

TOWN OF GRANT-VALKARIA, FLORIDA  
TOWN COUNCIL MEETING MINUTES OF SEPTEMBER 10, 2008  
GRANT COMMUNITY CENTER, 4580 1<sup>ST</sup> STREET, GRANT, FL 32949

The Town Council Regular Meeting of September 10, 2008 was called to order at 7:00 p.m. by Mayor Del Yonts, followed by the Pledge of Allegiance led by Council Member Bryan, and roll call to the Council Members with the following present:

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

Town Administrator Richard Hood  
Town Clerk Susanne Krueger  
Town Attorney Karl Bohne

**EXCUSE COUNCIL MEMBERS MAHANEY AND MORGAN**

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

**CHANGES TO AGENDA**

- 1) Mayor Yonts requested moving “Discussion/Action Re: Resolution No. 24-2008 - A Resolution Of The Town Of Grant -Valkaria, Brevard County, Florida; Granting A Conditional Use Permit, CUP-2008-04 To Treasure Coast Marina And Boat Yard, Inc., 5185 US Highway 1; Allowing For The On Premise Consumption Of Alcoholic Beverages In Accordance With Brevard County Code Section 62-1482 (3) And 62-1906 (1) On The Property Described Herein; Providing For Conditions; Providing For Revocation; Providing An Effective Date “ after the second public hearing.

**PRESENTATION**

- 1) Honda Site Plan Construction Update Presented By Don Burton, Honda

Mr. Don Burton stated that they plan to occupy the facilities late November and that he would like to extend an invitation to Council and Planning and Zoning Board for their “Grand Opening” on December 18, 6:30 – 7:00 p.m. He stated that there were small changes to the color rendition; they need to add a retaining wall at the north end of the property using geonetting because of the slope; they are in the final design of the boat ramp; introduced Chad who will be finalizing the project.

Chad stated that he found a double wall stainless steel gas tank grounded and encapsulated with six inches of concrete which comes with hurricane straps. It has a 30-year warranty, is all enclosed in a single unit, and will be located to the south of the building where the loading dock is where they will provide some visible coverage. He requested Council approval before proceeding with the change of plans to this system.

It was Council Consensus to have Honda bring back before them a sketch with the changes.

For the record legal notice was published in the tax notice to all property owners sent out by the Brevard County Tax Collector’s Office for Resolution Nos. 26-2008 and 27-2008.

**PUBLIC HEARING – RESOLUTION NO. 26-2008– COUNCIL ACTION (Hood)**

A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida, Tentatively Adopting The Levying Of Ad Valorem Taxes For Town Of Grant-Valkaria For The Fiscal Year 2008/2009; Providing For An Effective Date.

Mayor Yonts read Resolution No. 26-2008 by title only. Town Administrator Hood stated for the record that the tentative millage rate is .4976, is slightly higher from last year, and would generate about \$22,000 in additional revenue for this year. Mayor Yonts opened the public hearing and Tom Sammons inquired as to how much an increase this would be. Mayor Yonts stated that it would be a .07 increase which would be \$21 on a \$300,000 home. Mayor Yonts closed the public hearing.

Town Administrator Hood read Council Member Mahaney's email for the record in that he was in support of Resolution No. 26-2008 stating that for the cost of the price of a bottle of water we can keep it rural.

Motions by Vice Mayor Hackford, second by Council Member DeMott, and vote unanimous to approved Resolution No. 26-2008 at 7:19 p.m.

### **PUBLIC HEARING – RESOLUTION NO. 27-2008 – COUNCIL ACTION (Hood)**

A Resolution Of The Town Of Grant-Valkaria Of Brevard County, Florida, Adopting The Tentative Budget For Fiscal Year 2008/2009; Providing For An Effective Date.

Mayor Yonts read Resolution No. 27-2008 by title only. Town Administrator Hood stated for the record that the total revenue is \$975,278 which by law balances \$975,278 in expenditures with \$82,423 in unencumbered reserves. Mayor Yonts opened the public hearing.

The following people spoke:

- Tom Sammons – wanted to know if there was enough money to grade all the roads; Mooney Lane had been graded 4 to 5 times in the past year and feels that they have been sold short; stop sign at the west end of Mooney Lane has pepper trees obstructing it and needs to be cut back.
- Wally Bowles – inquired if there was verification on these numbers, i.e., rate, miles, frequency to get these figures.
- Town Administrator Hood stated that he used the contract figures submitted this past year and there is enough to do majority of town roads at least once a month; the goal is to set up a firm schedule with better grading and regular frequency.
- Mark Pagliarulo – Mr. Hood is doing a fine job.
- Pat Spiker – inquired what the street/traffic light is – Town Administrator Hood stated that about 155 street lights came with the roadways.

Mayor Yonts closed the public hearing.

Council Member Faden stated that the town is all about volunteerism and if anyone can help in clearing away growth from stop signs, etc. that would be greatly appreciated. Town Administrator Hood stated that it costs \$60 per person per year to maintain the roads. Mayor Yonts inquired if staff took care of maintaining the north end of Leghorn and Benjamin Road right of way with

Malabar. Town Administrator Hood stated that he would confirm with Bonnie at Malabar. Town Attorney Bohne stated that the Town will need to pass an ordinance to changes the legal boundaries of the town. Town Administrator Hood read for the record an email from Council Member Mahaney that he was in support of this resolution.

Motions by Council Member DeMott, second by Council Member Faden, and vote unanimous to approve Resolution No. 27-2008 at 7:49 p.m.

Discussion/Action Re: Resolution No. 24-2008 - A Resolution Of The Town Of Grant -Valkaria, Brevard County, Florida; Granting A Conditional Use Permit, CUP-2008-04 To Treasure Coast Marina And Boat Yard, Inc., 5185 US Highway 1; Allowing For The On Premise Consumption Of Alcoholic Beverages In Accordance With Brevard County Code Section 62-1482 (3) And 62-1906 (1) On The Property Described Herein; Providing For Conditions; Providing For Revocation; Providing An Effective Date

Mayor Yonts read Resolution No. 24-2008 by title only. Town Administrator Hood stated 4-COP state liquor license allows consumption on premise for a full liquor license, and that a package store and a restaurant are permitted uses. He stated that the Planning and Zoning Board approved conditions as stated in the resolution, and the applicant did submit a survey of the property and floor plan. He further stated that the architect feels there will be no problem meeting the parking requirements, and will submit a sketch to verify it.

Richard Barrette (architect), Bonnie Roberts and Tom Ovler were in attendance. Council Member Faden inquired if there is a pump out station for boats. Ms. Roberts stated there are state matching grant for this; however, the state does not want them to do this. Council Member Faden was concerned about using Styrofoam cups around the water and them ending up there; outside music extending to neighbors; pedestrian traffic crossing US1. Mr. Stuart Borton stated that it is his intention to use valet parking on their property across the street and that they have the liability wherever they park. Ms Roberts stated that the US Fish and Wildlife and Brevard County keep their boats at her marina.

Mayor Yonts opened the floor for public comment and stated for the record that legal notice was published in Florida Today newspaper August 23, 2008.

Bonnie Wilbanks-Free stated that she lives directly across from Yellow Dog Café in Malabar, does not hear any noises from the restaurant, and they are very responsive to needs of neighbors.

Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous to approve Resolution No. 24-2008.

Town Attorney Bohne was excused at 8:42 p.m.

Mayor Yonts called for a brief recess at 8:42 p.m.

Mayor Yonts called the meeting back to order at 9:00 p.m.

## APPROVAL OF MINUTES

### 1) Town Council Workshop Meeting Minutes of July 17, 2008

Motions by Vice Mayor Hackford, second by Council Member DeMott, and vote unanimous to approve Town Council Workshop Meeting Minutes of July 17, 2008.

## REPORTS

### 1) Town Manager's Report

Town Administrator Hood stated that on Monday he attended a meeting with Emergency Operations Center Emergency Response Team regarding storm damage from Fay, and it is uncertain what and if we are eligible for anything. He stated that on Monday/Tuesday next week there will be a kick off meeting on available grant monies; 75% would be contributed by federal government, 12.5% by state and 12.5% by local government, however, the town can appeal by letter to the government and the state may absorb the town's 12.5%; the first step is to get a certified representative to observe damage.

Town Administrator Hood stated that the road grading is way behind and he has notified the contractor to grade five roads on August 29<sup>th</sup>, one road on September 3<sup>rd</sup> and one road on September 8<sup>th</sup>, and that to date nothing has been graded. He informed Council that Lortie Drive had two cars towed out due to road problems. He awarded CDM the job to grade seven roads and to rebuild weak areas of Lortie Drive. Due to numerous complaints about the grading Town Administrator Hood requested authority to terminate the contract with Golf Shapers as per item 1.E of the contract which states that the contract may be terminated if both parties agree in writing or terminated without cause with written notification to contractor 30 days in advance of effective date. He stated that CDM was chosen based on they were the second lowest bid for grading and they are currently the contractor for ditch cleaning; as an example of their work he called CDM at 10:30 a.m. and by noon they had started on Lortie and by tomorrow they will start grading; CDM agreed to fulfill remaining time of Golf Shapers contract if Council wishes to terminate Golf Shapers contract. He did contact Golf Shapers via email to not grade any roads that were previously requested due to his lack of performance, and he questioned the charge of 12 cents per foot on a 24 foot wide road being an overcharge. Several people spoke regarding this topic: 1) Dan Robino stated that he inspected these roads; they were never graded properly; Town Clerk Krueger and himself met with contractor and discussed how the roads were to be graded; 2) Tom Sammons stated that CDM did a far better job grading his road; 3) Lisette Kolar stated that since they caused the problems can we have them fix them; 4) Council Member DeMott inquired about the status of Wintergreen – Town Administrator Hood responded that you can maneuver it, it can survive until Council makes a decision and will be on list of roads to be graded.

Motions by Vice Mayor Hackford, second by Council Member DeMott, and vote unanimous to authorize termination of contract with Golf Shapers and award remainder of contract to CDM with the condition that Council can renew contract for a period of another year.

Town Administrator Hood gave a review of upcoming meetings as follows:

- September 17<sup>th</sup> at Town Hall a special meeting with Miller Legg
- September 18<sup>th</sup> meeting in Deland regarding boat ramp
- September 24<sup>th</sup> at Grant Community Center final budget hearing

- Candidate Forums at Grant Community Center at 7:00 p.m. on October 9<sup>th</sup> for a Meet and Greet the Candidates, October 23<sup>rd</sup> first forum, and October 30<sup>th</sup> second forum
- Citizen's Observer Patrol (COPs) program began last night

Town Administrator Hood requested Council input regarding requests he received wanting gates on rights-of-ways. It was determined that he would check further with the Fire Department, Sheriff's Department, and other rural towns and bring it back to Council.

Town Administrator Hood requested permission from Council to administratively handle or extend Grant Community Center's request to have another garage sale on Saturday and in October. Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous to permit staff to handle yard sales such as this.

Mayor Yonts suggested Council look at County codes to see what things that staff can handle.

Town Administrator Hood stated that CDM has been ditch cleaning on three streets; he met with BSE, Scott Glaubitz and will be obtaining copies of Town drainage information, copies of the Town's quarter section maps, St. Johns report for Grant Road and Trout Creek, and USGS map of significant drainage basin information to establish a drainage plan.

Town Administrator Hood stated there is a baffle box at Valley Road and Corey Road that is 6-10 inches higher than the pipe holding back 8 inches of water and he will be getting with the County regarding this; received letter from Florida East Coast Railway (FEC) regarding Shell Pit Road being closed this weekend for redoing crossing at a Town cost of \$62,000; County knew about this and failed to inform the Town; asked FEC for easy payment plan because \$62,000 is 10% of our budget and takes 12 months to get the money; Valkaria Road is on the 2009 list.

## 2) Treasurer's Report

Town Administrator Hood stated that the carry forward amount at this time is \$191,000 and out of this approximately \$90,000 that is still due to Miller Legg from unpaid bills. The year ending amount is \$50,000-\$60,000. He stated that he will need to obtain Council action to reallocate funds to various accounts to rebalance the budget at a near future date. He stated that the total reserves including the Certificate of Deposit is about \$350,000 which is getting close to 30% reserves, most cities try 20% reserves.

## 3) Town Attorney's Report

There was not Town Attorney report.

## 4) Council Reports and Comments

Mayor Yonts stated that the County Commission voted 3-2 to remove the Valkaria Airport Advisory Board (VAAB) with Voltz, Bolin and Colon voting to remove it; if the Town has concerns we will have to go before the County Commission. Council Member Faden stated that he will keep the lines of communication open and that the Air Fest meeting will be held October 29<sup>th</sup>.

Mayor Yonts suggested Council attend the Local Planning Agency and Code Enforcement Board meetings; minutes needs to be caught up on the website; Bobby Putnam has picked up a Space Coast League of Cities/Waste Management scholarship application; need picture of current Council and suggested Council wear green shirts next meeting; Linda Landrum suggested Grant Valkaria Preservation Committee picture at Town Hall.

Council Member Faden stated that he will be arriving at the next meeting at 7:30 p.m.

5) Public Comments (Non-Agenda Items Only)

There were no public comments.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- 1) Discussion/Action Re: Resolution No. 29-2008 - A Resolution Of The Town Of Grant-Valkaria, Brevard County; Approving An Application For Special Event Permit Submitted By WA1A 107.1's A1A Toys For Kids/BBQ Festival Located At Grant Community Center, 4580 1<sup>st</sup> Street, Grant, Florida; Imposing Conditions; Providing For Severability, Repeal And An Effective Date.

Mayor Yonts read Resolution No. 29-2008 by title only.

Motions by Vice Mayor Hackford, second by Council Member Faden, and vote unanimous to approve Resolution No. 29-2008.

- 2) Discussion/Action Re: Resolution No. 28-2008 – A Resolution Of The Town Of Grant-Valkaria, Florida, Urging The Florida Department Of Transportation To Include Passenger Rail Service Along The Florida East Coast Railroad As An Area Of Interest In The Upcoming Statewide Rail System Plan Update; And Providing For An Effective Date. (Faden/Bryan)

Mayor Yonts read Resolution No. 28-2008 by title only and stated that the Space Coast League of Cities and other towns are supporting this.

Motions by Council Member Faden, second by Council Member Bryan, and vote unanimous to approve Resolution No. 28-2008.

- 3) Discussion/Action Re: Golf Cart Useage On Town Streets (Hood)

Town Administrator Hood stated that an individual on Williams Avenue utilizes a golf cart, was informed by a deputy that as per Florida state statute he is not allowed to have them on the roadway, and wanted to know if Council would consider this. Town Administrator Hood stated that if it was Council desire, he would devise a plan and bring it back to Council.

It was consensus of Council to have Town Administrator proceed with this.

PUBLIC FORUM

No one spoke during public forum.

Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous to adjourn meeting at 11:02 p.m.

(signature on file)

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Mayor Del Yonts

ATTEST:

(signature on file)

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Susanne Krueger, Town Clerk