

TOWN OF GRANT-VALKARIA, FLORIDA
REGULAR TOWN COUNCIL
NOVEMBER 14, 2007
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 7:07 p.m. by Mayor Del Yonts followed by the Pledge led by Council Member Faden, 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	Assistant Town Attorney Richard Riehl
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 adding under Reports: Board Reports after Council Reports and Comments; Item G.4 – Ordinance No. 2007-12.

ORGANIZATION MEETING – APPOINT/REAPPOINT VICE MAYOR

(As per Section 1.03 of the Charter, it states that the Vice Mayor shall be elected among council members for a term of 1 year or until his or her successor is elected. A Council Member shall not serve consecutive terms as Vice Mayor unless no other Council Member is willing to serve as Vice Mayor.)

Motions by Council Member Faden, second by Council Member Mahaney, and vote unanimous to appoint Joe Hackford as Vice Mayor after all other Council Members confirmed that they did not wish to serve as Vice Mayor.

APPROVAL OF MINUTES

- 1) LPA/Council Workshop Meeting Minutes of October 4, 2007

Motions by Council Member Morgan, second by Vice Mayor Hackford, and vote unanimous to approve the LPA/Council Workshop Meetings Minutes of October 4, 2007.

- 2) Town Council Meeting Minutes of October 10, 2007

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to approve the Town Council Meeting Minutes of October 10, 2007 with the following amendment: 5th paragraph, page 6 change "... meeting two seeks..." to "meeting two weeks".

- 3) Town Council Meeting Minutes of October 17, 2007

Motions by Council Member Faden, second by Council Member Mahaney, and vote unanimous to approve Town Council Meeting Minutes of October 17, 2007 with the following corrections of page 2: change word in number 13 to state "... last Tuesday it was..."; change word in number 14 to state "Lisa Gover"; change words to state "...helicopter school is conducive..." "...choose a different..."

4) Town Council Meeting Minutes of October 24, 2007

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to approve Town Council Meeting Minutes of October 24, 2007 with the following amendments: 3rd paragraph – change to "Motions by Council Member Bryan, second by Council Member DeMott, and vote by majority vote if 2-5 to deny the 1,320 foot extension of Berry Road. (AYE: Bryan, DeMott; NAY: Mahaney, Yonts, Morgan, Faden, Hackford)"; 4th paragraph – change to "Motions by Council Member Morgan, second by Vice Mayor Hackford, and vote by majority vote of 5-2 to approve road length limits of 20% of 1320 for a total of 1584 feet. (AYE: Mahaney, Hackford, Yonts, Morgan, Faden; NAY: DeMott, Bryan)".

REPORTS

1) Town Manager's Report

Town Manager Brock gave an update of activities:

- Treasurer's Report is not ready, due to Debbie Bradley of Hoyman, Dobson getting married; therefore it will be delayed until November 28th
- Working with the Tax Collector Office to generate an agreement regarding collection of ad valorem taxes, storm water and garbage collection
- Corresponded with Peggy Busacca regarding legislative appropriations acquisition of land
- Tropical Place repair should be completed at the end of the week excluding sod
- Friday, 9:00 a.m. will be meeting with Representative Poppell in Sebastian
- Friday, 1:00 p.m. there will be bid opening for mowing and grading

2) Town Attorney's Report

Town Attorney has nothing to report.

3) Council Reports and Comments

Council Member Faden stated he attended a meeting about airport issues on November 1st at District 3 at Commissioner Voltz's office with Jan Conrad, Karl Bohne, Greg Neer, Don Nohr and Morris Richardson in attendance. Discussion consisted of a verbal agreement by Silver State not to fly Sundays and Mondays, and not to fly before 8:00 a.m. and nor after 6:00 p.m. He stated that this meeting was on the condition that the negotiations are in progress. If anyone wants to be on his list and be kept in the loop, please contact him at dfaden@grantvalkaria.org.

Council Member Faden recognized and congratulated Mayor Yonts in achieving the top grouping of Mayors as Florida League of Cities Mayor of the Year Award. The entire Council thanked him for his achievements.

Vice Mayor Hackford stated that Causeway Mowers will give the Town a 33% discount on mowers if the Town decides to purchase them in the future or any other mowing company will give a discount if purchasing for the Town.

Mayor Yonts stated that he attended the Florida League of Cities Awards Dinner, County Summit, and the Space Coast League of Cities dinner/meeting. At both League of Cities meetings they discussed opposing the January 29th ballot initiative regarding property tax. Mayor Yonts suggested that the Town needs to look at this to see if we agree/disagree and take a stand. At the County Summit they discussed school concurrency and that all municipalities must sign an agreement, and that we are exempt. He stated the Space Coast League of Cities dinner/meeting will be Monday, December 10th at "The Tides" at Patrick Air Force Base and that if you wish to attend to please contact Town Clerk. At this meeting there will be pre-addressed packages of food, etc. for the troops overseas at a cost of \$8.95 (which is the cost of postage) if you wish to contribute.

Mayor Yonts stated that he met with Ed and Chris Tietig, Farm and Grove Realty regarding an unpaved/paved road ordinance.

4) Public Comments (Non-Agenda Items Only)

Linda Mason, representing about five families, complained about the helicopters constantly flying overhead and how it was disturbing everyone in Cypress Creek. She stated that the helicopters came in groups and flew for about one hour at a time all day long from until 9:45 p.m. She begged for Council assistance.

Council Member Faden acknowledged receipt of the email and that he will check to see if they moved from one place to another in their flight pattern.

Curt Lorenc thanked Council Member Faden for his assistance. He talked about Tropical Place and made the following statements: no legal notice was not in the newspaper, email list was not used, he was not sent an agenda package, there was no emergency that the Town declared, contractor had no authority to do work without a contract or permit, unpermitted work, was there competitive bidding, liability issue, not appropriate pipe used, and Fish and Wildlife permit not pulled.

Mayor Yonts responded to Mr. Lorenc's statement as follows: we will check on agenda notice to confirm it was sent out, emergency notice can be by posting on the bulletin board outside, if we put it on the board outside it is sufficient notice from Karl, Town Manager will verify if any permits needed to be pulled, and the emergency was called to pay the contractor.

Don Darby thanked Council about dealing with the helicopters.

Vince Wilson stated that we all owe Council a thank you for the first year and that they should be reimbursed for expenses incurred for the Town of Grant-Valkaria.

Town Manager Brock stated that Dan Robino has helped tremendously and that he could submit reimbursement.

Leroy Rotgers inquired as to how much the Town is spending for all the allegations of Mr. Lorenc that a permit was not pulled for clearing the vegetation at the airport. He stated all agencies were contacted and appropriate permits were pulled and the clearing was approved by the County. He requested an expense report from the Town for all the expenses incurred. He also requested that he be appointed to the Valkaria Airport Advisory Board (VAAB).

Curt Lorenc stated that if all the agencies have given approval, he wants the documents submitted to Council at next meeting.

UNFINISHED BUSINESS

1) 2008 Legislative appropriations (Brock)

Town Manager Brock stated he talked to Peggy Busacca and obtained a map of all the areas that the County owns and they seemed to be conducive to us obtaining property for a Town Hall. He also stated that should the Town go for legislative appropriations for town hall, he has talked to John Chase and the current town hall building might be a possibility.

Council discussed the following items that could possibly be used from the legislative appropriations:

Dry well-deep well-drafting well; road grading; road patching; bridges, emergency supplies and communications; storm water- slopes and side of ditch; comprehensive plan, EELS land – need inventory of all lands and do a feasibility study; access run off to river; pepper tree busting; town hall upgrades; land for municipal building; records storage system; Valkaria Lakes storm water; trade off with EELS land.

Town Manager Brock stated that he has secured a source of funding for dry hydrants with the Division of Forestry. October 1, 2008 they will appropriate a 50/50 match.

The following people spoke:

- Allen Webb - Town should be looking for something that the Town cannot do like a more professional facility for Town Hall.
- Dan Robino stated that Town Hall is a priority, it reflects what our Town is.

It was the consensus of Council to hold a workshop meeting on November 26, 2007 at 7:00 p.m. to discuss legislative appropriations.

2) Consider Agreement To Clean Ditches And Catch Basins-CDM Contract (Brock)

It was Council consensus to make the following changes to the CDM contract:

- At the bottom of page 2 and the top of page 3 where it refers to 20 days, it be changed to 30 days
- Change to Section 3.2 from "...per linear foot charge of \$1.62, plus a payment of \$2,500.00.." to "...per linear foot charge of \$1.62, plus a payment of up to \$2,500.00"
- Add to Exhibit A the length of 22,925 to Old Dixie Highway, 5674 to Weber Road, and total approximate length of 131,192

After Council discussion about changing some of the wordage in the contract, motions by Council Member Faden, second by Vice Mayor Hackford, and vote unanimous to table this item to the end of unfinished business.

3) Waste Management Contract (Brock)

George Geletko, Waste Management, stated that residents will be eligible for a 10% discount if paid annually and he will put it on the next bill that residents can take advantage of the 10% discount. He stated that when the bills go on the tax roll, there will have to be a contract amendment.

The following people spoke:

Tom Sammons – we need to call if we need a clamshell truck-they only came down one time to pickup yard waste on Mooney Lane

Curt Lorenc – this will improve the quality of Town – let drivers call in regarding yard waste

Mark Pagliarulo – a lot of people don't realize they need to call it in

Brent Thorton – bulk yard waste has to be in a certain quantity to determine clam shell truck need

Royce Stifflemire – if he calls in for his load they will pick up just his or entire street

Dave Foltz – customer vs. residents wordage

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to approve the Solid Waste Contract with the following amendments:

- Add the definition of bulk yard waste as meaning any quantity of yard waste which exceeds three (3) cubic yards and which must be removed by a clam shell truck
- Need to expand the recyclable program as to what are acceptable recyclable materials
- Section 2, paragraph B – Subject to the termination provisions contained in Section 10 of this Agreement, the term of this Agreement shall be effective on October 1, 2007 and extend until September 30, 2012, with renewals for five year periods at the mutual agreement of the Town and Collector.
- Delete Section 2, paragraph C, which stated "the Collector shall have the exclusive right to provide roll-off boxes for materials generated in the construction of building and structure or the clearing of land and preparation of sites for construction within the service area."
- Change Section 8-A to read that once the charge for such collection is placed on the county tax roll and bill, a rate discount of no less than ten (10%) percent shall be negotiated between the Collector and the Town

- Section 8-I – delete sentence “ Each roll off Customer will be billed one month’s service in arrears.”
- Section 11 – add wordage that if failure to pick up properly prepared Bulk Yard Waste (clam shell pick up) there would be \$50.00 each case on the third day after written notice and \$20.00 each day thereafter until cured
- Section 11 - Delete sentence “Failure to pick up properly prepared Garden Trash -- \$50.00 each case on the third day after written notice and \$20.00 each day thereafter until cured.”
- Section 11 – insert “19” where it refers to the section number at the end of the last sentence in this section.
- Add to Section 4 - that the residential collection driver will notify dispatch of locations of bulk yard waste requirements
- Add to Section 6 to address that it is the responsibility of the residents to notify the collector by telephone of bulk yard waste requirements and location thereof

Council Member Bryan acknowledged Town Manager Brock achieving his Town Administrator certification.

Mayor Yonts called for a brief recess at 10:09 p.m.
 Mayor Yonts recalled the meeting to order at 10:22 p.m.

- 4) Consider Agreement To Clean Ditches And Catch Basins-CDM Contract – continued from above

After discussion about needing clarification from CDM, it was the consensus of Council to place this item back on the agenda for November 28, 2007.

- 5) Ordinance No. 2007-12 (Yonts)
 An Ordinance Of The Town Of Grant-Valkaria, Brevard County, Florida; Repealing Ordinance 2007-10; Creating A Flood Damage Prevention Code; Providing For Statutory Authorization; Providing For Findings Of Fact, Statement Of Purpose And Objectives; Providing For Definitions; Providing For General Provisions And Administration; Providing For Provisions For Flood Hazard Reduction; Providing For Variance Procedures; Providing For Repeal And Severability; Providing For An Effective Date.

Mayor Yonts stated that to clarify the actions of Council, this item needs to be re-addressed and removed from the table according to the action Council took on October 24, 2007.

Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to rescind the action of Council taken on Ordinance No. 2007-12 on October 24, 2007.

Motions by Council Member Morgan, second by Vice Mayor Hackford, and vote unanimous to remove from the table Ordinance No. 2007-12 from the October 24, 2007 meeting.

Mayor Yonts read Ordinance No. 2007-12 by title only and opened the public hearing. No one from the public spoke; therefore, Mayor Yonts closed the public hearing.

Motions by Council Member Faden, second by Council Member Bryan, and vote unanimous (by roll call vote – all ayes) to approve Ordinance No. 2007-12.

NEW BUSINESS

- 1) Resolution No. 18-2007 – A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida Vacating And Abandoning A Certain Public Utilities Easement Located In The Town And Dedicated For Public Use As Described In This Resolution; Providing For Conflict; And Providing For An Effective Date. (Brock)

Town Manager Brock requested this item be removed from the agenda because advertising requirements have not been met. He requested this item be placed on a Special Council Meeting agenda for December 5, 2007.

- 2) Resolution No. 19-2007 – 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 This Resolution; Providing For An Effective Date. (Brock)

Mayor Yonts read Resolution No. 19-2007 by title only. There were no public comments.

Motions by Council Member Mahaney, second by Vice Mayor Hackford, and vote unanimous to approve Resolution No. 19-2007.

- 3) Ordinance No. 2007-15 – An Ordinance Of The Town Of Grant-Valkaria, Brevard County, Florida; Relating To The Purchase Of Services And Supplies And The Disposition Of Town Property; Providing For Severability; Providing An Effective Date – First Reading (Yonts)

Mayor Yonts read Ordinance No. 2007-15 by title only and opened the public hearing.

The following people spoke:

- Janis Walters – relating to Florida State Statute 287, where does it deviate or add to 287
- Allen Webb – requested explanation how deviate from lowest bidder
- Dan Robino – how will this effect bid process

Mayor Yonts closed the public hearing and stated that the certain items shall be considered when determining the lowest responsible bidder which is explained in Section 14-1 under the twelve items. He also stated any bids that the Town addresses will consider the Town policy as in Section 14-1 as written this date.

Motions by Council Member Mahaney, second by Council Member Morgan, and vote unanimous to approve Ordinance No. 2007-15, first reading, and that until we have an ordinance in place, that it be Town's policy to award bids in accordance with Section 14-1 effective immediately.

4) Discuss Re Creation Of Town Policy For Meeting Procedures (Yonts)

Mayor Yonts suggested Council make a formal policy regarding meeting procedures. Council Member Bryan suggested adding a section regarding coming up to the microphone to speak.

Council Member Bryan stated that he showed Town Clerk a catalog of portable PA systems that the Town should consider purchasing that would address the public coming up to the microphone to speak.

Mayor Yonts requested Town Clerk obtain meeting procedures from other towns for review. In the meantime, he will use the previously used procedures, and look at what other towns use and then come back for review by Council.

5) Appointment Of Representative To The Valkaria Airport Advisory Board (Yonts)

Mayor Yonts informed Council that one application was received from Janis Walters. It was noted that Leroy Rotgers wished to be appointed also. Council Member Faden stated he would like to be in on the December meeting, but would like to have a resident be appointed. Janis Walters stated she was in support of a Town Council Member being the representative. It was the consensus of Council that they would be the representative from the Town and reduce the question of true representation of the public.

Motions by Council Member Morgan, second by Vice Mayor Hackford, and vote unanimous to appoint Council Member Faden as the Valkaria Airport Authority Board (VAAB) member through year 2008.

PUBLIC FORUM

No one from the public spoke.

Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to adjourn the meeting at 11:00 p.m.

(Signature on file)

ATTEST:

Del Yonts, Mayor

(Signature on file)

Susanne Krueger, MMC, IIMC, Town Clerk