

TOWN OF GRANT-VALKARIA, FLORIDA  
REGULAR TOWN COUNCIL MEETING  
MARCH 26, 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 and roll call to the Council Members, with the following present:

Mayor – Del Yonts  
Seat No. 1 – Joe Hackford, Vice Mayor  
Seat No. 2 – Danielle Morgan  
Seat No. 3 – Pat Bryan  
Seat No. 4 – Cathy DeMott  
Seat No. 5 – Dan Faden

Town Clerk/Acting Town Manager  
Susanne Krueger  
Administrative Assistant Linda  
Munroe

EXCUSE COUNCIL MEMBER MAHANEY

Moved by Council Member Morgan, seconded by Vice Mayor Hackford to excuse Council Member Mahaney. Motion carried unanimously.

CHANGES TO AGENDA

Town Clerk/Acting Town Manager Krueger requested adding “Special Event Permit for All Florida Leasing” and “Special Event for Carp Coastal Marine” under “New Business”. Mayor Yonts requested discussion of Town Clerk’s compensation to be held off until next meeting when Council Member Mahaney will be in attendance.

APPROVAL OF MINUTES

1) Town Council Workshop Meeting Minutes of March 12, 2008

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to discuss these minutes at the end of the meeting.

2) Town Council Meeting Minutes of March 12, 2008

Motions by Council Member Morgan, second by Council Member Faden, and vote unanimous to approve Town Council Meeting Minutes of March 12, 2008

REPORTS

1) Town Manager’s Report

Town Clerk/Acting Town Manager Krueger stated that Matt Brock sent her an email and left as of today. She performed an exit interview on him and acquired all Town’s possessions. She read the following list giving Council an update on the activities at Town Hall:

- Contacted Mandy, Florida League of Cities –deadline for ad to run on 3/31/08 can be tonight midnight or 8 am tomorrow RE Immediate opening for a fulltime Town Administrator – draft of the ad is in front of you
- 2 Special Event permits received:
  - All Florida Leasing – I sent Council an email regarding this automobile tent sales at the Antique Mall to be held April 2-6 - I request this item be added to the agenda wherever Council wishes – I believe the applicant is in the audience
  - Carp Coastal Marine has requested a Special Event permit for a promotional event to let locals know who, what & where Carp Coastal Marine is & also celebrating

store expansion which was just received on Monday, March 24<sup>th</sup>. I have copied you a complete package. Still need responses from Miller Legg & Health Dept

- Amended copy of the road ordinance includes changes as per meeting and Dan Faden's recommendations are copied for you
- Ordered street signs for Shell Pit Rd and US1 – should be in about next Wed, April 2<sup>nd</sup> – cost \$242.40 (60.60 each x 4 signs)
- Florida Dept of Transportation requested a mileage report – how many miles of roads – paved and unpaved in the town
- Babette Fish, US1 wanted Council to know that she thought the garbage fees were appalling
- Contacted Buster, County Road and Bridge to obtain a copy of the county policy/procedures regarding an issue that came up on Treasure Lane. Resident on Treasure Lane has a collapsing culvert. It is undermining a portion of the road that it connects to. It is County policy that the owner is responsible for repairing this, as per a signed statement by the owner. Buster will provide me with a copy of this. Vice Mayor Hackford and myself went out and took pictures.
- The alarm code has been changed. A copy of the new code is on a card before you.
- Denni and I are working on the Personnel Manual. We are reviewing Malabar's, Palm Shores' and Rockledge's.
- Senne Road improvements will be coming before Council April 9<sup>th</sup> after engineering review – a permit will then be issued.
- There will be a street name change on the April 9<sup>th</sup> agenda in the form of a resolution – street name now called Angel Trout Lane will be changed to Shark Bait Lane
- Mooney Lane complaint received regarding debris in middle of road – Mayor Yonts and Acting Town Manager Krueger checked this – turned out to be a large wood work bench & large wood dog kennel. – Linda contacted the owner to break the debris in manageable size and she also contacted Waste Management to coordinate a pickup that was agreeable with the owner to accomplish breaking down the debris.
- Patricia Brink of Brevard County Parks and Recreation called and wanted to know if the Town wanted to participate in the first Annual Kid's Fishing Derby Sat April 19<sup>th</sup> 8-10 AM at Fisherman's Landing. – free admission kids 5-16.
- Richard from County Land Dev sent me some information they use for unpaved road design – I have copies for Council if they wish.
- Letter received from DEP regarding the entire Indian River Lagoon shoreline of the town being in the Florida Aquatic Preserves and what should be included in the comprehensive plan. If Council wishes a copy of this letter, please let me know. Copies will be given to LPA.

It was discussed among Council that someone from the Fish Fry should apply for a special event permit. Vice Mayor Hackford stated that he would get with Jack King and Sue. Mayor Yonts requested Council be sent the actual mileage of paved and unpaved roads.

2) Town Attorney's Report – none given

3) Council Reports and Comments

Council Member Bryan stated he would like on a future agenda the discussion about residents unable to obtain confirmation from the Fire Department that their property is within or outside of the five (5) mile limit for insurance coverage purposes. He also requested confirmation that the Treasure Coast Marina site plan was approved by Council for a boat storage use only, not sales. Ms. Krueger stated that she received an email from Matt Brock that included this site plan, and that she would forward a copy to Council.

Council Member Faden requested agenda item be added to discuss per diem/per hour of a code enforcement officer. He stated that he attended a Valkaria Airport Authority Board (VAAB) meeting at which there were seven representatives in attendance -five people appointed by County Commissioners, one representative from Malabar and himself as representative from Grant-Valkaria. Most of the audience were pilots at this meeting and the VAAB requested the use of Town Hall as a meeting place to discuss auxiliary runway making the location from Viera to south County. It was the consensus of Council to not allow use of Town Hall for their meetings due to the size limitations.

Vice Mayor Hackford stated that he met with John Conlon and came up with a mowing schedule which he handed to Council. At this meeting he obtained contact name and phone number for the Florida East Coast (FEC) Railway maintenance. Discussion among Council resulted in staff getting with Sheriff's Department to have inmates cut pepper trees around stop signs, edging and weed-eating, and also get a cost from CDM for cutting pepper trees.

Mayor Yonts stated that on March 19<sup>th</sup>, he participated in the "Mayors on Wheels" program where he delivered meals to about 12-14 participants in the Barefoot Bay area. About 1,000 Mayors in the Country participated. He stated that they are always looking for volunteers, one day a week, for about one hour, and may travel in two's. He received an email from Barbara Bland reference Brevard County Commission candidates. He stated there is a situation with Crystal Bay/Sebastian Beach and Tennis Club in that the County will not approve the plat because they did not do the site plan review. It was suggested that the Town approve the plat when all required infrastructure is complete and allow water/sewer capacity to be determined on a lot by lot basis when a building permit is issued. If not approved, then development cannot proceed until capacity issue is addressed. This does not imply that Town will accept any responsibility towards increasing capacity, strictly a county issue, and it was recommended by County attorney.

Motion by Vice Mayor Hackford, second by Council Member DeMott, and vote unanimous to approve the plat when all required infrastructure is complete and allow water/sewer capacity to be determined on a lot by lot basis when building permit is issued. Motion carried unanimously.

Mayor Yonts stated that he met with Lt. Salvo, Brevard County Sheriff's Office, regarding the grow house in town and reviewed the property seizure law. The state statute is very specific and the proceeds from the sale of this house can be used towards Citizens On Patrol (COP), a school resource officer. He requested that a notice be placed in the newsletter that we are looking for volunteer participation in COPs.

Mayor Yonts stated he attended a meeting at Viera on fire assessments. He obtained a copy of the plans for the new fire station at the Airport which he showed Council. He met with a Pastor and Deacon from a church on Babcock Street regarding water/sewer from Palm Bay – we have no interlocal agreement with Palm Bay and they are in no rush.

Mayor Yonts stated for the record that Town Clerk Krueger was not interested in the position of Town Administrator and he suggested the following method/timetable for selection of new Town Administrator:

- Run ad for position in Florida League of Cities Datagram on Monday, March 31<sup>st</sup>
- April 9<sup>th</sup> meeting review all resumes received. If Council feels no one is qualified, expand search by providing additional advertising and time.
- If by majority vote Council feels one or more is qualified, interviews can be scheduled for April 16<sup>th</sup> or April 19<sup>th</sup> depending on number of candidates, with a time for social interaction.
- April 23<sup>rd</sup> Council meeting will discuss selection of Town Administrator. If none, by majority vote of Council to proceed to expand advertising. If majority vote of Council, a Town Administrator is selected. Authorize attorney and Mayor to negotiate contract and bring back to Council.

Motions by Vice Mayor Hackford, second by Council Member DeMott, and vote unanimous to accept ad drafted for the Datagram.

#### 4) Board Reports

Allen Webb, Local Planning Agency Member, stated that at the last meeting they continued discussing the comprehensive plan.

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

William Riley complained about the EEL's blocking off his right-of-way access to his property via end of Crepe Myrtle. Ms. Krueger stated that Chris O'Hara, County EEL's program, came by and obtained a copy of papers that Mr. Riley gave to Town Hall, and they will handle any disputes between themselves and Mr. Riley.

### **UNFINISHED BUSINESS**

Motions by Council Member Faden, second by Council Member Morgan, and vote unanimous to move "Special Event Permit for Florida Leasing" up on the agenda to discuss it now. Randy White of Florida Leasing described that the actual hours of operation will be 10:00 a.m. until 8:00 p.m. even though the application states 9:00 a.m. until 9:00 p.m. which allows time for set up and closing down for the days. This special event was assigned Resolution No. 11-2008.

Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to approve Resolution No. 11-2008 addressing the special event for Florida Leasing with no conditions.

- 1) Discussion/Action Re: Resolution No. 05-2008 – A Resolution Addressing Not Imposing A Non-Ad Valorem Assessment For Stormwater Utility On The Tax Roll. (Brock) (item tabled 2-27-08)

Mayor Yonts stated when he spoke to Carolina Alvarez, Brevard County, she explained that if the Town decided to keep the stormwater assessment the Town would receive about \$74,000 and that it could be used only for new or retrofit, not for maintenance of ditches, or culverts. It is a required element of the comprehensive plan and the county can manage it and we tell them how to spend it. Mayor Yonts told the Council that Ms. Alvarez brought up the Valkaria Lakes project which had been a "dead issue" with the Town since they did not have matching funds for this at the time on incorporation. The grants are still available. The County wants to know if the Town is still interested in participating in this. These monies could be used for this in 3 different phases:

- Phase I- FY 09
- Phase II – FY 10
- Phase III – look and see if this could be done in the next year or 2 after

He recommended that this be left on the tax rolls as a non-ad valorem tax and not approve the resolution. Council needs to make decision whether we should not have a resolution charging \$36 for single family residential or keep milage at .12 to cover this. Allen Webb stated that every municipality is required to have a stormwater plan to treat urban stormwater for community discharge into Indian River needs a treatment system. It was the consensus of Council to have no motion regarding this item and to check with West Melbourne and Malabar to see how much they charge.

- 2) Discussion/Action Re: Amended Interlocal Agreement Re: Transfer Of Stormwater Fees Collected By The Tax Collector During The Period Of July 25, 2005 Through September 30, 2006 In The Amount Of \$88,120.67 (Brock)

Motion by Council Member Bryan, second by Council Member Morgan, and vote unanimous to approve the Amended Interlocal Agreement Re: Transfer Of Stormwater Fees Collected By The Tax Collector The Period Of July 25, 2005 Through September 30, 2006 In The Amount Of \$88,120.67.

- 3) Discuss/Action Re: Policy To Apply For Re-Zoning, Site Plan Review, Binding Development Agreement Review, And Comprehensive Plan Amendment Proposals (Kolar)

It was the consensus of Council to have policies and procedures addressed before July.

Mayor Yonts called for a brief recess at 9:18 p.m.  
Mayor Yonts reconvened the meeting at 9:36 p.m.

#### NEW BUSINESS

- 1) Ordinance No. 2008-01 – First Reading (Yonts)  
An Ordinance Of The Town Of Grant-Valkaria, Brevard County, Florida Relating To Roads; Creating Division 1, Private Road Improvements; Providing A Title And Definitions ; Providing For Criteria For The Issuance Of A Driveway Permit; Providing For Unpaved Road Agreements; Providing

For Criteria For The Issuance Of Driveway Permits For Flag Parcels; Providing For A Variance Procedure; Providing An Application Process; Providing For The Review Of Administrative Decisions; Creating Division 2, Right Of Way Improvement; Providing For A Title And Definitions; Establishing Preconditions To The Issuance Of Driveway Permits; Providing For A Cost Of Improvement Bond And Application Fees; Providing For A Road Improvement Process; Providing For A Cost Of Certification Process, A Return Of Unused Portion Of Bond And Road Improvement Standards; Providing For A Reimbursement Process And Reimbursement Record; Providing For Assignment Of Costs; Providing For The Authority To Impose A Special Assessment For Road Improvements; Providing For Remedies; Providing For Prospective Application Of Division 2; Providing For Exemptions And Authority To Name Roads; Creating Division 3, Acceptance Of Local Roads; Providing For Definitions; Providing For A Policy Statement; Providing For The Process For Acceptance Of Local Streets; Providing For A Reapplication Process; Providing For Severability; Providing An Effective Date.

This ordinance is establishing requirements for unpaved roads.

Vice Mayor Hackford read Ordinance No. 2008-01 by title only, and Mayor Yonts opened the public hearing.

The following people spoke:

Doug Balog – requested that wordage be changed on page 10 to address his situation

LeRoy Rotgers – talked about cul-de-sac radius

Bob Hay asked what happens if someone's lot encroaches a driveway

Motions by Council Member Morgan, second by Vice Mayor Hackford, and vote unanimous to approve Ordinance No. 2008-01 with the following change:

- Section 2.3 (a) first paragraph, second sentence - Delete “in those instances ... parcel of record.” and replace with “In those instances when reasonable proof can be shown that a road design has been initiated prior to adoption of this ordinance utilizing Brevard County standards in existence on July 26, 2006 those roads may be built to those standards.”

- 2) Discussion/Action Re: Interlocal Agreement Regarding Agreement Between Property Appraiser and the Town Creating A Method Of Collection Of Non Ad Valorem Assessments (Brock)

Motions by Council Member Faden, second by Council Member Morgan, and vote unanimous to approve Interlocal Agreement Regarding Agreement Between Property Appraiser and the Town Creating A Method Of Collection Of Non Ad Valorem Assessments.

- 3) Discuss Seafood Festival Special Event (Yonts)

Mayor Yonts opened the floor for discussion about if anyone had any comments about safety or issues that need to be addressed after the event. Dean Atkins stated that very early hours the parking lot got full, police should have directed them. Motions by Council Member Morgan, second by Vice Mayor Hackford, to send letter to Grant Community Club to acknowledge the event was well run despite ATV activity on Grant Road on the day of the event. Motion carried unanimously.

- 4) Discuss/Action Re Resolution No. 10-2008 - assigning additional duties to the Code Enforcement Board to include serving as the Code Review Committee (Yonts)

Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to reconsider the entire process of this resolution in about a month or so after a Town Administrator has been selected. Council was concerned about legal constraints in the format of the ordinance in using the Code Enforcement Board to serve as the Code Review Committee.

It was noted that the time was 11:00 p.m. and it was motioned by Council Member Faden, second by Vice Mayor Hackford, and vote unanimous to continue the meeting.

- 5) Amended Interlocal Agreement Changing The Scope Of Services That The County Provides Regarding Building Permit Review, Issuance And Inspection. (Yonts)

Mayor Yonts explained that this changes the original interlocal agreement in that we have control of our site plans. Motions by Council Member Morgan, second by Vice Mayor Hackford, and vote unanimous to approved the Amended Interlocal Agreement Changing The Scope Of Services That The County Provides Regarding Building Permit Review, Issuance And Inspection.

- 6) Special Event Permit – Carp Coastal Marine

Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous to approve Resolution No. 12-2008 addressing special event for Carp Coastal Marine, condition upon approval from Miller Legg and Department of Health.

#### PUBLIC FORUM

No one spoke during public forum.

#### ADJOURN

Motions by Council Member Morgan, second by Vice Mayor Hackford and vote unanimous to adjourn meeting at 11:16 p.m.

(signature on file)

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Del Yonts, Mayor

ATTEST:

(signature on file)

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Linda Munroe, Assistant to the Clerk