

MEETING MINUTES FOR THE
TOWN COUNCIL REGULAR MEETING
WEDNESDAY, AUGUST 12, 2009 AT 7:00 P.M.
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FL 32949

The Regular Town Council Meeting of August 12, 2009 was called to order at 7:00 p.m. by Mayor Yonts, followed by the Pledge of Allegiance led by Council Member Hackford, and roll call to the Council Members with the following present:

Mayor – Del Yonts	Town Administrator Richard Hood
Seat No. 1 – Joe Hackford	Town Clerk Susanne Krueger
Seat No. 2 – Lisette Kolar	
Seat No. 3 – Pat Bryan	
Seat No. 4 – Jason Mahaney, Vice Mayor	
Seat No. 5 – Dan Faden	
Seat No. 6 – Cathy DeMott	

PRESENTATIONS

- 1) Boat Ramp Status - Gregg Minor, Brevard County Parks and Recreation, South Area Operations Manager

Mr. Greg Minor stated that 95% of the ramps and bulkheads are complete, 50% of the docks are complete, and the stringers are set for early part of next week. He stated that the County has awarded the dredging contract to Snyder Marine Construction, Boca Raton pending prequalification and will begin mid September; Florida Department of Transportation (FDOT) permit was received on August 5th; County is soliciting bids commencing August 27th for upland work which includes the parking lot, lights, restrooms, landscaping and FDOT right-of-way work; the bids are due by September 28th with work commencing in October. Mr. Minor expects the entire project to be completed in the first quarter of 2010 but it hinges on getting the dredge material removed appropriately. Council Member Hackford asked if there is any money put aside for other boat ramps. Mr. Minor responded that there is money in the unfunded projects account and that any monies left over in the South County Area would be up to the County Commissioners to decide what to do with the money in the referendum reserves.

- 2) Technical specifications for Valkaria Scrub Conservation Area Restoration within Grant Valkaria Conservation Area - David DeMeyer and Chris O'Hara, Brevard County Environmentally Endangered Lands (EELs)

Mr. O'Hara stated that EELs is starting a restoration project of about 100 acres on the property located west of Old Dixie Highway south of Valkaria Road reducing the height of vegetation which will improve the habitat for scrub jays and reduce fire hazard. He stated that a machine similar to a roller chopper will be used to top cut the area. He stated that scrub jays require a tree height of three to eight feet maximum and a lot of the trees in that area at about eight to twelve feet which is too high for their survival; they will leave island areas in low area; burn over the fall weather permitting; they will keep hammock of oak trees at the north side; they will stay out of the wetlands and there will be no impact on the wetlands; they are leaving all large pines and removing the eight to twelve foot oaks. Mr. O'Hara inquired whether a permit will be required or can they request a waiver.

Council Member Kolar inquired about what is next for Grant Flatwoods plan. Mr. O'Hara responded that an advisory committee would be created with about ten to twelve people which could occur possibly I the fall sometime and the town would be notified.

Mr. O'Hara stated that the town can issue exemptions or waivers. He stated that the project would take one to two weeks to roller chop, it would set for two to three months, and burn in the fall taking about three to six months. Town Administrator Hood stated that from management standpoint since EELs is the manager of the lands he does not see to charge them and recommends approving the waiver. Motions by Vice Mayor Mahaney, second by Council Member DeMott, and vote unanimous to approve waiver for land clearing permit.

CHANGES TO AGENDA

There were no changes to the agenda.

APPROVAL OF MINUTES

- 1) Town Council Workshop Minutes of July 15, 2009

Motions by Vice Mayor, second by Council Member Hackford, and vote unanimous to approve the Town Council Workshop Minutes of July 15, 2009 condition on changing the last sentence in the minutes from "Vice Mayor Hackford" to "Council Member Hackford".

PUBLIC COMMENTS (non- agenda items)

There were no public comments.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- 1) Resolution No. 10-2009 - A Resolution Of The Town Council Of The Town Of Grant-Valkaria, Supporting And Endorsing The Principles Of Home Rule And Adopting The Policies Set Forth Below To Support The Premise That The Town Should Have The Authority To Govern Within Its Jurisdiction; Further Providing That Such Authority Should Not Be Eroded; Providing An Effective Date; And For Other Purposes. (Hood)

Town Administrator Hood stated that this resolution was requested by the Florida City/County Manager's Association to get support of all towns for home rules. He stated that several cities have adopted the same resolution and several have it on their agendas. Mayor Yonts stated that this has some gray areas, he would like to see the majority of cities want it or it does not go, and he would like to hold off till Georgia Phillips can come down to give some examples. Town Administrator Hood stated that an example would be the level of service (LOS) standards on county roads running through towns like if work was done on Minton Road in West Melbourne it would impact Melbourne. ~~Mayor Yonts~~ Council Member Kolar stated that ~~he~~ she would give to Town Clerk copies for Council regarding specific examples of what type of charter amendments

the ~~county~~ cities had a problem with during the last County Charter Review in 2003-2004. Motions by Vice Mayor Mahaney, second by Council Member Hackford, and vote unanimous to approve Resolution No. 10-2009.

Mayor Yonts called for a brief recess at 8:11 p.m. Mayor Yonts called be meeting to order at 8:27 p.m.

2) Discussion/Action Re Selection of designs submitted for Town Seal (Yonts)

All the design entries were taped to the wall for all to see and Mayor Yonts opened the discussion with the following comments:

- Chris Hackford - likes child along shoreline, prefer fishing boat to sail boat (entry #2B)
- Council Member Bryan - likes historical house and kids fishing (entry #2B)
- Tom Sammon - likes historical house (entry #2C)
- Bonnie Allan - likes historical house and children with motorized boat (entries #2B and #2C)
- Dave Daley - likes historical house and floating device (entries #2C)
- Dean Adkins - likes the two entries with airplane pulling Seafood Festival banner (entries #1A and #1B)

After further discussion with the public and Town Council, the list was narrowed down to the following entries with the suggested changes:

- Entry #1B - plane is okay, take off banner
- Entry #2B - change flying bird to airplane, change sail boat to fishing boat, change ~~dob~~ bird to sand hill crane
- Entry #2C - add biplane over historical house, use power boat instead of sail boat
- Entry #4C - instead of "GV" put airplane

It was Council consensus to have artists come back with their modified designs at a future meeting and the Council will choose three at that point. It was Council consensus to not have any motto on the seal designs at this time and that it can be discussed at a future meeting. It was Council consensus to give artists until the end of September to bring in their modified designs for the first meeting in October.

REPORTS

1) Town Administrator's Report

Town Administrator Hood gave his report as follows:

- (a) Ponderosa Road - Mr. Hood stated that he had a request from a resident on Ponderosa Road to install a gate at the south end of the road similar to those that were approved by the Town Council for Litteral, Oakenshaw, and Mulberry; this will be no cost to the Town and anyone proving they own property beyond the gate will be given the access code; to date there has been no problems associated with the existing gates. He stated that placing the other gates appears to have cut back the traffic in the woods from outsiders. It was Council consensus to approve the installation of the gate at the end of Ponderosa Road south end.

- (b) Conditional Use Permit - Mr. Hood stated that Council previously approved a conditional use permit for 5890 US Highway 1 to Quatraro Enterprises, Inc. and/or Filly Boyz, Inc. for on-site beer and wine consumption; he received a requested to change the name to Quatraro Enterprise, Inc. only as Filly Boyz has vacated the building and they are actively seeking a new tenant; he discussed this with the Town Attorney Bohne and he feel that Council can change the name through a new resolution as long as there are no changes to the conditions of the conditional use permit (CUP); any other changes would require a new CUP to be issued and public hearing to take place again. It was Council consensus to go ahead and bring back to Council as a resolution with the owner's name changed.
- (c) Paris - Mr. Hood stated that the Town Attorney has completed the agreement regarding removing the RV from the Paris property as a settlement to the writ the Paris' have filed and the Code Enforcement action the Town has initiated. Unfortunately, the attorney's took longer than expected to reach an agreement on the final language; due to the time involved in reaching agreeable language, Mr. Paris is requesting that his August 31, 2009 deadline for removing the RV be extended to September 30, 2009. He stated that Mr. Paris did not want to order a replacement structure until he was sure than an agreement could be reached. Mr. Paris indicated that the replacement structure is essential as it houses the security system he has and he does not want to be without security. Mr. Paris indicated to him that he did not know the replacement structure would take so long to get once ordered. Motions by Council Member Bryan, second by Council Member Kolar, and vote unanimous to grant Mr. Paris a 30-day extension to September 30, 2009.
- (d) Non-Ad Valorem Solid Waste Assessment - Mr. Hood stated that staff has completed the work necessary to have the solid waste billed on the tax bills for the next tax period; he thanked Sue Krueger and Jessica Williams for the hard work and dedication they put into this project which entailed 2 weeks of Jessica's time, 1 week of Sue's time and 2 full days of Rick's time; Waste Management has agreed to reimburse the Town for staff time and all advertising requirements. Council thanked staff for putting this on the tax roll.
- (e) Personnel Policy - Mr. Hood stated that he has completed a draft of the proposed personnel policy for the Town of Grant-Valkaria; he handed out copies at the meeting; he requested Council to review this policy at their convenience and he will place this topic on a future agenda or workshop for further discussion; he stated that the drug policy and the employee assistance policy is not in the Personnel policy.
- (f) Road Repair - Mr. Hood stated that on Tuesday, August 5, 2009 there was a report of Henderson Road washing out at the same location that previous repairs were performed; he thanked Daryl Williams, CDM, Inc. for his quick response in repairing the washout and stabilizing the area; the repair was completed by 5:30 the same day; will have to keep an eye on it to see if it washes out again from the top or below.
- (g) Vacation - Mr. Hood stated that he will be on vacation Thursday, August 13th through Thursday, August 20th and Sue Krueger will be in charge during my absence; he will be attending the Florida League of Cities conference this Friday with Mayor Yonts.
- (h) Miscellaneous - Mr. Hood stated that the Brevard County Board of County Commissioner's agenda report for August 18th had the County Attorney requesting

their authority to join in on the Attorney General's Opinion (AGO) regarding our letter to AGO and hopefully our Town Attorney will be at next meeting to give his report.

Mr. Hood stated that he received a letter from Mr. Apotheker regarding speeding on First Street. He stated that he has informed and requested the Sheriff's Department for additional patrol and radar showing the drivers their speed limit. Mr. Apotheker requested speed bumps at which Mr. Hood told him that it would be checked and looked into after checking with the County Road and Bridge. Mr. Hood stated that he will have two new speed limit signs to post. Bonnie Allan stated that the COPs discussed this at their meeting last night, have been looking into it and will check COPs to have opportunity to park in area. Mayor Yonts stated that he will respond to Mr. Apotheker's letter. It was Council consensus at this point not to support speed bumps.

2) Town Attorney's Report

There was no Town Attorney's report.

3) Financial Report

Town Administrator Hood stated that he would send a financial report at the end of August.

4) Council Reports and Comments

Vice Mayor Mahaney stated that recently there was a fire in Valkaria and the fire department did not have the residents' gate code; he stated that he would like to see a system set up where a resident can contact the Fire Department with their gate code. Town Clerk Krueger stated that she would contact the fire department as to how this can occur. Vice Mayor Mahaney stated that for certain FEMA funds that all employees need to take some FEMA courses and he forwarded a copy of the FEMA information to Town Administrator Hood.

Council Member Hackford stated that the alarm went off this Saturday and we need to get with BCI regarding the contact list to ensure it is up-to-date. Mayor Yonts stated that a list of the names in order to call should be posted by the alarm.

Council Member Kolar stated that she attended the St. Johns River Water Management District south area working group; she inquired as to what was happening with the comprehensive plan and the land development regulations (LDR). Town Administrator Hood stated that after numerous calls and meetings with Miller Legg the Town should expect a letter next week outlining a work order with the scope of work with the dollar value of zero; Miller Legg had a work authorization for the LDR for \$50,000; they spent a lot on the LDR's and have not been to meetings; the work authorization for work product has been expended what is left is meeting money and Miller Legg might be coming in to use the meeting money for the LDR's; their intent was to attend a Council meeting and explain. Mr. Hood stated that he is close to doing the LDR's in-house because most of what is left is secretarial work and that he is waiting to see what Miller Legg will submit in the work authorization. Mr. Hood stated that he already asked Jessica Williams if she would be able to work 40 hours to get it done. Mr. Hood stated that the LPA is continuing reviewing the LDR and they have completed the zoning classifications; he

expects after the budget workshop that Council can start on the zoning classifications. Ms. Kolar inquired about the status of town hall. Mr. Hood responded that he has not talked to Leon recently but was assured by him that as soon as the town hall is completed we can have it even if it is before the 60 days without rent.

Council Member Faden stated that he attended the August 6th Grant-Valkaria Business Association (GVBA) meeting where there were about 11 attendees. He stated that they will be giving out awards to businesses that go above and beyond; GVBA is ready for a link to our website and requested authority for Webmaster to coordinate with Keith; GVBA is looking for historical data on businesses to post on their website; requested a spot on the town bulletin board to post their information. It was Council consensus to authorize Webmaster to coordinate with Keith to link GVBA to our website and not authorize GVBA to use town bulletin board, that maybe they should contact the Grant Community Center.

Mayor Yonts stated that at the Space Coast League of Cities meeting they talked about TABOR; that if this is passed all the small towns will go away; Senator Haridopolos is behind the cap 13.5 millage and towns will not get anything; we need to sit down and take action by talking to Representative Poppell and Senator Haridopolos. Mayor Yonts requested getting with Nancy Glass, Space Coast League of Cities, for the date of the Intergovernmental meeting.

5) Board Reports and Comments

There were no Board Reports and Comments.

PUBLIC COMMENTS (non- agenda items)

Mayor Yonts opened the floor for public comments. Mr. Rob Knoblach, Grant Deli, stated he was concerned about the mobile food vendor at the CITGO gas station serving food from a van. Mr. Knoblach stated that he had to obtain all the licenses to open and having the mobile food vendor come in without obtaining the same permits he had to will open up a can of worms; he counted 10 customers there yesterday and it is going to put him out of business. Town Administrator Hood stated that in a BU2 zone mobile vendors are allowed with certain conditions and for a specific address; the mobile vendor would be required to obtain health department approval along with a health department food handler license. Mr. Hood stated that on Monday evening the mobile vendor was told to obtain a business tax receipt but was allowed to continue business for that day; the next morning the owner picked up the business tax receipt application. Mr. Hood instructed Town Clerk Krueger to take a ride down to the CITGO tomorrow and if they are operating to call the Sheriff's Department since he will be on vacation. Mr. Knoblach stated that for \$2,000 he would buy a mobile unit to sell t-shirts. Mr. Hood stated that he had three requests for a mobile vendor - Ozzie's site, RJ's, and CITGO. It was Council consensus to direct staff to draft an ordinance to remove mobile food vendor vehicles from all zoning and ask Town Attorney that if the current mobile food vendor that just picked up the application but did not turn it in, can we still issue a business tax receipt. Bonnie Allan was concerned about the Grant Seafood Festival vendors. Mr. Hood responded that it would be covered under the special event permit.

ADJOURN

Motion by Council Member Bryan, second by Council Member Hackford, and vote unanimous to adjourn the meeting at 11:08 p.m.

(signature on file)

Del Yonts, Mayor

ATTEST:

(signature on file)

Susanne R. Krueger, Town Clerk