

TOWN OF GRANT-VALKARIA, FLORIDA
REGULAR TOWN COUNCIL
NOVEMBER 28, 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 7:00 p.m. by Mayor Del Yonts followed by the Pledge led by Council Member Morgan, 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

Town Manager Brock requested moving Trout Creek Subdivision first under Unfinished Business, adding Sheriff's Report after Town Manager Report, and removing Waste Management Contract which will be addressed at next meeting.

Mayor Yonts requested adding under New Business – Resolution No. 20-2007 dealing with budget from last fiscal year which the Town recently found out it has to be adopted by November 30th.

Council Member Mahaney requested adding setting up an employee evaluation form.

APPROVAL OF MINUTES

1) Town Council Special Meeting Minutes of November 7, 2007

Curt Lorenc stated that the minutes reflected many things that were omitted, i.e., comments that the meeting did not constitute an emergency, a board member was at the site, and no notice in the newspaper regarding the meeting, and that should have been included in the minutes.

Motions by Council Member Faden, second by Vice Mayor Hackford, and vote unanimous to accept as written the Town Council Special Meeting Minutes of November 7, 2007.

2) Town Council Special Meeting Minutes of November 1, 2007

Motions by Council Member Faden, second by Council Member DeMott, and vote unanimous to accept as written Town Council Special Meeting Minutes of November 1, 2007.

Mayor Yonts stated that in the November 1, 2007 meeting minutes it was noted that Council Member Demott was not in attendance, so we did not excuse her.

EXCUSE COUNCIL MEMBER DEMOTT FROM NOVEMBER 1, 2007 MEETING

Motions by Council Member Morgan, second by Vice Mayor Hackford, and vote unanimous to excuse Council Member DeMott from November 1, 2007 Council Meeting.

REPORTS

1) Town Manager's Report

Town Manager Brock stated that he will be creating a spreadsheet regarding right-of-way permits, etc. addressing who is responsible for what, and that one week ago the Town qualified for the national flood insurance program.

Lieutenant Russ Cockriel, Brevard County Sheriff's Department, talked about the recent homicide at Lakeside and informed the public that all the evidence points to the fact that the person(s) that committed this crime are not from this area and that it was not a random act, but rather a targeted victim.

2) Treasurer's Report

Debbie Bradley Goode of Hoyman-Dobson handed out a cash basis fiscal year 2007/2008 annual budget to actual from October 2007. She stated that the Town Clerk can print out reports for the budget to actual at any time and if she can't there will be someone here in the office that can. When the audit is performed by another firm they will check for internal control. She stated that as per the Town Charter the Town Manager has the authority to transfer money between different line items without Council approval, and that when it exceeds appropriated budgeted amount he needs to go to Council for approval.

3) Town Attorney's Report

Town Attorney has nothing to report.

4) Council Reports and Comments

Council Member Faden at the special meeting Council had they discussed obtaining legislative appropriations of a new town hall building for \$1 mill with town matching 5%, road upgrading, and comprehensive plan. He also stated that he met with Senator Haridopolous's aide Laurie Scott on one occasion, and Representative Poppell and his aide on another occasion with Town Manager Brock to discuss obtaining legislative appropriations. Representative Poppell's office stated that even though it is a tight budget year, they will push forward with our request, supply information to us and will work with County Manager Peggy Busacca get us some county property. He did admit that it may be a couple year process, and cautioned us not to be too overly optimistic.

Council Member Faden stated that north Valkaria and north Cypress Creek area has been hit pretty hard regarding helicopters complaints. He stated that residents need to email directly him at dfaden@grantvalkaria.org with your name, address and problems. Please provide colors times, location in your email. He stated that he has pictures and descriptions of the helicopters available if anyone is interested in obtaining copies.

Mayor Yonts stated that he attended a meeting today with Rick Sheppard, FAA, and the airport manager to discuss last year air fest and obtaining permits at the request of Rick Sheppard, and that the minutes of the meeting were taken by Linda Munroe, Assistant to Town Clerk. EAA will provide FAA a list of activities they expect to occur and FAA will decide if a waiver is required or not on each of the activities.

Mayor Yonts stated he attended a Space Coast League of Cities meeting/dinner, and at that meeting Mayor Carol McCormack, Town of Palm Shores stated she will be providing packages to the troops and if anyone is interested they will be pre-packaged and will only require postage. If anyone is interested in this, please contact Town Clerk.

Mayor Yonts stated that he has received about 6 to 8 cities' Council policies and procedures from the Town Clerk for review, he will reviewing them and will come up with a policy and procedure to be brought before Council.

He recognized Town Manager Brock for achieving International City/County Manager's Association (ICMA) credential as senior management and presented him with his pin designation.

5) Public Comments (Non-Agenda Items Only)

Curt Lorenc stated that he had two issues: grant money for town hall (which he will speak about later on) and about the airport. He stated that at the last air fest many FAA safety regulations were violated, i.e., skydiving over people where the Town said no sky diving, and that the Town must do something different like appointing a safety committee to prevent loss of life, and that everything needs to be studied carefully.

UNFINISHED BUSINESS

1) Consider Trout Creek Subdivision (Brock)

Ana Saunders, BSE Consultants, 312 S. Harbor City Boulevard, Melbourne, 32901, requested Council approval for the Trout Creek Subdivision, and stated that the subdivision was started in the County and just needs Board approval for preliminary plat. Gwen Heller, Brevard County Land Development was in attendance and confirmed that this meets the county requirements.

Ms. Saunders stated that the Trout Creek Subdivision is about 56.9 acres consisting of 42 single family homes on minimum 1 acre lot size which is located at the old Summit View Golf

Course. She stated that the homeowner's association will maintain roads, it is a gated community, ATV's are prohibited, and that residents cannot stable horses on the property.

Motions by Council Member Mahaney, second by Council Member Morgan, and vote unanimous to approve Trout Creek Subdivision as approved by County, with County continuing to the end of the project, and the County bearing all bills.

2) 2008 Legislative Appropriation (Brock)

Mayor Yonts stated that the next step will be to go before the Brevard Delegation and request state funds. Three different sites were discussed at a previous meeting and it was the consensus of Council for town hall building to be located at: 1) Old Dixie Highway – currently zoned industrial use and considered conservation land; 2) next to the proposed fire station at the airport – considered government managed lands; 3) parcel known as Broken Glass or Valkaria Lakes – used as road and maintenance storage for County- zoned GML.

Several people spoke:

- Curt Lorenc – glad to see the Town get some money to keep taxes low; however, the process for legislative appropriations should be more of public process with more discussion, and not any special meetings
- Chris Hackford – need to look for something now to ensure we are not without a place in a year or two
- Jo Faden – appreciate Town Manager bringing this up

Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous to proceed with the following list of three items for legislative appropriations for fiscal year 2008: 1) Town Hall building; 2) Comprehensive Planning/Land Development Regulations; 3) Street upgrade phase I (bringing dirt roads up to code).

3) Approval of Mowing and Grading Bids (Brock)

Town Manager Brock stated that they had bid opening a week ago Friday and presented Council with copies of references. John Conlon stated that he presently does road maintenance for the City of Sebastian, maintain substations from Gainesville to Tallahassee for Progress Energy, and operates on a will-call for the East Coast Railroad. Council Member Mahaney asked if any references were checked. Town Manager Brock responded that references were not checked and that Council may wish to award the bid pending confirmation of references.

Motions by Council Member Bryan, second by Council Member DeMott, and vote 5-2 (Nays=Mahaney and Hackford) to award Conlon Landscaping as the low bid for mowing.

Curt Lorenc stated that CDM did work on Tropical Place with no St. Johns Water Management permit pulled, without a contract, and that we need to consider a company that is environmentally aware. Mayor Yonts replied a response from St. Johns stated that no permit

was required, and that the work was considered an emergency and agreed that they should not have done the job without a contract.

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to award Golf Shapers the grading bid.

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to amend the above motion pending approval of satisfactory reference checks.

4) Brevard Metropolitan Planning Organization (MPO) – Technical Advisory Committee Nomination of Appointee (Brock)

Motions by Council Member Mahaney, second by Vice Mayor Hackford, and vote unanimous to appoint Mayor Yonts as delegate and Town Manager Brock as alternate.

After some discussion, motions by Council Member Mahaney, second by Vice Mayor Hackford, and vote unanimous to amend above motion to appoint Town Manager Brock as delegate and Mayor Yonts as alternate.

5) Henderson Road Repair Update (Brock)

Town Manager Brock stated that this is the second major road repair for the town, and introduced Richard Villasenor of Miller Legg. Mr. Villasenor, Miller-Legg, stated that the Henderson Road repair can be replaced with a similar structure which exists to keep the costs down at an estimate of \$11,000.00 to \$12,000.00, that a St. Johns River Water Management permit is required, and that it is not critical – the residents can access their property. Town Manager Brock requested direction from Council as to how they wish to proceed with this. If Council proceeds with this it would entail going out for bids, then go back to Council for approval of firm to perform job. Mr. Villasenor confirmed that he would be overseeing the entire project ensuring compliance with County codes and permitting if needed. Council Member Mahaney stated that he talked to Gwen Heller at the County and she stated that no permit is required, just have an engineer oversee project.

Curt Lorenc questioned as to whether Miller-Legg has a licensed engineer which is overseeing advice to the Town. Mr. Villasenor stated that he is a licensed engineer and offered Mr. Lorenc his business card and his services if he has any questions.

Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to send Henderson Road repair out for bids.

Mayor Yonts asked why the use of corrugated pipe rather than RCP which is required in the current codes. Council Member Mahaney stated that we have to go with the 1995 codes which were in effect at the time of incorporation. Mr. Villasenor stated that due to the type of usage on this culvert serving as a driveway extension, a corrugated pipe was recommended. Mayor Yonts suggested that each time a culvert needs repair, that it be brought before Council to

determine if they wish to accept the Town Engineer's recommendation or deviate from the standard code. It was discussed that maybe this should be addressed in the road ordinance.

Mayor Yonts called for a brief recess at 9:25 p.m.

Mayor Yonts called the meeting to order at 9:40 p.m.

NEW BUSINESS

1) Ordinance No. 2007-16 – First Reading (Brock)

AN ORDINANCE OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA; ANNEXING A PARCEL OF LAND DESCRIBED AS A PORTION OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 30 SOUTH, RANGE 38 EAST, LYING IN BREVARD COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 10 AND RUN, N.89°51'06"E., ALONG THE NORTH BOUNDARY LINE OF THE NORTHEAST 1/4 OF SAID SECTION 10, 969.04 FEET; THENCE, LEAVING SAID NORTH BOUNDARY LINE, S.00°36'20"E., 1329.63 FEET TO THE NORTH BOUNDARY LINE OF SNUG HARBOR LAKES (UNRECORDED); THENCE, S.89°43'14"W., ALONG SAID NORTH BOUNDARY LINE, 968.09 FEET; THENCE, LEAVING THE NORTH BOUNDARY LINE OF SAID SNUG HARBOR LAKES, N.00°38'45"W., ALONG THE EAST BOUNDARY LINE OF BAREFOOT BAY, RECORDED IN PLAT BOOK 22, PAGES 105 THROUGH 115 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, 1331.86 FEET TO THE POINT OF BEGINNING, CONTAINING 29.588 ACRES MORE OR LESS; PROVIDING FOR DIRECTIONS TO THE TOWN CLERK; PROVIDING AN EFFECTIVE DATE. (Brock)

Mayor Yonts read Ordinance No. 2007-16 by title only and explained that this is an extension of Crystal Bay.

Mr. Shannon Smith, representing Crystal Bay, stated that they are requesting the balance of their property to be annexed into Town and that water and sewer will be provided by Barefoot Bay utility district. This project was approved by the County June 2005 which was prior to incorporation of the Town.

Council Member Faden requested that something be included in the annexation agreement or development agreement which would state that we recognize this annexation as a one-time incident, that we will not set a precedent with contiguous and touching properties coming into the Town, and make sure that the Town is not stuck with the water and sewer maintenance, etc. He stated that he would get with Town Atrney Bohne to go over his concerns.

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to accept Ordinance No. 2006-16, first reading.

2) Annexation Agreement – Crystal Bay (Brock)

Mayor Yonts explained that in the annexation agreement it states that if Council decides not to annex the above property that Crystal Bay has the right to de-annex the parcel that is currently in the Town limits.

Mr. Shannon Smith stated that the water and sewer maintenance, setting a annexation precedent regarding density, the sand blowing in neighboring residences, and Crystal Bay signage should be addressed in the annexation agreement. He stated that concurrency was reviewed by the County, the portion that is currently in the Town will have 133 homes plus the 30 acres to be annexed at a rate of 2.03 units per acre, and that this subdivision was previously approved by the County for concurrency.

Curt Lorenc stated Council should look at the entire burden of this project on the Town as in infrastructure costs over the years. Dan Robino asked about the other parcels that they own. Mr. Smith stated that on the east side of US1 they own about .08 acres which has an existing dock and there is no planned use at this time.

Motions by Vice Mayor Hackford, second by Council Member Morgan, and vote unanimous to approve the annexation agreement, not setting a precedent for the future land use requests, as drafted on November 27, 2007.

Motions by Council Member Morgan, second by Council Member Mahaney, and vote unanimous to amend Vice Mayor Hackford's motion regarding Ordinance No. 2007-16 to include the correct exhibits to Ordinance No. 2007-16.

3) Resolution for fees for services (Brock)

Town Manager Brock recommended this agenda item be removed and brought back to Council next meeting when we are ready.

4) Miller Legg – work authorization #5 (Brock)

Town Manager Brock stated that this authorization is for comprehensive plan.

Matt Boerger, Miller-Legg, stated that he is working on data analysis from meetings, putting into policies required by Florida state statutes, and create data analysis obtained from the County.

Motions by Council Member Bryan, second by Council Member Faden, and vote unanimous to approve Miller Legg work authorization #5.

5) Resolution No. 20-2007 (Brock)

A Resolution Of The Town Of Grant-Valkaria, Brevard County;
Formalizing The Adoption Of The Town Budget For Fiscal Year 2006-2007;
Providing For Severability, Repeal And An Effective Date.

Town Manager Brock stated when the Town adopted the budget for Fiscal Year 2006/2007 it was part of the feasibility study and was never formally adopted. A copy of the Town Council meeting minutes approving the budget will be attached to this resolution. This was brought to our attention by Debbie Bradley of Hoyman Dobson who stated that we have a 60 days window of opportunity to address this.

Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous to approve Resolution No. 20-2007 with the condition that a copy of the minutes of the budget approved by Council be attached.

6) Employee Evaluation Form (Mahaney)

Council Member Mahaney stated that every year end all the employers he worked for performed personnel evaluations to protect the employer and the employee. This way the employee knows what he/she is doing right/wrong, and that we need to set something up for new hires, probation periods, and evaluations. Council Member Bryan stated that the Charter states that the Town Administrator is responsible for hiring and firing of employees, and wouldn't that fall under his jurisdiction. Mayor Yonts responded that Council would come up with the forms, not do the evaluations except that for the Town Administrator.

It was the consensus of Council to address this when discussion of procedures comes before Council where it might be addressed.

Council Member Faden asked if the clarification of the \$500 charge regarding the catch basin contract was ready for review again by Council. Town Manager Brock stated that it was ready for signature and that it was his understanding that it did not go before Council for review again, that it was approved with the condition that the changes are made. It was the consensus of Council to bring this item up again at the next Council meeting.

PUBLIC FORUM

No one from the public spoke.

Motions by Council Member Mahaney, second by Vice Mayor Hackford, and vote unanimous to adjourn the meeting at 10:25 p.m.

ATTEST:

(signature on file)

(signature on file)

Del Yonts, Mayor

Susanne Krueger, MMC, IIMC, Town Clerk