

TOWN OF GRANT-VALKARIA, FLORIDA
REGULAR TOWN COUNCIL
JANUARY 9, 2008
TOWN HALL, 5120 HIGHWAY US1, GRANT, FL 32949

The Regular Meeting of the Town of Grant-Valkaria, Florida, Town Council was called to order at 7:03 p.m. by Mayor Del Yonts followed by the Pledge led by Council Member Morgan, and roll call to the Council Members, with the following present:

Mayor – Del Yonts	Town Manager Matthew Brock
Seat No. 1 – Joe Hackford, Vice Mayor	Town Clerk Susanne Krueger
Seat No. 2 – Danielle Morgan	Town Attorney Karl Bohne
Seat No. 3 – Pat Bryan	
Seat No. 4 – Cathy DeMott	
Seat No. 5 – Dan Faden	
Seat No. 6 – Jason Mahaney	

CHANGES TO AGENDA

Town Manager Brock requested to add item under New Business – Selection of committee for town seal and that Jesse W. and Marian E. Marshall’s request to vacate be tabled under next council meeting on January 23, 2008 due to not having response from the utility companies.

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to table Jesse W. and Marian E. Marshall’s request to vacate until January 23, 2008, due to not having responses from utility companies.

Town Manager Brock requested add agenda item under New Business – Council workshop on January 16th regarding the road ordinance.

EXCUSE COUNCIL MEMBER DEMOTT

Motions by Council Member Morgan, second by Vice Mayor Hackford, and vote unanimous to excuse Council Member DeMott.

PUBLIC HEARING – HONDA DEVELOPMENT AGREEMENT – COUNCIL ACTION

(Brock)

Council will consider the adoption of a development agreement with Honda R & D Americas, Inc.

Mayor Yonts stated that legal advertisement was published in the Florida Today newspaper on December 30, 2007 and declared the public hearing open.

Attorney Bob Wattwood, 1686 W. Hibiscus Boulevard, Melbourne, Florida introduced himself, Don Burton and Chad Neer of Honda R & D Americas, Inc., and that he did request the court reporter of whom is in attendance. He stated that the Local Planning Agency recommendations go far beyond what the county codes require in their operational restrictions and will be recorded in the public records.

Chad Neer, engineer for research and development, stated that Honda started their operations in Sebastian in 2003 and that the primary goal is validation testing of the quietest and most fuel efficient engines.

Mayor Yonts, Vice Mayor Hackford, and Council Member Faden disclosed that they attended the Local Planning Agency meeting where this agenda item was discussed.

Mayor Yonts inquired as to how many times a day they will launch a boat. Chad Neer responded about two times. Mr. Neer acknowledged that he had no problem with agreeing to no motor testing outside out of the water on weekends and that they would use idle speed out to the channel. Mayor Yonts stated for the record that the hours of operation as being weekends 9:00 a.m. until 6:00 p.m., and weekdays 7:30 a.m. until 6:00 p.m. were added into the agreement.

Dr. Diane Walker read a letter from Charlene and George Terry who could not attend but wanted their concerns known were concerned about the number of boats, number of employees, the number of weekends a year they would be working, and requested no jet skis. They were concerned this would not be in writing. Dr. Walker continued to read her own statement which stressed that the Town needs to control development, keep the small town feel, objects to noise intrusion, wants no jet skis, and want no weekends. She wished to continue speaking beyond the allotted time on behalf of Kevin and Patty Bruen.

Motions by Vice Mayor Hackford, second by Council Member Faden, and vote unanimous to have Dr. Walker continue beyond her allotted time.

Dr. Walker spoke on behalf of Kevin and Patty Bruen in that they wanted to know what way this would contribute to an economic benefit to the Town, and that they were concerned about public health.

Jim Emory stated he was concerned with outdoor testing causing pollution. Robert Davis stated he was concerned about getting all the requirements in writing. Bonnie Allen inquired as to when did the Town start talking about the Honda site plan. Mayor Yonts responded that it was August 2007. Town Attorney Bohne stated that Honda still has to comply with all the extraneous regulations from the various agencies in addition to the regulations in the agreement.

Don Burton, Honda R & D, stated that they purchased the property in October 2007, have a HOOT recovery system, complied with LEED (Leadership Energy Efficient Design) standards voluntarily, they treat wastewater on site, have xeriscape landscape and have a spill control prevention plan. He further stated that they have two tanks underground for fire fighters, the landscape is beyond the standard requirements, they are the leader in the world in low emissions, and the 4 stroke engines are extremely quiet.

It was the consensus of Council to add to page 3, paragraph k, “no personal watercraft” and “the number of weekends of operation per year allowed will be 12”.

It was the consensus of Council to have a meeting 3 or 4 months after their certificate of occupancy to discuss any concerns/complaints.

Lisette Kolar concerned about page 2, paragraph 2, where it talks about “related marine products”, where exactly does it state no jet skis. Mayor Yonts responded that by adding “no personal watercraft on page 3 paragraph k would cover this issue.

Dr. Walker acknowledged that Mayor Yonts had all her concerns addressed. Bonnie Allen stated that Honda is a good thing. Dean Aikens stated that he hears boats and cars from Main Street now and that he is for the Honda facility. Dan Robino stated that why do we ask someone to control something that we can’t control like what goes on in the river. Mayor Yonts requested that some sort of wordage be included in the agreement addressing the activity in the Indian River lagoon that it will not be concentrated within Grant-Valkaria town limits. Town Attorney Bohne responded that this would be outside our jurisdictional boundary.

Mayor closed the public hearing.

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to approve the Honda R & D Americas, Inc development agreement with the following modifications: 1) adding to 2.k – no personal watercraft, 2) no outside motor testing out of the water on the weekends.

PUBLIC HEARING – CRYSTAL BAY ANNEXATION AGREEMENT – COUNCIL ACTION (Brock)

An Annexation Agreement Considering The Annexation Of 29.588 Acres, More Or Less, Located In The Vicinity Of Senne Road In Brevard County, Florida, And Contiguous With The Town’s Boundary By Way Of Adoption Of Town Ordinance No. 2007-16 Entitled:

Mr. Shannon Smith, American Land Lease, stated that they obtained the property in February 2005, which consisted of a 534 home community, 2.03 homes per acre on a 260 acre tract.

Mayor Yonts stated for the record that a legal notice was published in the Florida Today newspaper on December 26, 2007 and January 3, 2008 and declared the public hearing open.

Vince Wilson stated that he was concerned about them relying on Barefoot Bay for sewer and water, when it is not known if they can provide it.

Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous to accept the annexation agreement with the following modifications: 1) change paragraph 3, page 1 to reflect the correct House Bill number, 2) change paragraph 2, page 3 to reflect Town Council in place of Town Commission.

PUBLIC HEARING – CRYSTAL BAY DEVELOPMENT AGREEMENT – COUNCIL ACTION (Brock)

Council will consider the adoption of a development agreement with Crystal Bay, LLC

Mayor Yonts stated that legal advertisement was published in the Florida Today newspaper on December 30, 2007 and declared the public hearing open.

Shannon Smith, American Land Lease stated that Senne Road will be straightened out for ingress and egress and will meet the County standards, and that there will be a southbound deceleration lane on Highway US1. The issue of blowing sand was brought up by Mayor Yonts, and was advised by Town Attorney Bohne that if it becomes a nuisance it will be appropriate for code enforcement to take action.

The following people spoke:

- Lisette Kolar – was the 35 feet maximum height for single family residential building and 40 feet maximum for the clubhouse approved by the County (Mr. Shannon Smith replied yes); is the Town protected from Palm Bay coming in and using our right-of-ways (Town Attorney replied yes)
- George Wolfe – representing Riverview Terrace – was concerned about blowing dust and dirt and the Town needs to be proactive (Mr. Shannon Smith replied that as of today he personally checked the site and that it is seeded and mulched in the northwest corner)
- Bonnie Allen – concerned about standard practice to waive fees, and that Senne Road is the only exit for 1,000 people
- Vince Wilson – the Planning and Zoning Board/Local Planning Agency handled this with courtesy and professionalism

Mayor Yonts closed the public hearing.

Motions by Council Member Bryan, second by Council Member Morgan and vote unanimous to approve the Crystal Bay development agreement with the following noted changes:

- 1) Page 4, end of paragraph C – “In addition, the Water Facilities shall be owned, operated, maintained and repaired by the District or other water supplier without charge or fee imposed by the Town.”
- 2) Page 4, last sentence – change “may” to “shall”
- 3) Page 5, first line, top of page – insert after “District” “or other entity ...”
- 4) Page 8, first paragraph – delete the entire sentence “Consequently, the Town ... required for the Project”
- 5) Page 8, paragraph F – change first sentence “Crystal Bay has developed, ... , and will provide the Town...”
- 6) Page 9, first paragraph – delete entire sentences “The Town has reviewed the Senne Road ... and ordinances of the Town. Consequently, the Town ... term of this Agreement.”

7) Add statement that reflects the Town will not charge an additional fee over what the County charges such as “If any entity acting on a building permits application review and/or inspection fees for any and all building permits, approvals, inspections or certificate of occupancies required for the property, the Town agrees it will not charge an additional fee for building permits application review and/or inspection fees.”

PUBLIC HEARING – ORDINANCE NO. 2007-16 – SECOND READING – COUNCIL ACTION (Brock)

An Ordinance Of The Town Of Grant-Valkaria, Brevard County, Florida; Annexing A Parcel Of Land Described As A Portion Of The Northwest 1/4 Of The Northeast 1/4 Of Section 10, Township 30 South, Range 38 East, Lying In Brevard County, Florida Being Described As Follows: Begin At The Northwest Corner Of The Northwest 1/4 Of The Northeast 1/4 Of Said Section 10 And Run, N.89°51'06"E., Along The North Boundary Line Of The Northeast 1/4 Of Said Section 10, 969.04 Feet; Thence, Leaving Said North Boundary Line, S.00°36'20"E., 1329.63 Feet To The North Boundary Line Of Snug Harbor Lakes (Unrecorded); Thence, S.89°43'14"W., Along Said North Boundary Line, 968.09 Feet; Thence, Leaving The North Boundary Line Of Said Snug Harbor Lakes, N.00°38'45"W., Along The East Boundary Line Of Barefoot Bay, Recorded In Plat Book 22, Pages 105 Through 115 Of The Public Records Of Brevard County, Florida, 1331.86 Feet To The Point Of Beginning, Containing 29.588 Acres More Or Less; Providing For Directions To The Town Clerk; Providing An Effective Date. (Brock)

Motions by Council Member Faden, second by Council Member Mahaney, and vote unanimous to remove Ordinance No. 2007-16 from the table. (item tabled at December 12, 2008 Council Meeting)

Mayor Yonts read Ordinance No. 2007-16 by title only, stated for the record that legal notice was advertised in Florida Today newspaper on December 1, 2007, and declared the public hearing open. No one spoke; therefore Mayor Yonts closed the public hearing.

Motions by Council Member Bryan, second by Council Member Morgan, and vote, by roll call vote, unanimous to adopt Ordinance No. 2007-16, second reading.

Town Attorney Bohne introduced Attorney Robert Beals who will be assisting him in attending the Town’s meetings. He comes with over thirty years experience in real estate and development planning. Council excused Town Attorney Bohne from the remainder of the meeting.

PUBLIC HEARING – ORDINANCE NO. 2007-18 – SECOND READING – COUNCIL ACTION (Yonts)

An Ordinance Of The Town Of Grant-Valkaria, Brevard County, Florida Amending Ordinance 2007-05; Extending The Duration Of That Certain Moratorium Declared In Ordinance 2007-05; Providing For Severability; Providing An Effective Date.

Mayor Yonts read Ordinance No. 2007-18 by title only, stated for the record that legal notice was published in Florida Today newspaper on December 20, 2007, and declared the public hearing open. No one spoke; therefore Mayor Yonts closed the public hearing.

Motions by Council Member Bryan, second by Council Member Faden, and vote, by roll call vote, unanimous to adopt Ordinance No. 2007-18, second reading, extending the moratorium until July 9, 2008.

APPROVAL OF MINUTES

1) Town Council Meeting Minutes of November 14, 2007

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to approve Town Council Meeting Minutes of November 14, 2007 with grammatical corrections on pages 1, 3, and 8.

2) Town Council Workshop Meeting Minutes of November 26, 2007

Motions by Council Member Faden, second by Vice Mayor Hackford, and vote unanimous to approve the Town Council Workshop Meeting Minutes of November 26, 2007 as written.

3) Town Council Meeting Minutes of December 12, 2007

Motions by Council Member Morgan, second by Council Member Mahaney, and vote unanimous to approved the Town Council Meeting Minutes of December 12, 2007 as written.

REPORTS

1) Town Manager's Report

Town Manager Brock gave a brief highlight on the following topics:

- Submitted the two CIBR requests
- Henderson Road project has been advertised and that the bid opening will be February 8, 2008 at 2:00 p.m.
- Handed Council an updated budget-to-actuals
- Valkaria Lakes project update – County stated they may want to meet with us and there may be another DEP match available
- Florida East Coast Railroad – County is meeting tonight to transfer responsibility of maintenance to the Town – He noted that \$55,000.00 is needed for one crossing that needs to be done
- Town Hall sites
 - Valkaria Lakes – not going to work because County will be building a park and transfer station there
 - Airport/Fire Building – not looking good because the property will be consumed by the Fire Department

- Old Dixie Highway – about 10 to 12 folks from the County didn't encourage us because this is EEL's property, but there may be a portion of that property available
- Fisherman's Landing (north of the Historical House) and Grant Community Center area – County suggested these properties as a site for the new Town Hall
- Having difficult time getting data from the tax collector's office for the past 4-5 months to get the stormwater and garbage collection on the tax roll - he stated that a tax appraiser agreement is also required

Mayor Yonts asked for legal opinion recently that if we accept roads do we have to take the railroad crossings, the one that needs to be done is Shell Pit Road, and the legal advice is that if the railroad fixes it, they fix it, they send you a bill and you have to pay it.

2) Treasurer's Report

Town Manager Brock stated this is the updated budget to actual as of 5:00 p.m. tonight and that things will be brought back to you for amendments in February.

3) Town Attorney's Report

Town Attorney was excused earlier in the meeting.

4) Council Reports and Comments

Mayor Yonts asked George Geletko, Waste Management, about the potential transfer station site (which now is called transloading station) as to how much land is needed, what is the cost savings to the residents, how many times a week would the pickup be, and the feasibility of having this site. George Geletko responded that the clam shell truck will place the debris it collects into the 30-40 yard containers which will then be transported to the dump. He stated that it wouldn't take anything larger than the parking lot. He stated that he will get with Mr. Brock or the Mayor within the next month and get it to work to pick up a larger volume of yard waste. Council requested that Mr. Geletko state in a newsletter how the yard waste should be placed and to explain the bill process. It was agreed that Mr. Geletko would get with Lisette Kolar or Mr. Brock so that he could include his information in the Towns' newsletter.

Council Member Faden stated that the FAA is on board with the NOTEMS and the special event permit application for the Air Fest which will be submitted prior to going on the January 23rd agenda for Council review. He also stated that the new dais was constructed by Dan Robino, Del Yonts, Joe Hackford and himself. He briefed Council that at the Planning and Zoning Board meeting discussion was made about a policy whereas requests will go to staff, when all info/responses received staff will agenda the item 2-3 weeks – up to a month in advance of the Planning and Zoning Board meeting, and then go to Council with all the information.

Council Member Bryan stated he heard that there was a \$60 million shortfall in revenues for the State; thanked Dan Robino, Del Yonts, Dan Faden and Joe Hackford for a great job on the Council dais; and that he has submitted a request to complete the PA system and Town Manager gave him approval.

Vice Mayor Hackford inquired about the status on the Town mowing. Town Manager Brock responded that Conlon did all the major roads and still working on all the others.

Council Member Mahaney inquired about the status on Town procedures, that employee evaluations need to be addressed.

Denni Burr agreed that performance appraisals need to be done on all employees and that she would be glad to get a draft together, since that is something that she has done for years, and bring it back to Council. It was the consensus of Council to have Ms. Burr create a draft and bring it back to Council.

Council Member Mahaney asked Town Manager if we are getting any impact fees from the County. He was concerned that if they have been collecting impact fees for the Town that we are due anything.

5) Public Comments (Non-Agenda Items Only)

There were no public comments.

UNFINISHED BUSINESS

- 1) Resolution No. 21-2007 (Brock)
A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida
Establishing Fees For Certain Applications Submitted To The Town; Providing For
A Repeal; Providing An Effective Date.

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to adopt Resolution No. 21-2007.

NEW BUSINESS

- 1) Resolution No. 01-2008 (Brock)
A Resolution Of The Town Of Grant-Valkaria, Urging Members Of The Florida
Legislature To Support The Following Issues During The 2008 Legislative Session.

Motions by Council Member Bryan, second by Council Member Faden, and vote unanimous to adopt Resolution No. 01-2008.

- 2) Selection Of A Committee For Town Seal (Brock)

Town Manager Brock suggested a contest with town people for the creation of a town seal, and requested volunteers for a committee for town seal.

It was the consensus of Council to agenda this for the next meeting and have a guideline.

- 3) Unpaved Road Ordinance (Brock)

Town Manager Brock suggested a workshop on January 16th to discuss the unpaved road ordinance. It was the consensus of Council to have the workshop on January 16th at 7:00 p.m. to discuss this item only. Council directed staff to contact Chris Tietig, Farm and Grove Realty and Mr. Balog of this workshop meeting date.

PUBLIC FORUM

No one spoke during public forum.

Motions by Vice Mayor Hackford, second by Council Member Mahaney, and vote unanimous to adjourn the meeting at 10:50 p.m.

(Signature on file)

ATTEST:

Del Yonts, Mayor

(Signature on file)

Susanne Krueger, MMC, IIMC, Town Clerk