

MEETING MINUTES OF THE  
TOWN COUNCIL REGULAR MEETING  
WEDNESDAY, FEBRUARY 25, 2009 AT 7:00 P.M.  
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Regular Town Council Meeting of February 25, 2009 was called to order at 7:00 p.m. by Vice Mayor Jason Mahaney, followed by the Pledge of Allegiance led by Council Member Hackford, and roll call to the Council Members with the following present:

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

PRESENTATIONS

- 1) Terry Wolfe regarding Certified Emergency Response Team (C.E.R.T.)
- 2) George Wolfe regarding Disaster Recovery Center and Disaster Preparation Plan

Town Administrator Hood stated that Terry and George Wolfe requested that their presentations be withdrawn from the agenda.

CHANGES TO AGENDA

Town Administrator Hood requested addressing “Reports” between “Discussion/Action Re Valkaria Lakes Project work order authorization to perform topographic survey for engineering design purposes” and “Re-evaluate the workshop schedule”.

APPROVAL OF MINUTES

- 1) Town Council Special Meeting and Workshop Minutes of February 4, 2009

Motions by Council Member Hackford, second by Council Member DeMott, and vote unanimous to approve Town Council Special Meeting and Workshop Minutes of February 4, 2009.

PUBLIC COMMENTS (non- agenda items)

There were no public comments.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- 1) Discussion/Action Re Valkaria Lakes Project work order authorization to perform topographic survey for engineering design purposes (Hood)

Town Administrator Hood stated that this stormwater project by the County is paid by stormwater fees collected prior to this year and that the County utilizes their surveyors. He stated that this estimate will probably be reduced because they do not need quite as much data on Farnsworth as anticipated. He acknowledged that Carolina Alvarez from Brevard County is present. Ms. Alvarez stated that the survey will start about two weeks from Monday and that they will start Phase I prior to the end of this fiscal year.

Motions by Council Member DeMott, second by Council Member Hackford, and vote unanimous to accept Valkaria Lakes Project work authorization to perform topographic survey for engineering design purposes.

2) Re-evaluate the workshop schedule (Hood)

Town Administrator Hood requested cancelling March 18<sup>th</sup> meeting because he is trying to get a Federal Aviation Authority (FAA) person to review the ordinance and make comments. He would like to put this on hold until FAA responds, then bring back to Council and then schedule a workshop.

Town Administrator Hood stated that he and Council Member Hackford met with hunters and property owners. The Council previously stated they did not want to ban hunting in town, that State law presides over guns. The hunters requested that property owners that do partner with the town to keep people who live out of town out. In his discussion with property owners, hunters and Deputies it was suggested to gate the right-of-ways on dirt roads with combination locks; only property owners or guests who register would get a card and be allowed access; suggested a fee and they will provide most of the materials to construct gate and lock; "no trespassing" signs on wetlands to keep people on the trails and off the wetlands. Mr. Hood stated that he contacted Town Attorney Bohne who advised that they can gate the right-of-way as long as property owners can have access; when Palm Bay closed their compound within two weeks the town has had an increase of traffic and dumping; a very small percentage of residents do not want hunting. He suggested that this workshop be eliminated and bring back to Council as an agenda item.

The following people spoke regarding the guns/hunting issue:

- Bonnie Allan - thought ID cards are a good idea; concerned that all property owners would be notified
- Royce Stifflemire - concerned about notifying the Fire Department; Citizens On Patrol can monitor gates
- Allen Webb - will volunteer as resident to help Town delineate the wetlands
- Council Member Kolar - should include EELs in this

It was Council consensus to eliminate workshops on March 18<sup>th</sup> and April 1<sup>st</sup>; discuss easements vs. unpaved roads, unpaved road ordinance and consideration of paved road ordinance on March 4<sup>th</sup> as a workshop; possibly discuss airport ordinance at an April workshop; possibly discuss guns/shooting sometime at end of March.

## REPORTS

1) Town Administrator's Report

Town Administrator Hood stated that Mr. Beadle, Mr. Paris' attorney, has filed for a writ certiorari appealing Council's (Zoning Board of Appeals) decision to overturn Town Administrator's interpretation in court, and filed for another interpretation of codes. He stated that he is not in favor of paying attorney fees until Zoning Board of Appeals hears it or until writ of certiorari is determined, and that he would like to place this on hold on the Code Enforcement Board agenda until then; Town Attorney Bohne recommended putting on hold until writ goes through. Mr. Hood stated that if the Zoning Board of Appeals upheld his decision, Mr. Beadle would probably add this

to his writ. If found in violation it will go back to that time period; if writ is in our favor it will go to the next Code Board meeting. It was Council consensus to get a dollar amount for Mr. Bohne's fees and what costs are involved with the writ.

Town Administrator Hood stated he received a couple of special event permit inquiries and requests Council consensus on the following:

- Carp Coastal Marine wants to have a salt water expo with about 100-125 people attending - It was Council consensus to have them apply for special event permit and have Mr. Hood review to determine if it needs to go before Council or handled administratively
- Historical House annual yard sale - It was Council consensus to waive special event permit as it was done in the past.

It was noted for the record that Mayor Yonts arrived at 7:50 p.m.

Town Administrator Hood stated that the Town was anticipating to receive \$35,000 of the economic stimulus money but found out that the only road eligible for funding would be Valkaria Road and that it had to already be on the transportation project. The County requested our portion be allocated to Micco Road project which is on the TIP, and he concurred because when we can qualify for help the county would be more apt to help us because we helped them.

Mr. Hood thanked all the volunteers who helped at Town Hall; he has received over 50 resumes in three days, hopes to interview the top five next week, and will have applicants listen to Local Planning Agency meeting to create minutes from as a form of testing.

Mr. Hood stated that Dan Robino was scheduled for back surgery today and he will need someone with a truck available to help the road crew for 3 to 4 hours on Wednesdays to help out while Mr. Robino is out. It was Council consensus to send flowers to Mr. Robino.

Mr. Hood stated that he received an email from Wally Bowles who requested that the Town stop grading his road until a resolution about the condition of his road. It was explained to him that the grader was instructed to pull material from the edges mixing it back into the road, the roads are below level, and that it will take time to correct the problem and budget permitting may allow mixing in some material.

Mr. Hood stated that there were several emails received from Don Darby, Wally Bowles, and Barbara Bland requesting all items be brought for public consensus or public action. He stated that he does serve at Council pleasure and if he oversteps his authority to please let him know. It was Council consensus that he is doing job exactly as they want him to do it.

Vice Mayor Mahaney handed the gavel to Mayor Yonts.

## 2) Council Reports and Comments

Council Member Faden thanked LeRoy Rotgers for a good job coordinating the Air Fest. Council Member Kolar stated that she received email from Don Darby who said that Air Fest was a lot better. Council Member Bryan stated a co-worker stated Air Fest was better organized and traffic control at Valkaria Road was better. Council Member Hackford stated that he attended Air Fest and

it was well handled. Mayor Yonts stated that he received one complaint about the noise being in violation of noise ordinance and the altitude of aerobatics; he stated that the handling of traffic was an excellent job.

Council Member Kolar stated that she attended the Mayor's breakfast and the theme was regional cooperation of cities; the business roundtable is scheduled for March 5<sup>th</sup> at the Grant Community Center between 7:00 and 9:00 p.m. Discussion among Council ensued regarding if they attended the meeting if it would be in violation of sunshine laws. Town Administrator Hood stated he would check with Town Attorney Bohne and get back to Council. Ms. Kolar stated that Grant-Valkaria Day is scheduled for May 17<sup>th</sup> at Fisherman's Landing; letters are being sent out to prospective donors; fishing tournament will be in conjunction with Grant-Valkaria Day with Treasure Coast Marina handling the tournament; May 8-16 will be fishing tournament with prizes on May 17<sup>th</sup>; GVCA will be sponsoring the fishing tournament.

Bonnie Allan stated that if GVCA coordinates donations it takes some of the responsibility away from the town, and any volunteers can help with Grant-Valkaria Day.

Council Member Kolar stated that the newsletter should be ready mid March and that she still needs photos of Code Enforcement Board and CERT team; the County comprehensive plan amendment for the proposed 80 acre reclamation plant was withdrawn by applicant 20 minutes before being heard and that the Town will need to keep eyes on County agenda because they have a right to re-agenda.

Mayor Yonts stated that he attended the Mayor's breakfast which are planned quarterly and should this issue be a Palm Bay issue we should all work together.

Mayor Yonts called for a brief recess at 8:36 p.m.  
Mayor Yonts called the meeting to order at 8:48 p.m.

### 3) Board Reports and Comments

There were no Board Reports and Comments.

### NEW BUSINESS (CONTINUED)

#### 3) Continued Review Of Comprehensive Plan- Future Land Use Maps (Hood)

It was Council consensus to ascertain if property actually in Town or Palm Bay on Babcock Street south of Valkaria Road.

Town Administrator Hood stated he received calls requesting commercial uses along Babcock Street and requested Council input as to what area they wish to designate as affordable housing.

Council reviewed the future land use maps with the following comments:

- It was Council consensus to designate area south of Terkham Road to Grant Road as Local Commercial
- It was Council consensus to allow mixed-use business/residential along Babcock Street

- It was Council consensus to target lots along Babcock Street and maybe one lot behind for commercial
- Vice Mayor Mahaney stated he received several complaints about changing land uses along US1
- It was Council consensus to remove “town center” area and change it to 1 unit per 1.25 acres

Town Administrator Hood stated that the Local Planning Agency (LPA) tried to eliminate the hodge-podge of zonings along US1 with the understanding from Miller Legg that if property had BU1 or TU1 zoning that they can continue with that zoning regardless of what the future land use designation. Mr. Hood contacted Mr. Keith Mills (AICP certified planner for City of West Melbourne), and Town Attorney Bohne who both agreed that if the property had BU1 or TU1 zoning and they wanted to build they would have to comply with the future land use designation and they would have to rezone. It was Council consensus that the Town should not take away the rights of property owners as to what they have zoning now along US1.

Town Administrator Hood stated that Bobbie Putnam has been volunteering to identify vacant or occupied property along US1 as to whether it is residential or business. Mr. Hood stated that the LPA is allowing residential in business zoning as an allowable use with conditions, and the condition would be that they sign a paper that they know what zoning is around them. It was Council consensus to have Mr. Putnam designate what the County had designated the properties as.

Town Administrator Hood stated he would bring back to Council the Babcock Street and US1 overlay.

ADJOURN

Motions by Council Member Hackford, second by Vice Mayor Mahaney, and vote unanimous to adjourn meeting at 11:00 p.m.

(signature on file)

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Mayor Del Yonts

ATTEST:

(signature on file)

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Susanne Krueger, Town Clerk