

MEETING MINUTES FOR THE
TOWN COUNCIL REGULAR MEETING
WEDNESDAY, APRIL 22, 2009 AT 7:00 P.M.
AND

TOWN COUNCIL WORKSHOP
WEDNESDAY, APRIL 22, 2009 AT 7:00 P.M. OR AS SOON AS PRACTICAL THEREAFTER
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Regular Town Council Meeting of April 22, 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
Seat No. 1 – Joe Hackford
Seat No. 3 – Pat Bryan
Seat No. 4 – Jason Mahaney
Seat No. 5 – Dan Faden
Seat No. 6 – Cathy DeMott

Town Administrator Richard Hood
Town Clerk Susanne Krueger

EXCUSE COUNCIL MEMBER KOLAR

Motions by Vice Mayor Mahaney, second by Council Member DeMott, and vote unanimous to excuse Council Member Kolar who is out of town on business.

CHANGES TO AGENDA

There were no changes to the agenda.

APPROVAL OF MINUTES

- 1) Joint Minutes of Town Council Regular Meeting and Workshop of March 25, 2009
- 2) Joint Minutes of Town Council Regular Meeting and Workshop of April 8, 2009

Motions by Vice Mayor Mahaney, second by Council Member Hackford, and vote unanimous to approve the Joint Minutes of Town Council Regular Meeting and Workshop of March 25, 2009 with the amendment of adding “to be added to Charter” at the end of paragraph 3 on page 6, and approve the Joint Minutes of Town Council Regular Meeting and Workshop of April 8, 2009.

PUBLIC COMMENTS (non- agenda items)

Curt Lorenc stated that the Valkaria Airport continues to have problems; Brevard County removed ordinance with restrictions for the airport; there continues to be deliberate harassment over flying at airport; recommended sending Brevard County a letter regarding the airport is creating a nuisance with residents.

Lisa McKasty stated on April 5th her husband filed a complaint with the Sheriff’s Department regarding the airplanes and each time he calls Mr. Borowski he hangs up on him; Mr. Borowski filed a report against her husband and stated that he was harassing him and the deputy told her husband to stop; the pilots are gunning their engines every two to three minutes over her house; one twin engine goes over her house every half hour; requested town contact Florida Institute of Technology (FIT) instructors and let them know there are no touch and goes allowed; regular pilots use runway 1432 and FIT pilots use runway 927; she has videos of the airplanes flying over her home.

It was Council consensus to have Town Administrator Hood inform the County Manager that they are not following their own policies and have them instruct their airport manager to notify FIT about their policies. Mayor Yonts requested a letter be sent to Flight Safety to acknowledge that they are following rules and that the ordinance is still in effect. Mayor Yonts requested Town Administrator Hood check into the complaint filed against Mr. McKasty and requested that he get back with Council with the results. Council Member Bryan requested a copy of the video from Ms. McKasty. Mr. Curt Lorenc stated he will burn copies for town hall.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS

1) Town Administrator's Report

Town Administrator Hood stated that a group noticed that in the wooded area between Grant and Valkaria Roads there were damaged sawgrass wetlands and a lot of dumping that has occurred at Litteral, Oakenshaw and Mulberry. These three large access areas are where people are pulling up with large trailers. The group wished to go in and clean up the area before the rainy season starts. Mr. Hood stated that he has talked to the Sheriff's Department and Environmentally Endangered Lands (EELs) regarding placing gates at three primary access points and is waiting for a written response from each making sure there are no pitfalls with this procedure, and he will bring back to Council again. He stated that he will contact Town Attorney Bohne about the details, and notify Division of Forestry, Fire Department, EELs, etc.

Mayor Yonts was concerned about the town's liability in cleaning the property, that the perception of closing off the area would be as an area for hunters, and that hunters need to know they have no say in who goes past the gate. Council Member Hackford stated that the purpose of putting signage and gates is to slow people going out there, and that this is a temporary fix. Council Member Bryan stated that this needs to be done, a gate is the better way to go, he is not endorsing any use of the land, he does not want to give the message that one group controls the gates, and he just wants to keep the dumping and destruction of the wetlands from happening. Vice Mayor Mahaney stated that he liked the idea, suggested a safe gate system making sure they are the same and that there are signs on the gates to contact town hall if they want access. Council Member DeMott was concerned about the litigation factor to deny anyone access to their property, would like to see a purpose, and requested an evaluation be done six months down the road to see if it was worthwhile. Vice Mayor Mahaney stated that this issue is blown out of proportion in that the gates are donated and volunteers are willing to install them, and this is a gate issue not hunting or ATV.

It was Council consensus to authorize temporary closing of right-of-ways with gates and signs indicating that if one wishes access to contact town hall and evaluate the process three to six months later.

Ronald McAloney stated he was opposed to the closing of right-of-ways and giving people permits to access property. He stated that if they are not on their own property they are trespassing and

there are laws to keep them out; there are laws that are not being enforced and that law enforcement has the authority; do not need out of town people in charge. Mr. Kim Ellis was concerned that when the gates go up that the people installing them are from out of town and are they issued a key. Curt Lorenc agreed that the Sheriff's Department can do more, that it has gotten worse with monster trucks and jeeps, and that he commends Council for pilot program and it is worth trying. Ms. Chris Hackford inquired if it gets out of hand how will the town control it. Mr. Hood responded that the first thing is that the locks come off and the gates come down. Dan Robino was concerned about keeping people with keys with vehicles out of the gated areas; requested "no vehicles beyond this point" signs installed. Tom Sammons stated he agreed with the pilot program; if the hunt club is interested why are they not here; agrees with Mr. McAloney that there are laws on the books that need to be enforced; maybe gates will deter some. Mr. Hood stated that the hunt club was ready to come in but he did not acknowledge that there was a need for them to be here. Linda Landrum requested that keys be kept here at town hall. Allen Webb stated that litter and damage is a big issue and that if on a trial basis there are issues they will come up quickly. Leo Burk stated that Volusia County had same type of problem, they had to get permission from each land owner to approved putting up gates, they had a vote on it, and it was voted down.

Motions by Council Member Hackford, second by Vice Mayor Mahaney, and vote to approve placing three gates on a trial basis, creating a method to access and place signage. The votes for the vote are as follows: AYES-Mahaney, Hackford, Faden, Bryan; NAYES-Yonts, DeMott.

Town Administrator Hood gave Council a copy of the EELs Flatwoods Sanctuary Management Plan and requested Council send their comments to him before the next meeting. He stated that he will let the public know we have a copy here at town hall for them to review. Vice Mayor Mahaney requested to have the County come and speak to us about this. Council Member DeMott stated that she will send David an email to ask what the changes are.

Town Administrator Hood stated that the Space Coast League of Cities requested Council appoint a representative and alternate on the Intergovernmental Committee. Mayor Yonts passed the gavel to Vice Mayor Mahaney. Motions by Mayor Yonts, second by Council Member Hackford, and vote unanimous to designate Council Member Kolar as the representative.

2) Council Reports and Comments

Vice Mayor Mahaney stated that the guard rail at the south end of Weber Road at the intersection of Valkaria Road has been recently damaged. Council Member Hackford stated that the Founder's Day Fish Fry is this Saturday, 5:00 p.m. at the Grant Historical House. Council Member Faden stated that he attended the Brevard County Kid's Fishing Tournament along with Mayor Yonts and Council Member DeMott. Mayor Yonts stated that the Space Coast League of Cities requested a resolution to support not cutting funding to school and requested Council input. It was Council consensus not to proceed with this request. Mayor Yonts stated that he attended the Days Inn open house on Thursday; that Valkaria Road Fire Department will have their open house on Monday, May 11th, therefore, he will not attend the Space Coast League of Cities dinner that night; and that there will be a free Economic Stimulus Summit on May 15th in Orlando which he will send to Mr. Hood to see if there is anything we can use for Valkaria Lakes.

3) Board Reports and Comments

There were no Board reports.

ADJOURN REGULAR TOWN COUNCIL MEETING

Motions by Council Member Bryan, second by Vice Mayor Mahaney, and vote unanimous to adjourn the regular Town Council Meeting at 8:30 p.m.

CALL TO ORDER THE TOWN COUNCIL WORKSHOP

Mayor Yonts called the Town Council Workshop to order at 8:40 p.m.

WORKSHOP AGENDA ITEMS

1) Discussion Of Adding Additional Allowable Uses For Home Businesses

Town Administrator Hood stated that the business tax receipts code prohibits home occupations for contractors and requested expanding the categories allowed as home businesses. He stated that the idea is not to change the restrictions but to broaden the category because there is a lack of small retail storefronts, and that we currently charge a \$25.00 one time review fee for code compliance. Council Member Bryan stated that the town needs to make sure that no heavy equipment is stored at homes. Council Member Faden stated that this would open up to individuals leaving their homes to meet others on site, it would open type of work performed in homes, can do work in enclosed area, and opens up cottage industries.

Mayor Yonts opened discussion to the public. Mark Pagliarulo stated that he was for this change. Tom Sammons stated that he supports this move in that he has a warehouse in Indian Harbour Beach. Dan Robino stated that the county required one to have a three foot by three foot space to rent to have a home business.

2) Discussion Of The Use Of Golf Carts On Town Roads

Town Administrator Hood stated that he received an email from Linda Mason indicating that she was against this. He stated that Council Member Kolar stated to him that she was not thrilled with idea, it should be highly limited and not on Old Dixie, US1, Babcock Street, Vally Road and Grant Road, it should be age limited and it will extremely difficult to enforce. Mayor Yonts stated that people are out there riding golf carts now, suggested that only Valkaria Road can be used because it has a wide right-of-way, Weber and Corey Roads have limited right-of-ways, it should have age limitations, and make sure that we do not cross line between golf carts and ATVs. Council Member Bryan stated that this should not be a blanket town-wide thing. Council Member DeMott stated that a lot of residents desired this be allowed and the state statute states that no one under fourteen years old can drive a golf cart. Mayor Yonts suggested charging a fee for a decal/sticker and people to be informed of rules. Vice Mayor Mahaney stated that there are no issues about golf carts in areas of 35 miles per hour or less except on Valkaria Road.

Clay Hunter stated that he modifies electric golf carts for specific uses which most run 12-14 miles per hour, and that a golf cart can share a bike path. Pete Pawley suggested "slow moving vehicle" sign on back of vehicle. Tom Sammons stated that the people in Grant area could use them to get to

the post office. Linda Landrum suggested the operator should be a licensed driver over seventeen years old, restrict driving from sunrise to sunset, and they must pull off roadway if a car approaches them. Allen Webb was concerned if there was a difference between putting the triangle on the back of a UTV and golf cart.

Mayor Yonts suggested that each vehicle have a sticker at a certain cost, limit the number of vehicles maybe with a maximum amount of vehicles, have a higher fee the first year only, inform everyone that this is a user fee that will pay for the signs and everyone be informed of what the rules are. Tom Sammons suggested that each year when they come in that they understand the rules. Linda Landrum requested that golf cart inspections be done by Town Administrator on Friday. Dean Aiken stated that we are getting more government signs all over like for horses, bikes, etc. , that we need to keep the signs minimal, and he likes the idea of having someone else to pay for them. Dan Robino stated that the only sign is at the entrance at Barefoot Bay. Rod VanDerJagt stated that they can use roads that are less than 35 miles per hour. Mark Pagliarulo suggested utilizing stop and speed limit signs to add the golf cart signs to. Council Member Faden stated that he was concerned that maybe we are getting in too deep, are we designating these roads as safe, are we liable if someone gets injured like a kid, that we need to be careful about what can or cannot be done on the roads, and what do other town have as regulations.

Town Administrator Hood stated that he contact the Sheriff's Department and the County Transportation Engineering for the type of study done and posting regulations, and Town Attorney regarding liability. He stated he will bring back before Council further information and then if it is the consensus of Council to proceed he will have an ordinance created.

3) Discussion Of Guidelines For Notification Of New Agricultural Activities

Town Administrator Hood requested this item be removed from the agenda due to legislative action being discussed in Tallahassee regarding this topic; however, he will bring back to Council later. Mayor Yonts thanked everyone for all the input regarding this issue.

ADJOURN TOWN COUNCIL WORKSHOP

Motions by Council Member Hackford, second by Vice Mayor Mahaney, and vote unanimous to adjourn the Town Council workshop at 9:52 p.m.

(signature on file)

Mayor Del Yonts

ATTEST:
(signature on file)

Susanne Krueger, Town Clerk