

JOINT MEETING MINUTES OF THE ZONING BOARD OF APPEALS AND
TOWN COUNCIL REGULAR MEETING
WEDNESDAY, OCTOBER 8, 2008 AT 7:00 P.M.
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Zoning Board of Appeals Meeting of October 8, 2008 was called to order at 7:06 p.m. by Mayor Del Yonts, followed by the Pledge of Allegiance, and roll call to the Council Members with the following present:

Mayor Del Yonts	Town Administrator Richard Hood
Seat No. 1 – Joe Hackford, Vice Mayor	Town Clerk Susanne Krueger
Seat No. 4 – Cathy DeMott	
Seat No. 5 - Dan Faden	
Seat No. 6 – Jason Mahaney	

EXCUSE COUNCIL MEMBER MORGAN

Mayor Yonts stated that Council Member Bryan has changed shifts and may be arriving late and Council Member Morgan had some issues to deal with and would not be here. Motions by Vice Mayor Hackford, second by Council Member Mahaney, and vote unanimous to excuse Council Member Morgan.

ZONING BOARD OF APPEALS - PUBLIC HEARINGS (Council will sit as the Zoning Board of Appeals to address variances)

- 1) Discussion/Action Re: Resolution No. 32-2008 - A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida; Granting A Variance Request To SBA Towers II, Inc; Allowing A 34 Foot Variance To The Required 200 Foot Minimum Requirement As Per Section 62-1953 (h) Of The Brevard County Code For The Construction Of A Telecommunications Tower In Accordance With Brevard County Code 62-1334 And 62-1482 On The Property Described Herein; Providing For Conditions; Providing For Revocation; Providing An Effective Date.
- 2) Discussion/Action Re: Resolution No. 33-2008 - A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida; Granting A Variance Request To SBA Towers II, Inc; Allowing For A 830 Foot Setback Variance To The Required 5 Times The Height Of The Tower From Any Property Zoned For Residential Use, Including AU, As Per Section 62-1953 (h) Of The Brevard County Code For The Construction Of A Telecommunications Tower In Accordance With Brevard County Code Section 62-1334 And 62-1482 On The Property Described Herein; Providing For Conditions; Providing For Revocation; Providing An Effective Date.

Mayor Yonts read Resolution Nos. 32-2008 and 33-2008 by title only, and that they are both related to each other. He noted for the record that legal notice was published in Florida Today newspaper on September 4, 2008 for both resolutions.

Town Administrator Hood stated that the Planning and Zoning Board unanimously recommended approval of Resolution No. 32-2008 and voted to waive the five times the height requirement. He spoke to Town Attorney Bohne who stated that essentially the town can waive the five times the height because of the nature of the town in that there is probably not a place you can place a cell tower within an AU zone. He stated that Resolution No. 32-2008 should be for a 35 foot variance, not 34 foot. He stated that Karl Hazen, applicant, is in the audience.

ARRIVAL OF COUNCIL MEMBERS

For the record, Council Member Bryan arrived at 7:08 p.m. and Council Member Morgan arrived at 7:12 p.m.

For the record, Mayor Yonts stated that he was at the Planning and Zoning Board meeting and was at the site; Council Member Faden stated that he was also at the Planning and Zoning Board meeting and rides his bike near the site, and Council Member Bryan stated he was very familiar with the location.

Mayor Yonts opened the public hearing.

Council Member Mahaney inquired if we would have on the future land use map about towers, if there is a fuel tank and generator on site, and if there is a distance required from the airport. In response, Town Administrator Hood stated that in the land development regulations you can change to allow in certain zonings and that it can be strengthened there. In response, Karl Hazen stated that the carriers would have to come to the town regarding the generator and obtain permits, and the distance from the airport is determined by Federal Aviation Authority and it would be unlit because it is less than 200 feet in height.

James Chervin stated that he leases to AT&T in Cocoa and there is a provision to mitigating wetlands. Lisette Kolar stated that this tower would be a monopole, would not be that intrusive, and this would be the third one in town. Vince Wilson inquired if it will affect the airplanes taking off and landing. Mayor Yonts responded no. Royce Stifflemire inquired who is responsible to notify Mosquito Control. Town Administrator responded that the tower will be permitted by Brevard County and we can definitely give notice.

Motions by Vice Mayor Hackford, second by Council Member Faden, and vote unanimous to accept Resolution No. 32-2008 for a 35 foot variance.

Motions by Vice Mayor Hackford, second by Council Member DeMott, and vote unanimous to waive the setback requirement of 5 times the height of the tower because of the nature of Grant-Valkaria there would not be a place in town to have it located within 1,000 feet of residentially zoned property including AU.

ADJOURN ZONING BOARD OF APPEALS MEETING

Motions by Council Member Morgan, second by Vice Mayor Hackford to adjourn the Zoning Board of Appeals meeting.

CONVENE TOWN COUNCIL REGULAR MEETING

Mayor Yonts called the Town Council regular meeting to order.

CHANGES TO AGENDA

- 1) Town Administrator Hood requested “Discussion/Action Re: Waste Management Contract Increase of Rates” be removed from the agenda. He stated that George Geletko is still finalizing numbers, Mr. Geletko would like to sit down with Mayor Yonts and himself and bring presentation to Council and due to the nature of the discussion if there is a reduction of rates, and residents would get credit.

APPROVAL OF MINUTES

- 1) Town Council Meeting Minutes of August 27, 2008
- 2) Town Council Meeting Minutes of September 10, 2008
- 3) Town Council Meeting Minutes of September 24, 2008
- 4) Zoning Board of Appeals Meeting Minutes of September 24, 2008

Motions by Council Member Morgan, seconded by Vice Mayor Hackford, and vote unanimous to approve Town Council Meeting Minutes of August 27, 2008, Town Council Meeting Minutes of September 10, 2008, Town Council Meeting Minutes of September 24, 2008 and Zoning Board of Appeals Meeting Minutes of September 24, 2008 with scriveners errors corrected.

REPORTS

- 1) Town Administrator’s Report

Town Administrator Hood stated that the rights-of-way mowing have started October 4th with cutting of the pepper trees. He stated that the Town had been cited by a resident regarding overgrowth on the rights-of-ways, and has been turned over to the Code Enforcement Officer.

He informed Council that in July 2007 the town purchased a \$125,000 15-month Certificate of Deposit (CD) at a 5.16% interest rate which will renew automatically October 19, 2008 at a new rate, and Council will need to decide if they would like to leave it at SunTrust and automatically renew, or move to a new location or do something different with the money. He discussed the various rates as of today from Riverside and SunTrust Banks and it was Council consensus to move the existing CD to Riverside Bank. Motions by Vice Mayor Hackford, second by Council Member Mahaney, and vote to place the money in a 7-month CD at Riverside, motion failed (Nays-DeMott, Yonts, Morgan, Bryan; Ayes-Hackford, Mahaney).

The following people spoke regarding the CD investment:

- Lisette Kolar - Do we know if it is FDIC insured?
- Bonnie Allan - Are we secure enough to put it in additional funds?
- David VanAsdale - it has been approved FDIC
- Wally Bowles - FDIC insurance is \$250,000 per owner per institution not per account

Motions by Council Member Bryan, second by Council Member Mahaney, and vote unanimous to approve placing the \$125,000 into the institute with the best rate and have insurance coverage in full at 8-13 month range investment period. It was Council consensus to bring back to discuss at future meeting and what ramifications are for other investments.

Town Administrator Hood stated that he attended the Grant Island Homeowners Association meeting to discuss garbage service fee reduction to the island by eliminating yard trash fee and

recycle fees. He stated that an island rate is open for discussion, will take an amendment to the existing contract, and will be brought back to Council in the future.

Town Administrator Hood stated that he hired CDM for an emergency repair north of Shell Pit Road where there was a hold behind the headwall of a pipe which was discovered by the mowers at a cost of \$3,215 which hopefully will take care of it for several years.

Town Administrator Hood informed Council that he sent letters to the Code Enforcement Board members stating that in the past there has been a problem getting a quorum at meetings, meetings are set for the first Tuesday of every month at 6:30 p.m., and if they are not able to commit to this schedule they let us know and we will have Council replace them. He has requested Linda Munroe check attendance of all members at all past meetings, all members should plan on having a meeting each month and they will be notified if there will not be a meeting.

Town Administrator Hood stated that he received an email from Channel 9 regarding requesting an agenda item on October 22nd meeting for additional signage for the holes off-shore in the river and may come with other requests. Council Member Mahaney requested that Council have the cost of signs before meeting. Mayor Yonts stated that Bob Graham at the County has signs.

Town Administrator Hood stated that at the Technical Advisory Committee/Citizens Advisory Committee meeting Mr. Cunningham who was involved with the boat ramp and gave a report regarding the left turn into boat ramp and caught the ear of a Department Of Transportation Metropolitan Planning Organization representative who was appalled and thought Deland would make a huge mistake and will be going back to Deland and requested a copy of the disc regarding the demonstration.

2) Finance Report

Town Administrator Hood stated that Council will have an end of the year balance as soon as it is received.

3) Council Reports and Comments

Mayor Yonts welcomed back Council Member Bryan who was absent due to medical problems. Council Member Bryan stated that he will need another procedure, they are keeping him medicated for a couple weeks, and at the end of the month there will be another procedure when he is off medication.

Council Member Faden stated that on October 14th the county will rule to remove the ordinance that created the Valkaria Airport Advisory Board (VAAB); he is working with Town Attorney Bohne regarding creating an ordinance to fit our town; Federal Aviation Authority (FAA) overrides us regarding air activity and what can be built on the ground is in our hands. It was the consensus of Council to send the airport manager a letter stating that the rules will still be in effect and to check with Town Attorney Bohne on legality of same.

Council Member Morgan inquired if the town was notified about a phone outage. Town Administrator Hood stated that there was a right-of-way service permit issued for Valkaria and Grant area.

Vice Mayor Hackford inquired about the comprehensive plan workshop meeting next week. Town Administrator Hood stated that Council can start with several elements, stay away from the future land use element, and that he will send an email tomorrow regarding next week meeting.

Mayor Yonts stated that there were 10 graduates from the Citizen Observers Program (COPs), that by the end of November they should be up and running, and performing house checks, crowd control, etc. He stated if anyone is interested in the "family month" request and wish to bring it forward to contact staff; Marine Corps League sent a certificate of appreciation for the toys donated during the holidays last year and extended an invitation to Council to attend their 233rd annual birthday ball; requested an update on the discussion with Brevard County regarding street lights. He requested an ordinance to change our northern boundary description and thanked Lisette Kolar about doing a great job with the town newsletter.

Town Administrator Hood stated that he emailed the County, he did receive a call from Florida Power and Light (FPL) who stated that the County has not yet responded, and FPL was checking on cost to remove lights. He stated that we will pay the bill, removal will be at County expense, and at end of year will have a list.

It was consensus of Council to have Town Attorney Bohne present at meeting to discuss if there are one or more Council Members present at another board meeting what can or cannot the Council Members discuss and what the ramifications are.

4) Public Comments (Non-Agenda Items Only)

Mr. James Chervin, Grant Island property owner, stated that there were 8 permanent residents on the island and that they were given an exemption from waste collection fees because the County had a code on waste collection exemption. He stated that Code 94-241 should be carried on by the town, that there is no way the island should be charged a fee for services when they do not receive it, and that there probably was some litigation that this should be granted again. Mayor Yonts responded that the town will look at it when he and Town Administrator Hood get with Waste Management. Monica Crowe stated that we were assured that waste collection fee would be on the tax bill and that there is no communication as to what is going on. Town Administrator Hood responded that we were working with solid waste and we should have been talking to tax assessor, and it is explained also in the newsletter.

Dave VanAsdale stated that he has a problem with swale clogging in front of his house which is a collection point for part of Lauren and Corey. He noticed that at the last storm there was a problem and appreciated a solution to clean the swale.

Joyce Greenwood stated that her notice showed an increase in rates, inquired as how can Waste Management increase their rates with the economy as it is, and how about the town cutting back once a week on collections. Mayor Yonts responded that at the previous meetings most of the people did not want it once a week and we will have to discuss with Waste Management regarding rates. Town Administrator Hood stated that if anyone has paid their bill, and it is determined that there will be a reduction/discount Waste Management will have to send them a check. Dan Robino stated that the clam truck has been taking away portions of the road right-of-ways and it needs to be addressed.

UNFINISHED BUSINESS

None

NEW BUSINESS

- 1) Discussion/Action Re: Resolution No. 25-2008 - A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida; Granting A Conditional Use Permit No. CUP-2008-01 Request To SBA Towers II, Inc; Allowing For The Construction Of A Telecommunications Tower In Accordance With Brevard County Code Section 62-1334 And 62-1482 On The Property Described Herein; Providing For Conditions; Providing For Revocation; Providing An Effective Date (Hood)

Conditional Use Permit Request No. CUP-2008-01 - Request by SBA Towers II, LLC for a conditional use to install a new telecommunication compound and new monopole tower 195 feet – overall height 199 feet at 900 Ramblebrook Street (complete legal description on file at Town Hall)

Mayor Yonts read Resolution No. 25-2008 by title only. Town Administrator Hood stated that the Planning and Zoning Board recommended approval issuance of conditional use permit, and that Mr. Karl Hazen, applicant, is in the audience. Motions by Council Member Faden, second by Council Member Morgan, and vote unanimous to approve Resolution No. 25-2008.

- 2) Discussion/Action Re: Site Plan Submitted By SBA Towers II to install a new telecommunication compound and new monopole tower at 900 Ramblebrook Street

Town Administrator Hood stated that the Planning and Zoning Board recommended approval of the site plan conditional upon staff comments being addressed. Motions by Council Member Faden, second by Vice Mayor Hackford, and vote unanimous to approve the site plan subject to being in accordance with Planning and Zoning recommendation that they address staff comments 2-6.

- 3) Citizen Agenda Request Item - Discussion Of Ethics Violation By Code Enforcement Board Member John Shatzer

Mr. Ray Harker inquired as to how Mr. Shatzer was appointed to the Code Enforcement Board by Council. He expressed concern about Mr. Shatzer's ethics and inquired if he was present at all meetings. Town Administrator Hood stated that Linda Munroe was instructed to do a compilation of attendance of all members at each meeting; both alternate members term expire January 1, 2009, 3 members expire 2009, and 4 expire 2011. Mr. Harker stated that there were numerous code violations on Mr. Shatzer from the County and there was a lien placed on his property by the County. Council Member Mahaney stated that Mr. Shatzer did satisfy his lien with the County. Mayor Yonts inquired if there were any code violations against Mr. Shatzer by the town. Town Administrator Hood stated that Code Enforcement Officer has been out there twice. John complied with a verbal and never went to written. It was Council consensus that they will decide what to do when the two alternates and other board members terms expire in January.

PUBLIC FORUM

No one spoke during public forum.

ADJOURN

Motions by Council Member Bryan, second by Council Member Morgan, and vote unanimous to adjourn meeting at 10:12 p.m.

(signature on file)

Mayor Del Yonts

ATTEST:

(signature on file)

Susanne Krueger, Town Clerk