

TOWN OF GRANT-VALKARIA, FLORIDA
JOINT TOWN COUNCIL REGULAR MEETING AND WORKSHOP IMMEDIATELY FOLLOWING
MINUTES OF WEDNESDAY, APRIL 8, 2009
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FL 32949

The Town Council Regular Meeting of the Town of Grant-Valkaria, Florida, of Wednesday, April 8, 2009 was called to order at 7:04 p.m. by Mayor Del Yonts followed by the Pledge of Allegiance led by Council Member Kolar, and roll call to the Council Members with the following present:

Mayor – Del Yonts
Seat No. 1 – Joe Hackford
Seat No. 2 – Lisette Kolar
Seat No. 5 – Dan Faden
Seat No. 6 – Cathy DeMott

Town Administrator Richard Hood
Town Clerk Susanne Krueger
Town Attorney Karl Bohne

EXCUSE COUNCIL MEMBER BRYAN AND VICE MAYOR MAHANEY

Mayor Yonts stated for the record that an email was received from Council Member Bryan to say that he would not be able to attend tonight's meeting due to being sick and Vice Mayor Mahaney called to inform Council he would not be able to attend due to emergency family business. Motions by Council Member Hackford, second by Council Member DeMott, and vote unanimous to excuse Council Member Bryan and Vice Mayor Mahaney.

CHANGES TO AGENDA

There were no changes to the agenda.

PUBLIC HEARING - CONDITIONAL USE PERMIT NO. CUP-2009-01

Conditional Use Permit No. CUP-2009-01 - Request by Philly Boyz Inc to serve beer and wine, consumption on premise (State Liquor License 2-COP) at 5890 US Highway 1 in accordance with Chapter 62, Article VI, Division 4, Subdivision VI.

Mayor Yonts opened the public hearing, stated for the record that legal notice was advertised in Florida Today newspaper on March 5, 2009 and described the conditional use requested would be on the eastern building

Town Attorney Bohne stated that if Council authorizes the conditional use permit on the eastern building, that Resolution No. 04-2007 which addresses a conditional use permit previously approved by Council on the western building will need to be amended. He further stated that the condition in Resolution No. 06-2009 is that the primary activity in the eastern building is food sales and there would be a carryover of conditions from the other conditional land use and the maximum seating would be 49.

Mario Nicolo of Philly Boyz Inc stated that there is no gaming in this building, he had no problem with police of violation of any kind, music will be inside, and that there are 24 seats now but is agreeable with 49 seat maximum. Don Whitehouse, Chairperson of the Planning and Zoning Board, stated that the board put a condition on that if the restaurant ceases existing so does the conditional use permit. Motions by Council Member Faden, second by

Council Member DeMott, and vote unanimous to approve Conditional Land Use Permit No. 2009-01.

PUBLIC HEARING - RESOLUTION NO. 05-2009 - AMENDMENT TO RESOLUTION NO. 04-2007

A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida; Amending Resolution No. 04-2007; Providing For Conditions; Providing For Revocation; Providing An Effective Date.

Mayor Yonts opened the public hearing, stated for the record that legal notice was advertised in Florida Today newspaper on March 5, 2009 and read title for Resolution No. 05-2009. No one spoke; therefore, Mayor Yonts closed the public hearing. Motions by Council Member Hackford, second by Council Member Faden, and vote unanimous to approve Resolution No. 05-2009 with the conditions that Section 1.B be change from “Billy Bob” to “Philly Boyz Inc” and insert “Resolution No. 06-2009” be inserted in Section 2.

PUBLIC HEARING - RESOLUTION NO. 06-2009 - CONDITIONAL LAND USE PERMIT # CUP-2009-01 (HOOD)

Resolution No. 06-2009 - A Resolution Of The Town Of Grant-Valkaria, Brevard County, Florida; Granting A Conditional Use Permit, CUP-2009-1, To Quatraro Enterprises, Inc.; Allowing For The On Premises Consumption Of Alcoholic Beverages On The Eastern Building In Accordance With Brevard County Code Section 62-1906 (1) On Property Described Herein; Providing For Conditions; Providing For Revocation; Providing An Effective Date.

Mayor Yonts opened the public hearing, stated for the record that legal notice was advertised in Florida Today newspaper on March 5, 2009 and read title for Resolution No. 06-2009. No one spoke; therefore, Mayor Yonts closed the public hearing. Motions by Council Member Hackford, second by Council Member Kolar, and vote unanimous to approve Resolution No. 06-2009 with the conditions that Philly Boyz, Inc. is added to the title and change wherever reference is made to Brevard County Code be changed to Town of Grant-Valkaria Code.

APPROVAL OF MINUTES

There were no minutes available for approval.

PUBLIC COMMENTS (non- agenda items)

Kim Kahler stated he would like it mentioned in the town newsletter for shooters to be careful.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- 1) Discussion/Action Re Request To Upgrade And Enhance Fire Fighting Capability For Royal Palm Charter School With Water Service Provided By The City Of Palm Bay (Hood)

Town Administrator Hood stated that Royal Palm Charter School is requesting authorization from the town to connect to City of Palm Bay water and even if the site plan for expansion is denied they want to enhance their fire fighting capabilities but they need a letter from town or an interlocal agreement. He further stated that Council previously agreed to handle these on a case-by-case basis; the comprehensive plan is denser residential along Babcock Street corridor and will be eligible for water/sewer; if they wish to upgrade they will have to come before the town. Council Member Faden was concerned about if someone adjacent to this property wants water how will they connect. Town Administrator Hood responded that the City of Palm Bay would dictate where to connect, how to connect, and they would have to appear before town for approval. Mr. Keith Brockhouse, Royal Palm Charter School representative, stated that they had installed a 12 inch fire well about five years ago and it does not work. Motions by Council Member Hackford, second by Council Member Kolar, and vote unanimous to approve Town Administrator Hood the authority to send a letter to allow water service to this property.

REPORTS

- 1) Town Attorney's Report

Town Attorney Bohne stated that a letter to Federal Aviation Authority (FAA) in Washington and Atlanta, 4 divisions of FAA, U.S. Representative Posey, State Representative Poppell, and Senator Nelson will go out tomorrow. Mr. Bohne was excused from the remainder of the meeting by Council.

- 2) Town Administrator's Report

Town Administrator Hood read his report as follows:

- A) Airport Ordinance - Mr. Bohne and himself have been working to see what can and cannot be adopted into an ordinance for the town and attached some case law regarding County Airports within municipalities. Mr. Bohne also drafted a letter to Federal Aviation Authority (FAA) in Washington and Atlanta regarding the problem that we have been experiencing at the airport and notifying them that we still have an existing ordinance on the books, and requesting assistance in reviewing the previous proposed ordinance. Once we receive a response from the FAA we will be in a better position to discuss this matter.
- B) Vally Road - Last week barricades along Vally Road were removed to spray the ditch and he received a call inquiring when the barricades were going back in place because of the past problem with ATV's running along the ditch. Since placing the barricades in place he has received letters from three families via email requesting that they be removed permanently. Mr. Hood stated that it is within the town's rights to close the right-of-way if they choose to do so. Mr. Kim Kahler stated that Vally Road was open for 40 years before it was barricaded; riding an ATV is part of living here and suggested having decals on ATVs if you operate one in town. It was Council consensus to leave the barricades

up because the original intent was to serve as a deterrent keeping trucks and ATVs from racing through this area, and that staff notify all fire departments that those portions of the road are not an approved road but they may move them if they need to for fire-fighting purposes.

- C) Fiscal Year 2008 Annual Audit - Our auditors are about finished with the final audit for last year and he expects to receive it before April 15, 2009 as required by the Charter. This year we were required to provide data and valuation to all assets including paved and unpaved roadways, drainage pipes and drainage structures so it has taken a bit longer than expected. He will be providing Council with a copy at the April 22, 2009 regular Town Council meeting.
- D) Miscellaneous - Planning and Zoning board will be meeting at the end of the month to review a variance, rezoning and site plan which will be forwarded to Council at the first May meeting. He received a letter from Christine King addressing the Paris code violation case which stated that if the town failed to address the issue it could cost the town more money down the line, and she has faith in the town to make correct decision. Mr. Hood stated Mr. Bohne gave him a cost not to exceed \$1,000.00 to respond to the writ based on what else needs to be researched. Mr. Bohne will prepare a response to the writ and explained that the process is more like an appeal than a trial. Mr. Hood stated that he will be out of town in Jacksonville tomorrow.

3) Council Reports and Comments

Council Member Kolar stated that the town's business group held their second meeting with about half the number that attended the first meeting, and that they will meet the first Thursday of each month at 7:00 p.m. at the Grant Community Center. She stated that in conjunction with Grant-Valkaria Day they will have a dunk tank, kid's fishing derby for a couple of hours, and a fishing tournament which also has a kids division. She attended the Indian River neighborhood organization which had a presentation on water and they are keeping an eye on Fellsmere and Palm Bay, and she signed up for the Palm Bay Area Chamber of Commerce education class where someone from Small Business Administration will talk about the stimulus plan for small businesses.

Council Member DeMott reminded Council that the town needs to create a charter review committee prior to July 25, 2009 which would be 3 years after town was created. Town Administrator Hood stated that he would place this item on the May 13th agenda and that each Council member should be prepared to have one person they wish to serve on this committee. Mr. Joe Mullins volunteered to serve on this committee, and it was agreed he would be Council Member Hackford's selection.

Mayor Yonts stated that he and Mr. Hood met with the Grant Valkaria Citizen Neighborhood Association (GVCNA) regarding their concerns about the airport, airport activity and getting involved with helping at Grant-Valkaria Day. Mr. Hood stated that this organization has about 200 members and they had a neighborhood cleanup which resulted in a tremendous amount of trash.

4) Board Reports and Comments
There were no board reports.

ADJOURN THE TOWN COUNCIL REGULAR MEETING

Motions by Council Member Faden, second by Council Member Hackford, and vote unanimous to adjourn the Town Council Regular Meeting at 8:30 p.m.

Mayor Yonts called for a brief recess at 8:30 p.m.

CALL TO ORDER THE TOWN COUNCIL WORKSHOP

Mayor Yonts called the Town Council Workshop to order at 8:50 p.m.

TOWN COUNCIL WORKSHOP AGENDA ITEM

1) Continued Discussion of the Comprehensive Plan Future Land Use Maps

Council continued discussion of the comprehensive plan future land use maps with the following comments:

- Change the southwest area along Babcock Street where there are 4 acres
 - Change to commercial to match surrounding area
- Change area south of Grant Road to extend east
- North part of Babcock Street
 - No new changes were made
- Valkaria Road
 - No new changes were made
- Town Administrator Hood thanked Mr. Bobbie Putnam for his all his time involved in helping identifying business and residential parcels along Highway US1 for the future land use map.
- Sheet 5
 - Conservation lands - Mr. Hood stated when EELs bought property, the County once or twice a year changed their land to conversation land use. He stated that if we keep track of EELs property we can make map amendments the same way.
- Highway US1 corridor starting south going north
 - Local Commercial is paired up with county Neighborhood Commercial
 - Town Administrator Hood stated that the Sebastian Beach Tennis Club are compelling the final punch list for the St. Johns River Water Management District
 - South end of Foley Lane
 - Town Administrator Hood stated that there is a parcel that has frontage as BU2, the building is in commercial land use but zoned residential. Mr. Hood stated that in the area south of Berry Road along south end of Old Dixie Highway there are 4 parcels that have commercial zoning and 9 that have commercial land use in this area and asked Council is they wish to align all land use with County's in this area.

- It was Council consensus to have land use to Local Commercial north of Shell Pit Road along Old Dixie Highway up to Berry Road and have Village Commercial land use south of there.
- It was Council consensus to have Local Commercial land use to west of BU2, Village Commercial land use on BU2 and east of it as Local Commercial land use, north of this area is Local Commercial Land use to Shell Pit Road, and north of Shell Pit Road to Berry Road as Residential.
- It was Council consensus to have 4 lots south of Honda facility eastside of Highway US1 as Residential 4 and change one lot north and south of Shell Pit Road along Highway US1 to 1.25 acre minimum lot size.
- West side of Highway US1 up to First Street is same as County
- East side of Highway US 1 - lot of zonings would not fit in Local Commercial land use
- It was Council consensus to create Local Commercial Lagoon land use which is between Local Commercial and Village Commercial
- It was Council consensus to leave the land use the same along east side of Highway US1, combine TU1 and TU2 zones allowing as a use with conditions on riverfront and the west side will have additional densities, adjust TU1 zone to allow businesses like RJs, Quatraro, and Pearl Island Motel.
- It was Council consensus to change three large parcels to Village Commercial
- It was Council consensus to designate from south of First Street to Fisherman's Landing on the east side of Highway US1 as Local Commercial and Village Commercial on the west side.

Due to the time nearing 11:00 p.m., it was Council consensus to schedule only the continued work on the future land use map for the next workshop, if a regular meeting is not anticipated to go to 10:00 p.m. to schedule a workshop immediately following, and add discussion of business tax receipts for home businesses, discuss of golf carts in town and guideline for agricultural activities to next regular meeting if possible.

Motions by Council Member Hackford, second by Council Member DeMott, and vote unanimous to adjourn the meeting at 11:05 p.m.

(signature on file)

ATTEST:

Del Yonts, Mayor

(signature on file)

Susanne Krueger, Town Clerk