

MEETING MINUTES OF THE
TOWN COUNCIL REGULAR MEETING
WEDNESDAY, JANUARY 28, 2009 AT 7:00 P.M.
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Regular Town Council Meeting of January 28, 2009 was called to order at 7:00 p.m. by Mayor Del 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. 6 – Cathy DeMott	

EXCUSE COUNCIL MEMBER FADEN

Mayor Yonts stated that Council received an email from Council Member Faden that due to work related obligations he would not be able to attend this meeting and unlikely that he would make the workshop on February 4th. Motions by Council Member Bryan, second by Council Member DeMott, and vote unanimous to excuse Council Member Faden.

CHANGES TO AGENDA

There were no changes to the agenda.

APPROVAL OF MINUTES

- 1) Town Council Workshop Meeting Minutes of December 3, 2008

Motions by Council Member Kolar, second by Council Member Hackford, and vote unanimous to approve the Town Council Workshop Meeting Minutes of December 3, 2008.

PUBLIC COMMENTS

There was no public comment.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- 1) Resolution No. 03-2009 - A Resolution Of The Town Of Grant-Valkaria, Brevard County; Approving An Application For Special Event For The Grant Seafood Festival At 4580 1st Street, Submitted By The Grant Community Club, Inc.; Imposing Conditions; Providing For Severability, Repeal And An Effective Date. (Hood)

Town Administrator Hood stated that the special event was approved at the last Council meeting and this resolution will formally approve the special event with conditions. Council Member Bryan stated that he will abstain from voting because his band will be paid to perform during the Seafood Festival. Motions by Council Member DeMott, second by Vice Mayor Mahaney, and vote unanimous to approve Resolution No. 03-2009.

- 2) Discussion/Action Re Brevard County interlocal agreement addressing building department services (Hood)

Town Administrator Hood stated that the Brevard County interlocal agreement given in the Council package is different than the one that staff received a few days ago in that "Section 1.2 Scope of Services" and "Section 1.3 Payment for services" have been eliminated. He stated he feels the County's intent was to extend the second addendum to the agreement in whole for one full year. Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to approve the second addendum of the interlocal contingent upon confirmation from Town Attorney Bohne that the interlocal received with sections entitled "scope of services" and "payment for services" deleted is the correct document to endorse, and that this second addendum is actually the first addendum extending services through September 30, 2009.

3) Discussion/Action Re Town Hall lease options.

Town Administrator Hood stated that the existing lease expires on April 17, 2009, requires a minimum 30 day notice for renewal, and within the lease is language for an extension to the existing lease for the same terms and conditions contained in the original lease. He stated that under the terms of the existing lease the Town is paying \$2120.00 per month and electric, garbage, taxes and insurance on the building is provided by the landlord. The Town pays for its own telephone and internet service.

Mr. Hood stated that Council has a copy of a proposed lease with an option to purchase the property during the lease period for property located at 4455 First Street. The property located on First Street has been completely renovated inside. The lease is for an amount of \$2400.00 per month and the Town must pay for all utilities and garbage service. The owner has indicated that the lease terms are still somewhat negotiable but the purchase price of \$337,097.00 is pretty much firm. Although the lease that Council has does not indicate such, verbally the owner has stated that they are willing to convert the garage of the home into council chambers and add the necessary ramps and bathroom modifications to meet accessibility requirements depending on the final lease. Any other site improvements, according to the lease, will be the responsibility of the Town. This property would be required to be rezoned as it is presently zoned residential. The Town must also consider that the rezoning would need a reversion clause as it would not benefit the owner to have a property zoned GML if the Town did not exercise their option to purchase.

He further stated that the Town can enter into this type of lease option because they are not obligated to the purchase unless they exercise their option. Town Charter does not allow for the borrowing of money for extended debt therefore we would be making a cash purchase when the option was exercised unless the voters approved borrowing the money for the purchase of a Town Hall.

Mr. Hood stated that there are other options like the church property for sale for \$295,000.00 which can be easily converted into Town Hall, extending existing lease for a year, part of where they manufacture boats, and the corner property of Old Dixie Highway and Berry Road for sale. He also stated that there are no other commercial buildings for sale in the area that we would want. Mr. Hood stated that as town administrator he highly advises not to purchase at this time until we get a better handle on our income level. He stated that he would like a full year under his belt to see what we are up against and what to expect to carry forward; it may be something we take to the voters; by October 1st he will have a better feeling for future years and that will decide whether to continue to rent or send to voters a referendum to borrow money for a purchase.

Council Member Hackford inquired if anything is being done about there not being enough available parking spaces at town hall for the meetings. Town Administrator Hood responded that according to the lease we have use of available spaces and that the intent was unrestricted use. Council Member Hackford stated that he had a handshake/verbal agreement to maintain the yard in exchange for power to the sign and light pole and thought that maybe this should be put into the lease. Town Administrator Hood stated that it would be best if Council wishes to extend the lease not to modify the lease. Vice Mayor Mahaney inquired if Mr. Hood had talked to the church about a lease. Mr. Hood responded that it would be a very limited monthly lease with an 8% return on the \$299,000 asking price which was a lot higher than our current rent.

Mr. Allen Lindsey wishes Council to table this item until Ms. Barker, property owner of 4455 First Street, arrives.

4) Discussion/Action Re Authorization for Brevard County Mosquito Control To Operate District Aircraft Over Grant-Valkaria To Spray For Mosquitoes (Hood)

Town Administrator Hood stated that Craig Simmons, Director of Brevard County Mosquito Control District sent in a letter requesting permission to operate district aircraft over the Town to spray for mosquitoes and that this permission in a form of a letter would be a requirement from Federal Aviation Authority (FAA). Motions by Vice Mayor Mahaney, second by Council Member Hackford, and vote unanimous to approve Mosquito Control to spray in the Town.

For the record, it was noted that Ms. Barker arrived at 7:39 p.m.

Town Administrator Hood briefed Ms. Barker on what was discussed. Mr. Lindsey stated that the property has an oversized 2-car garage about 26 feet by 30 feet, and a bedroom on the back side of the garage that can make the garage area an L-shaped area for a council chamber.

Council Member Bryan stated that even though First Street is a great area he cannot justify spending more money for rent with the economy where it is. Town Administrator Hood stated that he can get with some engineers/architects about how much it would cost for raw land to put town hall as either a modular or permanent concrete structure and provide costs to Council later.

Motions by Council Member Kolar, second by Council Member Bryan, and vote unanimous to have Town Administrator Hood follow through to extend the current lease with changes of adding secured storage area, escape clause and bring back to Council.

Ms. Barker offered an open house for Council on Saturday, 9:00 a.m. until noon to look at her building on First Street.

5) Discussion/Action Re Request to Change Allowable Use in TU-1 Zoning District to allow the Operation of a Florist Shop.

Town Administrator Hood stated that Mr. Garry Grimshaw who owns the property north of Rivers Edge Inn and requested that Town Council considers a change in the allowable uses within the TU-1 zoning district. Presently the TU-1 zoning allows retail uses when they are associated with a motel/hotel use. Mr. Grimshaw would like to move his florist shop from Palm Bay to Grant-Valkaria in the future and is requesting that standalone retail be added to the allowable uses in the

TU-1 zoning category. He explained to Mr. Grimshaw that the Local Planning Agency is currently reviewing all zoning categories and that they would be making recommendations to the Council on proposed changes within each district. Because of the potential for that process to be lengthy, he has requested consideration at this time.

It was Council consensus to have Mr. Grimshaw stay with the normal process and apply for a rezoning request. Mr. Don Whitehouse, Local Planning Agency Chairperson, stated that the Future Land Use should show that property as residential.

- 6) Ordinance No. 2009-01 - First Reading (Hood)
An Ordinance Of The Town Of Grant- Valkaria, Brevard County, Florida, Amending Division 2, Section 2.5 And Section 2.6 And Section 2.7 Of Ordinance No. 2008-01; Relating To Bonding Requirements; Clarifying When A Bond Is Required; Clarifying The Improvement Process; Providing For Severability; Providing For Conflicts; Providing An Effective Date.

Mayor Yonts read Ordinance No. 2009-01 by title only.

Town Administrator Hood stated that this ordinance addresses changes to the unpaved road ordinance bonding requirements and proposed processing changes. This ordinance requires the applicant to post a bond only in the instances that the Town desires to construct the roadway and gives the Town the option to build the improvements versus allowing the applicant the choice of who builds the roadway. No other changes are proposed at this time. This change has come at the request of several applicants who wish to build the roadway themselves but have found it nearly impossible to obtain a bond.

Motions by Council Member Bryan, second by Council Member Kolar, and vote unanimous to adopt Ordinance No. 2009-01, first reading with the condition that Section 2.7 a (2) first sentence be changed to “If the Town desires the person to construct the road themselves then the person ...in accordance with the design”; that Section 2.7 a (2) third paragraph, first sentence be changed to “The town engineer shall within ten (10) working days of receipt of an inspection request, inspect the roadway construction progress” and move “and shall authorize progress payment to the contractor, based on a progress payment schedule submitted by the contractor, after the town engineer is satisfied that the work complies with the town standards and the design” to Section 2.7 a (1) at end of paragraph.

REPORTS

1) Town Administrator’s Report

Town Administrator Hood read his report as follows:

- A) Employee Resignation - He informed Council that Ms. Linda Munroe submitted her resignation notice and her last day will be Thursday, January 29, 2009. He and Council wished her all the best in her future endeavors and thanked her for all her hard work and time that she has given to the Town. After being informed that the cost of a want ad to run in the paper would be about \$1,000.00, it was Council consensus to post the job opening on the website, around town and through the mass email. Council discussed the legal constraints in issuing a letter of recommendation. Motions by Vice Mayor Mahaney, second

by Council Member Kolar, and vote unanimous to issue a letter of recommendation written in a manner that listed job duties, employment dates and if re-hirable.

B) Workshop Schedule - He requested a change in the workshop schedule to discuss the proposed airport ordinance on March 18, 2009 because the town attorney had a prior conflict and would not be able to attend the meeting scheduled for March 4, 2009. It was Council consensus to change airport ordinance workshop to March 18, 2009. Mr. Hood stated that he and the town attorney are trying to get someone higher up in FAA or an airport attorney to get a response by them on the airport ordinance prior to the workshop. Council Member Bryan suggested getting in touch with John Mafera because he is familiar with FAA, and Vice Mayor Mahaney stated that Council Member Faden has Rick Sheppard of FAA phone number. Mr. Hood stated that he spoke with Florida Institute of Technology (FIT), obtained contact phone numbers, and they seemed very cooperative.

C) Adventures in Grant-Valkaria - He formally thanked Mr. Kirk Nelson and Mr. Mike Linnel for taking Joe Hackford and himself on a swamp buggy ride through the most rural areas of Town. The tour lasted approximately three hours was very informative and they discussed many issues that will be relevant in our future workshops. Council Member Hackford stated that Mr. Nelson has offered to give buggy rides to Council Members if they wish.

D) Miller Legg - Mr. Todd Peetz stopped by last week to let him know he has accepted a position in Ohio and will be leaving Miller Legg at the end of the month. He does not think this will affect the completion of the comprehensive plan or the land development regulations as Miller Legg is under contract with the Town for the specific tasks.

2) Council Reports and Comments

Council Member Bryan stated that he noticed that the mowing in town is the best it has ever looked, it was a great job.

Council Member Kolar stated that she is working on organizing a business round table; she is working with Treasure Coast Marina for a local inshore fishing tournament (a progressive event for seven days) to be held in conjunction with Grant-Valkaria Day; she is working with Mr. Hood as to how to select a design concept of the town seal in the next town newsletter.

Vice Mayor Mahaney stated that he has received numerous calls regarding the workshop scheduled addressing guns/shooting within town limits. Town Administrator Hood stated that the town is not looking to create an ordinance regulating guns, that state law supersedes anything, and that the town cannot enact a law that supersedes the state law.

Council Member Hackford stated that during the January 14th Council meeting two members from the Greater Area Palm Bay Chamber of Commerce attended and as a friendly gesture invited all interested members of Council to their board meetings. Since that meeting, he continues to feel upset by the rude and unresponsive treatment they received. He stated that Grant-Valkaria is a friendly place and would hope that in the future anyone that comes to our town is treated with warmth and friendship.

Town Administrator Hood stated that the Air fest did not have everything, chose to redo application and all exhibits, they understand they have one more meeting before Air fest, and it will be approved or denied at that meeting. They wanted to bring it in complete, thorough and address all needs/requirements. Mr. Hood stated he spoke to Mel Scott on January 27th and informed him that Council did not approve anything site specific. Mr. Scott informed him that he would relay they correct information to the County Commission at their meeting.

Mayor Yonts stated that the email from Ken Small addressed several different towns where gifts were received by council members and it was questionable whether they could receive them or not. Question was brought up if the meal and hats that Council received at Honda grand opening is required to be disclosed and requested staff to check into this. Mayor Yonts stated that he was invited to participate in "Mayor's for Meals" day on Wednesday, March 18, 2009 and he was not sure if he would be able to attend, would like someone to go in his place and asked if any Council Member wishes to attend to contract Town Clerk.

3) Board Reports and Comments

There was no Board Reports.

ADJOURN

Motions by Vice Mayor Mahaney, second by Council Member Hackford, and vote unanimous to adjourn meeting at 9:45 p.m.

(signature on file)

Mayor Del Yonts

ATTEST:

(signature on file)

Susanne Krueger, Town Clerk