

TOWN COUNCIL
SPECIAL MEETING MINUTES OF
WEDNESDAY, SEPTEMBER 2, 2009 AT 7:00 P.M.
AT THE GRANT COMMUNITY CENTER
4580 FIRST STREET, GRANT VALKARIA, FLORIDA 32949

The Town Council Special Meeting of the Town of Grant-Valkaria, Florida, of Wednesday, September 2, 2009 was called to order at 7:00 p.m. by Mayor Yonts, followed by the Pledge of Allegiance led by Council Member Hackford, and roll call to the Council Members with the following present:

Mayor – Del Yonts	Town Administrator Richard Hood
Seat No. 1 – Joe Hackford	Town Clerk Susanne Krueger
Seat No. 2 – Lisette Kolar	Town Attorney Karl Bohne
Seat No. 3 – Pat Bryan	
Seat No. 4 – Jason Mahaney, Vice Mayor	
Seat No. 5 – Dan Faden	
Seat No. 6 – Cathy DeMott	

PUBLIC HEARING - SECOND READING - 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, stated that legal notice was advertised in Florida Today newspaper on August 28, 2009, and deferred to Town Attorney Bohne. Town Attorney Bohne stated that in April he requested information from FAA regarding the airport and he forwarded copies of their response to Council around 4:30 p.m. this evening but has not had enough time himself to analyze the response. Mr. Bohne stated that on Tuesday night Brevard County did agree to participate in the Attorney General's Opinion and further suggested to Council to allow the Attorney General make a ruling which would necessitate tabling this ordinance; if the Attorney General rules that the town has no jurisdiction over airport because County is the owner then our efforts are done; if we have authority over airport then we still have a decent argument regarding preemption of FAA. Mr. Bohne stated that the Town needs to confirm that noise cannot be justification for the ordinance. He stated that the Attorney General ruling is an advisory ruling and courts are reluctant to overrule the Attorney General rulings, and urged Council to have the Attorney General process go forward. He stated that the Attorney General will probably have a response within the next 30 days. Mr. Bohne stated that he emailed Sheila Hall, Attorney General's office, requesting that the opinion be on state issues not federal and he will follow up with them tomorrow to make it clear that it is not a hierarchy thing. Council inquired if there be enough time to obtain a response if the meeting would be scheduled at the end of September or beginning of October. Mr. Bohne responded that proceeding without an Attorney General's Opinion leads to a bad ordinance.

Mayor Yonts suggested working with the County and setting up a meeting regarding regulating flight patterns with the following people at the meeting: Airport Manager, County Attorney, Town Attorney, Town Administrator, 1 Council Member, Mel Scott, and a representative from users at the airport. He further explained that the public and Council can send their emails to Town staff. Curt Lorenc stated that the Town needs to have someone in attendance from the public affected by the airport. Lisa McKasty suggested FIT pilots. Town Attorney Bohne stated that FIT was willing to meet with the Town. Mayor Yonts approved adding FIT and Flight Safety to his requested meeting attendees. Mr. Linn Walters stated that the County has said things to the Town and the town refuses to listen; Town kept their ordinance; Town is still trying to regulate air traffic operations. Town Attorney Bohne stated that a proprietor of the airport has more authority and control than anyone and the County can impose certain restrictions. Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous appoint Council Member Faden to represent the town in the airport meeting and use Mayor Yonts as a backup. Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to table the second reading of Ordinance No. 2009-03 until November 4, 2009 at the Grant Community Center at 7:00 p.m.

ADJOURN

Motions by Vice Mayor Mahaney, second by Council Member Hackford, and vote unanimous to adjourn the meeting at 7:50 p.m.

(signature on file)

ATTEST:

Del Yonts, Mayor

(signature on file)

Susanne Krueger, Town Clerk