

MEETING MINUTES FOR THE
TOWN COUNCIL REGULAR MEETING
WEDNESDAY, SEPTEMBER 23, 2009 AT 7:00 P.M.
GRANT COMMUNITY CENTER, 4580 FIRST STREET, GRANT VALKARIA, FL 32949

The Regular Town Council Meeting of September 23, 2009 was called to order at 7:00 p.m. by Mayor Yonts, followed by the Pledge of Allegiance led by Council Member Bryan, 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	

CHANGES TO AGENDA

There were no changes to the agenda.

PUBLIC HEARING – RESOLUTION NO. 18-2009 – COUNCIL ACTION (Hood)

A RESOLUTION OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR TOWN OF GRANT-VALKARIA FOR THE FISCAL YEAR 2009/2010; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Yonts read Resolution No. 18-2009 in its entirety, and stated that at the first public hearing regarding the ad valorem tax millage rate increase Town Administrator Hood explained the budget. For the record legal notice was advertised in Florida Today Newspaper on September 21, 2009. It was Council consensus to have Town Administrator Hood explain the budget and then have Council accept direct questions from the audience with speakers having five minutes and completing a speaker card.

Town Administrator Hood stated that Council adopted a tentative 1.0 millage to provide funding for road resurfacing in a dedicated reserve account, for a town hall building in dedicated reserve account and unencumbered funds for emergencies; however, he received a call and email from the State informing him that the town will not be receiving approximately \$231,258 in future revenues from the state shared revenue and the half-cent sales tax. Mr. Hood explained that in 1973 state law required each municipality to meet the 3 mill equivalency test in order to receive certain state revenues; to meet the 3 mills it can come from ad valorem taxes, communication service taxes, business tax receipts, and franchise fees to name a few; our equivalency test is 1.4 mills. Mayor Yonts stated that the town is challenging this and requesting Representative Poppell's assistance to change this law. Mr. Hood stated that the millage rate increase makes up for the loss of \$230,000 in revenues from the state with a slight increase in revenue for the town; the addition of solid waste collection to the tax bill increased the grand total on the expense side in the exact same amount. Council Member Kolar informed the public that the town does not

charge utility tax like other cities. Town Administrator Hood reviewed the expense side of the budget as follows:

- Legislative - total decrease of 1.3%
- Executive - total decrease of 10.49%
 - Up to a possible 6% increase for merit only, not cost of living, for Town Clerk, Town Administrator and Administrative Assistant
- Financial Management - slight increase of 5% due to increase of auditing cost
- Legal Counsel - slight decrease due to less use
- Comprehensive Planning - slight decrease; need to leave in to complete the Land Development Regulations and Comprehensive Plan; Mr. Hood noted that you cannot exceed budgeted expenses; if you are over budget you have to go through this process again to amend the budget
- Other General Government Services - covers everything like newsletters, copier, etc. which results in a 9% decrease
- Protective Inspection - slight increase due to unemployment tax was put under wrong category
- Emergency/Disaster Relief Services - no change
- Solid Waste Collection - expense and revenue are the same amount
- Flood Control/Stormwater Management -
 - Valkaria Lakes stormwater project funded through non ad valorem assessment which the County has had it in effect for about 10 years; we must maintain full funding to be eligible for grant reimbursement
 - \$50,000 utilized to begin stormwater master plan; Town does not have an abundance of data; this will start the process and the total cost for the entire master plan would be about \$200,000
 - Monies in this account cannot be used for anything else because it is a dedicated fund but a portion can be used for ditch maintenance if approved by Council
- Road and Street Facilities
 - Other contractual services (planning and engineering) for fiscal year 2008/2009 was budgeted for \$50,000 and then reduced to \$10,000 but actually spent \$1,455 due to handling in-house; reduced fiscal year 2009/2010 to \$5,000
 - Right-of-way maintenance (Mowing) - increased \$10,000 to allow additional cut
 - Street drainage improvements (ditch cleaning) - increased \$10,000 to allow additional ditch cleaning
 - Street improvements (grading) - increased \$10,000 to allow more grading
 - Travel per diem - decreased due to road crew paid only for mileage
 - Street/traffic lights - need money in this account in case County asks for reimbursement
 - Road materials and supplies (road crew) - decreased slightly due to less road patching materials being used
 - Street improvements - last year budgeted \$10,000 and actually spent \$10,640 spent repairing roadways which was too large for the volunteer road crew to do; this year \$100,000 is budgeted which a portion will be used for the Valkaria Road railroad crossing; originally Shell Pit Road and Valkaria Road were scheduled for fiscal year

2008/2009 by the Florida East Coast Railways for a cost of \$150,000 but it was stretched out to have Valkaria Road work done in fiscal year 2009/2010

- Street drainage repairs - decreased to \$40,000; actually spent \$27,372 to date; there are some pipes that are questionable
- Recreation/beautification - no change
- Total operating expenditures of \$1,447,592; unencumbered fund balance of \$19,066 which will be put in reserve account for emergencies

Mayor Yonts opened the public hearing for questions as follows:

- George Wolfe - asked if you come in under budget what happens to the money; Mr. Hood responded that the money rolls over into non-encumbered funds for catastrophic events, i.e. general fund. Mr. Wolfe inquired about carrying forward prior year Local Option Gas Tax (LOGT) of \$36,072; Mr. Hood responded that LOGT can only be used for road repairs and grading which would be \$43,938 plus \$36,072. Mr. Wolfe stated that if we do not have a five-year plan that he would volunteer to help with it.
- John Chase - it pays to attend meetings; commended town for being self-sufficient; sorry to hear it costs money
- Dorothy Poole - asked why life and health insurance is so high; Mr. Hood responded it is for two employees and his family coverage as per his contract; Mr. Hood stated that a broker put together something and we are trying to reduce this expense. Ms. Poole asked why electricity went from zero to \$3,500.00; Mr. Hood responded that at the current facility we do not pay electric but the new facility, which Council approved moving to because it was twice the size, we will need to pay electric. Ms. Poole wanted an explanation regarding the Stormwater plan having two different amounts; Mr. Hood responded that there are two separate projects - \$100,000 is for Valkaria Lakes Project and \$50,000 is to start a master drainage plan which would give complete assessment and would be multi-year plan, possibly four years; revenues would carry over \$74,400 plus \$84,000 anticipated revenues which would cover the \$150,000 budgeted expense. Ms. Poole stated that she was furious above the 6 percent raise and asked who voted on that or was it Council. Mayor Yonts stated that the Town pays slightly more than the Town of Malabar, and with the amount of work staff is doing we are getting a bargain price for all they do for us. Mayor Yonts stated that if the Town had to replace them it would be higher. Council Member Bryan stated that staff salary more than makes up what they have saved and that Council has a public performance review of the Town Administrator each year. Vice Mayor Mahaney stated that the Council and Mayor seats are not paid positions.
- Diane Langford - asked if we get revenue sharing what would it be used for; Mayor Yonts responded that it would go into unencumbered funds for next year.
- Karen Feed - would like millage to stay below 1 mill
- Jack King - as a business man and investor he believes the town is doing great
- John Hannah - inquired if the roads are the town's responsibility; Mayor Yonts stated that US1 is the state's responsibility, Babcock Street is the county's responsibility, and all other are the town's. Mr. Hannah inquired if the town has insurance on bridges; Town

Administrator Hood responded that the town has insurance to cover town hall, not drainage, pipes, etc. , but a lot of emergency repair costs will be reimbursed from FEMA.

- Dan Robino - inquired if the town received \$200,000 back from the state can it be earmarked for roads; Town Administrator Hood responded that if the revenue is received it will be placed in unencumbered reserves.
- Linda Landrum - looked at other millage rates and we are maybe the lowest in state and county
- Denni Burr - things are tough for herself but she does not mind paying; roads have to be maintained to keep from crumbling

Town Administrator Hood stated that the State accepted the feasibility study which included the fire and police MSTU's and now Department of Revenue says we cannot use it because we do not collect it. Mr. Hood stated that by law the Town cannot spend any more than the budgeted expenses of \$1,466,658 and that the concept behind reserves is for catastrophic things, i.e. disasters.

Council Member Bryan stated that if the town received money back next year from the state he would like to revisit the roads issue. Council Member Kolar stated that to keep the town as we want it she does not mind paying a little more to keep it the same.

The following people spoke:

- Dorothy Poole - what would it take to have .9 as millage rate; Town Administrator Hood stated that all the options given except 1 mill would put the town in a negative balance taking money out of reserves.
- Barbara Bland - supports budgets and hopes you would vote for it
- George Wolfe - would like to see the five-year plan; look at quality of staff, legal counsel; the town is right on track with what they are doing; supports budget
- Mark Pagliarulo - approves budget
- Linda Landrum - nobody like increases; personally thanked volunteers, Town Administrator Hood and Town Clerk Krueger - they have saved the town money; encourages people to attend meetings, wants to keep it rural and does not mind paying
- Don Whitehouse - in 2003 Rhode Island tax was \$1,077 quarterly - 1 mill is a bargain
- Bonnie Allan - everyone is doing a great job
- Dan Robino - all for the tax increase to keep town going
- Barbara Bland - appreciate what Council has done - approves budget 100 %

Council Member Bryan stated that if you go back four to five years with the TRIM notices, this year is \$1500 less than year before the town incorporated. Mayor Yonts stated that since the town runs open meetings they tend to be longer and he appreciates the large attendance. Mayor Yonts closed the public hearing.

Council Member Kolar stated that this is the benefit of a small town and open government. Vice Mayor Mahaney stated that he would like a one hundred percent support of the town. Motions by Council Member DeMott, second by Council Member Hackford, and vote unanimous to

approve Resolution No. 18-2009 levying an ad valorem tax of 1.00 mills at 9:10 p.m. Roll call vote is as follows: Yonts-aye, Hackford-aye, Kolar-aye, Bryan-aye, Mahaney-aye, Faden-aye, and DeMott-aye.

PUBLIC HEARING – RESOLUTION NO. 19-2009 – COUNCIL ACTION (Hood)

A RESOLUTION OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2009-2010; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Yonts read Resolution No. 19-2009 by title only and opened the public hearing. For the record legal notice was advertised in Florida Today Newspaper on September 21, 2009. No one spoke during the public hearing and Mayor Yonts closed the public hearing. Motions by Council Member DeMott, second by Council Member Hackford, and vote unanimous to approve Resolution No. 19-2009 with an annual budget of \$1,466,658.00 at 9:12 p.m. Roll call vote is as follows: Yonts-aye, Hackford-aye, Kolar-aye, Bryan-aye, Mahaney-aye, Faden-aye, and DeMott-aye.

Mayor Yonts called for a brief recess at 9:15 p.m.
Mayor Yonts called the meeting to order at 9:30 p.m.

APPROVAL OF MINUTES

- 1) Town Council Regular Meeting Minutes of August 12, 2009
- 2) Town Council Regular Meeting Minutes of August 26, 2009
- 3) Town Council Special Meeting Minutes of September 2, 2009

Motions by Council Member Hackford, second by Council Member Kolar, and vote unanimous to approve the Town Council regular meeting minutes of August 12, 2009 and August 26, 2009, and Town Council special meeting minutes of September 2, 2009.

PUBLIC COMMENTS (non- agenda items)

There were no public comments.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- 1) Discussion/Action Re Line Item Transfer For Budget Fiscal Year 2008-2009 (Hood)

Town Administrator Hood requested Council approval to move \$15,000 from professional services to accounting for budget fiscal year 2008-2009. Mr. Hood stated that he would provide Council with a final copy of year ending. Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to approve transfer of \$15,000 from professional services to accounting.

REPORTS

1) Town Attorney's Report - There was no Town Attorney report.

2) Town Administrator's Report

Town Administrator Hood gave his report as follows:

- A) Gate codes - previously a suggestion came up regarding supplying the Fire Department with the gate codes to private gates so that they could access the property without damage should a fire occur. We have contacted the Brevard County Fire Department with this suggestion and they were all in favor of it. Any resident may contact the Fire Department Station 87 at 728-3102 with their name, address, telephone number and gate code to be included on the list. All information will be confidential and an article will be placed in the next newsletter.
- B) FEMA Courses - We have been notified that to be eligible to receive FEMA assistance in the event of a disaster that Sue Krueger and myself must be certified in certain FEMA courses. We can take four of the courses on-line but will have to take two others at locations unknown at this time. I have heard that the courses have been offered at Palm Bay so we will be checking into that location. If any Council member is interested in getting FEMA certified please let him or Sue know.
- C) Waste Management - he spoke to George Geletko, their accounting department and several others with Waste Management to discuss the starting point of our agreement to collect the solid waste fees through the non-ad valorem assessment and everyone is in agreement that it will begin October 1, 2009. No residential property should receive a bill from Waste Management effective October 1, 2009. Waste Management reserves the right to collect any past due accounts but assures me that past due accounts will not affect service after October 1, 2009. Effective October 1, 2009 there will be no shut-offs for non-payment.
- D) Local Hazard Mitigation Plan - Earlier this week he met with the consultant that is doing the Brevard County Local Mitigation Plan Update. Grant-Valkaria was not part of the plan originally as we were not incorporated at the time. She gathered the necessary information to include Grant-Valkaria in the plan for the update that is due. Part of the plan includes mitigation initiatives that each municipality submits for inclusion in the plan. While there is no guarantee of any funding for these initiatives it may help in the future if funding becomes available to have the initiatives in the list. He will be forwarding initiatives for a new Town Hall located outside the influence of river flooding, radios for emergency workers, and a Town wide storm water master plan to identify areas of concern. This does not get you funding but puts you in a plan of needs; it is a small step towards future funding and grants; they announce when monies are available.
- E) Five-year capital plan - he would like to place it on next agenda. Mayor Yonts requested workshops on a ten and twenty year plan and on Waste Management. Mr. Hood stated that the goal is to give Council the land development regulations differently in that when we receive it from Miller Legg it will have underlined and strike-through areas where Local Planning Agency made changes which would take a couple of months. Mr. Hood stated that at the next meeting Council needs to talk about workshops and setting up a workshop calendar to discuss some topics as

- personnel policies and emergency management plan. Mr. Hood would like to start land development regulations workshops in January. Mr. George Wolfe stated that he and Terry looked into radios for \$1,000 to \$2,000 and they have a lot of material on the topic.
- F) Grants Woods Clean-up - he has met with several students from UCF Palm Bay Campus and has endorsed a project that they have proposed to him. The project will consist of assisting with clean-up in the undeveloped area between Grant Road and Valkaria Road. They will also be preparing printed literature to distribute at the school and will be placing signs in the woods regarding wetlands. They will be meeting with his office weekly on their progress as well as the EEL's property managers to complete this project. They are hopeful to make this a project that will continue over the years with other classes. Upon completion of the project they will be making a presentation to the Council. Vice Mayor Mahaney inquired if they signed a volunteer release form releasing us from liabilities; Mr. Hood responded that they are working with Environmentally Endangered Lands (EELs) on their programs and the town are not accepting liabilities.
 - G) Mr. Hood thanked Council Member Hackford for volunteering his crew to blow off the sidewalk on Valkaria Road after the prisoners have weed-eated it, and to Branden Hackford for spraying Round-Up on the sidewalk and trimming around the sign at Shell Pit Road.
 - H) Mr. Hood stated that the prisoners are about three-fourths of the way done with the Valkaria Road sidewalk and that the overpasses will be done by the state contractor within seven to ten days.
 - I) Mr. Hood stated that he hired Branden Hackford to trim overhanging trees on Corey Road that the School Board reported were hitting the school bus at a cost of \$240 to cut, clean and haul away. Mr. Hood stated that he has received a price from Branden to take down a 90 foot tree on Corey Road right-of-way for \$350.00 and if there is no objection with Council he would like to use him in the future once in a while since the town does not have an outside contractor that can do this kind of work when needed. Mayor Yonts suggested investigation with several contractors to establish who has the lowest price.
 - J) Adult bookstore - he received an application for a new business tax receipt for an adult bookstore which he did not issue because they cannot operate within 1,500 feet of property zoned residential. Mr. Hood mentioned that Council previously had a moratorium on this but did not continue the moratorium; Mr. Hood stated that if Council wishes he can have a proposed ordinance at next meeting to establish a moratorium; because the nature of the business will be subject to legal challenges Town Attorney Bohne advised him that it would be much simpler to revise the County ordinance which can be done at a joint workshop with Local Planning Agency and Council to expedite it. Mr. Hood suggested changing the current ordinance regarding being 1,500 feet of property zoned residential to be 1,500 feet of property zoned residential or utilized as residential. It was Council consensus to have the moratorium ordinance brought before them at next meeting.
 - K) New Town Hall location - he received an update from Mr. Surles that the County is requiring two-hour fire rated walls and panic hardware but the changes have to come

from the architect; hope to receive permit before end of week and feels that work can be accomplished within thirty days; rent would start after 60 day period; as soon as Mr. Hood hears that a permit is issued he will send Council an email.

3) Financial Report - In lieu of the financial report the budget was presented.

4) Council Reports and Comments

Council Member Faden stated he talked to Town Attorney Bohne about polling neighborhood groups and obtaining inputs. Mr. Faden stated that he will be talking to flight schools separately, if Council has comments about solutions to flight school activities that would be helpful to residences to send them to staff and they would forward to him. Council Member DeMott stated that she will be out of town on October 14th and thanked the volunteer road crew for working with the public. Town Administrator Hood stated that next month the town will be co-hosting the Space Coast League of Cities meeting with the City of Melbourne and inquired who from the Council would be presenting the invocation for that night. It was Council consensus that Council Member Bryan would give the invocation. Mayor Yonts inquired about the Paris case; Mr. Hood responded that Mr. Paris has never executed the agreement, that he instructed Code Enforcement Officer to stop by site on October 1st, and if trailer still there it would go before Code Board by serving notice. Mayor Yonts suggested coming back to Council at next meeting to discuss Waste Management. Motions by Council Member Hackford, second by Vice Mayor Mahaney, and vote unanimous to extend meeting to hear Board reports and comments.

5) Board Reports and Comments

There were no Board reports and comments.

ADJOURN

Motions by Council Member Hackford, second by Council Member Bryan, and vote unanimous to adjourn the meeting at 11:15 p.m.

(signature on file)

Del Yonts, Mayor

ATTEST:

(signature on file)

Susanne R. Krueger, Town Clerk