

MEETING MINUTES FOR THE  
TOWN COUNCIL REGULAR MEETING  
WEDNESDAY, JUNE 24, 2009 AT 7:00 P.M.  
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Regular Town Council Meeting of June 24, 2009 was called to order at 7:00 p.m. by Council Member Kolar, followed by the Pledge of Allegiance, and roll call to the Council Members with the following present:

Seat No. 1 – Joe Hackford  
Seat No. 2 – Lisette Kolar  
Seat No. 3 – Pat Bryan  
Seat No. 5 – Dan Faden  
Seat No. 6 – Cathy DeMott

Town Administrator Richard Hood  
Administrative Assistant Jessica Williams

EXCUSE MAYOR YONTS, AND DEPUTY MAYOR JASON MAHANEY

Motions by Council Member Bryan, second by Council Member DeMott, and vote unanimous to excuse Mayor Del Yonts due to personal reasons, and Deputy Mayor Mahaney due to being out of town.

Motion by Council Member Bryan, second by Council Member Faden and vote unanimous to select Council Member Kolar to act as chair pro-tem due to the absence of the Mayor and Vice Mayor.

CHANGES TO AGENDA

There were no changes to the agenda.

APPROVAL OF MINUTES

- 1) Joint Zoning Board of Appeals and Town Council Meeting Minutes of May 13, 2009
- 2) Town Council Regular Meeting Minutes of May 27, 2009
- 3) Town Council Special Meeting Minutes of June 1, 2009
- 4) Town Council Regular Meeting Minutes of June 10, 2009

Motions by Council Member Faden, second by Council Member Hackford, and vote unanimous to approve the Joint Zoning Board of Appeals and Town Council Meeting Minutes of May 13, 2009 with the amendment of placing the last paragraph on page five after the first paragraph on page 6; The Town Council Special Meeting Minutes of Monday, June 1, 2009 with the following amendments replace “ number of flight training schools” on page one “with number of flight training students;” “replace “EEA” on page one, with “GVCNA,” replace “ Council Member Bryan disclosed that he has received emails but he has not read nor responded to any” with “Council Member Bryan disclosed that he has received emails but has only responded to one;” and replace “ Council Member DeMott stated that the Town is being warned not to pass this ordinance” with “Council Member DeMott stated that the Town is being warned not to pass this ordinance but there appears to be some validity to what the Council is trying to do with the ordinance since there are so many here to oppose it.”

PUBLIC COMMENTS (non-agenda items)

There were no public comments.

## UNFINISHED BUSINESS

There was no unfinished business.

## NEW BUSINESS

### 1) Discussion/Action Re Stormwater Interlocal Agreement With Brevard County (Hood)

Town Administrator Hood explained to Council that within the agenda packet there was a copy of an Interlocal Agreement that extends services of the County for the Town's Stormwater Program. Town Administrator Hood stated that the Stormwater Interlocal Agreement replaces the current agreement. Brevard County is making minor changes so that they can standardize their agreements. Town Administrator Hood then explained to Council that the Town Attorney and staff have reviewed the document. He then stated that the Stormwater Interlocal Agreement was actually supposed to be completed in September of 2008.

Carolina Alvarez of the Brevard County Natural Resources Management Office explained that this Interlocal Agreement is the same as the other cities. The additional requests are added through an addendum. Town Administrator Hood explained that the County would like to have standardized agreements and the addendum is our specific request. Carolina Alvarez explained that the biggest difference was that other cities paid an administrative fee based on a percentage of what they received. However, in our first year the Town requested that they paid a certain amount in administrative fees. Now with the standard agreement the administrative fee will be based upon a percentage of what the Town receives from stormwater fees. Council Member Faden then asked Town Administrator Hood, as far as the Town's budget are we proportionate with what was figured or will that have to change? Town Administrator Hood explained that when they budgeted for the Stormwater Project that they basically used all of the funds from the current year and also carried over some funds from the previous year, in order for the project to be grant eligible. The Town hasn't used, but a fraction of the project costs on administrative fees and surveying. Town Administrator Hood also explained that this would not have any impact of this year's budget, however next year it would be listed as an expenditure line item in the budget. Council Member Kolar asked if the Stormwater Interlocal Agreement was signed every year. Carolina Alvarez explained that after the Stormwater Interlocal Agreement is signed it shall remain in full force for three years after the effective date. The Agreement can be extended by the County in one year increments for up to two years beyond the three year period of the Agreement with mutual consent from both parties. Council Member Kolar asked Carolina Alvarez if this is how the Agreement is for the other cities. Carolina Alvarez explained that it was the way that the agreement was for other Cities. Council Member Kolar asked Town Administrator Hood if he agreed with the length of the Interlocal Agreement. Town Administrator Hood stated that he did agree and that if the Town and the County were to change it every year the attorney's fees involved would be costly since it would have to be reviewed for changes.

Council Member Faden asked Carolina Alvarez about the progress of the Valkaria Lake Stormwater Project. Carolina Alvarez responded that the Grant was approved by the Department of Environmental Protection in August of 2008. The project is a three year project and it is being done in phases since the amount of money that the Town receives from Stormwater Utility

would not be able to cover the project in one year. Carolina Alvarez explained they are a little behind because in order to save money on the project they are using County resources. Instead of hiring a survey crew the County has been using their survey crew. Carolina Alvarez stated that the survey was done and they are now in the design process and they are going to do the design for all three phases. Though the Department of Environmental protection has an agreement stating what the three phases are, the Town is not required to complete all of the phases at once. The Department of Environmental Protection will reimburse based on what is completed. Town Administrator Hood asked if the County was going ahead with the full engineering. Carolina Alvarez explained that the pollutant removal will be better if we complete all the phases. Also, they are going to change the way that the run off enters the ponds to help to reduce flooding. The Third phase is to try to rehydrate the wetlands, however when there are wetlands involved the permitting with St. Johns can cause a greater costs. Council Member Faden asked if it is to be completed in three years and it is not completed would the grant money stop. Carolina Alvarez explained that she is required to send in a quarterly report and they know the status of the project. As long as project is productive the Department of Environmental Protection will normally work with them to extend the deadline. Council Member Bryan asked where the runoff is coming in from and where it was leaving from. Carolina Alvarez asked Town Administrator Hood if he could provide a map to Council.

Motion by Council Member Hackford, second by Council Member DeMott and vote unanimous to approve the Stormwater Interlocal Agreement with Brevard County.

2) Discussion/ Action Re Addendum to Stormwater Interlocal Agreement With Brevard County (Hood)

Town Administrator Hood explained that the purpose of the Addendum is to make changes to the Standard Agreement. He stated that the first item that would have to be changed is the date to June 24, 2009 or the date of the agreement. In the Addendum Number one Section two, Program Administration should read "Is amended to add as follows:" He then explained that Town Attorney Bohne wanted to clarify some of the items on the Original Stormwater Interlocal Agreement.

Council Member Faden asked if they were only adding the underlined items. Carolina Alvarez explained that would be the only change to the paragraph.

Motion by Council Member Bryan, second by Council Member Faden, and vote unanimous to approve to the Stormwater Interlocal Agreement as amended.

3) Discussion/ Action Re Collection Rate Adjustment Schedule for Solid Waste Collection (Hood)

Town Administrator Hood explained to Council that according to a letter received from Mr. George Geletko, Florida Government Affairs Director for Waste Management, Waste Management will be decreasing the rates by 0.92% for Grant-Valkaria. He stated that although our new rates are not due until October 1, it is necessary to approve this rate at this time so that Staff can get the new rates to the Tax Collectors office for collection on the tax bills. The letter

also states that there will be an additional 10% discount to the residents for placing the collection on the tax bill. He explained that between two hundred and two hundred and forty residents don't currently pay.

Motion by Council Member Hackford, second by Council Member Bryan, and vote unanimous to approve Solid Waste Management's Rate Decrease.

4) Discussion/Action Re Land Use Change For Graham Property/ Environmentally Endangered Lands (EELs) Land Swap (Hood)

Town Administrator Hood explained that as previously discussed EEL's, FIND and the Graham property are trying to do a land swap in order to preserve the scrub jay habitat that is currently located on the FIND property. He stated that he had spoken with Mr. Graham's attorney and the Grahams are in favor of the swap, however they would like some assurances that they will be able to get the same or similar land-use and zoning that they currently have on their existing property. He also explained that he had spoke with Lisa Smit, the owner of the horse farm adjacent to the EEL's property that is being considered for the swap. He explained that she was not opposed to the land swap; however she would like to ensure that there is a buffer between her property and the land being swapped. She is an equestrian instructor and believes that it would be in the best interest for the safety for the riders.

Mr. Graham explained that he was swapping with a residential property and would like some assurance of land use. Council Member Hackford asked if it was possible to put it in writing that a mandatory buffer was required. Town Administrator Hood explained that Council was in favor of the swap to save the scrub jays. However, they are not allowed to do contract zoning and a public hearing is required. Council Member Bryan asked if the Smits had mentioned the size of the buffer that they would like to see. He stated that he would like to see between approximately one hundred and fifty to two hundred feet of buffering. Council Member Faden asked Mr. Graham how much property they were taking from him. Mr. Graham explained that they were giving up approximately ten acres and we would be getting approximately twelve acres. Town Administrator Hood stated that the only thing that the Council could do is state that they would be willing to extend Industrial to within a certain number of feet north of the Smits property. Council needs to give Mr. Graham so assurance that we would make the changes on the map and proceed with a public hearing. Council Member Kolar asked if it was possible to give one property, two different zonings. Town Administrator Hood explained that that was possible this was not an unusual tactic. He stated that they could have the property zoned as Industrial to a certain point and change the portion closest to the Smits Residential. Dan Robino stated that he didn't like this because they would be required to put up a block wall to separate the two pieces if they decided to build a residence on that portion of the property. Mr. Robino believes that the property should be labeled as a conservation buffer. Town Administrator Hood explained that the individuals that purchased the residential parcel would know what they were purchasing next to prior to doing so. Mr. Jim Tonti asked if the individuals on U.S Highway 1 that back up to Old Dixie Highway would have a say in the changes. Town Administrator Hood explained that they would be notified if there was a public hearing. Council Member Bryan asked if the decision had to be made now. Town Administrator Hood stated that he would like to give Mr. Graham something to take back to EEL's. Council Member Kolar

asked Mr. Graham if he would be okay with the buffer. Mr. Graham stated that it was understandable.

Motion by Council Member Bryan, second by Council Member Hackford, and vote unanimous to approve considering changing the property to Industrial with the one hundred and fifty feet on the north side of the Smit property staying conservation.

5) Discussion/Action Re Amateur Radio Field Day, Saturday-Sunday, June 27- 28, 2009 at Grant Community Center Grounds (Jim Tonti)

Mr. Jim Tonti a resident and electrical engineer at Harris gave a brief presentation regarding Amateur Radio Field Day Saturday June 27, 2009 thru Sunday June 28, 2009. He explained that this gives ham radio operators and opportunity to set up there emergency communication equipment and participate in an around the clock contest to establish contacts. This event is open to the public and they will be giving demonstrations of the amateur radio service.

Town Administrator Hood stated that staff was unable to determine if this event was one that they believe would require a special event permit; therefore staff wanted to run it by Council to find out their opinion on the event.

It was Councils consensus that the Amateur Radio Field Day at the Grant Valkaria Community Center was not required to have a special event permit.

## REPORTS

### 1) Town Administrator's Report

#### a. Upcoming Meetings

Town Administrator Hood explained that on July 8, 2009 he will be submitting the budget to Council. He explained that as Council was aware according to the Charter the Town Administrator is required to submit a budget to the Town Council by July 15<sup>th</sup> of each year. He stated that it was his intent to have a copy of the budget for Council on the 8<sup>th</sup> and hopes to set the first budget workshop for July 15, 2009. Town Administrator Hood explained that the School Board and the County get to set their Public Hearing dates first.

Town Administrator then explained that revenues are down due to the decreased values. He mentioned that our millage rate is so low that the impact is not as dramatic of those with a higher millage rate. He stated that the normal expenditures would be okay but those that are just improvements will have to wait until revenues are in.

#### b. Airport Ordinances

Town Administrator Hood explained that Town Attorney Bohne has sent out a letter to the FAA and all others regarding the proposed ordinance. However, as of June 24, 2009 there has not been any reply. He explained that they are planning to hold the second reading of the ordinance towards the end of July if they still have not had any response.

Allen Webb asked Town Administrator Hood if he had sent a request to Senator Bill Nelson asking for assistance rather than just a copy of the letter. Town Administrator Hood responded that he spoke with Senator Bill Nelson's representative today at the open house at Town Hall. She asked that we respond directly to her and it would cut out a couple of weeks since we sent it to Washington and they then return it to the local office. He explained that we still may not get a response since he believed that most are taking the stance that it isn't our airport. However, he stated that he would send a letter because it may possibly get them motivated

#### c. Right-of-way Gates

Town Administrator Hood explained that the gates that the Town Council approved as three test sites have been installed. He stated that to date they have not had any complaints about the gates being in place. Town Administrator Hood mentioned that he had been approached by another individual that requested that a gate be installed, however he explained that he wanted to give the existing locations a little more time and ensure that there would not be any further complaints. Town Administrator Hood stated that if there were not anymore complaints that he would then seek Council's approval.

Council Member Hackford stated that he had heard that the woods were cleaned up and that ATV.com has posted a notice stating that the Grant Woods are now closed. Royce Stifflemire stated that he thought that there was going to be a path for walkers to get through. Town Administrator Hood stated that we would check on this because there should be a path. Mr. Stifflemire then stated that the ATV's could go through the property on Old Dixie Highway. Town Administrator Hood explained that it was only possible to cut off main access points. Council Member Bryan stated that the individuals believed that they were allowed. Jim Tonti stated that they are not allowed. Town Administrator Hood explained that they are allowed to access their land and if they are on someone else's property we can't say that they won't get in trouble. Town Administrator Hood explained that we were asking that they bring in proof that they are the owner and example of this would be their ID. Staff can look up the property to see if they own it or not. Robert Israelite asked if the Sheriff's Department had access to the gate, and if there was a list to request a gate. Town Administrator Hood explained that the Sheriff's Department had the access code for the gates. He then stated that the Town was just testing the gates, but we can put them on a list. Robert Israelite asked if the residents paid for the gates. Town Administrator Hood explained that all the labor and materials so far have been donated.

#### d. Mowing & Ditch Cleaning

Town Administrator Hood explained that they have completed this round of ditch cleaning and mowing. Town Administrator Hood stated that the Ditch contractor was calling in locates and would be doing more ditch work as well as mowing a couple more times prior to the end of the fiscal year.

Allen Webb asked Town Administrator if they were going to mow the backside of the ditches. Town Administrator Hood explained that the contract that they currently have is for the front and

bottom of the ditches. He stated that he is trying to keep some monies in reserves in case of a hurricane.

e. Reminder- Barefoot Bay EOC Emergency Preparedness Meeting

Town Administrator Hood explained that Barefoot Bay is having a Brevard County EOC at their Community Center Building A on July 18, 2009 between 10:00 a.m. and 12:00 p.m. for an emergency preparedness meeting for the public. We have notified Barefoot Bay that we would like to co-sponsor the event and will be posting in on our website.

2) Council Reports and Comments

There were no Council Reports

3) Board Reports

There were no Board Reports and Comments

ADJOURN

Motion by Council Member Hackford, second by Council Member Bryan, and vote unanimous to adjourn the Regular Council Meeting of June 24, 2009 at 9:35 p.m.

(signature on file)

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Del Yonts, Mayor

ATTEST:

(signature on file)

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Susanne R, Krueger, Town Clerk