

MEETING MINUTES FOR THE
TOWN COUNCIL REGULAR MEETING
WEDNESDAY, NOVEMBER 18, 2009 AT 7:00 P.M.
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FL 32949

The Regular Town Council Meeting of November 18, 2009 was called to order at 7:00 p.m. by Mayor Yonts, followed by the Pledge of Allegiance led by Vice Mayor Mahaney, 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 THE AGENDA

There were no changes to the agenda. Mayor Yonts stated that he will present to the family of Mr. John McCarthy, who passed away on Monday, a certificate of appreciation in recognition of dedicated time served as one of the inaugural Grant-Valkaria Citizen on Patrol (COP) volunteer from October 2008 through March 2009.

SECOND/FINAL 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 And Electronic Game Arcades 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 An
Effective Date.

Mayor Yonts read Ordinance No. 2009-05 by title only, noted for the record that legal notice was advertised in Florida Today Newspaper November 5, 2009, and opened the public hearing. No one spoke during public hearing; therefore, Mayor Yonts closed the public hearing. Motions by Council Member Kolar, second by Vice Mayor Mahaney, and unanimously approve Ordinance No. 2009-05 effective November 18, 2009 through May 18, 2010 and remove “within 1 year after incorporation” from a portion of the 7th “WHEREAS” by vote by roll call as follows: Yonts-aye, Hackford-aye, Kolar-aye, Bryan-aye, Mahaney-aye, Faden-aye, DeMott-aye. It was Council consensus to have a workshop in January to prepare the ordinance and then bring back the ordinance for Council review.

APPROVAL OF MINUTES

- 1) Town Council Regular Meeting Minutes of September 23, 2009
- 2) Town Council Regular Meeting Minutes of October 14, 2009

- 3) Town Council Regular Meeting Minutes of October 28, 2009
- 4) Town Council Special Meeting Minutes of November 4, 2009

Motions by Vice Mayor Mahaney, second by Council Member Hackford, and vote unanimous to approve Town Council Regular Meeting Minutes of September 23, 2009, Town Council Regular Meeting Minutes of October 14, 2009, Town Council Regular Meeting Minutes of October 28, 2009, and Town Council Special Meeting Minutes of November 4, 2009.

PUBLIC COMMENTS (non- agenda items)

Ms. Bernadette Downs stated that in 1986 there was a county ordinance that allowed golf carts and over the past 2 months the Sheriff's Department has been called 67 times about her driving golf carts. Ms. Downs wanted to know if they are allowed to use golf carts in the Tadlock Drive area. She was advised by the Sheriff's Department that they could not operate motor, electric or gas carts or golf carts on streets. Town Administrator Hood stated that County code allows golf carts only in designated areas and State law allows them only if designated and posted under a certain speed limit. Mr. Hood stated that he is trying to find the law that requires a study or standards and that he had a call into John Denninghoff, Brevard County Public Works Director to determine what standards the county used to allow golf carts in Barefoot Bay. Mr. Hood stated that without a study or proper signage the town could get into trouble. Katrina McCullers stated that she was issued a warning and was told that it was her last warning. Mr. Downs stated that there is 1 person in the area that does not like anything in the neighborhood. Ms. Downs stated that she spoke to Loretta Rain and Shannon Wilson with the county and they said it was in the county code and the signs were there. Mr. Downs stated that they would pay for the golf cart signs. Mr. Hood stated that if the town finds out that the area was posted and allowed the town will notify the Sheriff's Department. It was Council consensus to bring golf carts in a workshop as soon as possible after the first of the year.

Ms. Downs asked if she can mow the side of the road in the easement inside and around the loop on Ann Street. Mr. Hood responded that he will gladly meet with her to discuss mowing.

Ms. Linda Mason thanked Council Member Faden and Town Administrator Hood for all the work accomplished with Florida Institute of Technology (FIT). Ms. Mason stated that the town needs a meeting with Vero flight safety because they are causing about 50% of the traffic and Fit is causing the other 50%. She stated that it all started today at 7:30 a.m. when FIT planes flew overhead 5 times; 9:00 a.m. Vero flight safety turbo props flew overhead making 11 passes every 7 minutes; 12:00 p.m. 2 large planes flew overhead every 3 ½ minutes until 2:30 p.m.; 5:00 p.m. FIT had a twin engine and small plane fly overhead 3 to 4 times. Ms. Mason stated that this was a typical day. Council Member Faden responded that FIT cancelled the meeting scheduled for today, he will drop off her package to them and he will schedule a meeting with flight safety. Council Member Kolar disclosed that she was approached to sign a petition which she declined because it would be discussed here at a Council meeting.

Mayor Yonts called for a brief recess at 7:50 p.m.

Mayor Yonts called the meeting to order at 7:55 p.m.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- 1) Discussion/Action Re Resolution No. 20-2009 - A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida, Addressing The Recent Trend Of Increasing Violent Criminal Offenses Across Brevard County; Acknowledging That A Vast Majority Of Crimes Are Committed By A Relatively Small Number Of Local Offenders With Long Histories Of Crime And Arrest; Supporting Law Enforcement Concerns Regarding Lack Of Prosecution And Regressive Sentencing Of Repeat Offenders; Expressing Support For Practical And Proven Methods That Can And Will Positively Impact The Escalation Of Violent Crime In Brevard County; Supporting The Creation Of A County-Wide “Criminal Justice Advisory Commission” By The Brevard County Board Of County Commissioners To Provide Recommended Solutions To The County Commission And Publish A Timely Report To The Population At-Large; Providing For Delivery; Providing For An Effective Date. (Yonts)

Mayor Yonts read Resolution No. 20-2009 by title only and explained that he thought this subject which was brought before the Space Coast League of Cities meeting by Milo Zonka was a good idea and requested Council consideration. Motions by Vice Mayor Mahaney, second by Council Member Hackford, and vote unanimous to approve Resolution No. 20-2009.

- 2) Discussion/Action Re Resolution No. 21-2009 - A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida, Recognizing April 1, 2010 As Census Day; Supporting The Goals And Ideals For The 2010 Census And Encouraging Those In Our Community To Participate. (Hood)

Mayor Yonts read Resolution No. 21-2009 by title only. Vice Mayor Mahaney requested placing an article in the next newsletter regarding this. Council Member Kolar stated that she can place this on the website. Council Member Faden stated that he would like to educate people to fill out the census data. Motions by Council Member Hackford, second by Council Member Bryan, and vote unanimous to approve Resolution No. 21-2009.

- 3) Space Coast League of Cities Request For A List Of Legislative Priorities (Yonts)

Mayor Yonts explained that all cities submit to the Space Coast League of Cities their top 5 priorities and they will submit to the Brevard Delegation a list of the top County priorities. Council discussed placing the 3 mill equivalency on this list but finally agreed that they would proceed on recommendation of Chuck Hungerford to request generating 2 local bills: 1) add 2 more year to the exclusion in the charter; 2)cover MSTU being utilized for 3 mill equivalency. Town Administrator Hood stated that the attorneys in Tallahassee are still trying to determine what happens to this years’ money, if they can hold distribution of the money by setting it aside and that as soon as the town knows what their limitations are the town will meet with

Representative Poppell. It was Council consensus to recommend to the Space Coast League of Cities the town's list of legislative priorities as (in order of importance):

- 1) Save jobs for space program
- 2) Do not limit ability to raise revenue
- 3) Encourage other high-tech, clean, green industry other than tourism and home building
- 4) Support home rule
- 5) No more unfunded mandates

4) Discussion/Action Re Spousal Attendance At Meetings And Cost Involved (Yonts)

Mayor Yonts stated that several other towns only pay for spousal attendance at sponsored events and requested Council input. Motions by Council Member Bryan, second by Council Member Hackford, and vote failed 2-5 (Aye-Bryan & Yonts; Nay-Hackford, Kolar, Mahaney, Faden & DeMott) to have Council spouses and staff spouses' attendance be paid by the town at the sponsored event only.

5) Selection of Vice Mayor (Yonts)

Mayor Yonts reminded everyone that the current Vice Mayor cannot serve again unless no other member is willing to serve as Vice Mayor and opened the floor for nominations. Mayor Yonts requested a show of hands of all who are willing to serve as Vice Mayor with Council Members Kolar and Mahaney raising their hands. Council Member Kolar stated that the town selected this way to give everyone a change to be Vice Mayor. Motions by Council Member Bryan, second by Council Member Faden, and vote unanimous to nominate Council Member Kolar as Vice Mayor.

REPORTS

1) Town Administrator's Report

- A) Annual Audit - Town Administrator Hood stated that he has signed a letter of engagement with Berman, Hopkins, Wright and LaHamm for the annual audit; they will begin the audit shortly, and hope to have it completed by the end of January.
- B) Mowing Contract - the contract with John Conlon for mowing will be expiring in December and Mr. Hood would like to receive input from council regarding how they feel the contractor is performing and whether or not they would like to go back out to bid regarding this contract. It was Council consensus to go out for bids for the mowing contract and it is price based, not performance based.
- C) Town Hall - the owner of the new Town hall building has received his permits for the remodeling work for the New Town Hall. We have given our 60 day written notice to the Chase's regarding terminating our existing lease as required by the terms of our lease agreement. I have discussed Mr. Surles schedule with him and he feels that the building should be ready for occupancy in two to three weeks dependent on the County building and fire inspectors. It would be appropriate to have a meeting with the volunteers that will be building the new dais so that we can prepare a materials lists and get everything purchased and standing by. This meeting shouldn't take more than an hour or two so it could be held after work or any weekend that everyone is

available. Mr. Hood stated that to prevent Sunshine Law violation he would have the final say for the work crew and he will need a list of materials. It was Council consensus to have everyone interested in participating in the work crew gather at the new town hall building on Wednesday, December 2, 2009 at 6:00 p.m. Mayor Yonts requested that the town hall layout be sent to all Council Members if they wish to review.

D) December Schedule - our normal schedule for December would be meeting on December 9th and December 23rd. The holiday schedule for December is Town Hall will be closed on December 24th and December 28th for the Christmas Holiday. Mr. Hood inquired if Council wishes to adjust the meeting schedule for December. It was Council consensus to have the regular Council meeting on December 9th and no meeting on December 23rd.

2) Council Reports and Comments

Council Member Bryan stated that the County Commission voted 5-0 to approve the interlocal agreement for stormwater management.

Council Member Faden inquired about the overpass mowing status. Town Clerk Krueger responded that she emailed the Deputy responsible for the prisoners work crew that Florida Department of Transportation (FDOT) is not responsible for this maintenance and that she requested the use of prisoners to do mowing of the overpasses at Grant and Valkaria Roads. Ms. Krueger stated that last she knew he thought FDOT was responsible for it, they had done it in the past, and he was checking it out. Town Administrator Hood stated that he would contact Sheriff's Department to see what is going on. Council Member Hackford volunteered 3 of his men to mow/weed-eat the overpasses.

Vice Mayor Kolar stated that the newsletter is completed, has been sent to the printer and will be mailed out soon; however, the newsletter is posted on the town website. Ms. Kolar stated that the Christmas tree lighting festivity is under control and that it will be the same as last year; Grant-Valkaria Business Association (GVBA) is helping to find a church or school to have their choir perform before Santa arrives. Ms. Kolar stated that Dr. Peter Barile contacted her regarding Mr. John Sessa using syn-gas and wants to do a presentation regarding the alternative fuel.

Council Member Mahaney stated that he would like a thank you letter sent to the Sheriff's Department for a great job solving the recent robberies in town. This item was unanimously agreed upon by Council. Mr. Mahaney stated that Town Administrator Hood has contacted the City of Palm Bay and their lead Emergency Operations Center (EOC) trainer is willing to come to town hall to train Town Clerk Krueger and Town Administrator Hood to be certified for FEMA.

Council Member Hackford stated that Santa will be at the Grant Community Center on December 11th and if anyone wants their kids to receive a gift from Santa they are to contact Nancy at the Community Center. Mr. Hackford stated that the "Old Time Dinner" will be at the Grant Community Center on December 13th.

Mayor Yonts stated that there will be a Legislative meeting on November 30th and inquired who will attend to represent the town. Motions by Council Member Mahaney, second by Council Member Hackford, and vote unanimous to send Mayor Yonts and to include Town Administrator Hood if deemed necessary.

Mayor Yonts stated that he would not be able to attend the December 14th Space Coast League of Cities meeting at Patrick Air Force Base and requested a Council Member attend on his behalf. Vice Mayor Kolar stated that she was unsure if she could attend, and Council Member Bryan stated that he would attend if Ms. Kolar could not. It was Council consensus to have the town's wish as being "We wish all planes had mufflers".

Council Member Hackford thanked Town Administrator Hood for using his personal time for attending the variance committee meeting for the Grant Community Center. Town Administrator Hood explained that the King Shack and the Community Center buildings will remain in use with no alterations unless system fails or building demolished, and the sinks to the French drains will have a permanent holding tank.

Mayor Yonts and Council Member Bryan discussed bringing the public address system to the Christmas tree lighting ceremony so the choir will have a couple of microphones and stands in front of them.

3) Board Reports and Comments

There were no Board reports or comments.

ADJOURN

Motions by Council Member Mahaney, second by Council Member Bryan, and vote unanimous to adjourn the meeting at 10:30 p.m.

Del Yonts, Mayor

ATTEST:

Susanne R. Krueger, Town Clerk