase is satisfied and will benefit from the updates. Town can't share a monthly cost with him due to the tax exempt status. Ray Kolar should have 2 lap tops installed for the Town Administrator and Clerk on Friday. Phones are in, want to install auto attendant before the phone number is moved. The phone company will do training on the use of the phone system. Consultant recommended a \$5000.00 to \$6000.00 sound system for the Town Hall. Del states that the Town needs to look to its residents for the expertise to evaluate the proposal and determine Town needs. Pat volunteered to review the proposal and provide input. The meeting room needs some sort of ceiling fan or way of moving air especially at the beginning of the meetings. This will be looked into. Mark Pagliarulo said that parking is a problem. He asked the business owner on the south side if he could park in their lot and they agreed. He feels that the owner would be amenable to the Town using the lot when necessary and

someone should address the issue. Del to speak with business owner. Del has also spoken with John Chase as the gate was blocked the past evening with a vehicle and the Town was to have exclusive rights to the use of the lot after 6:30 P.M. any night. Matt agrees to notify Mr. Chase of meetings outside of the usual Wednesday. Joe to see where Walt is on the announcement case to be mounted outside the building with agendas, special meetings, etc. posted.

J. REPORTS

P. Bryan

- No report.

D. Faden

- Requests a workshop for June to review all Town financials. All agree.
- Will not be attending the 05-23-07 Town meeting.
- Communication Service Tax addresses have been captured. He has not yet heard back from FPL.

D. Morgan

- Will not be attending the 05-23-07 Town meeting.
- Who handles graffiti on utility poles? There are "snipe" signs up everywhere. Code Enforcement to address the issue, FPL owns the poles.

J. Hackford

- Compliments to Lisette Kolar for the nice job she did on the business cards.

J. Mahaney

- Who receives new construction impact fees? Matt to research.

C. DeMott

- No reports.

D. Yonts

- Del consulted with Mr. Bohne and the Audit Committee must meet in the sunshine as they will be providing recommendations. Town is looking for one more committee member to serve with Tim Reynolds & George Wolfe.

Motion by D. Morgan to appoint Bonnie Allan to the Audit Committee; second by J. Hackford

Voice vote on the motion carried unanimously.

- In selecting the Code Enforcement Board the Council did not identify Alternate 1 and Alternate 2.

Motion by D. Morgan to identify Al Janesky as Alternate 1 and John Schatzer as Alternate 2; second by J. Hackford

Voice vote on the motion carried unanimously.

- Space Coast League of Cities is giving the Town free membership for this fiscal year. They asked that a regular member attend and that an alternate be identified. Next meeting is June 11th in West Melbourne. Pat expressed an interest in also attending at a future date.

Motion by D. Morgan for Del Yonts to be the Town representative and Matt Brock to be his alternate; second by J. Mahaney

Voice vote on the motion carried unanimously.

- Lisette Kolar will call to see if an offer on a back up printer/scanner is still available to the Town.
- Del received a Local Option Gas Tax notification from the County. It appears there are no changes in percentage. Matt will respond back.
- Mr. Bohne has completed the ordinance for the Zoning Board of Appeals and it will be on the agenda next week for first reading.

K. PUBLIC COMMENT

George Wolfe - Recognized Bonnie Allan for being instrumental in the fire support effort.
Lisette Kolar - Inquired as to the status of the Planner contract. To be on the agenda next week for discussion.

L. ADJOURNMENT

Motion made by J. Hackford to adjourn; second by J. Mahaney
Voice vote on the motion carried unanimously
Meeting adjourned at 11:16 P.M..

BY:
(signature on file)

Del Yonts
Mayor, Grant-Valkaria
ATTEST:

(Signature on file)

Jo Faden
Interim Clerk, Grant-Valkaria

DATE: 5/23/07