

Grant-Valkaria
Town Council Minutes
Wednesday, February 14, 2007 at 7:00 P.M.
Grant Community Center

A. **CALL TO ORDER** 7:06 P.M.

B. **PLEDGE OF ALLEGIANCE**

C. **ROLL CALL (by Interim Clerk)**

Mayor: Del Yonts - present

Council Member, Seat 1: Joe Hackford - present

Council Member, Seat 2: Danielle Morgan - present

Council Member, Seat 3: Pat Bryan - present

Council Member, Seat 4: Cathy DeMott - present

Council Member, Seat 5: Dan Faden - present

Council Member, Seat 6: Jason Mahaney - present

Announced that Town Attorney Karl Bohne present for meeting for section G and item H5 (which will be brought forward.)

D. **ADDITIONS AND DELETIONS TO AGENDA**

Items G4 & G8 will be for discussion only as there remain too many questions to vote on them tonight. Del stated that feedback from last meeting was that it went too long. At Sunday meeting it was decided that at 11:00 P.M., if not finished Council will vote if to table remaining agenda items or proceed. Whatever item is in discussion at that time will be completed. Also, since meeting usually features open discussion, speakers will be given one time to speak to a topic and will be limited to 5 minutes. Council may opt to reopen some items to a second round of public comments. On the quasi judicial items public can speak one time for maximum of 5 minutes each.

E. **CPO REPORT**

(Cathy DeMott)

Previous balance	61,449.68
Deposits	.00
Checks issued	75.00
Pending due	0.00
Bank fees (supplies)	91.93
Ending balance	61,374.68

F. APPROVAL OF MINUTES

1. Approval of Town Council meeting 02/07/07 minutes
Motion by D. Faden to approve minutes of 02/07/07 as written; second by J. Hackford
Voice vote on the motion carried unanimously.
2. Approval of Budget/Clerk Workshop 02/11/07 minutes
Motion by J. Hackford to approve Budget/Clerk Workshop 02/11/07 as written; second by D. Morgan
Voice vote on the motion carried unanimously.

G. NEW BUSINESS

1. **(Yonts) - Quatraro Enterprises, Inc., Requesting a change in zoning from BU1 & BU2 to BU1 & BU2 with a Conditional Use Permit (CUP) for alcoholic beverages (beer & wine only)**
Winnerz, located approx. 0.27 mi. north of Sand Point Road on the west side of US 1, was represented by Mario Nicolo. Applied to the County for CUP to serve beer & wine on the premises prior to the incorporation of Grant-Valkaria. County Planning & Zoning Board had voted in favor of the request, but it never went before the County Commission as a result of the incorporation. Mr. Nicolo states that the business will run the same with the bar in the back. He does not plan on outside music. Several residents came forward to speak to the issue. Joan Akins stated that she had no problem with the beer service, but was against allowing an outdoor band. Lisette Kolar provided portions of the Brevard County Code to the Council as criteria for deciding the issue. David Schave said he was against the bar. He sited personal issues with the management as a prior employee. (Del stated that personal issues should not impact the decision of the Council.) Does not see why the Town needs another bar especially in such close proximity to two existing bar/restaurants (RJ's & Ozzies). He states there is no police presence and is concerned about drunk drivers pulling onto US 1. Also states that the parking lot is already to capacity. Vince Wilson, who lives nearby, spoke against the CUP. States that there are already two bars within a couple hundred yards. Added that he had heard someone in management state that they could make a "titty bar" there if they wanted and he is firmly against that. Bonnie Allan said she was concerned with the lack of safe parking. Jo Trent stated that Grant was a beautiful urban community that did not need this commercializing. It is a unique area and needs to be kept that way. Barry Cohen has a motel on US 1 that has been in that

area since 1948. States that if we keep commercial ventures out how will the Town make any money. States that the topless bar is just a rumor. Need to increase the tax base with commercial development. Vehicles pulling out on the curve has always been dangerous and alcohol not always a factor. Mr. Cohen continued that the police do monitor the area. Mike Quatraro, owner of Quatraro Enterprises, Inc., states that rumors of a topless bar are false. Spoke in favor of the CUP. States that traffic has never been an issue. Owns property next to business and across US 1. Joyce Griffin spoke against CUP. States that she lives next to RJ's Pub and does not want another bar in Grant. Ms. Griffin said that when she bought, RJ's was not used as a bar. Many problems from "drunks" including property damage and parking on property, median of US 1, and both sides of the road. Tom Poore also lives in area. States that of the two bars already there one is well run and one poorly run. If the CUP is granted the current owner may be fine but what about the next person who leases it? Identifies traffic issues and poor response time from Sheriff when called about problems there. Helen Quatraro spoke in favor of the CUP. States Mr. Nicolo has good intentions and has already made something out of the building which was an eye sore. Continued that there are no homes directly north or south and commented that Mr. Nicolo said there would not be music outside. Linda Landrum stated that the traffic on US 1 has increased greatly over time. Also that the Town needs businesses that fit with it's character and not another bar. Mr. Nicolo commented that he planned on running a nice, quiet business. Stated that he has ample parking on premises and there has not yet been a traffic problem there. Del received two letters addressing the issue from Kathleen Hill and Jim Emory (archived). Both wrote against the CUP. Del reviewed the applications and found some important things lacking such as specific times of operation, a site plan, and expressed concern about parking. Dan asked if the current clearing west of the business was being done by the owner. Response by Jason was that the clearing was by the County and St. Johns Water Management to redo piping. Owner gave them right-of-way to access property. Dan continued that if the Council agrees to the CUP it can put limits on the maximum number of patrons, hours of alcohol sales, outdoor seating, parking and buffering, music (indoor/outdoor), interior layout, etc. States that he is not comfortable making a decision without seeing a site plan. Mr. Bohne commented that the Council had the right to inquire and impose restrictions on the floor plan. Danielle agrees that

Council should see a site plan. Del states a plan was not included in the packet from the County. He has requested it but not yet received one. Del also asked if the over-flow parking would be using the Antique Mall lot. Cathy stated that she did not think most of this was within the County code. Continued that the Council was elected to be the voice of the residents and that she heard from them tonight. Del inquired about doing a moratorium against another bar in the area. Mr. Bohne replied that since this specific issue was already pending a moratorium would not apply. Stated that the Council has the option to table the issue until all information is provided. Del stated that he would consider the CUP if certain conditions apply. Currently the CUP is on the entire property. It needs to be restricted to the back building. Also, there should be no adult entertainment anywhere on site and hours of alcohol sales and service should be identified. Pat asked Mr. Bohne if he needed to recuse himself from the vote. As a professional musician there may be opportunity for him to perform at this bar if they will be hiring musicians for indoor entertainment. Mr. Bohne responded that if there was potential for his personal gain, Pat should abstain. He will provide a form for Pat to sign. Danielle stated that her spouse worked at one of the existing establishments, would she too need to abstain from vote. Mr. Bohne's response was no. Joe stated that he is worried about crowd control. How will they be able to turn people away if capacity has been met? Mr. Nicolo said there was no advantage to "packing them in". Del said that if the CUP is issued and there are repetitive violations it can be revoked. Common ground needs to be found. Cathy stated that the fact remains that the neighboring residents do not want alcohol served there and they do not want another bar in the Town. Mr. Bohne commented that the Town is bound by County code 62-1906 and can't legally turn the applicant down just because they don't want another bar. Mr. Bohne inquired as to who the actual applicant was. (Quatraro Enterprises, Inc.) States CUP should be limited to that applicant and that business only. Now is the time for the Town to impose reasonable restrictions. Jason states that he wants to see a parking plan. Del states the Town has to have a valid reason to refuse. Conditions could include CUP for west building only, no adult entertainment except for existing game room (Mr. Bohne stated that "no adult entertainment" is hard to define), music not audible off of premises, no transfer of CUP, limited capacity of building, identified hours of alcohol sales/service (10 A.M. to 10 P.M. Sunday thru Thursday and 10 A.M. to 11 P.M. Friday & Saturday discussed), parking and internal floor plan of building,

buffers, and parking to be contained on property. Cathy asked how capacity could be enforced. Response was that business stood to lose CUP if violations occur. Danielle asked if the Fire Marshall had determined a capacity. Response no...State and Fire Marshall inspect after CUP issued. What about sales/service outside? Jason added there was a deck on the building not shown on the aerial photo provided. Will alcohol be served there? Mr. Bohne stated that based on the questions asked his opinion is that more (current) information needs to be provided to the Council such as a floor plan and parking plan. Jason would like to see an internal plan in order to have the Fire Department identify a capacity. Del states item to be tabled until 02/28 07. The applicant is to provide a parking layout, building layout, and seating plan by 02/21/07 for review by Council. It was recommended that all Council go to business and look it over. Mr. Bohne advised that Council members do this individually and disclose the visit and with whom they spoke at the next Council meeting.

Motion made by D. Morgan to table until 02/28/07, second by J. Hackford.

2. (Yonts/Mahaney) – Restoration plan vs. fines for code enforcement on illegal land clearing - Discussion

The County and Town are working on a way to release permits to those who have cleared illegally without waiving fine. Mr. Bohne said that the restoration plan benefits the Town directly rather than fines that will be going to the County. Del commented that the fine could be up to \$5000.00 for repetitive or flagrant violations. Dan asked if it would be necessary to pass the Landscaping Ordinance in order to do this. Mr. Bohne responded affirmatively. Dan Robino states that he read the ordinance and it was designed for restoration not fining and that the fines were more severe now.

3. (Yonts) – Resolution 03-2007: Special Event Permit application for the Grant Seafood Festival

Proposed 41st Grant Seafood Festival to be held February 24 & 25, 2007 on the Grant Community Center grounds. Per Lisette Kolar all required paperwork has been submitted.

Motion made by D. Faden to approve application, second by J. Hackford

Voice vote on the motion carried unanimously.

4. **(Faden) – Ordinance 2007-01 (Discussion only)**
 Ordinance of the Town adopting Brevard County Ordinance 06-55: Landscape, landclearing, and tree protection.
 For discussion only as some questions remain. Del inquired about the fine structure and if it had to be based on population as with the County. Mr. Bohne responds that it does not have to be population based. Stated that Florida Statutes 1-62 sets fines that are not based on population that the Town could utilize. He said that the Town could adopt the ordinance and create a fine structure to attach. This method of fining could be changed at a later date if the Town so desired. Ordinance to be ready by 02/28/07 for first reading.

5. **(Yonts) – Ordinance 2007-02 (First reading)**
 Ordinance of the Town providing for inclusion in the Brevard County Law Enforcement Municipal Services Taxing Unit (Read by title only.) Service will continue uninterrupted.
 Discussion: Dan inquired whether the County was limited in its millage. Mr. Bohne responded that they can impose a maximum of 2 mils. Town has the option to repeal ordinance. He does not advise for an interlocal agreement on this issue at this time.
Motion by P. Bryan to approve Ordinance 2007-02; Second by C. DeMott
Role call by Interim Clerk results in unanimous approval.
 (Note: Mr. Bohne stated that a voice vote would be sufficient for ordinances.)

6. **(Yonts) – Ordinance 2007-03 (First reading)**
 Ordinance of the Town creating a Local Planning Agency (Read by title only.) Discussion: Lisette Kolar posed questions regarding needed changes and was informed that changes had been made to the finalized copy of the ordinance. Dan inquired about need for School Board Representative. Mr. Bohne replied that the School Board will be notified if there is an increase in density but he doesn't see that need until the adoption phase of the Comp Plan.
Motion by J. Mahaney to approve Ordinance 2007-03; Second by J. Hackford
Voice vote on the motion carried unanimously.

7. **(Yonts) – Ordinance 2007-04 (First reading)**
 Ordinance by the Town creating a Planning & Zoning Board (Read by title only.) Lisette Kolar stated that on her copy of

the ordinance there were errors. Informed those had been corrected. Del stated that date of special meetings should be up to the Chair but regular meetings to be announced to public in a timely manner. Take out 2nd Wednesday of each month. Mr. Bohne states that he may not always be able to be there but will provide legal representation to cover. Del proposes a change in Section 7 regarding quorum. Majority of those present to vote. Karl states the P&Z will be acting in an advisory capacity only and Council should not serve on the Board. Mr. Bohne discussed a 1st and 2nd alternate be available to make a quorum or vote to break a tie. Otherwise allowed to participate in the discussion but not to vote. Date of appointment to be 1st Tuesday of December. Dan asked about a School Board representative. They would be informed if an increase in density was planned but it would be their option to attend.

**Motion by P. Bryan to approve Ordinance 2007-04 with noted changes; Second by D. Morgan
Voice vote on motion carried unanimously.**

8. (Yonts) – Ordinance 2007-05 (Discussion only)

Ordinance of the Town establishing a zoning moratorium. Time frame Council was looking at may be unrealistic. Need consistency. Past County activity does not impact the choices made by the Town. There are 2 or 3 issues out there now that need to be addressed. Del commented that the Town doesn't have a method to hear them. Whatever is decided must be consistent with the Charter. Mr. Bohne stated that the time frame must be reasonable. Pat commented that finding a Planner alone will take a few months. Discussion continued. Mr Bohne recommended that a moratorium be placed with time limitation. Wording needs to be worked out to allow smaller, non-density issues to be heard. Variance should not be affected by a moratorium since if it is not against the current zoning. Plan to date moratorium from 01/03/07 (as previously announced) for 6 months and re-evaluate at that time.

9. (Yonts) – E-mail storage options available to the Council

Mr. Bohne stated that public record needs to be stored by the Clerk in a central depository. Every time a Council member receives public contact, they need to be responsible to forward it to the Clerk. Council members cannot receive anything in confidence as a public official. Danielle and Del currently using web mail. Once everything is in place records

will be stored by the Clerk at the Town Hall until then Mr. Bohne recommends use of hard copies. He also advised that Council put disclaimer as used by the County on the bottom of all e-mail correspondence. Lisette Kolar to obtain copy and forward to Council. Web mail has more space available now so all Council Members need to contact Ray Kolar and get a password. Town will increase web space as needed. Request will go to Ray to set everyone up with web mail. This will eliminate many of the archiving questions and questions regarding use of personal computers.

10. **(Yonts) – Council open discussion with Attorney**

- Del inquired if former Bombardier property was rezoned RR1. Currently BU1 with small area of RR1. Attorney for property is going thru Due Diligence period. RR1 area used for retention. Proposed use by Honda to do engineering and testing of engines. Rick Enos has termed it as a marina, Mr. Bohne sees it as a business for personal use, not a public marina. Proposed use for up to one boat per day, 5 days per week. Boats between 16 and 29', all 4 stroke engines (quiet). Storage would be inside to protect privacy of technological developments. Council to determine if CUP required. Binding site plan and development agreement is possibility rather than CUP. Bombardier was under personal water craft, developer plans something more community friendly. Discussion included public comments. Developer wants an idea of the time line. Del asked what construction of the building would be, assure boats would be housed inside, landscaping, height limitations. It was stated that there would be approximately 5 employees with no sales or service on site.
- Discussion about MSBU for roads which County states is a money loser. Council feels that if a resident wants to pave they will need to get together and pay for it to be done.
- Dan addressed franchise fees. Currently receiving FPL, working on service tax and ½ cent sales tax to be coming. County stated that if they provide the services they should get fees. Mr. Bohne said that the August and September FPL fee has been kept by the County. If neither Town nor County entitled to fee it needs to be returned to the citizens who paid. County to give Town all roads except for Babcock effective with the

incorporation. Council feels that if Town has the roads it should also have the fees. Dan commented that the State said ½ cent sales tax and communications tax are coming. Mr. Bohne met with Eden Bentley to discuss ad valorem, part of which may be coming back to the Town. He also states that the Town should pursue occupational fees, etc. as they provide revenue. County wants Town to be on it's own by the end of the fiscal year (09/31/07).

- Del has been invited by Palm Bay to discuss water. All new developments will be served by septic and well including Sebastian Beach Tennis Village and Eagle's Nest. Royal Palm not a new development so does not fall under septic/well rule. Pat: St Johns wondered where Sebastian Beach Tennis Village was going to get additional capacity. Were unaware of plan. Mr. Bohne departed at 10:38 P.M. as there were no further questions.

H. UNFINISHED BUSINESS

1. **(Wolfe)** – Insurance agreement forwarded to state for Statewide Mutual Aid. No status as of yet. Application for Municipal and Competitive Grants submitted. Endorsement letters from the County attached to both. Thanks from Council and residents for the team's hard work. (George Wolfe, Terry Wolfe, and Ray Kolar).
2. **(Morgan)** – Town Manager resumes coming in Ad is out until March 2nd, to lock applications at that time and decide the process. Council members to review applications individually and come to meeting with recommendations. Danielle to provide list of names and council members are to inform her if they do not have the resumes to review. Town Clerk candidate Susan was not comfortable being paid as a subcontractor. Difficulty in obtaining current salary amount. Council decided to make an offer of \$680.00 per week for the job. Candidate Dana e-mailed that she would not be comfortable using home computer. Clerk computer will be provided when space available to use.
Motion by P. Bryan to make offer to Susan Krueger of \$680.00 per week; Second by J. Hackford
Voice vote on motion carried unanimously.
(Offer to be made verbally then written, Del to sign.)
3. **(Mahaney)** – Code Enforcement
Garbage complaints addressed by Waste Management after contacts from Jason.

4. **(Hackford)** – Seafood Festival Permit (Done)
5. **(Yonts)** – Status of County Contacts
CUP zoning review: County will only provide the Town with data, no summary.
6. **(Yonts)** – Additional Status Updates
Valkaria Airfest: Just received information requested today. Signed permit as all conditions thus far have been met. Signs to be up 02/15/07.
Fountainhead: Timeline graph out to Council/archived. Town trying to get county to approve so it can move along.
7. **(Bryan)** – Pat requested to send out RFP's (Request for Proposal) from Planners. Need to look at proposals, rank and evaluate them then enter into negotiations. Pat to be contact person for the Town and will use the Grant-Valkaria phone number. Ad out to the Florida Planner and Florida Today. Robin Sabrino recommended to give ad one month (to March 19th). Lisette Kolar obtained applications from other municipalities and will combine to make one for Grant-Valkaria and make Tim Reynolds aware so he can manage the web site.

11:00 P.M. Motion by D. Morgan to continue agenda; Second by J. Hackford. Voice vote on motion carried unanimously.

8. **(Faden/Hackford)** – Rental Property/Trailer Rental
Motion by D. Morgan to contract trailer at GCC site and preclude other options; Second by J. Hackford
Voice vote on motion carried unanimously.
Discussion: Del states that the GCC is in agreement with placement of the Town Hall trailer on their property. Dan suggested that when size of trailer or modular is decided upon the area should be staked and roped off to show GCC E-Board exactly what the site configuration would look like. Joe stated that it should be no problem, but that was a good idea. Pat inquired about permitting. Would that go through the County? Site plan engineering firms have volunteered to review and stamp approval free for the Town. Del said that the Council needed to look larger to accommodate more people. Options to be researched by Dan and forwarded to Council.
9. **(Faden)** – FPL & other Franchise Fees
State saying one thing and County another. Communication tax needs to go forward. Gas tax may go back to the County. Until interlocal agreement in place they are not going to bill for service.

10.(Yonts) – Interim Town Clerk for 02/28/07

Need to look for volunteer. Item to be H1 on agenda for 02/21/07.

I. REPORTS

D. Yonts

- Fire Chief Lighthill was to come to the 02/28/07 meeting, but will move to later date try to have Chief Farmer attend also.
- CUP for Quatraro Enterprises, Inc. on 02/28/07 agenda.
- Advertising for Ordinance 2007-01 first reading on 02/28/07
- Advertising for Ordinances 2007-02, 2007-03, and 2007-04 second reading on 02/28/07

P. Bryan

- No additional report.

D. Faden

- No additional report.

D. Morgan

- Linda Weatherman meeting (EDC) postponed until next Monday.
- Sheriff's office has advised residents to call when people are speeding on their roads
- Will get reports of complaints on Ozzie's thus far and Sheriff's response to them.

J. Hackford

- Layout of Town Hall building to take place after Seafood Festival.

J. Mahaney

- No additional report.

C. DeMott

- Will not be attending the 02/28/07 meeting.
- Request for Proposal (RFP) still working on. Linda Landrum is assisting. Obtained information from Palm Shores that they use a bookkeeper.

J. PUBLIC COMMENT

George Wolfe: Riverview Terrace had an attempted home break in 2 weeks ago. Neighborhood crime watch is active.

Dean & Joan Akins: Live across from 16 acres on Main Street and provided Council with real estate ad for mobile home plats combined to ¼ acre for home sites. Pat stated that some

realtors will take money prior to approval. They have not approached Council for zoning in that area. Dan said that according to Rick Enos once parcel is sold whatever it was platted for is gone and it would fall under Town zoning. George Wolfe said he would get information to Council regarding similar platting in Riverview Terrace.
Royce Stifflemire: 1st, 2nd, & 3rd Avenues have had vehicles broken into and items stolen. Most of the vehicles were unlocked on the property.

K. ADJOURNMENT

**Motion made by D. Morgan to adjourn; second by J. Mahaney
Voice vote on the motion carried unanimously
Meeting adjourned at 11:25 P.M.**

BY:
(Signature on File)

Del Yonts
Mayor, Grant-Valkaria

ATTEST:
(Signature on File)

Jo Faden
Interim Clerk, Grant-Valkaria

DATE: 2/21/07
