

**TOWN OF GRANT-VALKARIA, FLORIDA
TOWN COUNCIL REGULAR MEETING
WEDNESDAY, JULY 28 2010 AT 7:00 P.M.
TOWN HALL BUILDING, 4240 HIGHWAY US1, GRANT VALKARIA, FL 32949**

The Regular Town Council Meeting of July 28, 2010 was called to order at 7:04 p.m. by Mayor Yonts, followed by the Pledge of Allegiance, and roll call to the Council Members with the following present:

Mayor – Del Yonts
Seat No. 1 – Joe Hackford
Seat No. 2 – Lisette Kolar
Seat No. 3 – Pat Bryan
Seat No. 4 – Jason Mahaney
Seat No. 5 – Dan Faden
Seat No. 6 – Cathy DeMott

Town Administrator Richard Hood
Town Clerk Susanne Krueger
Town Attorney Karl Bohne

CHANGES TO AGENDA

Town Administrator Hood requested adding Resolution No. 09-2010 after “discussion/action re: line item transfers” because according to the charter line item transfers must be done by resolution.

PRESENTATIONS

- 1) Mayoral Presentation to William Webb for his heroic efforts rescuing Mr. Harold Angelbeck

Mayor Yonts presented William Webb a certificate of appreciation for his heroic and caring efforts in rescuing Mr. Harold Angelbeck by removing him out of harm’s way and potentially saving his life when he was attacked by a swarm of bees while walking down Brabrook Avenue.

- 2) David Calvo, Principal, Palm Bay Municipal Charter High School and Palm Bay Community Charter School – Patriot Campus to discuss using their school as an alternative to busing the local children to Stone or Bayside.

Mr. Calvo gave his presentation briefly highlighting the following:

- There are 9 charter schools in Brevard County with 2 on this campus
- These charter schools are not frozen to incoming students
- Provides Pre-Kindergarten through 10th Grade
- Provides individualized instruction
- Acceleration provisions
- Spanish language immersion program; possibly French next year
- Parental involvement
- Free transportation – bus route would go through Grant-Valkaria area
- 1400 student capacity; 700 students enrolled
- Not affiliated with religious organizations
- Has sport activities
- Tuition free – FTE funded school

It was Council consensus to have an article in the next newsletter about all charter schools in the area ensuring that everyone has a choice.

CONSENT AGENDA

1) Town Council Regular Meeting Minutes of June 30, 2010

Motions by Vice Mayor Kolar, second by Council Member Faden, and vote unanimous to approve the consent agenda.

PUBLIC COMMENTS (non- agenda items)

Curt Lorenc stated that yard trash is not picked up by Waste Management for weeks, when it is picked up the roads get damaged, and they do not perform to their contract; Waste Management damaged his fence and it was not professionally handled. Mayor Yonts stated that if anyone sees yard waste around town after the designated date to pick up to call Town Hall, they in turn will notify Waste Management who will have 3 days to pick up and then the fines start. Mayor Yonts requested Waste Management come in to talk to Council regarding reducing rates and addressing complaints received. Town Administrator Hood stated that the fence is a civil matter but he has initialized discussion with Waste Management to help Mr. Lorenc; the Town has had great success when we have to call it in but he wants them to provide the service without staff calling them in. Council Member Faden requested that anyone that sees them damage roads or if they have a problem with them to call town hall.

Barbara Streber stated that as a gesture of appreciation to staff for a wonder job, she and Harold Angelbeck would like to treat staff to a special lunch.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- 1) Discussion/Action Re: proposed dirt road extension from Brabrook Avenue east approximately 350 feet to a parcel of land owned by Mr. Tino Gonzalez (Hood)

Town Administrator Hood stated that Mr. Tino Gonzalez is requesting to construct a road in a 30 foot right-of-way using an inverted crowned road and a T-turn around instead of a cul-de-sac; Mr. Gonzalez had approached the abutting property owners on both sides of the right-of-way whom stated they will not give up 10 feet of their property for a road. Mr. Gonzalez stated that he wants to use the least intrusive way to access his property to have an organic farm. Town Attorney Bohne stated that the Mount Pleasant Road right-of-way off of Brabrook Avenue is Mr. Gonzalez's only access and if he meets the town's standards for roads he can put one in. Mr. Bohne explained that the proper way is for each property owner on each side of the right-of-way to dedicate 10 feet to make the 50 foot right-of-way; however, if it is not practical for him to put in the 50 foot right-of-way he is not sure it would be appropriate for a variance. Vice Mayor Kolar requested Mr. Hood show how the road is to be constructed. Mr. Hood explained that the 30 foot inverted crown required flows to the center of the road and discharges onto Mr. Gonzalez's property which would be maintained through an agreement with the town. Dan Robino stated that he was concerned with the discharge location on Mr. Gonzalez's property and if maintenance of the road is a factor for the town to look at. Mr. Bohne responded that the town does need to consider maintenance issues from future owners. Mr. Hood responded that the discharge may be to an approved drainage system on Brabrook Avenue or an old farmer's ditch which runs diagonally but is not a ditch the town

maintains; St. Johns River Water Management District has regulations for discharging and without a full engineering he does not know what will actually work. Council Member Bryan stated he was concerned with dirt road carrying water that far; not uncomfortable with him to store water on his land; can support something paved. Council Member Hackford stated that he was concerned about maintenance if he sells the property. Mayor Yonts stated for the record that Council received emails from Tim and Melissa Olsen and Ms. Denni Burr and whatever we set today will be a standard for 30 foot right-of-ways. Mr. Bohne stated that if Mr. Gonzalez cannot achieve the 50 foot right-of-way the town may consider a variance regarding the width of the road versus the amount of swale size needed, and that the town needs to consider the width of the road for the garbage truck and emergency access. Council Member Faden inquired if Council can put a requirement for a paved inverted road or options of a dirt road that would be approved. Mr. Bohne responded that if the town is to approve something they can impose reasonable conditions unless it is constructed to our standards. Council Member Hackford stated that the town went through this process with Berry Road and inquired what the normal width is for emergency vehicles. Mr. Hood responded that it is 22 feet.

Mayor Yonts opened the discussion to the public. Denni Burr stated that she is the property owner directly to the south, the back and side lot of her property is wet, and wants to be sure that she is not impacted in any way. Tim Olsen stated that he is the property owner on the north side, whenever it rains he has 1 foot of standing water on the south side of his property, County told him that it was wetlands in back of his property, construction will affect the turtles, concerned about damage to his foundation and he is against building the road. Barbara Streber stated that she does not agree with granting the request. Mr. Tino Gonzalez stated that in 2002 and 2003 there was an environmental study called Trout Creek Watershed and the Corps of Engineers stated there is a berm to the north of his property probably slowing the flow of water. Mr. Gonzalez stated he does not want to subdivide his property, feels that a paved road would be more intrusive to Ms. Burr and Mr. Olsen, and that he is willing to enter into a binding development plan. Harvey Lindner suggested a west extension of Mount Pleasant Road by offering abutting property owners money to obtain a right-of-way to his property. Mr. Bohne responded that Mr. Gonzalez cannot pursue it because by code his property abuts a right-of-way, he still has to use the public right-of-way and he is not required to do what Mr. Lindner suggested. Joan Akins stated she lives at the east end of Mount Pleasant and she was concerned about flooding. Mr. Gonzalez stated that he does not want to put in an impervious material for the roadway. Vice Mayor Kolar requested that Mr. Gonzalez work with Mr. Hood and an engineer to see what is acceptable. Mr. Bohne informed Council that Mr. Gonzalez's offer for a binding development agreement will go away if he meets our standards; if the road met the crown and swale requirements with a 20 foot road the Board of Adjustment could approve as a variance and set reasonable conditions; the public driveway will serve 2 back lots; non-residential farming building are not subject to building code requirements but need to meet zoning requirements.

Mayor Yonts called for a brief recess and excused Town Attorney Bohne at 9:00 p.m. Mayor Yonts called the meeting to order at 9:05 p.m.

- 2) Ordinance No. 2010-05 - First Reading (Hood)
An Ordinance Of The Town Of Grant-Valkaria, Brevard County, Florida; Amending
Section 62-2100.5 Of The Town Land Development Regulations As Adopted By The Town

In The Town's Charter; Providing For Accessory Building And Accessory Use Standards; Providing For Severability; Providing An Effective Date.

Mayor Yonts read Ordinance No. 2010-05 by title only. Town Administrator Hood explained that the real change is treating other residential zoning categories in same manner as AU, Agricultural Residential zoning by removing the requirement of floor area not to exceed floor area of the principal building and allowing one large structure instead of several; the main zoning area affected is RR1 with 1.0 to 1.3 acres. It was Council consensus to remove section (h) and keep section (k). Mayor Yonts opened discussion to the public. Denni Burr stated she has a problem with allowing accessory buildings the same size and height as the footprints of the house; there is a workshop next week to loosen business tax receipts and combining that ability with the ability with the accessory structures building trades would want to build this building to use as construction; feels we are basically changing something for 1 or 2 people; wants to keep it the same; there is secondary effects in reducing her property value. Andy Beard stated that he would rather have a single building rather than several on a lot looking like a trailer park; current code allows 4 buildings up to size of existing home. Joe Garbacik stated that people should be allowed to do anything within reason. ~~Harvey Lindner stated that he had no problem if he has a 1,500 square foot house on 1.25 acres, placed it in front of home within reason and does not impact neighbors property value.~~ Tom Sammon stated that you cannot tell people what to put in their yard, tradesmen are already in town, and that he is in favor of the ordinance. Town Administrator Hood stated that Mr. Beard requested one structure instead of four; with four structures you will have a high potential they will not match; this also applies to a detached garage which is an accessory structure; received requests from residents and they want to apply it uniformly; it brings the rest of single family residential the same as AU; according to the County agricultural and AU are exempt from these codes. Mayor Yonts brought it back to Council for discussion. Council Member Bryan stated he understood Ms. Burr's concerns but would like residential zoned properties to have the same consideration as their AU zoned neighbors and does not think it will be a problem. Council Member Hackford is in favor of ordinance in that they should have the same rights. Vice Mayor Kolar stated that her objection is to the large massive size of buildings and that there are no standards for the buildings. Council Member Faden stated that all residents should have the same rights as AU and that he will support the ordinance. Mayor Yonts stated that the restricted communities need to be notified that we are going to change the ordinance and see how long they will need to change their deed restrictions. Motions by Council Member Bryan, second by Council Member Faden, and vote unanimously to approve Ordinance No. 2010-05 first reading with condition that (f) be worded as "Where permitted, accessory buildings and barns, relating to agricultural uses, in the agricultural zoning classification, the agricultural/residential zoning classification and residential zoning classifications are exempt from standards listed above in subsections: 1(a, b, and d)." and (h) be deleted.

3) Discussion/Action Re: Line Item Transfers and Resolution No. 09-2010 (Hood)

Town Administrator Hood explained that in accordance with the discussion at the budget workshop these line item transfers have been created; by charter the Council has the ability to transfer funds from one category to another by resolution; the line item transfers will enable staff to purchase payroll/accounting/budgeting software and a server, and begin training on the software this fiscal year. Mayor Yonts read Resolution No. 09-2010 by title only. Motions by Council Member

Mahaney, second by Council Member DeMott, and vote unanimous to approve Resolution No. 09-2010.

4) Discussion/Action Re: Establishment Of Rolled-Back Rate/Proposed Millage (Hood)

Town Administrator Hood explained that by state law Council must set a millage rate by either rolling back or rolling up the millage to collect the same amount of revenue as last year; also by law this is the last year that the town has no limits on how much millage can be set by Council; since we can operate on 1.00 mills for a while he suggested keeping the town as lean as we can and let the taxpayers keep the money. He explained that the town lost \$50 million in property values which resulted in a loss of \$50,000 to the town; since the town is in good financial shape he suggested keeping the millage at 1.00 which is the same as last year. Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to adopt 1.0 as the proposed millage rate.

REPORTS

1) Town Administrator's Report

Town Administrator Hood gave his report as follows:

- a) Waste Management – he contacted Waste Management about complaints regarding the yard waste service – will keep Council informed
- b) Workshop – there will be a workshop scheduled for Wednesday, August 4th to discuss pain management clinics which the Planning and Zoning Board already reviewed, and home occupation licenses which has been re-written; to prepare for the budget he needs to know how much money Council wants to keep in reserves or appropriate any money into any projects; determining long term goals will probably take another workshop. Mayor Yonts suggested that if you cannot make the meeting to send in your recommendations to staff and maybe the town will place something in the next newsletter for suggestions.
- c) Mayor Yonts received a letter from Dr. Apotheker regarding moving the sign further back on the Grant Community Center property, speeders on First Street and First Street construction details; Dr. Apotheker came by Town Hall to thank the people involved regarding moving the sign at the Grant Community Center; he and Mayor Yonts will be sending information to Dr. Apotheker information regarding First Street.
- d) Request for Council direction – according to code in an AU zoning to have an accessory structure there must be a primary structure first unless there is an agricultural exemption; but if you use AU property as agriculture you are not required to have a residential structure; there is a property owner on Litteral Lane that has a little pond and a gazebo on the property which he wants electric for the pond aireator and the fan; his long term goal is to raise fish and get an agricultural exemption; according to the County tax office in order to obtain an agricultural exemption you have to have a working farm; if it is an allowable use the Town should be issuing permits whether it be accessory structure or primary structure but the Town needs to be careful because it could end up that the accessory structure is in front of the primary structure; property owner requests power for the pump and the gazebo. Council Member Faden stated that he is in favor of the request but a reasonable time limit should be given for him to obtain an agricultural exemption or the town can pull it back out; suggested that there be a binding agreement

and have a measuring device. Mayor Yonts agreed that the town needs to measure a bona fide agricultural operation. Mr. Hood agreed to contact Town Attorney Bohne regarding a binding agreement for power where the property owner will be given temporary electric if utilizing as an allowable use in that zoning category and if they stop that usage the electric stops.

- e) Had a request from Vice Mayor Kolar regarding Question #3 on the proposed ballot; she feels that the wording adopted at the last meeting did not give residents enough information about what they were actually voting for; he was informed by town attorney that he can present it as one question by putting everything in creating a long question or he can split the question into two questions; Mr. Hood asked Council if this is something they wish to revisit; there will be enough time for the first reading on August 11th and the second reading on August 25th with enough time to re-advertise. It was Council consensus to add to the August 4th workshop.

2) Sheriff's Department Crime Report

It was noted that there were 434 calls to the Sheriff's Department in the month of June. Joe Garbacik stated that he caught a vagrant in the vicinity of town hall that he ran off and that the town might want to have Deputies keep an eye on property.

3) Council Reports and Comments

Council Member Mahaney inquired if the County Commission voted on giving Alfred Park to the town; Mr. Hood responded that he did send Commissioner Infantini an email and he has not received a response but will follow up on it.

Vice Mayor Kolar stated that she and Mayor Yonts attended the Florida Department of Transportation (FDOT) public meeting last night where their engineering firm confirmed that they conducted a study on alternatives but most people in attendance were more interested in not wanting the interchange there. She stated that they have the funding for the study but not the project, the public hearing will be in March, and the exchange is real important to Palm Bay. Mayor Yonts stated that he spoke to Steve Olson of FDOT who said he would do a presentation on the design of the interchange here in Grant-Valkaria. It was Council consensus to schedule FDOT meeting and Mayor Yonts will check his time frame and have staff schedule use of the Grant Community Center.

4) Board Reports and Comments

There were no Board reports or comments. Council Member Hackford thanked Mark Rasta for attending the entire meeting. Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to adjourn the meeting at 12:00 a.m.

(signature on file)

ATTEST:

Del Yonts, Mayor

(signature on file)

Susanne R. Krueger, Town Clerk