

**TOWN OF GRANT-VALKARIA, FLORIDA
TOWN COUNCIL REGULAR MEETING
WEDNESDAY, NOVEMBER 10, 2010 AT 7:00 P.M.
TOWN HALL BUILDING, 4240 HIGHWAY US1, GRANT VALKARIA, FL 32949**

The Regular Town Council Meeting of November 10, 2010 was called to order at 7:00 p.m. by Mayor Yonts, followed by the Pledge of Allegiance led by Vice Mayor Kolar, 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, Vice Mayor	
Seat No. 3 – Pat Bryan	
Seat No. 4 – Jason Mahaney	
Seat No. 5 – Dan Faden	
Seat No. 6 – Cathy DeMott	

CHANGES TO AGENDA

Mayor Yonts requested a brief recess after the election of Vice Mayor.

CERTIFYING THE RESULTS OF THE NOVEMBER 2, 2010 GENERAL MUNICIPAL ELECTION

Mayor Yonts stated that the results include absentee votes, absentee votes after 5:00 p.m., early votes, and votes from Precinct 8; however, it does not include provisional votes. Mayor Yonts further stated that all 7 referendum ballot questions passed. Motions by Council Member Mahaney, second by Council Member Hackford, and vote unanimous to certify the results of the November 2, 2010 General Municipal Election results as follows:

- Joe Hackford received 1031 votes
- Dan Faden received 969 votes
- Pat Bryan received 955 votes
- Dan Robino received 778 votes.
- Question 1: Shall sections 2.01, 2.02 and 3.04 of the Charter be amended to authorize the Town Administrator, when authorized by the Town Council, to sign certain legal documents on behalf of the Town received 952 “yes” votes and 646 “no” votes.
- Question 2: Shall section 5.06 of the Charter be amended to provide that public notice of the purchase, sale and lease of real property by the Town shall be provided in the same manner as required by general law for the adoption of ordinances received 1312 “yes” votes and 269 “no” votes.
- Question 3: Shall section 9.01 of the Charter be amended to require a referendum vote for any comprehensive plan amendment or land use change which proposes to increase the density of real property in the Town and to exempt the adoption of the Town’s first comprehensive plan and land use map from requiring a referendum vote received 1219 “yes” votes and 374 “no” votes.
- Question 4: Shall section 9.01 of the Charter be amended to specify that any lot with a low density land use designation must be at least 1 ¼ acre in size received 1123 “yes” votes and 466 “no” votes.

- Question 5: Shall section 2.04 of the Charter be amended to provide for an expanded definition of “Vacancy” in the office of the Town Council received 1067 “yes” votes and 464 “no” votes.
- Question 6: Shall section 2.01 of the Charter be amended to clarify that the term of Town Council members is 4 years received 1257 “yes” votes and 428 “no” votes.
- Question 7: Shall section 2.02 of the Charter be amended to clarify that the term of the Mayor is 4 years received 1287 “yes” votes and 403 “no” votes.

Mayor Yonts stated that he will continue to serve as Mayor because he was unopposed in the election, Joe Hackford will fill Seat 1, Dan Faden will fill Seat 3, and Pat Bryan will fill seat 5.

SWEARING IN OF NEW COUNCIL MEMBERS

Town Clerk Krueger performed the Oath of Office to all the newly elected Council Members and the Mayor - Del Yonts, Patrick Bryan, Daniel Faden, and Joseph J. Hackford.

ELECTION OF VICE MAYOR FROM AMONG COUNCIL MEMBERS FOR A TERM OF ONE YEAR

Motions by Council Member Hackford, second by Vice Mayor Kolar, and vote unanimous to elect Jason Mahaney as Vice Mayor.

Mayor Yonts called for a brief recess at 7:10 p.m.
Mayor Yonts called the meeting to order at 7:33 p.m.

CONSENT AGENDA

- 1) Town Council Regular Meeting Minutes of October 13, 2010
- 2) Town Council Workshop Meeting Minutes of November 3, 2010

Town Administrator Hood stated that the Town Clerk wishes the consent agenda be pulled from the agenda so she can verify changes to the minutes that she received from Council Member Kolar. It was agreed by Council consensus.

PUBLIC COMMENTS (non- agenda items - 5 minute limit)

There were no public comments.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- 1) **Discussion/Action Re: letter of engagement with Berman, Hopkins, Wright & LaHam CPAs and Associates, LLP for the annual audit.**
(This letter of engagement is submitted to the town by our auditors each year prior to the state mandated audit.)

Motions by Vice Mayor Mahaney, second by Council Member DeMott, and vote unanimous to approve the letter of engagement with Berman, Hopkins, Wright & LaHam CPAs and Associates, LLP in the amount of \$15,250.00.

- 2) Discussion/Action Re: Revised Site Plan submitted by Debra Willman, Deputy Dog Holdings, LLC. to relocate previously approved placement of the pavilion at the planned outdoor restaurant located at 6060 US Highway 1. (Applicant wishes to relocate the placement of a pavilion on their site plan which was previously approved by Planning and Zoning Board and Town Council.)**

Town Administrator Hood stated that Debra Willman wishes to move the gazebo closer to the building, moving it forward, and the Planning and Zoning Board recommended approval. Motions by Council Member Hackford, second by Vice Mayor Mahaney, and vote unanimous to approve the revised site plan as submitted.

- 3) Discussion/Action Re extending contracts for ditch cleaning and grading. (CDM Trucking contract for ditch cleaning expired September 30, 2010 and CDM Trucking contract for grading will expire December 12, 2010. As per approved contracts these contracts can be extended for another one-year period.)**

Town Administrator Hood stated that CDM Trucking currently has the contract for cleaning ditches and catch basins, and grading. Mr. Hood stated that in the new agreement for cleaning ditches and catch basins there were several changes made such as 1) the cleaning of ditches shall not exceed a \$1.62 per lineal foot cost, 2) agreement given 1 year initial term and automatically renews for successive one year periods unless a either party gives at least 90 days notice, 3) no longer has a lump sum amount of \$165,000 in it. Mr. Hood stated that in the new agreement for grading there were several changes made such as 1) agreement given 1 year initial term and automatically renews for successive one year periods unless a either party gives at least 90 days notice, 2) the scope of service changed by agreeing to grade all unpaved road 24 foot in width at a cost of \$0.12 per lineal foot of roadway. Mr. Hood stated that the expiration dates of the contacts changed to coincide with the fiscal year. Motions by Council Member Kolar, second by Council Member Hackford, and vote unanimous to approve the renewal of the contract with CDM Trucking for cleaning ditches and catch basins with conditions of: 1) the cleaning of ditches shall not exceed a \$1.62 per lineal foot cost, 2) agreement given 1 year initial term and automatically renews for successive one year periods unless a either party gives at least 90 days notice, 3) covers all ditches. Motions by Council Member Kolar, second by Council Member Bryan, and vote unanimous to approve the renewal of the contract with DCM Trucking for grading with conditions of: 1) agreement given 1 year initial term and automatically renews for successive one year periods unless a either party gives at least 90 days notice, 2) the scope of service changed b agreeing to grade all unpaved road 24 foot in width at a cost of \$0.12 per lineal foot of roadway.

- 4) Discussion/Action Re Unpaved Road Agreement for 5885 Medjool Road. (Mr. Taylor wishes to construct a single family residence at 5885 Medjool Road and requires an unpaved road agreement prior to construction.)**

Town Administrator Hood stated that for issuance of a building permit Mr. Taylor needs authorization to connect to the dirt road. Motions by Council Member Hackford, second by Council Member Bryan, and vote unanimous to approve the unpaved road agreement for 5885 Medjool Road.

5) Discussion/Action Re Town's "Holiday Tree Lighting" celebration at Fisherman's Landing/Grant Historical House.

(This annual event of lighting the holiday tree, having a local children's choir and serving of hot cocoa, hot apple cider and cookies at Fisherman's Landing/Grant Historical House is being scheduled for December 5, 2010, 4:00 p.m. till 6:00 p.m. We are planning to have a special arrival of Santa Claus around 5:00 p.m.)

Town Administrator Hood stated that the town will be hosting the annual Christmas Tree lighting celebration at Fisherman's Landing/Grant Historical House on Sunday, December 5th from 4:00 p.m. until 6:00 p.m. where there will be a local school choir and an appearance of Santa Claus.

6) Discussion/Action Re bringing forward to the Brevard County Legislative Delegation the impact that Senate Bill 550 has on this town.

(Senate Bill 550 was recently adopted by Florida Legislatures which requires homeowners who have a functioning septic system to have inspections every 5 years on their septic systems.)

Mayor Yonts stated that the town needs to take action to talk to the Legislative Delegation by appearing before them or sending a letter. Vice Mayor Mahaney stated that there will be a special session next week to put this off until July next year. Town Administrator Hood stated that he spoke with the Brevard County Health Department who stated that the Environmental Protection Agency (EPA) is mandating that the State of Florida pass this bill and this is actually a compromise; the State has until January to come up with rules and will be tailored in 5 year inspections. It was Council consensus to take no action on this at this time.

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) 2010 Legislative Conference - no one was interested in attending.
- b) Alfred Park - received response from Brevard County and informed them that the use of the property needs to be clarified so that it could be used as a town hall or park without it going back to the County; if County attorney does not agree with language our Town Attorney does not think we should take the park unless we want the land for just a park.
- c) Comprehensive Plan - received notice from DCA requesting a copy of our ordinance or adopted procedure for public participation in the comprehensive plan; staff had hoped that the County had adopted such procedures and we went by them; staff just received the County procedures and in no way will it fit our needs because they had more committees and subgroups involved the public participation; informed by Town Attorney Bohne that he

spoke with DCA attorney and agreed it was a reasonable approach to adopt a procedure for the comprehensive plan, and amend and ratify that these were the procedures used by the Town; next Wednesday Council will have a special meeting regarding a resolution adopting these procedures; late next Monday Council will receive the draft resolution.

d) Florida Department of Transportation (FDOT) Right-of-ways requests - 1) Valkaria Road right-of-way will have a buried pipe in the right-of-way to the pond; the right-of-way will not be taken away for utilization; will not be fenced; 2) north side of Grant Road right-of-way will be fenced; 3) south side of Grant Road right-of-way is subject to reverse condemnation to DOT regarding costing more to access their property. It was Council consensus authorizing staff to obtain a local surveyor to verify parcels and locations descriptions and bring back to Council which would possibly be less than \$1,000.00. Vice Mayor Mahaney recommended using local surveyors in town as long as price is competitive.

e) Whispering Pine drainage ditch - received a complaint from the man that purchased 6525 Whispering Pines Lane in that he is concerned about people drinking, blaring music and possibly going in the ditch on his property; he is concerned about the liability and that he is paying taxes on 1.89 acres and does not have use of it all; the ditch encroached on his property about 50 feet and the pavement is 7.2 feet on his property; the town has several options: 1) town can pipe it at a cost of about \$100,000, 2) the town can move the ditch but it will still encroach, 3) the town can obtain an easement, or 4) the town can buy the land out-right. Allen Webb stated that in the mid 1980's the County came in at the Las Pamos Drive and Indian River Boulevard area and moved the ditch; he also stated that there are 3 to 4 lots on the east side of Las Pamos that are not buildable because of the location of the ditch. Dan Robino inquired if the ditch has to be this big. Daryl Williams, CDM Trucking, responded that it will need to be at least 30 feet wide. Mr. Hood stated that there is no County easement. Another option is to file a maintenance map depicting area to be maintained. The Town would then have the right to maintain the ditch and would assume the liability. By consensus, Council requested Mr. Hood to continue discussions with the property owner.

f) Miscellaneous - received a request from Energy Marketing Service to go house-to-house calling on existing customers regarding AT&T's new fiber optics; if existing County codes allows solicitors he will have no choice but to approve a business tax receipt however Council needs to address solicitors when we get to this in the code. It was Council consensus to review solicitor codes.

3) Council Reports and Comments

Vice Mayor Mahaney requested possibly obtaining speaker lights for the Council dais and stated that the mowing is the best ever seen this time around. Council Member DeMott stated that the mowing on Berry Road was not well done. Council Member Hackford stated that Sunday, November 5th there will be a fundraiser for "Duffy" who was paralyzed from the neck down from a diving accident. Council Member Bryan stated that the gate on Shell Pit Road to the Indian burial grounds is gone. Council Member Hackford stated that he would contact Mr. Tuten about it. Council Member Bryan stated that he is having a birthday party on Friday from 7:00 .m. until 11:00 p.m. at "City Limits" Bowling Alley on Dairy Road. Council Member Faden stated that he received response from Mr. Borowski, Valkaria Airport Manager, stated that the airport is 100% in compliance and that he will be meeting with him next week and will bring forward some complaints

he received at this meeting. Mr. Hood stated that he talked to one of the pilots who does not understand the problem because the airport is in complete compliance with the master plan and there were no noise issues; when asked about changing the flight patterns the pilot stated that they could not violate Federal Aviation Authority (FAA) procedures and that by not going in a specific pattern it would be a safety issue. Council Member Kolar stated that there was a man that helped Sebastian Airport with their problems. Mayor Yonts asked about if vertical cutting will be started and Mr. Hood responded that it has; he attended the Space Coast League of Cities where Bill Ellis of Health First spoke about there are minimum quotas that there should be “x” number of nurses on staff at all times; Hal Rose is the next Space Coast League of Cities President.

4) Board Reports and Comments

There were no board reports or comments.

ADJOURN

Motions by Council Member Kolar, second by Council Member Hackford, and vote unanimous to adjourn meeting at 9:36 p.m.

(signature on file)

ATTEST:

Del Yonts, Mayor

(signature on file)

Susanne R. Krueger, Town Clerk