

TOWN OF GRANT-VALKARIA, FLORIDA
REGULAR TOWN COUNCIL
MEETING MINUTES OF JULY 9, 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 7:05 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 Administrator Richard Hood
Seat No. 1 – Joe Hackford, Vice Mayor	Town Clerk Susanne Krueger
Seat No. 2 – Danielle Morgan	
Seat No. 4 – Cathy DeMott	
Seat No. 5 – Dan Faden	
Seat No. 6 – Jason Mahaney	

EXCUSE COUNCIL MEMBER BRYAN

Motions by Council Member Mahaney, second by Council Member DeMott to excuse Council Member Bryan.

CHANGES TO THE AGENDA

Town Administrator Hood requested adding under Unfinished Business “Florida East Coast Railway Agreements For Valkaria Road, 1st Street, and Shell Pit”. Mayor Yonts requested moving several items in the following sequence to immediately follow the Public Hearing – Second Reading – Ordinance No. 2008-04: 1) “Discussion/Action Re Violation Of Conditional Use Permit No. CUP-2007-01 (Resolution No. 04-2007) issued to Quatraro Enterprises Inc at 5890 Highway US1”; 2) “Discussion/Action Re Town Attorney Agreement”; 3) “Town Attorney’s Report”. The remainder agenda items will follow the format as listed on the agenda.

PUBLIC HEARING – SECOND READING – ORDINANCE NO. 2008-04 – COUNCIL ACTION

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; and amends the renewal and refinancing options for emergency appropriations. This also enables these items to be placed on the ballot at the general election as a referendum.

Mayor Yonts read Ordinance No. 2008-04 by title only and opened the public hearing. No one spoke during the public hearing. Mayor Yonts closed the public hearing. Motions by Council Member Mahaney, second by Council Member Morgan, and vote by roll call to approve

Ordinance No. 2008-04 with amending Exhibit B, under section entitled “As to Question 2” last sentence to read “Therefore, shall Article V, section 5.09 of the Charter be amended to eliminate annual refinancing requirements and refinancing costs for emergency appropriations?” Council Member Bryan stated via email “As for Ordinance 2008-04, I can’t find any problems in relation to what we had Karl redo.” Roll call vote: Yonts-aye; Hackford-aye; Morgan-aye; Bryan-absent; DeMott-aye; Faden-aye; Mahaney-aye. Motion passed unanimously.

NEW BUSINESS

1) Discussion/Action Re Violation of Conditional Use Permit No. CUP-2007-1 (Resolution No. 04-2007) issued to Quatraro Enterprises Inc at 5890 Highway US1
Town Administrator Hood informed Council he investigated the complaint that alcohol was being served in the west building. He sent notice to owner and Philly Boyz regarding violation of conditional use permit. Town Attorney Bohne stated that this will be treated as quasi-judicial, staff will present case, the public will be allowed to speak, the respondent will be allowed to speak, and then Council determines if there is a violation and action based on conditional use permit. Town Administrator Hood stated that a notice of hearing was sent certified mail and hand delivered to Philly Boyz, Code Enforcement Officer hand delivered notice to Quatraro, but Town has not received certified receipt from Quatraro. He stated Mario Nicolo, the registered owner of Philly Boyz, was notified that alcohol can only be served in the west building and prohibited any other place; the grand opening sign states coldest beer in town; when he talked to Marion, the cooler inside the east building was stocked with beer.

The following people were sworn in by Attorney Bohne:

- Jim Emory – stated that there are multiple complaints against Marion; he saw the alcohol sign and about half dozen people outside drinking Heineken
- Bonnie Allan – agreed with Jim Emory; no need to have liquor in more buildings
- Vince Wilson – does not think they should be serving beer in eastern building
- Denni Burr – she was present at the meeting that approved the first conditional use permit and that liquor is allowed inside the building; she stated that a couple months ago she was volunteering at Town Hall when Mario came in and said since Ozzie’s burnt down he would open a restaurant or gaming room with better gambling and that he appeared that he knew he had to come here again.
- Mario Nicolo – liquor license is for entire address; he came in and spoke to previous administrator; the cops have never been there; previous town administrator told him where to go to get his permits and what to do; there has been no complaints from neighbors

Town Attorney Bohne stated that the conditional use permit went through hearings and before Council with condition that alcohol can only be served in western building which was agreed by all, and then Council issued conditional use permit based on this condition. He stated that as per Section 2 of Resolution No. 04-2007 Council can revoke, change conditions, modify conditions or have other buildings come in for their own conditional use permit. Mario Nicolo stated that he has not served any beer since he was noticed on July 2nd.

Mayor Yonts closed the public hearing.

Town Administrator Hood read an email from Council Member Bryan for the record. He stated "as for the CUP 2007-01, if they are in violation and it looks like they are, they need to come before Council and explain".

Motions by Council Member Faden, second by Vice Mayor Hackford, to find Quatraro Enterprises in violation of conditional use permit, remove sale and consumption of alcohol from east building, have no days to cure, upon another violation there should be an immediate revocation of the conditional use permit, and proof of any violations would be by affidavit from the Town Administrator or Code Enforcement Officer who would have to personally witness the violation. Motion passed with vote 5-1 (Ayes-Yonts, Hackford, Morgan, Faden, Mahaney; Nay-DeMott).

2) Discussion/Action Re Town Attorney Agreement

Town Administrator Hood gave a brief description of the town attorney agreement as there are seven specific duties that he would perform, be for an indefinite time, terminate at will by agreement of both parties, and evaluated annually by Council. Bonnie Allan stated that since he has been with us since the Interim Council, we should keep him. Vince Wilson stated that we owe him a great deal, that he has handled a lot of subjects in the short time.

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to accept Town Attorney Agreement with scribes errors corrected.

REPORTS

1) Town Attorney's Report

Town Attorney has nothing to report.

Town Attorney was excused.

APPROVAL OF MINUTES

1) Town Council Regular Meeting Minutes of April 9, 2008

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to approve Town Council Regular Meeting Minutes of April 9, 2008

2) Town Council Regular Meeting Minutes of April 23, 2008

Motions by Vice Mayor Hackford, second by Council Member Faden, and vote unanimous to approve Town Council Regular Meeting Minutes of April 23, 2008.

REPORTS (Continued)

2) Town Administrator's Report

Town Administrator Hood read his report as follows:

A. TAC – The Town Council for the Town of Grant-Valkaria had previously appointed Mr. Matt Brock to the Technical Advisory Board of the MPO. He was contacted by representatives of the MPO requesting that the Town appoint new member and an alternate member if desired to this board. Motions by Council Member Mahaney, second by Council

Member Morgan, and vote unanimous to appoint Town Administrator Hood as new member and Mayor Yonts as alternate member.

B. Docks – Lately we have had several issues regarding building and the rebuilding of docks within the Town limits. He had correspondence with the County and with DEP regarding this issue. Apparently the County is no longer issuing permits for docks or seawalls along the Indian River Lagoon. They are leaving it up to DEP to issue permits where necessary. The County has informed us that they will issue permits for the Town through their building department if requested. It would be appropriate to discuss the issue of whether or not the town wishes to issue permits in addition to the DEP permits requirements. Some other municipalities are issuing their own permits as well as requiring the permits from other outside agencies. Keep in mind that some construction does not require DEP permits. It was Council consensus to have Town Administrator investigation further and bring back to Council some method of tracking dock permits.

C. Code Enforcement Board Vacancy – We are compiling a list of residents who previously applied for various boards to determine if they still desire to serve on a board. We have also placed this vacancy on the Town’s website. It is our intention to have a list of names and their credentials for your consideration at the July 23, 2008 Council meeting. We are also having a great deal of difficulty in scheduling the next Code Board meeting because of vacations. We will be able to have a quorum to hear any new violations that may be brought forward. We will not, however, be able to discuss the request of the Town Council regarding the Paris Hearing as we will not have 5 voting members that are not involved in the Council request. It was the direction of Council to notify all candidates that it will be on the agenda, if they wish to attend and explain why they wish to be on the Board.

D. Right-of-Way Mowing – He met with Mr. John Conlon, the Town’s mowing contractor regarding mowing. Mr. Conlon will be mowing the right-of-ways, swales and ditches beginning the week of July 9, 2008. He will be providing costs to mow both sides of the ditches as well as cutting back the overgrowth from the roadways. This is especially evident at some of the intersections and long some of the dirt roads. If anyone knows of an especially overgrown area, please contact Town Hall. Mayor Yonts stated that Toby Road needs to be cut back on the side; Vice Mayor Hackford stated that Grant Road and Pinesap area also need cutting back.

E. CUP Request – The Town has received a request for a Conditional Use Permit for a 2 COP license for the sale of beer and wine on premise. This request has come from Mr. William Lewis, Bill’s Discount Marine, and will be heard before the Planning and Zoning Board on July 28, 2008 and back before Council for a public hearing in August.

F. Site Plans – Town staff is currently reviewing a plan for a cell tower near I-95 near the west end of Ramblebrook Street. A conditional use permit will be required. This project will also be before the Planning and Zoning Board July 28, 2008 and the Town Council in August.

G. Current Fiscal Year – After having a couple of weeks to look over the Profit and Loss vs. Actual statements, I have discovered that there are several errors that need correcting before they will depict an actual picture. The month ending audit by the accountants appears to be correct. We will submit a month ending June 30, 2008 report as soon as possible.

H. Town Limit Signs – We have had a resident come forward to offer to donate money towards signs indicating town limits. Would the Town Council like to solicit funds from the

residents to move forward with this project or would the Council prefer to fund this through the general fund monies? It was Council consensus to have a donation box at Grant-Valkaria Day.

3) Treasurer's Report

Town Administrator Hood stated that he is trying to straighten out line items such as comprehensive planning, engineering services under road and street facilities, right-of-way, street maintenance, and street improvements.

4) Council Reports and Comments

Council Member Faden gave a highlight of upcoming events: Valkaria Airport Advisory Board (VAAB) will be meeting Tuesday, July 29th, 6:00 p.m. at the Grant Community Center, the Air Fest meeting is moved to Tuesday, August 19th, 7:00 p.m. at the Grant Community Center where we can get our ducks in a row for the kickoff time. Mayor Yonts stated that the Code Enforcement Board and the Citizens On Patrol (COPs) Program are looking for volunteers, and applications are at Town Hall.

5) Board Reports

Denni Burr briefly touched on the Grant-Valkaria Day preparations. The big Grant-Valkaria Day sign is up; working with Micco Fire Department to come back; working with Coast Guard; working with County Parks and Recreation to use Fisherman's Landing area; looking for pop-up canopies to borrow; looking for volunteers for this day. Council Member Bryan, Lisette Kolar and Mark Pagliarulo offered the use of their canopies. It was Council consensus to pay for the pavilion rental if needed.

6) Public Comments (Non-Agenda Items Only)

There were no public comments on non-agenda items.

UNFINISHED BUSINESS

1) Florida East Coast Railway Agreements For Valkaria Road, 1st Street, and Shell Pit"

Town Administrator Hood stated that these are the same crossing transfer submitted before Council eliminating Senne Road. Motions by Vice Mayor Hackford, second by Council Member Mahaney, and vote unanimous to approve the transfer of the Florida East Coast Railway license agreement.

NEW BUSINESS (continued)

3) Discussion/Action Re: Reinman/Morris Permission To Attach Pergola From Residence To Garage – 4040 Edisto Drive

Town Administrator Hood stated that the applicant was lead to believe that the method of attachment was approved. He stated that accessory structures are prohibited in front of a house and that the county codes are up to interpretation by Council. He read an email from Council Member Bryan which stated that "But I do not want to make some comments about the pergola issue. Looking over all the info, I do believe that the applicant was reasonably sure he was approved due to the communications from Miller Legg. Also, the architectural committee of his own HOA also approves the design. I feel the county code we adopted needs to be revised to reflect this type of "attachment". As he meets the setbacks and is on an acre or more of land, what he is doing is in character with a rural community. I personally would approve the

application irregardless of the “precedent” it may set.” Motions by Council Member Mahaney, second by Council Member Morgan, and vote unanimous to accept Miller Legg recommendation that it meets the requirements of attached, the pergola design is visually, structurally, and architecturally in keeping in compliance with Miller Legg interpretation.

4) Presentation of Budget Proposal – Fiscal Year 2008/2009 (Hood)

Town Administrator Hood presented the proposed budget for Fiscal Year 2008/2009 which has reserves carry-over of \$137,387. The proposal includes three alternates: 1) utilizing the existing millage; 2) utilizing the same revenue as this fiscal year but at a different millage; and 3) utilizing maximum allowed millage. He recommended alternate number two.

5) Approval of Budget Adoption Schedule (Hood)

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to approve the Budget Adoption Schedule, and any additional meetings in August.

6) Discussion/Action Re Florida Power and Light Street Lighting Agreement

(The Town is responsible for paying for the electric provided to all the street lights in Town limits. According to FPL records there are a total of 153 street lights which estimate to be about \$1700 per month bill. Staff requests approval contingent upon verification of total number of street lights that the Town is responsible for.)

Motion by Council Member Mahaney to accept street light agreement after validation by staff – motion withdrawn by Council Member Mahaney. It was Council consensus for staff to determine the cost to remove some of the lights and bring back before Council.

7) Discussion Of Request By Resident For Volunteer Fire Department In Town

Town Administrator Hood introduced Mr. Carmine Tarzia. Mr. Tarzia requested Council support to establish a volunteer fire department in town. He would be working with Division of Forestry, and the Fire Marshal Office; provide wild land suppression in town; provide ambulance, rescue, and fire; proposes to work with county as a non-profit through donations and grants; Malabar Fire Chief will donate time to school them; was approached by Mr. Gore to make a volunteer house and they will be nothing but backup. Mr. Curt Danish stated that there would be a wild land suppression team in town; people are willing to donate trucks and equipment; and will not cost the town any money. Mark Pagliarulo stated that he was involved with the Grant Volunteer Fire Department for eight years and when they shut down the fire department, they were offered to run as reservists. The county was not entertaining the use of volunteers.

PUBLIC FORUM

No one spoke at public forum.

ADJOURN

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to adjourn meeting at 10:07 p.m.

(signature on file)

ATTEST:

Del Yonts, Mayor

(signature on file)

Susanne Krueger, MMC, IIMC, Town Clerk