

MEETING MINUTES FOR THE  
TOWN COUNCIL REGULAR MEETING  
WEDNESDAY, OCTOBER 14, 2009 AT 7:00 P.M.  
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FL. 32949

The Regular Town Council Meeting of October 14, 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	Administrative Assistant Jessica Williams
Seat No. 2 – Lisette Kolar	
Seat No. 3 – Pat Bryan	
Seat No. 4 – Jason Mahaney, Vice Mayor	

**EXCUSE COUNCIL MEMBER FADEN, AND COUNCIL MEMBER DEMOTT**

Motion by Council Member Hackford, second by Vice Mayor Mahaney and vote unanimous to excuse Council Member Faden due to illness, and Council Member DeMott due to vacation.

**CHANGES TO AGENDA**

There were no changes to the agenda.

**PRESENTATION**

- 1) Mike Maier, Chief Information Officer, City of Palm Bay regarding joining forces for fiber optic grant proposal.

Mike Maier and Lisa Murrell gave a presentation regarding the opportunity for fiber optics. Lisa Murrell explained that fiber optic is replacing AT&T. She explained that fiber optic is safer because it uses light source and that it can be carried further without a booster. She explained that since it is underground it is beneficial during disasters. Mike Maier explained that Palm Bay is using it for city hall, police headquarters, public works, emergency operation center, and park headquarters. He explained that they are proposing expanding to all Brevard County offices, schools, libraries, and fire and sheriff departments. Mayor Yonts explained that we would be moving approximately a mile down the road and asked what the associated costs would be. Mr. Maier explained that it would be seventy five cents a foot and that there is a grant proposed that may help with these costs. He also explained that the pipes could be leased out to reduce the costs. Mayor Yonts asked if the grant funding would be coming from the USDA. He then stated that if we did use funding for this it may be possible that USDA would then not want to give funding when it was time to build a new town hall. Council Member Kolar asked Mr. Maier what the procedure was. Mr. Maier explained that they would do a work proposal with the Palm Bay City Council and Town Council to discuss. Council Member Kolar asked Mr. Maier who managed the network. Mr. Maier stated that Palm Bay manages the Network. Mayor Yonts explained that we currently only have three computers, and a small building and when we move to the new facility we will still have only three computers. Council Member Kolar stated that she believed that this would be great for the emergency operations center and the community center. Council Member Bryan stated that it is a good idea to explore this further however it depends on the funding. Council Member Hackford stated that he also thought it was a good idea. Mayor Yonts stated that the Town would have to look at the budget.

It was the Board's Consensus to have a workshop to further explore fiber optics.

2) Tara Linnell regarding UCF-Grant restoration project

Tara Linnell a student at UCF and resident gave a presentation regarding her school project also know as the Grant Restoration Project. Tara explained that she is working towards her bachelor's degree in Business Administration and one of the required courses was called Corner Stone. In this course they are required to do a project. She explained that she grew up in the town and that her dad mentioned that this would be a wonderful project. The purpose of this project is to clean up the area where people are riding. Tara Linnell explained that there were a total of four group members. The members were Renee, Rachel, Matt and Tara. She explained that they put up signs to remind people to take their trash with them, spread awareness and clean up the areas.

Council Member Hackford thanked the group for their great job on the project.

It was the Board's consensus to link the Grant Restoration Website with the Town of Grant Valkaria's website.

**APPROVAL OF MINUTES**

1) Town Council Regular Meeting Minutes of September 9, 2009

Motion by Vice Mayor Mahaney, second Council Member Hackford and vote unanimous to approve the Council Meeting Minutes of September 9, 2009.

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

There were no public comments.

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

1) Discussion/ Action Re: CDM Trucking Inc extension of contract for ditch cleaning

Town Administrator Hood explained that CDM Trucking, Inc. offered to maintain the current contract with the same prices for the upcoming year. He explained that the contract has three renewals and this is the second renewal. Town Administrator Hood asked that Council renew the contract.

Motion by Council Member Kolar, second by Council Member Hackford and vote unanimous to approve the second addendum to agreement to clean ditches and catch basins.

2) Discussion/Action Re: Selection of a Town Seal

Town Administrator Hood explained that of the seals that were submitted three artists have made the changes that Council suggested and resubmitted the seals.

Council Member Kolar asked if Council was taking a poll from the residents. Vice Mayor Mahaney explained that Council was going to selected three and then send them out for the residents to do a pole.

All the design entries were reviewed on the projector for all to see and Mayor Yonts opened the discussion with the following comments:

- Denni Burr stated that she had liked some of the seals but would like to see some changes. Mayor Yonts explained that we were at the point where we are choosing the seal since we had already previously made changes.
- Denni Burr stated that she liked Joe Mullins number three, Carolyn Martel number one, and Carolyn Martel number two.
- Dan Robino stated that he liked Joe Mullins number three and Carolyn Martel number one
- Joe Garbacik stated that he liked Joe Mullins number three, Carolyn Martel number one and Carolyn Martel number two.
- Dave Daley stated that he liked Carolyn Martel number one, Carolyn Martel number two.
- Council Member Hackford selected Joe Mullins three, Carolyn Martel one and two
- Mayor Yonts selected Joe Mullins three, Carolyn Martel one, and two.
- Council Member Bryan selected Joe Mullins one, three, and concept three.
- Council Member Kolar selected concept three, Joe Mullins two, and Carolyn Martel one.
- Vice Mayor Mahaney selected Joe Mullins three, Carolyn Martel one, and two

Motion by Council Member Kolar, second by Council Member Bryan and vote 4 to 1 to present four seals to the residents. Motion passed. (Hackford-Nay)

Motion by Mayor Yonts, second by Council Member Bryan and vote unanimous to send Joe Mullins three, Carolyn Martel one, Carolyn Martel two and Ron Winarski one to the residents for a straw poll.

Council Member Kolar asked Carolyn Martel if she had her seals in color. Carolyn Martel stated that she would like to add color.

Mayor Yonts stated that we must have the rendering in color and black and white in color by mid November in order to get it in the next newsletter.

### **3) FIRST READING- ORDINANCE NO. 2009-04**

An Ordinance Of The Town of Grant-Valkaria, Brevard County, Florida; Amending Section 62-1483 (2) Of The Code Of Ordinances Of The Town; Providing For The Elimination Of Roadside Stands In The BU-2 Zoning Category As An Accessory Use; Providing For Severability; Providing An Effective Date.

Mayor Yonts read Ordinance No. 2009-04 by title only, and stated that legal notice was advertised in Florida Today Newspaper on September 19, 2009 and opened the public hearing.

Mayor Yonts then stated that it was the recommendation of the Planning and Zoning Board to deny Ordinance No.2009-04.

Town Administrator Hood explained that if Council determines that they would like to proceed with this Ordinance that it would only cover BU-2 and if they would like for it to cover BU-1 they would need an additional ordinance.

- Joseph Garbacik stated that the Grant Valkaria Business Association didn't want to see this ordinance pass.

Mayor Yonts explained that this was brought before Council because there was a roadside stand placed as an accessory building and an individual complained which caused staff to draft this ordinance. Vice Mayor Mahaney explained that he is not in support of this ordinance. Council Member Hackford stated that a good case was pleaded but he will not support this ordinance. Council Member Bryan stated that after knowing more about the issue he believes that there are enough restrictions in place. He stated that as the business community pointed out the Town can use more business and he is not in support of the ordinance. Council Member Kolar stated that she was not in support of the ordinance but that she believed that this should be limited to the BU-2 zoning category. Mayor Yonts explained that Council could make changes when they meet to review the Land Development Regulations. Town Administrator Hood stated that Council could require a site plan, or survey in cases where the area is crowded. Town Administrator Hood also stated that for the record Council Member DeMott emailed and stated that she was not in support of this ordinance. Mayor Yonts asked if a residence was on a BU-2 zoned property if it was possible for them to add a roadside stand. Town Administrator Hood stated that it is then primarily used as single family residential and he would have to get further advice from Town Attorney Bohne.

Mayor Yonts stated that for the record Town Attorney Bohne would have been at the meeting however his daughter had type A flu.

Move by Council Member Kolar, second by Vice Mayor Mahaney and vote to approve first reading of Ordinance No. 2009-04. Motion failed unanimously.

#### **4) FIRST READING- ORDINANCE NO. 2009-05**

An Ordinance Of The Town Of Grant-Valkaria, Brevard County, Florida Establishing And Declaring a Moratorium On The Issuance Of Certificate Of Occupancies And Business License Certificate For Certain Businesses Defined As Adult Entertainment In The Area Defined As The Corporate Limits Of The Town Of Grant-Valkaria; Setting Forth The Purpose Of The Temporary Moratorium; Setting Forth The Extent Of The Temporary Moratorium; Establishing The Duration Of The Temporary Moratorium; Providing For Conflict; Providing For Severability; Providing For An Effective Date.

Mayor Yonts read Ordinance No. 2009-05 by title only.

Town Administrator Hood explained that this was the Ordinance that the Council asked staff to be prepare. Town Administrator Hood stated that we are currently using the county codes and in some cases it does not work for the town. At the previous meeting Council directed staff to

impose a moratorium. Town Administrator Hood stated that this moratorium did not include electronic gaming arcades because when he polled Council, after questioning what was intended to be included, the result was 4 to 3 to not include electronic gaming arcades. However, he stated that if it was decided to add electronic gaming arcades it could be done during this first reading. Town Administrator Hood explained that the moratorium restricts issuance of business tax receipts until the moratorium is lifted. Town Administrator Hood explained that Town Attorney Bohne stated that this moratorium should not extend for longer than six months. Council Member Kolar explained that the previous moratorium included both adult entertainment and electronic arcades.

Mayor Yonts opened the public hearing with comments as follows:

- Dan Robino stated that we have previously had electronic arcades within the town and it didn't cause any problems. He stated that we need businesses within our town. Town Administrator Hood stated that we recently received a Business Tax receipt for the previous facility which was approved after polling Council.
- Denni Burr stated that she would like to include electronic games in the ordinance because after looking at the town's comprehensive plan we have to be aware of what businesses we are putting there.
- Joe Garbacik stated that he believed that the ordinance is fine as it is however he does not believe that electronic arcades should be added to the ordinance.
- Keith Ryan stated that there is a new electronic arcade in Barefoot Bay and he believes that it fits in fine and doesn't cause a problem. He then stated that he believed that adult entertainment should be restricted.

Council Member Bryan stated that he was the one that brought up the original moratorium however as stated by Mr. Robino the previous electronic gaming arcade didn't cause a problem. He stated that he believed that as we develop our Land Development Regulations and architectural ordinances we will ensure that the businesses will look better and won't have to worry about what the actual business is. Council Member Kolar asked if this was the type of businesses that Council wanted in town. She stated that she worried that they were trying to legalize gambling in Florida. She stated that she would like to add electronic gaming arcades to the ordinance. Council Member Hackford stated they he liked the ordinance as it was and that he agreed with Council Member Bryan regarding future land development regulations. Vice Mayor Mahaney stated that he agrees with Council Member Bryan; however he would like to add electronic gaming arcades until they complete the land development regulations. Mayor Yonts stated that he agreed with the moratorium on adult entertainment, and stated that he would support adding electronic arcades though he doesn't know that the type of business will be a problem within the town.

It was the Board's consensus to include electronic game arcades in the moratorium.

Mayor Yonts asked if Council needed to fill in the appropriate dates in the ordinance. Mayor Yonts stated that the dates in the first blank would be November 18, 2009, second date should read May 18, 2010, and the third date should read November 18, 2009.

Council Member Bryan stated that he really didn't want to see the arcades included and he wanted to verify that if an individual wants to open an arcade they can come before Council and present their case. Mayor Yonts stated that they could come in and see Town Administrator Hood and they would then come before Council. Town Administrator Hood stated that if the individual came before Council and Council decided to lift the moratorium they could do so and only lift a portion of the ordinance. Council Member Bryan asked that we review this as soon as possible. Council Member Kolar asked if Town Administrator Hood if he could get the statistics from local towns. Town Administrator Hood stated that he could contact the sheriff since they are allowed in Brevard County.

Motion by Vice Mayor Mahaney, second by Council Member Hackford and vote unanimous to approve Ordinance No. 2009-05 as amended to include electronic game arcades.

#### **5) Discussion/Action Re: Miller Legg work authorization**

Town Administrator Hood explained that when he came onboard Miller Legg was working on the Comprehensive Plan and the Land Development Regulations. Mr. Hood explained that he had a meeting with Miller Legg in August of 2008 to find out where we were because the prior administrator had authorized work without a work authorization from Council. At that meeting the project Manager Todd Peetz explained that they were going to complete the Comprehensive Plan. However, at that time there was never a work authorization describing what that meant and what was included in the completion. Town Administrator Hood explained that in the audience they had John Walls, Principal of Miller Legg and Chris Keller whom is now the lead for the Town. Mr. Hood stated that they had several meetings and have come up with a work authorization that describes what is actually to be done and the cost. Town Administrator Hood explained that the work authorization is for the \$3950.25 and the \$3649.00 for public hearings that will be billed hourly to get through the Department of Community Affairs (DCA) approval process. If there are major changes this addresses what will happen in that case. This does not include Land Development and there is still \$9,352.00 in the meeting portion of the previous work authorization. Town Administrator Hood explained that it is his recommendation to approve this work authorization and get the Comprehensive Plan off to DCA. Mayor Yonts thanked Miller Legg for working with the Town to resolve the issue. Mayor Yonts then asked that if there was major changes would that mean additional charges. Town Administrator Hood stated that if after the public hearing Council decided to make additional changes there would then be additional fees. Mayor Yonts asked what the process is with DCA. Town Administrator Hood explained that any effected property owner has the right to appeal within twenty one days at time of adoption. John Walls of Miller Legg stated that he was involved in the beginning; however Todd Peetz was handling this project. Mr. Walls explained that there was a lot of one on one with Mr. Peetz and the previous town administrator.

Mr. Walls explained that this will cost Miller Legg tens of thousands, but believes that the town will be fair. Mr. Walls explained that Town Administrator Hood has worked with Miller Legg and that Chris Keller would be handling this through completion. Council Member Kolar asked if using Brevard County's Plan as a basis would be okay. Chris Keller stated that there was no guarantee that DCA would approve the plan. Town Administrator Hood stated that DCA may love that the town used the county plan as a foot print. Council Member Mahaney asked if they

have ever seen a comprehensive plan pass through completely without any comments. Town Administrator Hood explained that West Melbourne's passed through without any comments.

Motion by Council Member Bryan, second by Council Member Kolar and vote unanimous to approve Miller Legg's work authorization No. 7.

**6) Discussion/Action Re: Larry Paris request for code violation extension**

Town Administrator Hood explained that on July 22, 2009 the Town Council heard a presentation from Mr. Larry Paris who had a pending code violation regarding a parked RV on his site. Mr. Paris offered to remove the RV and offered to replace it with a semi-trailer. It was agreed that the RV would be removed by August 31, 2009. Town Attorney Bohne and Mr. Paris' attorney Jim Beadle prepared an agreement to those understandings. On August 12, 2009, prior to the execution of the agreement, Mr. Paris requested an extension to the August 31<sup>st</sup> deadline as it was taking longer to receive the semi-trailer that originally anticipated. The Town Council approved an extension until September 30, 2009. To this date the agreement has not been executed. Town Administrator Hood explained that on September 28, 2009 he was contacted by Mr. Paris requesting an additional 45 days to remove the RV as he just recently received the replacement trailer and needed additional time to move the security equipment from the RV into the semi-trailer. At the time that Mr. Paris originally requested the September 30, 2009 date he was not employed and felt he could accomplish the task in a timely manner. Mr. Paris has since returned to full time employment and has had a limited time to make the change and remove the RV.

Joyce Paris explained that she runs the Donkey Love Ranch and that she started her farm in 2002. She stated that she breeds miniature animals such as zebu and baby doll sheep. She stated that prior to the road being built she walked down a path to her property from 2002 until 2006 and her animals were healthy. Mrs. Paris stated that from spring of 2006 until 2007 she lost twenty one goats, and four donkeys. Mrs. Paris stated that she believed that her animals were poisoned. The Paris' have since put in a security system and have not had any problems with her animal's health. Mrs. Paris stated that she would move the RV when they were ready to move it. Mrs. Paris stated that the security system must be transferred prior to the removal of the RV. Mr. Larry Paris thanked the Council for listening and asked that they be left alone. Mr. Paris stated that the agreement was a slap in the face. Mayor Yonts explained that the agreement was drawn up between the Towns Attorney as well as Mr. Paris' attorney. Mr. Paris stated that his attorney wouldn't listen to him and that is why he is not representing him. Mr. Paris explained that he would not be signing the agreement. Mr. Paris stated that he had sat through numerous meetings and listened to awful things regarding his farm. Mayor Yonts stated that the Town has ordinances and a complaint was brought forward and now Council must handle the issues. Mr. Paris stated that he agrees to have it removed by November 15, 2009.

Mayor Yonts closed the public hearing.

Council Member Hackford stated that he believed that Council should give the Paris' until November 15, 2009. Town Administrator Hood explained that both attorneys worked together to draft up the agreement and if they were unhappy with the agreement they could have brought

it to our attention at the time it was presented to them. Mayor Yonts stated that he believed that we should extend through Thanksgiving and make the deadline December 4, 2009. Town Administrator Hood stated that he would like to back the deadline up to November 30, 2009 so that it could be brought back before Council December 9, 2009.

Motion by Council Member Bryan, second by Council Member Kolar and vote unanimous to extend deadline to November 30, 2009 and bring back to Council at the December 9, 2009 meeting.

Mayor Yonts asked that we pull agenda items 7) Discussion/ Action Re: 5-Year Financial Plan, and 9) Discussion/Action Re: adopting a Statement of Support (SOS) to the Florida League of Cities for their resolution supporting American soldiers serving in the National Guard and Reserve.

#### **7) Discussion/Action Re: Workshop Schedule**

Mayor Yonts explained that at this time we do not have any Wednesdays available this year and he is proposing that we wait until January. He stated that we needed to come up with ideas within the next month or so and let Town Administrator Hood know.

### **REPORTS**

#### **1) Town Attorney's Report**

There was no Town Attorney Report

#### **2) Town Administrator's Report**

Town Administrator Hood stated that his report was attached and that he only had a few items that needed possible action by Council.

Town Administrator Hood stated that he had received a request for two possible gates one at Berry Road and one off of Valkaria Road.

Motion by Council Member Hackford, second by Council Member Bryan and vote unanimous to approve the additional gates at Berry Road and off of Valkaria Road.

Town Administrator Hood stated that he has information in his report regarding state shared revenue and he hasn't given up and that he would continue to work on it.

Town Administrator Hood stated that he would like to recommend that we contract with Berman, Hopkins, Wright and LaHamn to complete our annual audit this year.

Motion by Council Member Kolar, second by Council Member Bryan and vote unanimous to contract with Berman Hopkins and Wright to complete this year's annual audit.

Town Administrator Hood explained that he had emailed each of the Council because he received the Attorney General's Opinion and Town Attorney Bohne agrees that we have no authority over the airport. Mr. Hood stated that this was advertised and would be on the agenda for Wednesday, November 4, 2009.

Town Administrator Hood explained that the current landlord had offered to decrease the rent if we agree to sign for an additional year. However, our new building has a two year lease that has already been signed. Mayor Yonts stated that at the present time he didn't believe that with the space we would be acquiring that we would be interested at this time. Town Administrator Hood stated that he was asked to contact the county regarding permitting on the new facility.

### **3) Financial Report**

Town Administrator Hood stated that his unaudited financial report year ending 2008- 2009 was attached. Mr. Hood stated that we were at 104.9% of the anticipated budgeted revenues. Expenditures closed out at only 71.6% of anticipated revenues. Mr. Hood stated that the total unencumbered budgeted reserves were \$82, 423.00. Mr. Hood explained that we received \$47,986 more in revenues than expected.

### **4) Council Reports and Comments**

Council Member Bryan stated that he had attended the Water Board Meeting and stated that they were trying to put together a plan that all of the municipalities within the St. Johns River Water Management District would try to follow and they did a little exercise. Council Member Bryan stated that he would go over it in greater detail at the next meeting.

Council Member Kolar went to the meet and greet with the new county manager and he was a great guy. Mayor Yonts stated that the new county manager also stated that he had looked to purchase property on Grant Island.

Vice Mayor Mahaney stated that he wanted to thank Council Member Bryan's Invocation at the Space Coast League of Cities Dinner on Monday evening.

Mayor Yonts stated that he attended the Grant Valkaria Business Association Meeting and that they are looking for ideas of how to attract members.

Mayor Yonts asked if Council wanted to write a letter to save the space program. Council Member Bryan stated that he didn't have a problem with it. It was the Board's consensus to write a letter to the President regarding the space program

Mayor Yonts also mentioned that Space Coast League of Cities still has not had any applicants for the scholarship and the deadline is October 16, 2009 at 5 o'clock.

Mayor Yonts stated that the CERT department will not be giving out flu shots. The County Health department stated that they had it under control.

Mayor Yonts explained that Waste Management had an issue with piles of yard trash Monday, October 26<sup>th</sup>. When we went back on Saturday, October 31<sup>st</sup> and the piles were still there. Town Administrator Hood contacted them and they picked up the piles. However, we need to know the day of pick up so that we know when they are picking the piles up in a timely manner.

Mayor Yonts stated that the town received another letter from the Apothekers', he sent them a letter and he is going to add this as an agenda item for the next meeting.

Tom Sammon stated that the Sheriff Department's mobile sign unit is on First Street.

Mayor Yonts stated that we need to get together and decide what this dais is going to look like. He stated that if anyone is willing to help contact Town Administrator Hood. Mayor Yonts stated that the final decision is going to be made by Town Administrator Hood.

**ADJOURN**

Motion by Council Member Bryan, second by Council Member Hackford and vote unanimous to adjourn at 12:00 a.m.

(signature on file)

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Del Yonts, Mayor

ATTEST:

(signature on file)

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Jessica Williams, Administrative Assistant