

TOWN OF GRANT-VALKARIA, FLORIDA
REGULAR TOWN COUNCIL
MEETING MINUTES OF JUNE 25, 2008
TOWN HALL, 5120 HIGHWAY US1, GRANT VALKARIA, FL 32949

The Regular Meeting of the Town of Grant-Valkaria, Florida, Town Council was called to order at 7:00 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 Administrator Richard Hood
Seat No. 1 – Joe Hackford, Vice Mayor	Town Clerk Susanne Krueger
Seat No. 2 – Danielle Morgan	
Seat No. 3 – Pat Bryan	
Seat No. 4 – Cathy DeMott	
Seat No. 5 – Dan Faden	
Seat No. 6 – Jason Mahaney	

CHANGES TO AGENDA

Mayor Yonts requested that all New Business Items be discussed immediately following the Public Hearing. He also stated that there are no Council Meeting minutes to be approved.

PUBLIC HEARING – FIRST READING – ORDINANCE NO. 2008-04 – COUNCIL ACTION (Hood)

An Ordinance Of The Town Of Grant-Valkaria, Brevard County, Florida; Calling And Scheduling A Election Upon Amendments To The Charter Of The Town; Providing For The Manner In Which Such Election Shall Be Conducted; Establishing The Form Of The Ballot For Such Election; Providing For The Availability Of Copies Of The Proposed Amendments To The Town Charter; Providing An Effective Date.

This ordinance amends the effective date of ordinances adopted by the Council from 30 days after adoption to a date as specified in the newly adopted ordinance; amends the renewal and refinancing options for emergency appropriations; and amends the requirement that candidates for mayor or council seats participate in candidate forums. This also enables these items to be placed on the ballot at the general election as a referendum.

Mayor Yonts read Ordinance No. 2008-4 by title only, and opened the public hearing.

Mayor Yonts stated that Council had a workshop last week and discussed this ordinance which resulted in addressing several items. First item would be changing the effective date of ordinances. Currently the charter states that ordinances are effective 30 days after adoption which resulted in people waiting another 30 days after adoption; an example would be the unpaved road ordinance. Second item would be changing the charter to allow for multiple year emergency appropriation notes to be approved without renewing each year. Currently the charter requires notes to be approved each year regardless of the term of the note. Third item would be removing the requirement of candidate forums. Currently the charter states that each candidate must attend three forums sponsored by the Town. It was Council consensus that the Town

cannot compel candidates to attend; they can choose to attend; possibly violates a portion of the First Amendment; compels candidate to make political statement; Town will sponsor three candidate forums and it will be up to candidate to attend or not.

Charles Bailey, Cypress Lakes Drive, publicly thanked the Sheriff for the speed trap in the area.

Mayor Yonts closed the public hearing.

Mayor Yonts and Council Member Bryan requested that in the next newsletter it should explain the ballot questions.

Motions by Council Member Mahaney, second by Vice Mayor Hackford, and vote unanimous to approve Ordinance No. 2008-4, First Reading, with the words “to eliminate annual refinancing requirements and refinancing cost” to ballot question number two and delete question number three addressing candidate forum.

NEW BUSINESS

- 1) Discussion/Action Re: Residency Requirement of Town Administrator (Yonts)

Council Member Bryan stated that he wanted the public to know the Town Administrator lives in Melbourne. Glen Davies stated he disagreed, that he should live within the town boundaries.

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to allow Town Administrator to live out of Town boundaries, to allow living at current residency, and if he wishes to reside anywhere else he needs to come before Council again.

- 2) Discussion/Action Re: Establishing Security Bond Amount On Town Administrator (Yonts)

Council inquired as to what would be a reasonable amount of bond and what do other towns have. Town Administrator Hood agreed to look into this and get back to Council.

- 3) Discussion/Action Re: Establishing Contract Term For The Town Attorney That Includes Scheduled Reviews (Yonts)

Mayor Yonts stated that according to the Charter, Council shall establish a contract term for the town attorney that includes scheduled reviews. Town Attorney Bohne stated that he has never required a contract and that it is based on a handshake. He recommended that the contract be terminable at will, have annual reviews, use current rates and future rates agreeable by both parties. Mayor Yonts added that it should be non-ending and Council has the option to terminate at will. It was Council consensus to agree with the above terms.

REPORTS

- 1) Town Attorney’s Report

Town Attorney Bohne briefly described events at the past Code Enforcement Board meeting where there was 6 board members present and two alternates, 1 board member reclused himself from the case because he was a material witness in the case. This left 4 sitting board members, 1 of the alternates then created a quorum. In order for a case to be heard, there must be 5 board members to take action. There was a motion to fine, and the motion failed due to a 4-1 vote (4-ayes, 1-nay). After the proceeding ended, after a break, allegation was made that 1 voting alternate and 1 non-voting alternate had a discussion and that there will be a dispute as to what was said. It was the appearance that something happened and there may be a violation, not stating that there was a violation. He recommended that the Code Board rescinds prior action, conduct a new hearing, and suggested that the 2 persons not be part in discussion in hearing and make sure the board has a quorum. He did state that what was said will be disputed. He stated that in case law you can cure this by having a new hearing.

Town Attorney Bohne stated that board members cannot have side conversations, they cannot be picked up by audio and the clerk cannot get it down. He strongly suggested that board members refrain from sidebar conversations. He further recommended that Council request the Board to rescind action by Code Enforcement Board on June 17, 2008 and conduct a new hearing on the Paris matter.

Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to recommend to the Code Enforcement Board to rescind the action taken June 17, 2008 and conduct new hearing on the Paris matter and the 2 members do not participate.

Mayor Yonts requested adding to the next agenda the selection of another Code Enforcement Board Member, preferably in the Valkaria area where Peter DeVos resided.

Town Attorney Bohne was excused at 7:50 p.m.

2) Town Administrator's Report

Town Administrator Hood read his report as follows:

a) Town Administrator Hood stated that the Town Clerk has no performance evaluation done, and firmly believes it should be done. He suggested that Council authorize the Mayor or another Council Member to assist in the evaluation. Motions by Council Member Faden, second by Council Member Mahaney, and vote unanimous to have Mayor Yonts assist Town Administrator Hood in the performance evaluation of the Town Clerk.

b) He stated he attended several county meetings. One with Carolina Alvarez regarding stormwater ordinance and Valkaria Lakes, where discussion about allowing a part of the funds to be used for maintenance in a specific way, that the Valkaria Lakes project is moving forward. One with John Denninghoff, Transportation Engineer, where discussion about impact fees that the county had collected and that the town may have a say in how the money should be spent if they opt into the agreements. The impact fees have been collected and have been sitting for Grant-Valkaria area. The monies can be spent doing projects to improve the level of service and may be a shared program with Palm Bay like on Babcock Street and Valkaria Road. Past

experience shows that if the Town helps them, they will help the Town. It was Council consensus to opt into the agreement and bring back the agreement for Council approval along with other data.

- c) Resolution No. 20-2008 – Special event permit for Grant Community Club to hold a community yard sale to be held on July 12, 2008, 8:00 a.m. to 2:00 p.m. at the Grant Community Center, 4580 1st Street.

Town Administrator Hood read Resolution No. 20-2008 by title only. Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to approve Resolution No. 20-2008.

- d) Resolution No. 21-2008 – Special event permit for X. Con Custom Ink LLC to hold a grand opening on Sunday, July 13, 2008, 11:00 a.m. to 10:00 p.m. at 4180 Highway US1.

Council Member Bryan recused himself from voting. Town Administrator Hood read Resolution No. 21-2008 by title only. Applicant agreed to remove having alcohol. Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to approve Resolution No. 21-2008 with the condition that there would be no answer for item 10, i.e., no alcoholic beverages served and item 12, i.e., no admission fee.

- e) Town Administrator benefits

Town Administrator Hood stated as per contract the Town would provide health coverage for himself and family, and he asked Council if they were willing to pay his current insurance costs with Health First Health Plans until the Town decides to stay with Florida Municipal Insurance Trust or switch to Health First Health Plans. This would save the Town about \$70.41 per month. It was Council consensus to allow this.

- f) Resolution No. 19-2008 – Bank Resolution

Town Administrator Hood stated that this resolution is the bank resolution allowing him to be a designated signer on the bank account, in addition to the Mayor, Vice Mayor and Town Clerk. Motions by Vice Mayor Hackford, second by Council Member Mahaney, and vote unanimous to approve Resolution No. 19-2008.

g) Town Administrator Hood stated that John Chase approached us that he had an offer to rent out the additional space and as per the contract he is supposed to notify us. The Town can rent the remaining space at a cost of an additional \$300 per month and they would continue to pay the electric. Mayor Yonts requested Town Administrator Hood and himself meet to discuss the terms of the contract, since the Mayor was the one that negotiated it. This item will be brought back to Council at a later time with additional information.

h) Planning and Zoning Board met on Monday and elected Lisette Kolar as Chair, Don Whitehouse as Vice Chair and elected up to four pro tem Vice Chairs. Town Administrator Hood stated that according to ordinance, Board Members terms are for two years; however, Council appointed King, Webb, Whitehouse, and Thiem for one-year terms, and Burr, Kolar, Mafera, R. Mahaney and Robino for two-year terms. For clarification he recommended that the one-year term members term expire in odd years, the next being 2009; the two-year members

expire in even years, the next being 2010; this would ensure each member served a two-year term. Mayor Yonts recommended the same except that the terms are renewable January 2009 and January 2010.

i) Information that two site plans will be coming before Council in July or first meeting in August: 1) Ozzie's restaurant and bar to add a screened room outdoor dining area; 2) riverfront deli.

j) Met with George Geletko, Waste Management, where they discussed VIP Island and getting solid waste assessment on the tax roll. Mr. Geletko stated that VIP Island residents are single family homes, they create trash, and they should be treated the same as everyone else in town by being billed as single family unit. Mr. Geletko offered to purchase pallet of sod for the damage to the intersection of Grant Road and Pinesap, and will work with the town on anything else. Mr. McClelland offered to donate dirt for this repair.

k) Information item – He met with Miller Legg planners prior to Monday meeting and established a procedure that there will be no more direct correspondence with applicants. They must have a work order or approval from the town prior to working on it. Miller Legg did admit that they were not comfortable with the on call services without documents.

l) Planning and Zoning completed review of the Comprehensive Plan and it will be brought to Council once all corrections are made. Miller Legg has been working on the Land Development Regulations. Town Administrator Hood stated that the initial presentation will be a tutorial session and would like to have both boards here as a workshop with the planner. After first presentation, he will sit in on the Local Planning Agency during Land Development Regulation review, take notes and communicate with Miller Legg of the changes. This will limit their time at meetings, and maybe have a consultant here every other meeting.

m) Town Administrator Hood received an email from Bob Lay, Emergency Operations Center, regarding a meeting on July 15th from 1:00 p.m. to 4:30 p.m. to discuss AAR (After Action Review) after the fire and after response. He requested that a Council Member and/or Town Clerk attend this meeting. Council Member Faden stated he may be able to attend, and Terry Wolfe stated she would be there.

3) Council Reports and Comments

Mayor Yonts read a special event permit to Council Member Bryan in that he had a special event "cardiac event". Council Member Bryan thanked all for their concern and that it was good to be here. Council Member Faden stated that the Valkaria Airport Authority Board (VAA B) meeting was cancelled and the next meeting will be Tuesday, July 1st. Vice Mayor Hackford stated that he had given Town Administrator information about a gas driven post hole digger. He also thanked Town Administrator for getting up to speed on issues, a good approach on Miller Legg, and that there will be a boat ramp meeting at Grant Community Center on August 25th at 6:00 p.m. Mayor Yonts stated for the record the fire meeting will be at the Grant Community Center on July 10th at 7:00 p.m.

4) Board Reports

Terry Wolfe, Code Enforcement Board Chair, stated that Mark Pagliarulo was elected as assistant Vice Chair due to Vice Chair Robertson being out of country and as a backup when neither Chair nor Vice Chair is available. Ms. Wolfe requested Council to fill vacant seat on Code Board as soon as possible.

5) Public Comments (Non-Agenda Items Only)

Mr. Charles Bailey thanked the Sheriff's Department for catching speeders on Indian River Drive and Cypress Creek.

Glenn and Maggie Davies stated that they applied for a business tax receipt to rent kayaks, the site is zoned TU1, kayaks are on a 16 foot trailer and will be launched at the boat ramp. Town Administrator Hood informed Council that based on the County codes this business would not be allowed in a TU1 zone; however, he did suggest that they get with another business to share their address that would allow this use. It was Council consensus that they support this idea, but Mr. and Mrs. Davies must comply with codes.

Chris Reinman talked about 4040 Edisto Drive and that the county zoning does not explicitly say that the garage must be attached. It was decided by Town Planner Peetz that a pergola would be considered attached, and therefore be allowed. Town Administrator Hood stated that according to section 62-1102 a garage is an accessory structure, if it is attached to the principle structure we do not have a problem. Mr. Tom Morris stated that a shingle roofed area connecting the two would not be esthetically pleasing, and that Todd Peetz was supposed to send a cease and desist order to the county zoning so he could go forward with this. Council Member Mahaney stated that he has no issue with garage in front if it meets setback requirements. It was Council consensus to agenda this item at the July 9th meeting.

PUBLIC FORUM

No one spoke during public forum.

ADJOURN

Motions by Council Member Mahaney, second by Vice Mayor Hackford and vote unanimous to adjourn meeting at 9:30 p.m.

(Signature on file)

ATTEST:

Del Yonts, Mayor

(signature on file)

Susanne Krueger, MMC, IIMC, Town Clerk