

TOWN COUNCIL
SPECIAL MEETING MINUTES OF
MONDAY, JUNE 1, 2009 AT 7:00 P.M. OR AS SOON AS PRACTICAL THEREAFTER
AT GRANT COMMUNITY CENTER
4580 1ST STREET, GRANT VALKARIA, FLORIDA 32949

The Town Council Special Meeting of the Town of Grant-Valkaria, Florida, of Monday, June 1, 2009 was called to order at 9:20 p.m. by Mayor Del Yonts with the Pledge of Allegiance not said because it was at the previous meeting this night, 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. 3 – Pat Bryan
Seat No. 5 – Dan Faden
Seat No. 6 – Cathy DeMott

Town Administrator Richard Hood
Town Clerk Susanne Krueger

EXCUSE COUNCIL MEMBER MAHANEY

Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to excuse Vice Mayor Mahaney.

PUBLIC HEARING - ORDINANCE NO. 2009-03 (Council Action)

An Ordinance Of The Town Of Grant-Valkaria Brevard County, Florida; Amending Section 62-1572 Of The Town Land Development Regulations As Adopted By The Town In The Town's Charter; Providing For Limitations On Activities Conducted At Airports Located In The GML Zoning District; Prohibiting Flight Training/Instruction Schools; Providing For Severability; Providing An Effective Date.

Mayor Yonts read Ordinance No. 2009-03 by title only and stated that legal notice was advertised in Florida Today newspaper on May 21, 2009. Council Member Kolar disclosed that she has received emails and she received a call from Representative Poppell who stated that he would try to get information on the number of flight training schools are at Grant-Valkaria. Council Member Faden disclosed that he has received emails and that he has been involved in email with town attorney regarding the ordinance and he encouraged VNA and GVCNA to attend. Council Member Bryan disclosed that he has received emails but he has not read nor responded to any. Mayor Yonts disclosed that he received emails, has responded to all until noon today, he invited all to attend, received phone call from Curt Lorenc, and has visited websites attached to the emails. Mayor Yonts wanted it known for the record that all Council Members present heard all comments of the Planning and Zoning Board/Local Planning Agency meeting that was held immediately previous this meeting. Town Administrator Hood stated that Town Attorney Bohne is currently in a Town of Malabar meeting and will be present as soon as possible. Mayor Yonts opened the public hearing and asked if there was anyone that would like to speak even though Council has heard all comments made before the previous meeting.

Comments were made by the following people regarding Ordinance No. 2009-03:

- Janis Walters - Local Planning Agency was concerned with town attorney not being present; many airports are commercial/industrial but Valkaria Airport grew up as a hodge-podge of the County
- Robert Manning - violation of federal law
- Chris Pozcar - GVNA President; GVNA sent letters to FIT to discuss but received no response for the past six months; there are more ordinances on four-wheelers, cars, etc but nothing on these guys flying planes
- Nelson Rhodes - Pilot Association; if town enacts ordinances it would be in violation of federal mandates
- Ralph Poppell - State Representative; he is a pilot; there are opportunities here to increase revenue by encouraging certain types of businesses

It was noted by Mayor Yonts that Representative Poppell's time to speak has expired and he requested Council to extend Representative Poppell's time. Motions by Council Member Kolar, second by Council Member Hackford, and vote unanimous for Representative Poppell to continue.

- Ralph Poppell continued - he encouraged that personal issues be put aside and stay focused on the issue
- Linda Mason - it was not a two-way mutual relationship working with the County; requested passing ordinance
- Jon Radencic - airport was originally taken from his grandfather; glad we can vote on issues with Town instead of County; attorney has done great job; has nothing against airplanes and like the airport and pilots; wants to keep it a small town and requested voting to pass ordinance
- Linn Walters - worried that attorney did not get opinion from FAA or FIT; County had to get rid of the ordinance because it was full of holes/illegal; ordinance is misguided, not a professional town, laughing stock of our aviation email; City of Pompano wanted to restrict operations at their own airport and did not win
- Milo Zonka - Council sits as quasi-judicial and must have competent evidence; County rescinded ordinance because it was in conflict; no reference as to how to grandfather; Planning and Zoning had substantial changes and needs to be re-advertised; only solution is to get everyone to the table; Town of Pompano Beach attorney advised them they would not win but they proceeded and it cost them substantially.
- David VanAsdale - there is a pointed agenda to use airport to maximum; most people do not live in the community
- Denni Burr - she was at the Town Council meeting when discussed and there was not a bait and switch but was meant to prohibit flight training, and to grandfather in what was going on there now
- David Allen - this ordinance will not stop the noise; against ordinance

(Note for the record - Town Attorney Bohne arrived at 10:05 p.m.)

- Neal Chancellor - not lawful what town is doing; there are things that can be done to change flight patterns; there has to be a solution but do not do this
- John Macuszonok - keep it from going out of control

- Curt Lorenc - working on airport issue for fifteen years; County changed lease by removing no commercial; large hangars have commercial entities to move into them; need to protect citizens; need to do some sort of safety measure to keep out FIT
- John Bailey - pilot; FAA requires pilots to fly certain patterns over airport; ordinance is broader than intent because of all commercial; can get into problems with FAA
- Pam Radencic - likes idea of no flight schools here; helicopters have the whole town in an uproar; has no problems with pilots but would like to stop flight schools being based here
- Jim Tonti - clarified that the planes do not stall overhead but they turn off their engines in part of the training
- Bob Denton - suggested Town have a workshop like Sebastian had with flight safety, airport manager, users, and others in community regarding fly pattern to be more accommodating to residents
- Linda Landrum - although Town Council is volunteer they are being disrespected; no problem with private pilots; there has been a long standing adversity with the airport; she noted that she has not seen airport personnel or flight school attend meetings or help

Mayor Yonts closed the public hearing at 10:25 p.m. Mayor Yonts thanked everyone for their composure during the public hearings. He stated that there has been a problem with businesses coming in with six or eight based aircrafts bringing in more activity and the whole point is not about the people based there already.

Council Member Kolar stated that the Town has jurisdiction over land use. Town Attorney Bohne stated that based on what he researched the Town is not preempted from FAA, local government has the ability to regulate government owned airports, and Council will need to make decision. He stated that he wrote letters on April 9, 2009 to all agencies i.e. FAA, Bill Nelson, Mr. Poppell, FAA Washington DC, etc. for opinions and to date he has no response. Council Member Hackford stated that something needs to be done about the grandfather clause because there are about three or four operations at the airport and once they are gone they are gone for good. Council Member Faden stated that he has been working on this with Mr. Bohne and the training going on there will continue and it was never intended to ban it; commercial was withdrawn by the County because it would affect grant funding; he was in support of building new hangars for local pilots and not commercial activity; never a problem with local trainers; in zoning change we can use conditional use permit or waiver; if trainer comes in from somewhere else he is not based here; once grant funding is there we may not have a chance; Town Administrator Hood has worked with flight safety; maybe a few rouge pilots are ruining it all; he asked Town Attorney Bohne to expedite this because what was coming before County; does not want auxiliary or satellite school come in; hopes County will be more proactive to use primary runway; hopes FIT will follow suit. Council Member DeMott stated that the Town is being warned not to pass this ordinance but there appears to be some validity to what the Council is trying to do with the ordinance since there are so many here to oppose it. Council Member Bryan stated that the County told us that they could not enforce an ordinance in our Town; when we told the County we would use the ordinance in effect at time of incorporation then FAA issues arose; has more to do with going after grants; County disbanded Advisory Board with reason the Master Plan is the plan; every time we contacted Mr. Borowski about FIT he would say there is nothing that he could do; since FIT representative is present tonight he hopes he will take back

some issue to them; no other airport in the county is surrounded by residential. Council Member Kolar stated she feels same as Mr. Bryan.

It was Council consensus to eliminate section (ii) "no aircraft based at any airport located in the GML zoning district shall be used for Flight Training" in Ordinance No. 2009-03. Motions by Council Member DeMott, second by Council Member Hackford, and vote unanimous to approve Ordinance No. 2009-03, first reading with section (ii) eliminated.

Town Attorney Bohne stated that a reasonable delay is acceptable, he will clean up ordinance and resend to all people he previously sent the ordinance to for their opinion.

ADJOURN

Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to adjourn the meeting at 11:23 p.m.

(signature on file)

ATTEST:

Del Yonts, Mayor

(signature on file)

Susanne Krueger, Town Clerk