

TOWN OF GRANT-VALKARIA, FLORIDA  
REGULAR TOWN COUNCIL  
JANUARY 23, 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 7:05 p.m. by Mayor Del Yonts followed by the Pledge, 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

There were no changes to the agenda.

### APPROVAL OF MINUTES

1) Town Council Special Meeting Minutes of December 5, 2007  
Motions by Vice Mayor Hackford, second by Council Member Faden, and vote unanimous to approve Town Council Special Meeting Minutes of December 5, 2007 with changing time meeting started as 7:04 p.m.

### REPORTS

- 1) Town Manager's Report  
Town Manager Brock gave a brief highlight on the following topics:
- Talked to Lisa McKasty regarding fire at Valkaria Road and Old Dixie Highway – area residents were not notified about the burn, and he has corrected the situation that it won't happen again, and that he informed them that they need to let us know when they burn and come to a Town Council meeting. Council Member Morgan intervened that in fact the burning was piles of debris left over when they cleared around the perimeter. She stated that she was informed by Chris that everyone abutting the property was properly notified.
  - Florida East Coast Railways – stated that there are 4 different crossings in Town that were forwarded to the County agenda February 5, 2008. He is in the process of determining responsibility of this with Town Attorney and will bring back to Council at a later date.
  - Another site for the Town Hall location at Fisherman's Landing north of the Historical House was handed out to Council. He has asked Don Lusk, Brevard County Parks and Recreation, if this can be done. He is waiting for insurance costs for this location with the Florida League of Cities.
  - Henderson Road – pre-bid meeting is scheduled for January 28, 2008 at 1:00 p.m. and bid opening is February 8, 2008 at 2:00 p.m.
  - Estimate of revenue from Department of Revenue decreased by about \$14,292.00 – a 2% decrease of anticipated revenues of the budget

- Did not receive the Technical Assistance Grant from Department of Community Affairs for \$25,000. He will bring back to Council a re-allocation regarding this on February 13, 2008.
- Road repair performed on Old Dixie Highway, Valkaria Road and Grant Road.
- Numerous roads were graded, 1 complete mowing of the Town was done, 1 complete mowing of swales was done, only Grant Road & portions of Berry Road remain for ditches. Council Member Faden stated that several swales on Ponderosa have not been mowed.
- An estimate ballpark figure of 4,000 square feet building has been sent to Florida League of Cities for insurance coverage at a building at Fisherman's Landing
- Regarding the 2 legislative appropriations – Senator Haridopolos forwarded no bills; Representative Poppell forwarded only a handful of bills and did not include ours.

Mayor Yonts stated that we need to check the swales as per our agreement, i.e., more of the swales need to be mowed.

Bonnie Allan inquired about if they are going to weed-eat around signs. Vice Mayor Hackford stated that this is not part of the agreement. Dan Robino stated that as per our agreement, both sides and bottom of swales need to be mowed. She also inquired if the Town has looked into purchasing the church across the street from the Community Center. Mayor Yonts responded that Town is currently looking into County sites which are more affordable, if there are no results then Town will look into purchasing.

## 2) Council Reports and Comments

Council Member Faden stated that the airport issues subsided temporarily during the holidays. He stated that he has been in touch with Mr. Borowski about some issues like moving the helicopters off the airport. He also stated that if residents have yard waste or your neighbor has yard waste, to call Waste Management to pick up. If they don't pick up in three days, call Town Hall to report it.

Vice Mayor Hackford stated that he has contacted Mr. Geletko, Waste Management and has arranged a trans-loading station for yard waste (a site where 30-40 yard dumpsters would be placed for the clam shell truck to dump its loads) at the Grant Community Center. This site is not for public use as a dumping site, but rather as a trans-loading station for Waste Management. He also stated that the Grant Community Club has changed its boundary lines to be consistent with the Town's boundary lines.

## 3) Board Comments

Lisette Kolar, Chair of the Local Planning Agency (LPA) stated that at the next meeting scheduled January 28<sup>th</sup>, they will be discussing US1 land uses, finalize discussion on Babcock Street, discuss lot sizes and review procedures for staff. She encouraged residents to attend the meetings to have input on where certain zoning will go in the Town.

Ms. Terry Wolfe, Chair of the Code Enforcement Board stated that she and 5 other Board members attended the Central Florida Code Enforcement Board (CFCEB) training in Port Orange , that this was a good way to educate Board members of their duties and responsibilities, and they all received 2 hours of continuing education points. She stated that the next CFCEB meeting will be April 11<sup>th</sup> in Daytona and their convention will be in June at Daytona.

Town Clerk Krueger stated she had a meeting with the newsletter name selection committee this morning and they selected "Sandhill Bugle" as the winning name for the Town's newsletter. The committee consisted of Bonnie Allan, Royce Stifflemire and LeRoy Rotgers. Many thanks go out to all who responded with such wonderful names. Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to award the winner, who has been identified as Ms. Ellen Plachter, with 2 Town t-shirts and 2 Town coffee mugs.

#### 4) Town Attorney's Report

Town Attorney Bohne stated that he has sent a letter to Mr. Machata's attorney notifying him of the Town's intent to foreclose on his clients' property, gave him 10 days to come up with the fine plus interest, and if not received the Town will proceed with the foreclosure.

#### 5) Public Comments (Non-Agenda Items Only)

John and Aimee Vallery, Wintergreen Avenue, stated that his road was graded yesterday, but after the rain today it needs grading again. He stated that last time workers were out, they put down some sand shell which had about 30-40% clay which causes the road to be mushy during the rain. He suggested the Town look into milling the road like how Malabar does it where it has improved their roads with little or no maintenance. Aimee Vallery thanked Town Manager for his assistance.

### UNFINISHED BUSINESS

- 1) PUBLIC HEARING – REQUEST TO VACATE – COUNCIL ACTION (Brock)  
(This item was tabled January 9, 2008)

Request Submitted By Jesse W. And Marian E. Marshall -- Request To Vacate Road Right Of Way On Quantico Avenue (Avenue "U" Per Plat-Proposed Vacation Of 50' Right Of Way-Unimproved) And Pierpoint Avenue (Avenue "I" Per Plat-Proposed Vacation of 50' Right Of Way-Unimproved)

- 2) Resolution No. 02-2008 – A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida Vacating And Abandoning A Certain Right Of Way Located In The Town And Dedicated For Public Use As More Particularly Described In Exhibit "A" To This Resolution; Providing For Conflict; And Providing For An Effective Date.

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to remove from table the request to vacate submitted by Jesse W. and Marian E. Marshall.

Mayor Yonts opened the public hearing. Matt Boerger, Miller Legg stated that there was no environmental study done, but used aerials. It was noted for the record that correspondence has been received from Florida Gas Transmission Co., Brevard County Fire Rescue, and Florida Power and Light Co. with no objections to the vacate; still waiting for a response from Susan Weller, County Land Acquisition. Mr. Boerger stated that wouldn't be an issue if Weller did not respond. Mayor Yonts closed the public hearing.

Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous to approve vacating of road right of way.

Mayor Yonts read Resolution No. 02-2008 by title only and opened the public hearing. Town Attorney Bohne explained that the resolution is a formality to record in the public records the granted vacate of right of way.

Motions by Vice Mayor Hackford, second by Council Member Mahaney, and vote unanimous to approve Resolution No. 02-2008.

### NEW BUSINESS

1) Resolution No. 03-2008 (Brock)

A Resolution of the Town of Grant-Valkaria, Brevard County; Approving an application for special event; imposing conditions; Providing for severability; Repeal and an effective date. (Special Event Permit No. 2008-01 – Grant Seafood Festival, 4580 1<sup>st</sup> Street)

Mayor Yonts read Resolution No. 03-2008 by title only and opened for public comment. Mayor Yonts asked Town Attorney Bohne that since Joe Hackford's name is somewhere on this application, does he have to excuse himself. Town Attorney Bohne asked Vice Mayor Hackford if he has any financial gain or loss in this special event. Vice Mayor Hackford responded with "no"; therefore Town Attorney determined that he did not have to excuse himself. Matt Boerger, Miller Legg stated that he reviewed this and had no issues. Vice Mayor Hackford stated that there are no vendors, no separate electric power and Waste Management approval. It was noted for the record that correspondence received from Miller Legg suggested a \$25 fee, the site plan did not include electrical layout, and no occupational license numbers have been included in the application; Brevard County Sheriff's Department gave approval and fee cost to be determined; certificate of insurance designating the Town as the certificate holder for general liability has been received.

The following people spoke:

- Bonnie Allan – is the Town the additional insured; Mayor Yonts responded "yes"
- Allen Webb – did County health, fire, etc review; Mayor Yonts responded "yes"
- Lisette Kolar – Grant Community Club is not requesting a waiver because of the stack of papers that needs to be completed

Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to approve Resolution No. 03-2008 – Special Event Permit No. 2008-1 with the change in time

as being 9:00 a.m. until 8:00 p.m. for both Saturday, February 23, 2008 and Sunday, February 24, 2008.

2) Resolution No. 04-2008 (Brock)

A Resolution Of The Town Of Grant-Valkaria, Brevard County; Approving An Application For Special Event; Imposing Conditions; Providing For Severability; Repeal And An Effective Date. (Special Event Permit No. 2008-02 – Air Fest, 2865 Greenbrooke Street)

Mayor Yonts read Resolution No. 04-2008 by title only and opened for public comment. Matt Boerger, Miller Legg suggested \$25 fee; while they understand the proposed rain date to be next day, the application showed February 18<sup>th</sup>, not an issue, more a comment for clarity; application did not include electrical layout, however, it is understood that permanent power is on site; unclear if applicant requesting waiver-if so need appropriate documents; approval based on fire rescue satisfied with event layout, etc.; there are some occupational licenses included in the package-concerned that this is all the vendors. It was noted for the records that County Fire Rescue gave approval and that fee waiver to be determined, and Sheriff's Department gave approval waiving the \$320 fee; however, they have asked COP's to assist with parking or whatever else needs they have.

The following people spoke:

- Curt Lorenc – Council should look at what happened last year about the violations that occurred; suggested NOTAM's be issued; present application lacks specifics like a safety plan; request FAA to be safety advisor or hire someone to do same; there is an ordinance that states no commercial at airport; traffic issues regarding golf carts by residents; need to look at parking and at crowds; someone from Town should supervise event and if any violations it should be shut down; get everything in writing before approving
- Don Whitehouse – requested that runway 927 be closed
- LeRoy Rotgers – February 4<sup>th</sup> he will receive waivers from FAA; he handed out a letter from DBPR to Council regarding complaints filed through them; Sheriff's Deputies will provide traffic control; confirmed that FAA Rick Sheppard will be present when they set up; will provide Town with waiver request list; not requesting a waiver from the fees
- Francis Herr – there were no complaints at the events for safety; no late music; Sheriff's Deputy will be present; there are about 56 assigned volunteers to help with parking and crowd control
- Janet Conrad, aide to Commissioner Voltz – affirmed that Sheriff did talk to Commissioner Voltz about having adequate patrols there
- George Wolfe – recommended that NOTAM's be filed with FAA, posted and on file at Town Hall
- Dan Robino – are they selling rides; Attorney Bohne responded that if they charge a fee that would be commercial and therefore prohibited
- Denni Burr – if person flew plane in and place it for sale, would that be considered a vendor; Attorney Bohne responded “no”

- Janis Walter – asked if Town had anything in writing regarding NOTAM's

LeRoy Rotgers requested to use empty lot across the street from airport to use an extra parking area. He stated that it needs to be mowed and mulched. Town Attorney Bohne was concerned about the zoning allowed for free standing parking and this is not what Council is to determine tonight.

Mayor Yonts called for a brief recess at 9:05 p.m.

Mayor Yonts called the meeting to order at 9:15 p.m.

Based on County Code 18.81 (3), Town Attorney Bohne stated that no commercial activity on the airport is allowed without written permission from County, both the Airport and County need to give permission.

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to approve Resolution No. 04-2008 for Special Event 2008-02 with the following conditions:

- 1) Anticipated crowd total to be 4,000 with a 2,000 maximum at any given time
- 2) Rain date allowed as February 17, 2008
- 3) 3 tents 20' x 20' allowed provided flame resistant certificate is in file
- 4) Outside music allowed for one non-amplified combo
- 5) Provide Certificate of insurance reflecting Town of Grant-Valkaria as the Additional Insured
- 6) Provide Town with a list of items requested for a waiver from Federal Aviation Authority (FAA)
- 7) Provide Town with a copy of the FAA waiver
- 8) Provide Town with a copy of NOTAM (Notice To Airmen) issued by FAA
- 9) Provide Town with list of group providing rides
- 10) Provide Town with approval letter from Brevard County Manager or designee allowing the Air Fest as a commercial activity at the Airport
- 11) Provide Town with verification from FAA that they will have someone on-site at sometime during the day
- 12) Provide Town with verification that there will be a sufficient number of Deputies as determined by Brevard County Sheriff's Department on site for traffic control and law enforcement
- 13) Parking shall be as designated on the map included in the application
- 14) Ensure that Runway 927 is closed during the event
- 15) All the above documents required must be presented to Town staff prior to the event during normal working hours of Monday through Friday, 9:00 a.m. till 5:00 p.m.
- 16) The special event permit shall be a one day permit for Saturday, February 16, 2008 from 8:00 a.m. to 9:00 p.m. or in the event of rain, this permit shall be permitted for Sunday, February 17, 2008 from 8:00 a.m. to 9:00 p.m.
- 17) The permit may be revoked by the Code Enforcement Officer or Mayor if any of above is in violation

3) Discuss Social Security Policy As Per Florida State Statutes (Brock)

Town Attorney Bohne explained that due to the new statute defining the collecting/releasing of social security numbers this policy needs to be adopted by Council.

Motions by Council Member DeMott, second by Council Member Morgan, and vote unanimous to approve Town of Grant-Valkaria Social Security Number Disclosure Policy.

4) Consideration of Wireless Communication Policy (Brock)

Town Attorney Bohne suggested implementing the wireless communication policy for protection under sovereign immunity requirement during the course of employment.

Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to approve the wireless communication policy with the change that any hands-free device can be utilized.

Town Attorney Bohne was excused from the remainder of the meeting at 10:30 p.m.

5) Consideration of Additional Space At Town Hall (Brock)

Town Manager Brock stated that he spoke with landlord, John Chase, regarding utilization of additional 397 square feet for an additional \$225 per month. He stated the Town could use additional conference room space but does not need it at this time; however, more space could be needed for code enforcement office, storage for traffic cones and signs, and storage for file records. He stated that the landlord has agreed to install an electric meter for Town's separate account. It was the consensus of Council for Mayor and Town Manager to get with landlord to discuss expansion, and come back to Council with the results from the negotiations.

6) Review/Approval of Town Administrator Performance Appraisal Form (Yonts)

Denni Burr stated that she, Lisette Kolar, and Ray Kolar worked on this appraisal form and she handed Council a copy of the procedure for appraising the performance of Town Administrator. She stated that this was created from the Town Administrator job description, a copy of the ICMA format that Mr. Brock provided, and a couple of forms from other cities. If Council uses "no basis for rating", they can use information based on information from constituents – talk to others in the field to see how he is doing and get feedback from others. They cannot use information from Staff for this.

Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to approve the performance appraisal form with the condition that the rating scale be 0 to 5 and to add section for Town Administrator's comments.

It was the consensus of Council to set the tentative date of April 1, 2008 at 7:00 p.m. for the Town Administrator Performance Appraisal.

PUBLIC FORUM

No one spoke during public forum.

ADJOURN

Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to adjourn meeting at 11:10 p.m.

(Signature on file)

ATTEST:

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Del Yonts, Mayor

(signature on file)

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Susanne Krueger, MMC, IIMC, Town Clerk