

**TOWN OF GRANT-VALKARIA, FLORIDA
TOWN COUNCIL REGULAR MEETING
WEDNESDAY, DECEMBER 8, 2010 AT 7:00 P.M.
TOWN HALL BUILDING, 4240 HIGHWAY US1, GRANT VALKARIA, FL 32949**

The Regular Town Council Meeting of December 8, 2010 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:

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| 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.

PRESENTATION

- 1) Presentation of donation to the Town by Grant Valkaria Community Association (GVCA)

On behalf of the Grant Valkaria Community Association, Ms. Denni Burr and Ms. Claire Zoryk donated \$200 toward the Christmas Tree Lighting Ceremony and \$500 towards the “Welcome to the Town of Grant-Valkaria” entrance sign. Council Member Kolar stated that last week GVCA purchased about \$500 worth of toys for ~~“Toys for Kids”~~. “4 The Kids of Brevard”.

CONSENT AGENDA

- 1) Town Council Regular Meeting Minutes of October 13, 2010
- 2) Town Council Workshop Meeting Minutes of November 3, 2010
- 3) Town Council Special Meeting Minutes of November 17, 2010

Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to approve the consent agenda.

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: Appointment/Re-Appointment of 3 Local Planning Agency/Planning and Zoning Board Members and 2 Alternate Board Members (Hood)

(The 3 Board Member seats up for appointment/reappointment are currently filled by C. King, Webb, and Whitehouse who are willing to serve again; the 2 Alternate Board Member seats up for appointment/reappointment are currently filled by VanAsdale who is willing to serve again and 1 vacant seat. These seats will have a term that expires on January 1, 2014,

except the incumbent alternate will expire on January 1, 2013 and the vacant alternate seat will expire January 1, 2012. Other applicants interested in serving on this board are Pamela Allen, Ben Campione, Laurie Chase, Charles Chilcott, Edward Dolan, and Alfred W. Frankel.)

Mayor Yonts stated that according to Ordinance No. 2007-04 this board should represent varied and diverse segments of the community, taking into account such things as, but not limited to, area of expertise, backgrounds, interests, and resident location, no person may be appointed unless they were a resident of the town for at least six consecutive months prior to the date of their proposed appointments, and any member who fails to attend three consecutive meetings without cause and without prior or contemporaneous approval of the board shall automatically forfeit membership and appointment to the board. Mayor Yonts stated that Council needs to define what would be an excused absence from a meeting. Mayor Yonts stated for the record that he spoke to Chris King regarding her lack of attendance at several meetings and that he received a letter of resignation from Chris King. Mayor Yonts stated that after talking with her husband, Homer King, she would rescind the letter. Homer King stated that Chris believes she has done a good job on the board, the town is in the right direction, the board is aware what is going on and she feels she can do a lot for the board. Allen Webb stated that he enjoyed being on the board, feels he can contribute a lot, and would like to continue serving on the board. Don Whitehouse stated he would like to finish the job started. Dave VanAsdale was not in attendance; however, Council Member Faden stated that he spoke to Mr. VanAsdale's grandson who stated that he was out of town but would like to serve again. Motions by Vice Mayor Mahaney, second by Council Member Hackford, and vote unanimous to re-appoint Don Whitehouse, Chris King and Allen Webb as regular members and re-appoint Dave VanAsdale as alternate member on the Local Planning Agency/Planning and Zoning Board.

Council Member Kolar stated that there was an issue about whether Alternate 1 or Alternate 2 can vote in the absence of a quorum of the board. Town Administrator Hood stated that this will have to be addressed with the ordinance that created the board; the situation in question was that Alternate 2 had more time on the board than Alternate 1 but Alternate 1 was allowed to vote; Council needs to describe how an alternate is to be utilized; when an alternate is needed for voting would seniority be in play. Mayor Yonts requested to see how other towns utilize their alternates.

Each of the following new applicants gave a brief presentation of their qualifications:

- Pam Allen - resided in town for 3 ½ years; real estate paralegal; believes in positive growth to serve residents such as pedestrian paths; would like to see more developments like Cypress Creek
- Ben Campione - resided in town since 1995; electrical engineer for 20 years; good at solving problems with various groups and organizations; moved to town because it is not Palm Bay
- Charles Chilcott - resided in town for 25 years; worked for Harris in quality control; totally disabled; interested in position since July of this year
- Edward Dolan - really interested in serving on the Code Enforcement Board

The following applicants were not present: Laurie Chase and Alfred Frankel. Council Member Kolar stated that she personally knows Alfred Frankel who lives in Cypress Creek Subdivision, is retired military, ~~and~~ is a level-headed person, and thinks that he would do a good job. Motions by

Council Member Faden, second by Vice Mayor Mahaney, and vote unanimous to appoint Ben Campione as Alternate 1 member of the Local Planning Agency/Planning and Zoning Board.

2) Discussion/Action Re: Appointment/Re-Appointment of 4 Code Enforcement Board Members and 2 Alternate Board Members (Hood)

(The 4 Board Member seats up for appointment/reappointment are currently filled by Wolfe, H. King, and Pagliarulo who are willing to serve again, and 1 vacant seat; the 2 Alternate Board Member seats up for appointment/reappointment are currently filled by VanDerJadt and Fay who are willing to serve again. These seats will have a term that expires on January 1, 2015, except alternate members terms will expire on January 1, 2013. Other applicants interested in serving on this board are Marcelle Adkins, Ben Campione, Laurie Chase, Charles Chilcott, and Edward Dolan.)

Mayor Yonts stated that he spoke to Mr. Pagliarulo regarding his lack of attendance at several meetings; Mr. Pagliarulo replied that his father was ill and passed away this year, and that he forgot to attend one night. Mr. Pagliarulo stated that he does not check email; Mayor Yonts responded that he did not want staff to get in habit of calling everyone; Council Member Faden responded that he will personally prompt Mr. Pagliarulo of the meetings.

Mayor Yonts stated that according to Ordinance No. 2007-07 this board shall have the authority to enforce the codes and ordinances of the town as provided when the violations of the codes are not corrected following initial action by the code inspector; they should represent varied and diverse segments of the community, taking into account such things as, but not limited to, area of expertise, backgrounds, interests, and resident location; no person may be appointed unless they were a resident of the town for at least six consecutive months prior to the date of their proposed appointments; a member may be removed for good cause upon a majority vote of the Town Council; if a member of the board fails to attend two of three consecutive meetings without cause and without prior approval of the chairperson, the chairperson shall declare the member's seat vacant; the duty of the code inspector shall be to initiate enforcement proceedings of the various codes and ordinances of the town and at no time may a member of this board initiate enforcement proceedings; at any given hearing, the board shall first take testimony and receive evidence from the town, and the town shall have the burden of proving the existence of the alleged violation by the preponderance of the evidence; if the evidence presented by the town establishes a prima facie case, the board shall then proceed to receive evidence and testimony from the alleged violator; formal rules of evidence shall not apply, but fundamental procedural due process shall be observed and shall govern the said proceedings; all testimony shall be under oath and recorded; at the conclusion of the hearing, the board shall make findings of fact, based on the evidence of record, and conclusions of law, and shall issue an order affording such relief as may be consistent with the powers granted herein. Mark Pagliarulo stated that he has been in Brevard County for 22 years, was a custom home builder, and now owns a home remodeling business. Homer King stated that he has been a resident before the town incorporated; is involved with the town; knows what the laws mean and bases his decision on that. Terry Wolfe stated that she has been in Brevard County for 29 years; has a diverse background in law enforcement; wants residents to have fair and impartial hearings; would like to continue serving. Council Member Faden stated that based on the attendance record of the alternate members he would like Mr. VanDerJadt to move up as regular member. Motions by Council Member Faden,

second by Vice Mayor Mahaney, and vote unanimous to re-appoint Chris King, Mark Pagliarulo and Terry Wolfe as regular members and appoint Rod VanDerJadt to the vacant regular member position replacing Jeff Robertson.

Each of the following new applicants gave a brief presentation of their qualifications:

- Edward Dolan - resided in town for 5 years; started to help with the incorporation process but had to step down due to work
- Charles Chilcott - more interested in this position; moved to Grant because he has horses; wants to help stop abuse in the town; would like to be of some value to town

Motions by Council Member Hackford, second by Vice Mayor Mahaney, and vote unanimous to appoint Edward Dolan as Alternate 1 member of the Code Enforcement Board.

- 3) Appointment/Reappointment of Space Coast League of Cities Voting Delegate/Director and Alternate - Currently Mayor Yonts is Director and Council Member Kolar is Alternate (Hood)
(This is the annual appointment of voting delegates to the Space Coast League of Cities.)

Motions by Vice Mayor Mahaney, second by Council Member Faden, and vote unanimous to re-appoint Mayor Yonts as Director and Council Member Kolar as Alternate voting delegates of the Space Coast League of Cities.

- 4) Discussion/Action Regarding 2011 Holiday Schedule
(This is the annual setting of the Town Hall holiday schedule for the next year.)

Motions by Vice Mayor Mahaney, second by Council Member Bryan, and vote unanimous to approve the following holiday schedule for 2011:

- New Year's Day - Thursday, December 30, 2010
- Martin Luther King, Jr.'s Birthday - Monday, January 17, 2011
- Memorial Day - Monday, May 30, 2011
- Independence Day - Monday, July 4, 2011
- Labor Day - Monday, September 5, 2011
- Veteran's Day - Thursday, November 10, 2011
- Thanksgiving Day - Thursday, November 24, 2011
- Christmas Eve Holiday - Thursday, December 22, 2011
- Christmas Holiday - Monday, December 26, 2011

- 5) Ordinance No. 2010-11 - First Reading (Council Action)
An Ordinance Of The Town Of Grant-Valkaria, Brevard County, Florida, Providing For The Establishment Of The Town Of Grant-Valkaria Town Seal; Providing For Sole Use In Official Town Business; Providing For Severability; Providing For Codification; Providing For Penalties; Providing For Conflicts; And Providing For An Effective Date.

(As per Florida State Statute 165.043 the governing body of a county or municipality may, by ordinance, designate an official county or municipal seal.)

Mayor Yonts read Ordinance No. 2010-11 by title only and opened the topic for discussion. Mayor Yonts stated that Council has an amended copy of the ordinance that has grammatical corrections. Motions by Council Member Bryan, second by Council Member Kolar, and vote unanimous to approve the amended copy of Ordinance No. 2010-11, first reading.

6) Ordinance No. 2010-12 - First Reading (Council Action)

An Ordinance Of The Town Of Grant-Valkaria, Brevard County, Florida; Providing For Conduct Of Officials, Board Members, Committee Members, Candidates Who Qualify For Office And Employees Pursuant To The Town Charter; Providing For Findings, Application Of State Law, Gifts While In Office, Appearances Before The Town, And The Use Of Information While Gained In Office; Providing For Severability; Providing An Effective Date.

(As per Town Charter, Town Council was required to implement a conduct of officials by ordinance to address the acceptance of gifts and other things of value, acting in a private capacity on matters dealt with as a public official, the use of confidential information and appearances by a public official before other town departments, offices or agencies on behalf of private interests.)

Mayor Yonts read Ordinance No. 2010-12 by title only and opened the topic for discussion. Motions by Council Member Bryan, second by Council Member Kolar, and vote unanimous to approve Ordinance No. 2010-12, first reading.

A. REPORTS

1) Town Attorney's Report

There was no Town Attorney's report.

2) Town Administrator's Report

Town Administrator Hood thanked everyone for all they have done during his illness and that it is heart-warming to work for this Council where they showed their support; he will be working part-time for the remainder of the month; he thanked Sue Krueger and Jessica Williams for keeping things running.

3) Financial Report

Town Administrator Hood stated that the town is on target with all their projections; sales tax is down according to Ken Small, Florida League of Cities; if we hold spending and keep tight reigns we should be fine; there still are unknown state projections. Council Member Kolar asked how donations are tracked from private sources; Town Administrator Hood responded that it is through notations on the transaction in the account. Town Administrator Hood stated that after the first of

the year he will be preparing a Request for Proposal (RFP) for the master stormwater plan. Council Member Kolar stated that the copier lease should be expiring soon.

4) Council Reports and Comments

Vice Mayor Mahaney stated on December 4, 2010 he attended the Seventh Day Adventist ceremony where he received a service award issued to the Council of Grant-Valkaria in appreciation of their service and dedication to the South Brevard Seventh Day Adventist Church; they invited Council to attend their Christmas Concert on December 11th at 4:00 p.m. Council Member Hackford thanked Sue Krueger and Jessica Williams for all they did for Christmas Tree Lighting ceremony. Council Member Kolar stated that she spoke to Bonnie at Treasure Coast Marina who stated that in January they will start planning for a Grant-Valkaria Riverfest where they would have arts and crafts, farmers market, etc. Mayor Yonts stated that he received a letter from George Fontana regarding possible code violation on the property next to him where they are repairing cars. Mayor Yonts stated that code enforcement has been out there before and will go out there again.

5) Board Reports and Comments

There were no Board reports or comments.

ADJOURN

Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to adjourn meeting at 8:35 p.m.

(signature on file)

ATTEST:

Del Yonts, Mayor

(signature on file)

Susanne R. Krueger, Town Clerk