

TOWN OF GRANT-VALKARIA, FLORIDA
REGULAR TOWN COUNCIL
DECEMBER 12, 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. 3 – Pat Bryan	Town Attorney Karl Bohne
Seat No. 4 – Cathy DeMott	
Seat No. 5 – Dan Faden	
Seat No. 6 – Jason Mahaney	

EXCUSE COUNCIL MEMBER MORGAN

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

CHANGES TO AGENDA

Town Manager Brock requested adding the following items to the agenda: Under Unfinished Business – Item I.3-Resolution No. 21-2007 regarding fee schedule and Item 1.4-CIBR selection; Under New Business – Item J.6-First Responder Committee and Item J.7-Space Coast League of Cities voting delegate and alternate; and request to table Ordinance No. 2007-16 until the January 9, 2008 meeting.

PUBLIC HEARING – ORDINANCE NO. 2007-15 – SECOND READING – COUNCIL ACTION (Brock)

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.

Mayor Yonts reading Ordinance No. 2007-15 by title only, and opened the public hearing. No one from the public spoke. Mayor Yonts closed the public hearing.

Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous (with a roll call vote), to adopt Ordinance No. 2007-15 with the following changes:

- Wordage be added that Council be involved in the input of the negotiation process
- Where in the ordinance it refers to he – change it to he/she
- In Section 2-1 (c) – delete section entitled “... establish and maintain programs for the inspection, testing, and acceptance of supplies and services; establish and maintain a program for the development and usage of standard specifications for supplies and services ...”.
- The purchasing administrator shall create rules, regulations and procedures with six (6) months from the effective date of this ordinance.

PUBLIC HEARING – ORDINANCE NO. 2007-16 – SECOND READING – COUNCIL ACTION (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)

NOTE FOR THE RECORD: Legal notice was advertised in the Florida Today Newspaper on December 1, 2007.

Mayor Yonts read Ordinance No. 2007-16 by title only.

Motions by Vice Mayor Hackford, second by Council Member Mahaney, and vote unanimous to table this item until January 9, 2008 Council Meeting.

APPROVAL OF MINUTES

None ready for approval.

REPORTS

1) Town Manager's Report

Town Manager Brock stated that next Council meeting will be December 19th, there will be no Council meeting December 26th, and there will be Council meetings January 9th and January 23rd. He also stated that next Wednesday, December 19th, after the meeting we will have a get together and everyone is invited to celebrate the Christmas holiday.

2) Treasurer's Report

Debbie Goode, Hoyman, Dobson & Co, PA, stated that the report provided is the annual 07/08 budget to actual for the year-to-date period ending November 30, 2007. Town Manager Brock stated that an extra column would be added to indicate the percentage of budgeted monies to actual expenses and revenues.

3) Town Attorney's Report

Town Attorney Bohne stated that he will need to wait about another month before proceeding with the collection process on the code enforcement order (Machata) in the amount of \$5,000.00; that two development agreements (Honda and Crystal Bay) will be coming before Council on January 9th along with Crystal Bay annexation agreement; and that he has incorporated in the annexation ordinance for Crystal Bay the wordage addressing de-annexation in a language such as “the Town will propose an ordinance for de-annexation ...” (the key word being propose).

4) Council Reports and Comments

Mayor Yonts stated that the City of Melbourne City Council allowed the Town to co-host the annual Space Coast League of Cities dinner meeting in October of each year. He stated that there are two boxes at Town Hall for anyone wishing to donate toys for the holidays and that the deadline is Thursday, December 13, 2007. He stated that the Yellow Dog will be opening the first Dog Bar on January 2nd from 5:00 p.m. to 7:00 p.m. and people are invited.

Council Member Bryan acknowledged the article in Florida Today newspaper regarding Valkaria Airport and requested staff to find out the difference between an airport manager and an airport administrator. Town Attorney Bohne agreed to look into this.

Council Member Dan Faden stated that he will be meeting tomorrow, December 14th, with Mr. Borowski, and maybe Commissioner Voltz, regarding airport activities. He requested the public to keep sending him email at dfaden@grantvalkaria.org regarding airport issues and that copies of the email should also be sent to the County, Borowski, Mel Scott, and U.S. House Representative. He stated that citizens need to take pictures of the helicopters, obtain their tail numbers and two official witnesses to the event. Get with him and he will help you complete a complaint form and send it in to FAA. In January, he will go to the next step but he needs the documentation. He will be trying to get Silver State not to fly Sunday, Monday and Tuesday for the next two weeks.

Council Member Mahaney asked Town Manager when the road repair on Henderson would commence. Town Manager Brock responded that this will be placed on the late January agenda and that there is a barricade at the site.

Council Member DeMott stated that she will be out of town for the January 9th meeting and wishes to be excused.

5) Board Reports

There were no Board Reports.

6) Public Comments (Non-Agenda Items Only)

Chris Pozgar, 3680 Leghorn Road, requested the Town obtain control of the airport. He stated that he has contacted U. S. Senator Bill Nelson with his previous complaints, who in turn went to the Valkaria Airport and to FAA on his behalf. He complained about the helicopters flying overhead throughout the day today at about 100 feet or below. He stated that he had a video of an incident with the helicopters. Council Member Bryan requested a copy of this video be sent to him and that Mr. Pozgar should use the media to bring this out in the open.

Council Member Faden stated that he will bring up this issue at his meeting tomorrow.

UNFINISHED BUSINESS

1) Consider Agreement To Clean Ditches And Catch Basins – CDM Contract (Brock)

Motions by Council Member Faden, second by Council Member Bryan, and vote unanimous to approve the CDM contract with the following changes: 1) page 2-Section 2.2, 6th line, delete the word “minimum”, 2) page 2-Section 2.2, add “Any time and material shall not exceed \$500.00 unless authorized by Town Administrator or his/her designee, 3) agreement shall commence December 12, 2007.

2) Waste Management Contract (Brock)

Town Attorney Bohne stated that all the changes were made to the document that was addressed at the last council meeting.

George Geletko, Waste Management, stated that as of this date there is a 30% unpaid balance.

Lisette Kolar requested documentation as to justify why the town pays for higher costs if it is not too late. Mr. Geletko stated that all the towns that have a lower cost will be paying the higher cost when it is time to negotiate contract renewals.

Mayor Yonts stated that in order to cut back on costs that he would like the Town to potentially use the County property, Valkaria Lakes, as a place where 4-yard containers could be placed where the claw trucks could dump in, thus allowing more time to actually remove yard waste from residents property.

Kim Ellis inquired who would monitor if we would actually save money using the County property. Mayor Yonts stated that if Waste Management would save money using this, they could pass the savings to the Town.

Mr. Vince Wilson stated that State prisoners are cutting back to the easements along US1 and leaving the branches along the roadway. He inquired as to who is responsible for removing the debris. Mayor Yonts informed that it would be Department of Transportation’s responsibility.

Bonnie Allen stated that even though we are not happy with the higher costs, it is not so bad because for \$5.00 a week we get pickup 4 times a week.

Council Member Faden stated that he would like to see a letter go out regarding recycle goods, i.e. what is recyclable, complaint method, rights of citizens, and reduced billing requirements to obtain a 10% discount in big print.

Motions by Vice Mayor Hackford, second by Council Member Bryan, and vote unanimous to accept the Solid Waste and Recyclables Collection Agreement.

- 3) Resolution No. 21-2007 - A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida Establishing Fees For Certain Applications Submitted To The Town; Providing For A Repeal; Providing An Effective Date. (Brock)

Town Manager Brock gave a brief synopsis of Resolution No. 21-2007.

Jamie Coker, Miller Legg, stated that fee schedule is the same fees as the County. The only changes made were for inspection services-engineering and engineering review for lot drainage. These figures have increased from the County fees to address the fees paid to Miller Legg.

Town Attorney Bohne suggested several items be deleted from the bottom of the fee schedule – revision of schedule of fees and charges, public record recording, and effective date.

It was the consensus of Council to address issues requiring Miller Legg representatives and Town Attorney Bohne's attendance at the beginning of the agenda to reduce costs associated with their attendance.

It was the consensus of Council to bring Resolution No. 21-2007 back for review.

- 4) CIBR Selection (Brock)

Town Manager Brock stated that the Legislature will meet the first part of March.

Motions by Council Member Bryan, second by Council Member Mahaney, and vote unanimous to drop the request for the comprehensive plan for this year's legislative appropriations.

Mayor Yonts called a brief recess at 9:05 p.m.

Mayor Yonts reconvened the meeting at 9:20 p.m.

NEW BUSINESS

- 1) Mowing Contract (Brock)

Town Manager Brock gave a brief introduction of the mowing contract.

Motions by Vice Mayor Hackford, second by Council Member Faden, and vote unanimous to approve the mowing contract, condition on the following:

- Period of agreement shall be for one year commencing on December 12, 2007 and terminating December 12, 2008
- Page 2, Paragraph G – Town Attorney will change the wordage
- Page 2, Add Section I-J to address compliance with the basic terms of the bid
- Add to Section II-A-1 – “for the first four cuttings”
- Change Section II-A-2 to \$2,500.00
- Change wordage in Section II-B from “... mowed at a price agreed upon ...” to “mowed at a price to be negotiated”
- Add sentence to Section II-B “If mowing exceed four, the parties agree to negotiate a per cut rate at below the \$7,200.00.”
- Correct Town Hall address where addressed in contract.

It was the consensus of Council, to do all a full cutting.

2) Grading Contract (Brock)

Town Manager Brock gave a brief introduction of the grading contract.

Dean Akins stated that he lives on Main Street and that when they built the road the county did not have to maintain the road for the first year.

Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous to approve the grading contract, condition on the following:

- Period of agreement shall be for one year commencing on December 12, 2007 and terminating December 12, 2008
- Page 1, Section I-A, add to the last sentence after thereafter “ mutually agreed upon by parties”
- Page 2, Paragraph B – change “...per linear feet...” to “...per square feet...”
- Page 2, Paragraph G – Town Attorney will change the wordage
- Page 2, Add Section I-J to address compliance with the basic terms of the bid
- Correct Town Hall address where addressed in contract.

Motions by Council Member Bryan, second by Council Member Faden, and vote unanimous to amend the mowing contract approval to include adding to page 1, section I-A after thereafter “mutually agreed upon by parties”.

3) Honda site plan (Brock)

David Tom, Construction Engineering Group, gave a brief presentation explaining the proposed site plan. He stated that there will be a dry retention on the south side of the property, they would rebuild the dock in the exact same location, they would extend and build a new boat ramp, the loading dock would be for deliveries, dumpster with recycle, they would be using the Hoot system for oil recovery and DOT has approved onsite storm water contingent upon approval of the Town. He stated that at the Planning and Zoning Board meeting the Leeds,

residents on the south side of the property, requested that Honda remove the three pine trees next to their home. He stated that if they would replace them, they would have to replace with about 21 trees according to the recalculations, unless Council waives this.

Lisette Kolar, Chairperson of the Planning and Zoning Board, stated that the recommendations of the Board was that they would be allowed to clear them if in conjunction with the land clearing ordinance. If it poses a safety hazard, they can cut them down.

Tom Woods, Holeman-Suman Architects, stated that he has designed the building to be Florida vernacular-style; they will be using xeriscape and will have an energy efficient design.

Don Burton, Honda R & D Americas, Inc. stated that the ramp will be separated on the site place because of the duration of obtaining permits for it.

Bob Wattwood, Honda's local attorney stated that in the development agreement it would address hours of operation and other specific details which would go before the Planning and Zoning Board on January 7th and Council on January 9th.

The following people spoke:

- Dave Cato – pine trees will probably die if utilizing the retention area
- Allen Webb – why the ramp is separated on the site plan
- Dan Robino – is there a recovery system set up for the oil and that the trees are a danger to the Leed's property
- Royce Stifflemire – Johnson Evinrude in Stuart received a lot of complaints about going full throttle

Jamie Coker, Miller Legg, stated that Honda addressed all issues from the Planning and Zoning Board meeting and recommended approval of the site plan.

Motions by Council Member Faden, second by Council Member Mahaney, and vote unanimous to approve the Honda site plan.

Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous to approve a waiver for the removal of the three trees based on the fact that the pine trees are stressed, concerns about safe condition of the trees, and the location of trees being in retention area with the condition that they be replaced with red maples on a one tree to one tree basis anywhere on the site to be agreed upon by the Honda along with working with the Leed's.

- 4) Sidewalk Waiver request for tax parcel ID#Twp30-Rng 38-Sec 01
Project Name: Honda
Site Address: 6545 Highway US1

David Tom, Construction Engineering Group, stated that the DOT ditch runs along entire length of property and that DOT does not like sidewalks to nowhere.

Motions by Council Member Bryan, second by Council Member DeMott, and vote unanimous to grant the waiver contingent upon a sidewalk assessment agreement.

- 5) Ordinance No. 2007-18 – First Reading (Yonts)
An Ordinance Of The Town Of Grant-Valkaria, Brevard County, Florida Amending Ordinance 2007-05; Extending The Duration Of That Certain Moratorium Declared In Ordinance 2007-05; Providing For Severability; Providing An Effective Date.

Mayor Yonts read Ordinance No. 2007-18 by title only.

Motions by Council Member Faden, second by Vice Mayor Hackford, and vote unanimous to extend the zoning moratorium for the period commencing January 9, 2008 through July 9, 2008.

- 6) First Responder Committee (Brock)

Town Manager Brock stated that the Town needs someone to attend these meetings.

It was consensus of Council to have Town Manager Brock attend the first meeting to find out what it is about. Since County are our first responders, we may not need to attend.

- 7) Space Coast League of Cities Voting Delegate (Brock)

Motions by Council Member Bryan, second by Council Member Faden, and vote unanimous to appoint Mayor Yonts as the voting delegate and Town Manager Brock as the alternate.

Motions by Council Member Bryan, second by Vice Mayor Hackford, and vote unanimous to adjourn the meeting at 10:55 p.m.

(Signature on file)

ATTEST:

Del Yonts, Mayor

(Signature on file)

Susanne Krueger, MMC, IIMC, Town Clerk