

JOINT TOWN COUNCIL /LOCAL PLANNING AGENCY (LPA) WORKSHOP
FOR WEDNESDAY, MARCH 17, 2010 AT 7:00 P.M.
TOWN HALL, 4240 HIGHWAY US1, GRANT VALKARIA, FL 32949

The Joint Town Council/Local Planning Agency (LPA) Workshop of March 17, 2010 was called to order at 7:00 p.m. by Mayor Yonts, followed by the Pledge of Allegiance, and roll call to the Council Members/Local Planning Agency with the following present:

Mayor – Del Yonts	Don Whitehouse-Chairperson
Seat No. 1 – Joe Hackford	Dan Robino, Vice Chairperson
Seat No. 2 – Lisette Kolar, Vice Mayor	Denni Burr
Seat No. 3 – Pat Bryan	Ron Jenkin
Seat No. 4 – Jason Mahaney	Bob Thiem
Seat No. 5 – Dan Faden	Alf Strandgard (Alternate 1)
Town Administrator Richard Hood	David VanAsdale (Alternate 2)
Town Clerk Susanne Krueger	
Town Attorney Karl Bohne	

EXCUSE COUNCIL MEMBER DEMOTT AND BOARD MEMBER KING

Mayor Yonts stated that Council received an email from Council Member DeMott stating that she would not be able to attend this meeting and staff received a phone call from Board Member King that she was ill and wished to be excused. Motions by Council Member Mahaney, second by Council Member Hackford, and vote unanimous to excuse Council Member DeMott. Motions by Vice Chairperson Robino, second by Board Member Thiem, and vote unanimous to excuse Board Member King.

Mayor Yonts stated that Council received an email requesting the town communicate to the County regarding the long-term implications and impacts of Federal Aviation Authority (FAA) funding. Council Member Bryan stated that the County will do what the master plan calls for, this needs to be fought at the County and State level, and that there is not much the Town can do since the Attorney General made it clear we cannot do anything but tell the County what our position is. Vice Mayor Kolar stated that she felt the Town should still let the County know that its residents are concerned about the development of the airport and that a letter was in order. Council Member Faden stated that he encourages residents to contact the County. Mayor Yonts stated that he was disappointed that the Town was not notified in a timely manner and that they are using FAA instead of Florida Department of Transportation (FDOT) funding. It was Council consensus to have Town Administrator Hood send a letter to the County Manager, Assistant County Manager, Director of Airport and County Commissioners requesting the Town be informed in advance of things going on regarding the airport.

AGENDA ITEM

1) Adult entertainment ordinance

Town Attorney Bohne presented to the Town supporting documents for the adult entertainment ordinance such as case laws, legislative records, findings by others, ordinances, publications, studies by New York and California regarding adult entertainment secondary effects, transcripts

of hearings from Casselberry, Palm Bay and Melbourne, and the Attorney General report on pornography effects and how it can be regulated. Mr. Bohne stated that there is a direct connection with organized crime; it has detrimental effects on churches and schools. He suggested worrying about typographical errors in the ordinance but the important factor would be to discuss where Council wants adult entertainment to be located. Mr. Bohne suggested using a 1,000 foot setback rather than 1,500 foot because he has not seen anything that allows the 1,500 foot.

Discussion resulted in the following comments:

- Thiem - According to the land use maps it may be hard to find property utilizing 1,000 foot setback
- Hood - In our zoning code there is an allowance to build a residence in commercial zoned property but nothing stating it being utilized as a residence. Need to protect someone with a nice house for an adult entertainment business to be built next door. County has done administrative rezoning to residences that are built in commercial zoning.
- Mahaney - inquired if it included electronic games; Attorney Bohne responded that it does not include them
- Kolar - inquired if there is a violation are they closed immediately; Attorney Bohne responded that due process requires us to give him a hearing.
- Faden - inquired about having a certain designation such as "s" to allow this and does it have to be a certain size; Mr. Hood responded that West Melbourne had 5% of the total commercial area as the acceptable size
- Yonts - suggested using Industrial zoned area which has the railroad and Old Dixie Highway on the east, Environmental Endangered Lands on the south, and homes on the north; using this area and making it fit

LPA Board Member Jenkin suggested that the Town look at implementing an "overlay district" for adult entertainment so that its development can be restricted as necessary to fit in with the surrounding areas.

It was consensus of Council and Board Members to look at an overlay in the current Industrial zoned area.

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

Mayor Yonts called the meeting to order at 8:45 p.m.

Continued discussion resulted in the following comments:

- Hood – there are 6 different zonings at the present where adult entertainment could be located
- Yonts – need to protect residentially used property near this area; measuring structure to structure could be better than property line to structure; it could be 500 feet in some areas as a setback; need to calculate whatever it takes to accomplish the 5% area
- Kolar – concerned if 45 days is enough days to perform background check

- Bohne – all fees for conducting a business will come out, but administrative review fee we can probably leave in; Planning and Zoning Board will review and then come before Council for review

Town Administrator Hood publicly thanked Mr. Bohne for all the work he has done on this ordinance.

ADJOURN

Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to adjourn the meeting at 9:30 p.m.

Motions by Board Member Burr, second by Board Member Robino, and vote unanimous to adjourn the meeting at 9:30 p.m.

(signature on file)

Del Yonts, Mayor

(signature on file)

Don Whitehouse, Chairperson
Local Planning Agency

ATTEST:

(signature on file)

Susanne R. Krueger, Town Clerk