

Grant-Valkaria
Town Council Minutes
Wednesday, May 23, 2007 at 7:00 P.M.
Grant-Valkaria Town Hall (5120 U.S. Highway 1)

A. CALL TO ORDER 7:06 P.M.

B. PLEDGE OF ALLEGIANCE (Hackford)

C. ROLL CALL (by Interim Clerk)

Mayor: Del Yonts - present
Council Member, Seat 1: Joe Hackford - present
Council Member, Seat 2: Danielle Morgan - absent
Council Member, Seat 3: Pat Bryan - present
Council Member, Seat 4: Cathy DeMott - present
Council Member, Seat 5: Dan Faden - absent
Council Member, Seat 6: Jason Mahaney - present

Motion made by J. Mahaney to excuse D. Morgan and D. Faden from attendance of the 5/23/07 Town Council meeting; seconded by J. Hackford.
Voice vote on the motion carried unanimously.

D. ADDITIONS AND DELETIONS TO AGENDA

- I. 8. (Yonts) - Waste Management Contract**
- I. 9. (Yonts) - MPO Citizens Advisory Council Appointee**
- I. 10. (Yonts) - Resolution 07-2007 for SCI Fountainhead**
- I. 11. (Yonts) - County Planning Services**
- I. 12. (Mahaney) - Planning Future Variances**
- I. 13. (Mahaney) - Future Meeting Dates**

E. CFO REPORT

Previous balance	\$171,026.88
Deposits (total)	5,665.73
Check issued	<u>974.88</u>
Ending balance	\$175,717.73

F. TOWN ADMINISTRATOR'S REPORT

Matt Brock reported that Sue will start Tuesday morning as our new Town Clerk. Copy service and phone service is established at Town Hall. Additionally, the new Town telephone number is 956-5660 and the original Town telephone number of 951-1380 presently forwards to the Town. Suggestion that the original Town number be switched over from Tim Reynolds' line and use that number as the official Town telephone number and use the 956-5660 as a second line. Matt stated that the telephone folks are due back out at the Town Hall early Tuesday morning. Denni Burr said she can no longer answer the Town telephone line from her home and wants to make sure the existing Town telephone calls get answered. Matt said he tries to get to the phone within the first couple rings the system gives you before switching to recording the call via voicemail. Matt to see

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if the number of rings before switching to voicemail can be adjusted when the telephone folks are out next week.

G. PUBLIC COMMENT (Non-agenda items only)

Denni Burr reported receiving a phone call about happenings on VIP Island, specifically about a couple of people dredging the river and culling mangroves. Dredging is being done to make a bulkhead. St. Johns River Water Management District has been called two or three times on similar issues on the island over the last few months. They have indicated no permit is present for such work. Matt was asked to follow-up on this with St. Johns (contact point - Marguerita Engel, Inter-governmental coordinator, Palm Bay location).

Bonnie Allan asked what is being done with the loads of yellow sand where the US 1 clearing occurred. She said that the site presently shows two dump trucks. Another resident added that they were suppose to be seeding the area. Matt has talked with DEP on this issue. J. Hackford said the owner seems to be doing more clearing on banana and pepper tress. Discussion led to the statement that the Town needs to issue a notice of violation. Jason gave paperwork to Matt on this issue. Matt will review the package and get with the County tomorrow for a discussion.

Sharon McLearn, a resident on Grant Farms Island, also spoke on the work being done on the island without permits. She said septic tanks are being done at night and mangroves are being damaged. J. Mahaney said the County has been over there. Council asked whether any property there is public and Sharon said there is a designated walkway easement for Florida Power and Light utilities. Sharon said nothing will stop until the Town comes to see what is there. She stated she had previously spoken with Ray Walton, Brevard County Environmental Health .

H. APPROVAL OF MINUTES

Motion made by P. Bryan to approve the 5/16/07 minutes as written; seconded by J. Hackford

Voice vote on the motion carried unanimously.

I. NEW BUSINESS

1. NOTICE TO VACATE A RIGHT-OF-WAY IN PLAT OF MODEL INDIAN RIVER GARDENS IN TOWN OF GRANT-VALKARIA IN SECTION 13, TOWNSHIP 29 SOUTH, RANGE 37 EAST (Donnie R. Narmore)

Donnie Narmore addressed the Council concerning a multi-lot property that he owns on Gofen road off Corey and Benjamin. There is a road easement-to-no-where down the middle of the combined lots, and he presented the council with a request for them to vacate that right-of-way so that he could consolidate and use the lots.

Mr. Narmore had previously presented this proposal to Brevard County, and the county had prepared paperwork recommending vacation and scheduled a hearing on the 1/23/06 agenda, when it was removed from the agenda in consideration of the pending

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Grant-Valkaria incorporation. Originally, the County charged Mr. Narmore \$650.00 which was reimbursed.

Mr. Narmore indicated that he was seeking vacation so that he could build a house on the total six acre parcel, and indicating that he wanted to put the house foot-print where the easement is currently located. A map was provided to show the property off Corey Road and Benjamin. Only one person would be affected by this vacation and she had signed off when it went through the County. FPL and Bright House had no issues with the vacation. All other landowners have legal access to their property through other existing roads as previously documented through Gwen Heller at the County.

D. Yonts indicated that there is an unresolved issue with roads in the area which needs to be cleared up. A Mr. Carruso is in the process of trying to get a building permit on Olive but currently the requested permit has been refused based on county contention that the lot is not buildable with the county citing that the road is not a "real" road. Prior to the GV council going forward on a vacation of right-of-way, it needs to be clarified that the road is "real" and does not present an obstacle to issuances of building permits. Legal advise from Karl Bohne also indicates that it is recommended that an action of vacation should appear on a previously announced council agenda.

Motion by J. Mahaney, second by P. Bryan to table the consideration of the vacation of right-or-way until 5/30/07. Voice vote on the motion carried unanimously.

2. (Yonts) - Consideration of Town Citizen Award (M. Kinney)

Marcie Kinney reported to the council an act of good citizenship/good neighborliness performed for their family by Mr. Bobbie Putnam and presented a proposal to the council for the investigation of a means of the town recognizing acts of good citizenship.

Ms. Kinney reported that during a recent storm, while driving down Valkaria Road, Mr. Putnam noted that the Kinney family's cows were in the road, and that the storm had downed a tree which damaged the fence, allowing the cows to escape. Mr. Putnam determined that the Kinney family was not home, and then Bobby and other family and friends took the initiative as good neighbors to return the cattle to the pasture, fix the fence so they could not get out again, and to notify the Kinney's, that the cows had been in the road, and where damage to the fence had taken place.

Ms. Kinney stated that neighbors helping neighbors are what the spirit of this community is about, that having a "Mayberry-like" community is a worthy goal, and that the town should have some means of recognizing acts of good citizenship and people who are good neighbors.

Curt Lorenc spoke, indicating that it is nice for neighbors to recognize neighbors, but that expression of appreciation is a person-to-person thing, not necessarily a town

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government responsibility. The town has a lot of work to do, particularly as a new town, and needs to focus there.

Denni Burr spoke, indicating that recognition of significant acts of citizenship is a nice idea, but it should not take up a lot of town time, and that the town should not be attempting to recognize every act of neighborhood kindness.

Jon Walls spoke, indicating that the City of Lake Mary (point of contact - John Litton) has a citizen recognition award, and that we could use that as an example of how local governments periodically recognize significant citizen actions.

Bob Thiem spoke indicating that we need to cite positive actions.

Bonnie Allan spoke indicating that this is a good idea, and that it brings the community together.

Council discussion indicated that citizenship recognition would be a nice thing for the town to investigate. Investigation of the methods used by other towns would be useful in identifying the criteria utilized by other towns to identify citizenship award candidates, to select those to receive recognition, and to identify the forms of recognition provided. The council recommended that a committee be appointed from among interested individuals to perform fact-finding and to report back to the council at a later date. As a result of her bringing this topic up before the council, Ms. Kinney was asked if she would be interested in participating on the committee. Additional attendees at the meeting expressed an interest in working on the committee.

Volunteers to work on the committee were identified as Marcie Kinney, Bonnie Allan, and Denni Burr. Denni indicating that she could contact some of the town clerks over the next couple of months to see what they do.

Motion by P. Bryan, second by J. Hackford to appoint a committee to work identifying options which could be used by the town for recognizing individuals for citizenship, with that committee consisting of Marcie Kinney, Bonnie Allan, and Denni Burr.

Motion carried by unanimous voice vote.

3. (Yonts) – Signage for Agricultural Uses (M. Kinney/T. Atkins)

Marcie Kinney asked the council to begin the process of considering what will be allowed for farm signage in the Town. The Atkins family farm (corner of Atkins Ave. and Valkaria Rd.), is starting to consider putting up a sign, and would like to know what the Town criteria are before they make a decision on what to put up. She does not expect a decision in the immediate future, but would like the town to start considering the issue.

Ms. Kinney indicated that she had surveyed farm signs in the Town to see examples of what currently exists and would like members of the council to notice existing farm signage as they move about the town. She has also reviewed the 23 pages of County

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code to see what the current farm signage rules are, and has indicated that there appears to be two possibilities: a 2 square foot limitation, and a limitation based on size of road-frontage of one 15x10 sign per 200 ft of frontage. She expressed the opinion that signage is a part of the town image too.

Curt Lorenc spoke, indicating that the council is being asked to change the sign ordinance to accommodate one person, and that what Ms. Kinney is asking for is a larger than allowed sign. Mr. Lorenc also indicated that there is no business license recorded at that address and that regulation under business signage ordinances was not appropriate. He also indicated that, in his opinion, the size of the property does not constitute a farm.

Jon Walls of Miller-Legg indicated that land development codes and sign ordinances go together. Farm signage is not regulated as either residential or "commercial" signage. Ocala has a code specifically for farm signage in horse areas which regulates the height, square-footage, and copy area for horse farms. SW Farms also regulates farm signs specifically.

Lisette Kolar indicated that this may be addressable under the architectural style ordinance that we have already committed to doing.

Legal staff advised that we keep any regulations of farm signage simple and reasonable. Regulations addressing farm signage should be specific to farm signage, and not attempt to regulate other business signage.

Council discussion indicated that while there are references in our inherited codes which address farm signage, that there may be superseding authority originating in the right-to-farm act which may have legal precedence over county-level ordinances. A clear understanding of regulations and rules as they apply to farm signage is not currently in-hand. Discussion favored specialized codes for farm signage. Investigation of this issue will need to be conducted by the Code Review Committee.

The council takes this issue under advisement.

4. (Yonts) – Review and Discussion of Proposed Planner Contract with Miller-Legg

Jon Walls and Jaime Coker from Miller-Legg addressed the Council with their planning package consisting of (1) master agreement, (2) Exhibit A – hourly rate schedule by position, (3) Exhibit B – work authorization (tasks), and Exhibit C – scope of services. Jon stated that the scheduled rates are from a current negotiation with a nearby community. He also stated: (i) the Town may want to work on an hourly basis since there is not a way to scope the current work and that would be in the best interest of the Town, and (ii) the Town may want to add additional signatures requirements if meeting a given dollar threshold. Specific questions and comments from the Council were as follows:

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- (Del) The anticipated costs were nothing like being seen here and he was very concerned as to the projected cost of \$180,000 for the Comprehensive Plan, land development regulations, and required meetings.
- (Jon) The costs for elements of a comprehensive plan are the same whether a small or large town.
- (Del) Doesn't seem to see a schedule for knowing costs anticipated per fiscal year.
- (Jon) A more detailed schedule can be provided.
- (Del) Do the meetings apply to the comprehensive plan or the land development code?
- (Jon) The meetings apply to both. Jon asked Jaime to address her estimate of the schedule for the meetings –
- | | |
|--------------------------------|---------------------------|
| Community meetings | July through August |
| Public workshops | September through October |
| Public meetings (Town Council) | October through January |
- (Del) Wanted to know just when sub-consultants would be employed.
- (Jon) An example was given in that a road was being designed for the Town and the specialties of boring engineer or a geotechnical specialist was needed. Jon pointed out that all sub-consultant effort must be approved by the customer (see the Master Agreement, Article V, page 2)
- (Del) Asked why a lawyer's rate shows on the hourly rate schedule when the Town has their own attorney on-staff.
- (Jon) Jon stated that the lawyer and his rate would only be used with concurrence of the existing Town Attorney.
- (Del) What is the charging span covered in hours for "meetings"? Does it include time for travel?
- (Jon) It includes the time for the actual meeting and does not include travel time.
- (Del) Are specific persons planned against each position and hourly rate?
- (Jon) Yes. Currently many of the person's rates shown are from the Winter Park office as well as Todd will be the "Senior Planner" and Jaime will be the "Planner".
- (Del) Does work continue during the 30 day period required for dissolving the contract?
- (Jon) Article VII, page 3 of the Master Agreement applies. The provisions for termination would apply to each task.
- (Lisete Kolar) DCA said during the Town's incorporation that they were no longer funding Comprehensive Planning for new towns yet they seem to say they do so now. What are the chances of getting a grant?

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- (Jon) Described to him as a serious consideration after July.
- (Jon) General statements included reference to thinking Miller-Legg can bring down the NTE, but would need to get up the learning curve more. Setting up a meeting with Brevard County to start collecting information and trying to get all parties together one time to get all or most of information with minimum number of passes is intended to help reduce costs and aid the schedule. Also, Jon said that listening to the meeting and comments, that the Town seems to be on the same page and therefore, he perceives less controversy in our Town which could be favorable for cost and time. Jon agreed to be at the 5/30/07 meeting and provide (i) a more detailed schedule, (ii) a scaled down Task 1 of which he will e-mail to Matt prior to the 5/30/07 meeting so Council Members have an opportunity to review before the meeting, and (iii) providing a breakdown of the \$100K comprehensive plan costs and assumptions. Jon said he hopes to get the Master Agreement approved and start getting County and other agency information flowing in.

5. Ordinance 2007-09: Re: Zoning Board of Appeals – First Reading

AN ORDINANCE OF THE TOWN OF GRANT-VALKARIA BREVARD COUNTY, FLORIDA; CREATING A ZONING BOARD OF APPEALS; PROVIDING FOR COMPOSITION, APPOINTMENT, AND TERMS OF OFFICE; PROVIDING FOR THE HOLDING OF OTHER OFFICES AND QUALIFICATIONS; PROVIDING FOR OFFICERS; PROVIDING FOR REMOVAL FROM OFFICE; PROVIDING FOR MEETINGS; PROVIDING FOR QUORUM AND VOTING; PROVIDING FOR POWERS AND DUTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Yonts read the ordinance by title only.

Motion made by J. Mahaney to adopt the first reading of Ordinance 2007-09 as read; seconded by J. Hackford

Voice vote on the motion carried unanimously.

6. Ordinance 2007-10: Re: Dealing with the National Flood Insurance Program – First Reading

AN ORDINANCE OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA CREATING A FLOOD DAMAGE PREVENTION CODE; PROVIDING FOR STATUTORY AUTHORIZATION; PROVIDING FOR FINDINGS OF FACT, STATEMENT OF PURPOSE AND OBJECTIVES; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL PROVISIONS AND ADMINISTRATION; PROVIDING FOR PROVISIONS FOR FLOOD HAZARD REDUCTION; PROVIDING FOR VARIANCE

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**PROCEDURES; PROVIDING FOR REAL AND SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Yonts explained that a County representative redlined the Ordinance and Karl Bohne, legal, reviewed the document, made minor changes, and concurred with the wording to-date. Yonts said he changed referenced to the Town of Grant-Valkaria to the Town Council of the Town of Grant-Valkaria. The flood insurance map had just been received by Matt, so reference to that map being on file at the Town Hall of the Town of Grant-Valkaria was added under Article E.

Motion made by P. Bryan to adopt the 1st reading of Ordinance 2007-10 with the changes made; seconded by J. Hackford.
Voice vote on the motion carried unanimously.

7. Resolution 05-2007: Re: Intention to Evaluate Flood or Flood Erosions Issues

Resolution provided by FEMA.

Motion made by J. Mahaney to adopt Resolution 05-2007 as written; seconded by P. Bryan.
Voice vote on the motion carried unanimously.

8. (Yonts) - Waste Management Contract

Discussion occurred on conflicting termination dates of the existing Waste Management contract – either 9/30/07 or 9/30/08. Additional discussion as to whether the Waste Management services for refuse/yard trash disposal is covered under the prior MSTU agreement. J. Mahaney to follow-up on locating the Ordinance and find out if it addresses Waste Management. Town may need to establish a workshop to work the services presently provided through the County as performed by Waste Management. Tim Deratany had previously mentioned that he had worked with the Town of Indialantic and believed the Town of Grant-Valkaria may be able to negotiate a better agreement for waste removal.

9. (Yonts) - MPO Citizens Advisory Council Appointee

Question asked as to a potential conflict of interest related to a Council Member being an appointee on such a advisory council. Legal stated there is no conflict seen as one is the Town and the other a County position. It was suggest that Sharon McLearn's name be submitted to Helen Voltz as the Town's suggested MPO Citizens Advisory Council appointee as selected by Helen.

Motion made by P. Bryan to forward Sharon McLearn's name to Helen Voltz as the potential MPO Citizens Advisory Council appointee; seconded by J. Hackford.

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Voice vote on the motion carried unanimously.

Matt to send an e-mail to Helen Voltz tomorrow with the Town's suggested name for consideration for that advisory council seat.

10. (Yonts) - Resolution 07-2007 for SCI Fountainhead

A resolution is needed on SCI Funeral Services as the County needs to file such paperwork and will need to adopt ordinances for future actions. Resolution 07-2007 was read by Mayor Yonts by title only.

Motion made by P. Bryan to accept Resolution 07-2007 as read; seconded by C. DeMott.

Voice vote on the motion carried unanimously.

11. (Yonts) - County Planning Services

Existing MSTU expires 9/30/07. D. Yonts spoke with Mel Scott. Legal seems to think differently from the other departments. At issue is that the County may not offer a continuation of these services, therefore the Town may need to set-up services for building, planning, natural resources, permitting, etc. by 10/1/07. The Town is to check back with the County in a week. Other discussion resulted related to Malabar using Palm Bay for building permits and that we may want to consider asking Palm Bay about performing those services for our Town. It was decided to check with Malabar and other small towns to see how they are handling such services.

12. (Mahaney) - Planning Future Variances

Discussion was heard and it was determined that after September, the Town will need a fee schedule and a process as the fees currently are the County's as it is part of the Municipal Services agreement.

13. (Mahaney) - Future Meeting Dates

J. Mahaney asked about holding the Town Council meetings every other Wednesday night rather than keeping to the current weekly schedule. Through discussion of the current pressing issues of the Town, it was determined that going to fewer than the established weekly Council meetings prior to July or August was not feasible.

I. UNFINISHED BUSINESS

1. (Mahaney) - Code Enforcement Update

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Matt Brock is now the Code Enforcement Officer. The first meeting of the Code Enforcement Board is scheduled for June 5th. Sue will advertise for this meeting.

2. (DeMott) - Update on Change in Signature Authority at SunTrust and Two Signature Requirement on Town Checks

C. DeMott reported that for many smaller towns, both the Town Manager and one member of the Council sign checks and asked if we would need an ordinance to set a policy on writing checks. Discussion occurred as to C. DeMott writing checks but the Town having no established policy to grant approval of that payment prior to the writing of the checks. For the 5/30/07 agenda, the Council will review the checks written to-date.

3. (Yonts) - Town Hall Infrastructure Status

Matt reported that the security system is set-up and the fourteen messages have been taken off the voicemail system for the Town. P. Bryan addressed the sound system and stated that if Sue's recording device works, all that may be needed is voice amplification and that could be cheaper and less complex than other requirements.

J. REPORTS

C. DeMott – no report

J. Mahaney – July 4th falls on a Wednesday and therefore the Town Council will not meet that week, unless an alternate day is needed to handle a pressing issue.

J. Hackford – Joe said he will pick-up the microphones and other needed equipment tonight or tomorrow to set-up the 5/30/07 Town Council meeting at the Grant Community Center. He also stated that we need to get more speaker cards – Lisette offered to make more for the Town's public comment sections of the weekly agenda.

D. Yonts – Del stated he had sent a letter to the County Commission asking for the same considerations related to Silver State's helicopter activity at the Valkaria Airport as was agreed to at the Melbourne Airport – that being to restrict flight hours on weekends and at the end of the day.

A law suit has been reinstated by the County against the Sebastian Beach & Tennis Club related to the dust blowing and the continued cleaning required based on the extreme dust. Barefoot Bay is considering a class-action suit.

The unpaved road ordinance (for building on unpaved roads) has been rejected and sent back to Karl as the wording for right-of-way referenced Malabar's set-back rather than reflecting the Town's which follows the County's set-back requirements.

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Follow-up item in seeing if Matt's cell phone can be changed to a 321 area code. Matt said he would perform that follow-up.

The proposed method for selecting a town name was now acceptable and could be posted on the Town website.

K. PUBLIC COMMENT (Non-agenda items only)

No further public comments made.

L. ADJOURNMENT

Motion made by J. Hackford to adjourn; seconded by P. Bryan.
Voice vote on the motion carried unanimously.

Meeting adjourned at 11:12 P.M..

BY:
(Signature on file)

Del Yonts
Mayor, Grant-Valkaria

ATTEST:
(Signature on file)

Karlene Folts
Interim Clerk, Grant-Valkaria

DATE: _____