

TOWN COUNCIL
SPECIAL MEETING MINUTES OF
WEDNESDAY, NOVEMBER 4, 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, November 4, 2009 was called to order at 7:00 p.m. by Mayor 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	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, and stated that this item was tabled at the September 2, 2009 Regular Town Council meeting. Motions by Council Member Bryan, second by Council Member Faden, and vote unanimous to remove Ordinance No. 2009-03 from the table. Mayor Yonts stated that an Attorney General Opinion (AGO) was received and deferred to Town Attorney Bohne for further discussion. Mr. Bohne stated that at the request of Council he had requested an AGO to determine if the town had jurisdiction regarding the airport specifically relating to zoning. He stated that according to the AGO, the town is without jurisdiction over county owned airport within the boundaries of the town and we have no zoning rights regarding this airport. He stated that he agreed with the AGO and further recommended to Council that they should not adopt an ordinance that is not enforceable. Council Member Faden stated that the cost for the town was money spent to keep the town rural, staff and legal has done due diligence, he would not take the town down a road that we would lose, does not support approval of this ordinance and thanked Mr. Bohne for his time and effort. Mayor Yonts stated that the town did due diligence, Federal Aviation Authority (FAA) never provided information regarding zoning and he does not support ordinance. Council Member Kolar stated that the town needed to obtain an unbiased authority as to what the town can do, we need to see how other cities dealt with airport and would not support ordinance. LeRoy Rotgers stated that he is angry about what happened in that \$25,000 was spent on this rather than on guardrails and ditches; FAA told Mr. Borowski that he is not an air traffic controller and that he is not to use the radio to

communicate with the pilots. Council Member Kolar stated that during incorporation they did not discuss the airport but when angry residents came to Council they had to do something; there are no new changes or no new laws. Mayor Yonts stated that he understands Mr. Rotgers' frustration and that the key was that Council did not want to pass the ordinance and end up fighting a legal battle. Mayor Yonts stated that this still does not change the fact the town needs to work with Florida Institute of Technology (FIT) and that it is up to Brevard County to be a good neighbor.

Motions by Council Member Kolar, and second by Council Member Hackford to approve Ordinance No 2009-03, second reading. Motion failed by the following roll call vote: Yonts-nay, Hackford-nay, Kolar-nay, Bryan-nay, Mahaney-nay, Faden-nay, DeMott-nay.

ADJOURN

Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to adjourn the meeting at 8:05 p.m.

(signature on file)

ATTEST:

Del Yonts, Mayor

(signature on file)

Susanne Krueger, Town Clerk