

MINUTES OF THE JOINT MEETING OF  
THE TOWN COUNCIL REGULAR MEETING  
AND  
TOWN COUNCIL WORKSHOP  
WEDNESDAY, MARCH 25, 2009 AT 7:00 P.M.  
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Regular Town Council Meeting of March 25, 2009 was called to order at 7:03 p.m. by Mayor Del Yonts, followed by the Pledge of Allegiance, and roll call to the Council Members with the following present:

Mayor – Del Yonts  
Seat No. 1 – Joe Hackford  
Seat No. 2 – Lisette Kolar  
Seat No. 3 – Pat Bryan  
Seat No. 4 – Jason Mahaney  
Seat No. 5 – Dan Faden  
Seat No. 6 – Cathy DeMott

Town Administrator Richard Hood  
Town Clerk Susanne Krueger

Mayor Yonts requested an additional presentation be made between the first and second presentation regarding Mr. Charles Perry.

PRESENTATIONS

1) Presentation Of Sand hill Crane Oil Painting By Artist “Juju”

Ms. Juju Ventura presented an oil painting of a Sand hill crane and two baby Sand hill cranes to Council. She stated that “Wonderful weather, amazing up-close wildlife encounters and being close to both the ocean and the river are some of the features that make Grant-Valkaria such a great area in which to live. Juju and Co., a group of artists, have plans underway to continue presenting events and activities that will help make Grant-Valkaria one of Florida's great ART DESTINATIONS. This present is significant of our mission. The oil painting by Juju, of a mother sand crane and her two babies is a depiction of the two cities merging; the sand hill crane is our native bird and is thriving now under special protective conditions. GO BUGLE!” Council thanked Ms. Ventura for the beautiful painting.

2) Mayoral Presentation Of Certificate Of Appreciation To Mr. Charles Perry

Mayor Yonts presented a certificate of appreciation to Mr. Charles Perry on behalf of the entire Council for his prompt assistance while serving as a Citizen on Patrols (COPs) during the Grant Seafood Festival in getting a lost child to the Sheriff Deputy on duty. His rapid response resulted in a minimal amount of time between the child being reported missing and being found.

3) County Board Ramp (Christenson’s Landing) Update By Jamie Seymour

Mr. Jamie Seymour stated he is here due to Council Member DeMott’s request for an update of the boat ramp. He recognized Mr. Greg Minor, Brevard County Parks and Recreation, who has been the project manager as of December and who will give an update on the boat ramp. Mr. Minor stated that he is the South Area Operations Manager and Interim Construction Manager highlighted the following:

- Board of County Commission met yesterday and after their review of the project it was their intent to use the “Tedder boat ramp system” which uses the pre-stressed panels

- Mr. Tedder upheld the County's purchase order for the project and he is within a few dollars of the original price of \$662,050.00
- Total price of the entire project is \$2.9 million which is part of the 2000 referendum, several bond issues and several grants
- County has all permits except for the Florida Department of Transportation which he will be meeting with
- Project consists of 4 boat ramps, 6 piers, necessary dredging to install boat ramp, 2 wing walls of panels on both sides of the ramps, floating docks
- Construction should start within next 3 to 4 weeks; 6 to 8 weeks for the boat ramp
- Sea grass needs to be replanted
- Because it is in an aquatic preserve the state requires concrete pilings
- County changed decking to fiberglass because it was cheaper

Town Administrator Hood stated to Mr. Minor that if there is anything that the Town can and should do to assist to please let him know. Mr. Minor stated that the Valkaria Lakes Project just received their St. Johns River Water Management District permit and should be complete in 12 to 16 months.

For the record there were no representatives for the next two presentations; therefore, Mayor Yonts continued with the meeting.

- 4) Presentation Of Certified Emergency Response Team (C.E.R.T.) Update By Terry Wolfe
- 5) Presentation Of Disaster Recovery Committee (D.R.C.) Report By George Wolfe

#### CHANGES TO AGENDA

There were no changes to the agenda.

#### APPROVAL OF MINUTES

- 1) Town Council Regular Meeting Minutes of February 11, 2009
- 2) Town Council Workshop Meeting Minutes of February 18, 2009
- 3) Town Council Regular Meeting Minutes of February 25, 2009
- 4) Town Council Workshop Meeting Minutes of March 4, 2009
- 5) Town Council Regular Meeting Minutes of March 11, 2009

Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to approve all minutes stated above and make change Town Council Regular Meeting Minutes of February 18, 2009 adding "Mayor Yonts stated that he had a conflict and that he would not be able to attend the County Commission meeting." to page 4 third paragraph.

#### PUBLIC COMMENTS (non- agenda items)

There were no public comments.

#### UNFINISHED BUSINESS

There was no unfinished business.

## NEW BUSINESS

- 1) Discussion/Action Re Resolution No. 06-2009 (Yonts)  
A Resolution Of The Town Of Grant-Valkaria, Florida, Supporting Proposed Legislation Revising And Increasing Penalties For Selling, Giving, Or Serving Alcoholic Beverages To Persons Under 21 Years Of Age; Providing For An Adoption Date.

It was Council consensus to not address this resolution and not move forward on adopting this resolution.

## REPORTS

- 1) Town Administrator's Report

Town Administrator Hood read his report as follows:

- A) Business Directory - he stated he had a request by a couple of the businessmen that were at the Business Round Table to see if the Council would approve the concept to have a business link on the Town's website and requested Council input. It was Council consensus to allow the link as long as there were no extra costs to the Town and that if it was approved by Town Attorney.
- B) Road Closures - he stated he met with Council Member Hackford and some of the property owners, hunters and ATV owners as well as a member of the Brevard County Sheriff's Department regarding the problems we have been experiencing in the woods and discussed the concept of closing the road right-of-ways with gates and posting no trespassing signs at the gates. Also discussed was the concept of requiring a registration procedure for the property owners that had land past the gates who wanted access to their property. He discussed the different concepts with our Attorney, Mr. Karl Bohne, and his response is that the Town has the authority to close the right-of-ways and to require a registration to obtain access. Mr. Hood believes this would be a good start to correcting some of the problems we are experiencing. The various hunting clubs are willing to do the labor, provide most of the materials and were also going to check with FP&L to see if they could donate some telephone poles. At this time Mr. Hood would like to see if the Council is agreeable to this concept and if you wish to proceed. Since this is a non-budgeted item, he would also like the Council to set a limit on the Town's expenditures for this project. Mr. Bohne had some reservations regarding the charging of a fee but indicated that taking donations to offset some of the expenditures would be acceptable. If the Council is agreeable to this then Mr. Hood will bring the necessary resolution back to the Council for the closure of the right-of-ways. The other course of action would be to reschedule this matter for a workshop to allow for more input from additional residents. So far there are primarily three groups. Group 1 wants no discharging of firearms within the Town's limits. This group is limited but may be growing. Group 2 wants no new rules regarding hunting or ATV's but wants to keep out uninvited or non-property owners. And Group 3 would be the uninvited and non-property owners who have found Grant-Valkaria to be one of the last remaining areas to come to hunt, ride and shoot. Mr. Hood stated that it would be appropriate to discuss this item at this time.

Mayor Yonts inquired how many roads would be affected and Mr. Hood responded that it would be an on-going thing. Council Member Bryan inquired if the gates would be constructed so horses, walkers, etc. can get through and Mr. Hood responded yes.

Council Member Kolar stated that EELs needs to be a part of the conversation, hear other ideas and requested a workshop; she also requested that there be ground rules and procedures. Council Member Hackford stated the purpose of the meeting with the groups was to simplify everything and that Mr. Hood has made a tremendous stride. Vice Mayor Mahaney stated he liked the idea, the charge should be for guests and not residents, passes should be issued yearly and easily renewable, and does not want a workshop on this. Council Member DeMott stated that she agreed with Mr. Mahaney about the charge. Council Member Faden stated that he did not think a workshop should be scheduled, that the public hearing for the ordinance should have enough time for all to speak; he brought several questions - who would enforce violations, what about vigilantes, what about changing of the locks, at what point do you put gates and then expand; he agreed there needs to be ground rules and parameters set. Mayor Yonts did not see a need for a workshop right now but wants Mr. Hood to keep coming back with more information. He was concerned about if the hunters are willing to pay for gates are they using their lands or others. He stated that the town should be careful and state that this is being done to stop motorized use of rights-of-ways, and that land owners should not be charged a fee.

Mr. Hood stated that the town will come to some kind of standards and methodology before creating an ordinance/resolution. He suggested that there could be registration cards issued to property owners who would provide proof of ownership with a notarized affidavit which would be verified by staff. The locked gates would serve as a deterrent for people that are not supposed to be out there. He will contact EELs, Division of Forestry and Sheriff's Department.

Tom Sammons stated that he was concerned about fire fighters not having access if gates are locked, and that he would like them to have a key but have the Town control the locks. Dan Robino stated that the town has already posted "no motorized vehicles beyond this point" and they have been knocked down and gained access; he felt that the town would be restricting public lands to certain people; he was concerned who was going to replace or check on the locks and that this is going to start costing the town money, and it is a waste of time and money. Ronald McAloney stated that there is good and bad in what is being discussed; a few years ago in Cypress Lakes Estates someone denied access for a man to hunt he was killed for it; if a man has one acre around a lake and sells hunting rights to out of area people to hunt the 4,000-5,000 acres that do not belong to him; there is a four-wheeler association accessing at the end of Sapling and someone is going to get killed out there; there has not been a legitimate hunting club in the area since 1950's and 1970's; nothing wrong with closing off but no one person has the authority; he is concerned about the fox in charge of the hen house. David Van Asdale stated he was concerned about it opening up a can of worms and it being a huge problem. Allen Webb stated he was concerned about the town trying to regulate the damaging effect from ATV's; suggested controlled ATV's in town by issuing a permit to ride in town; control the vehicle and not the rights of others. Charles Perry stated that Oakenshaw Road is the worst area; teenagers out there drinking and destroying the area; trailers are lined up on the weekends; when there was a gate up it was cleaner. Nancy DeVos stated that Commander Drinkwater and Deputy Cockriel worked hard on this last year and cleaned it up for a while.

Mayor Yonts stated he was concerned about hunters putting up gates, the town needs to keep looking at this and keep talking through this and maybe come up with a resolution. Council Member Faden stated he would like to see “No motorized vehicles beyond this point” installed, not gates.

- C) Trout Creek Estates – he stated the developer of Trout Creek Estates on Old Dixie Highway has begun moving dirt around again. This project officially started up again in the past few weeks. He will keep Council informed as the project moves forward.
- D) Personnel Policies – he has been working on the personnel policies for the past month or so. They should be ready for a draft review in the next month and he will submit them to each Council Member in advance of scheduling them for formal meeting presentation for adoption.
- E) Tropical Storm Fay Reimbursement Update – he has been in touch with the State regarding reimbursement for damages from Tropical Storm Fay. Evidently some of the paperwork disappeared from the State and he forwarded new paperwork on Wednesday March 18, 2009. According to the person in charge, once they receive the hard copy of the signed paperwork they should be able to begin processing our reimbursement check.
- F) Miscellaneous - he stated that the two new window signs at Town Hall were created by John Frasier and installed by John Chase at no charge to the town; Council Member Kolar inquired as to what is going on at the Sebastian Beach Club - after Tom Sammons and Royce Stifflemire stating that there is a trailer at the end of Whispering Pine, Mr. Hood stated he would check into it.

## 2) Finance Report

Town Administrator Hood stated that the town is in good shape, earning money at a good rate. He stated that he will come before Council with a line item transfer from one account to another regarding the accounting expenditure exceeding the budgeted amount due to previous accounting firm closing out last fiscal year for auditors, and he moved \$62,500.00 for Florida East Coast Railways (FEC) into contingency.

Tom Sammons inquired when the mowing of ditches can start. Town Administrator Hood stated that he has a meeting with CDM Trucking next week to go over cleaning of ditches and banks. Mr. Hood stated that next Friday he has scheduled spraying of several of the bigger ditches. Council Member Hackford inquired if Town is responsible for where FEC trimmed and pushed the trimmings in our ditch. Town Administrator Hood responded that FEC is responsible.

## 3) Council Reports and Comments

Council Member Bryan stated that would like to have 1.25 acres for minimum lot size in the charter, if one wants to change the zoning it would require a change to the charter and it would take the vote of the town.

Council Member Faden stated that Waste Management is leaving more yard waste at the side for about two weeks; he received a call that 5180 & 5160 Red Bay Lane needs yard waste to be picked up along with Ponderosa, Toby and Burton. Don Whitehouse stated that there is bag of garbage on the side of the roadway on Valkaria Road. Town Administrator Hood stated that Waste Management will be bringing in a rate request possibly late April or early May. Council Member DeMott stated that on Berry Road there are a lot of flag lots and the debris is ending up in the ditch.

Council Member Kolar stated that she attended, in the Mayor's place, the "Mayor On Wheels" where she assisted in feeding and checking on eight people, and that they are in need of volunteers for this worthwhile program; stated that on April 17<sup>th</sup> the Greater Palm Bay Area Chamber of Commerce will have discussion of the American Recovery and Reinvestment Act of the Stimulus Act and requested Town Administrator Hood investigate if this would be of some benefit to the town and if he would attend; that she would like to print in the newsletter an item about a town seal.

Vice Mayor Mahaney stated that he would like to have a consent agenda on items from town staff, and still have Council the ability to remove to discuss. Mayor Yonts stated that he would work with Town Clerk to formalize meeting rules.

Council Member DeMott stated she agreed with minimum lot size as 1.25 acres to be added to Charter.

Mayor Yonts had three items that he wanted to address: 1) Gas tax money was used to pay \$62,500.00 to Florida East Coast Railways; 2) declined on the resolution requested by Mr. Pichard regarding support of the town; 3) Fishing Derby on April 18<sup>th</sup> at Fisherman's Landing and that Town Clerk will send out emails to verify date and time to arrive, etc. to all who signed up.

Council Member Kolar suggested the process to select the town seal as follows:

- Request residents to submit designs and ideas
- Have artist use design and create a professional seal
- Submit designs by June 1<sup>st</sup>
- Town Clerk or Town Administrator assign committee of residents to select top seven
- Council will select three from the top seven
- The three selected by Council would be drawn in professional sketch
- Straw ballot in newsletter for residents to vote on
- Council adopts seal residents choose
- Have professional create seal
- Have an award for winner
- Must be on 8 ½ inch by 11 inch paper or canvas
- Open to residents of all ages
- Create entry form
- Unveil official seal around Christmas

Vice Mayor Mahaney stated he would like Council to review entries, select three of them and have residents vote on the three; hates to limit it to Grant-Valkaria residents only; maybe have a disclaimer on the entry form to state that Council will make final decision and run by legal. Mayor Yonts stated that the seal should have the words "Grant-Valkaria". Council Member Faden stated he agrees with Mr. Mahaney in regards to having Council select instead of a committee; 50/50 regarding non residents; seal should include the words "Grant-Valkaria, Florida" or Town of Grant-Valkaria, Florida".

It was Council consensus to have the following regarding the town seal process:

- The design be submitted on 8 ½ inches by 11 inches paper, canvass or electronic format and that it cannot be any larger than 11 inches by 17 inches
- Entry form will be in next newsletter with deadline of June 1<sup>st</sup>
- Council will choose three of the entries and have them sketched by an illustrator
- These will be submitted to residents via newsletter for them to vote by straw ballot
- Council will review the result of the survey and select final concept design
- The winning design will be recognized at an unveiling at town hall
- Residents shall have a maximum of three entries
- Motto will be determined at a later date

4) Board Reports and Comments

Don Whitehouse, Local Planning Agency Chairman, stated that the zoning will be finalized at next meeting and will be brought to Council shortly.

Town Administrator Hood stated that he received a letter from a resident in regards to the Paris' Code Board code violation and writ. The letter stated that the town should spend the funds for an attorney to petition against writ for overall good of the town; according to Town Attorney Bohne it could be up to \$5,000.00 to file the necessary paperwork to support Council decision; the RV possibly may be replaced and they may bring in a storage container (tractor trailer) 48 foot long and that it would be hard to state that the trailer is not used as farm equipment and that it would end Code Enforcement action. The last letter from Mr. Beadle was a request to define RV as storage building. Mayor Yonts inquired what would the cost be to challenge or respond to the writ. Mr. Hood responded that he would bring this back at the next meeting.

ADJOURN THE TOWN COUNCIL REGULAR MEETING (Yonts)

It was Council consensus to have the next workshop on April 1<sup>st</sup> to discuss items on tonight's workshop agenda.

Motions by Vice Mayor Mahaney, second by Council Member Hackford, and vote unanimous to adjourn the Town Council regular meeting at 10:22 p.m.

(signature on file)

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Mayor Del Yonts

ATTEST:

(signature on file)

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Susanne Krueger, Town Clerk