

TOWN OF GRANT-VALKARIA, FLORIDA
TOWN COUNCIL SPECIAL MEETING AND WORKSHOP IMMEDIATELY FOLLOWING
MINUTES OF WEDNESDAY, FEBRUARY 18, 2009
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FL 32949

The Town Council Special Meeting of the Town of Grant-Valkaria, Florida, of Wednesday, February 18, 2009 was called to order at 7:00 p.m. by Mayor Del Yonts followed by the Pledge of Allegiance led by Council Member Faden, 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. 5 – Dan Faden
Seat No. 6 – Cathy DeMott

Town Administrator Richard Hood
Town Clerk Susanne Krueger

EXCUSE COUNCIL MEMBER BRYAN

Mayor Yonts stated for the record that an email was received from Council Member Bryan to say that he would not be able to attend tonight's meeting due to work related obligations. Motions by Council Member DeMott, second by Council Member Hackford, and vote unanimous to excuse Council Member Bryan.

PUBLIC COMMENTS (non-agenda items only)

Lisa McKasty stated that she is being harassed by helicopter and airplanes with the touch-and-goes and cranking engines over rooftops; between 12:00 a.m. and 2:00 a.m. there was a helicopter coming over her roof and she feels terrorized. Curt Lorenc stated that there is reckless, low flying causing disturbance and seems like a method to inhibit free speech. Linda Mason stated that Sunday morning there were helicopters, she will be taking pictures with telescopic lens, and that they are a type of Chinese water torture; she complained that there is not enough parking at Town Hall. Mayor Yonts stated that overflow parking is allowed at the north end of the bar next door. It was Council consensus to have Town Administrator Hood contact Town Attorney Bohne about the parking issue again. Mayor Yonts stated that the town will check to verify if the Sheriff's Department was flying overhead during the time the complaints were made.

SPECIAL MEETING AGENDA ITEM

- 1) Resolution No. 04-2009 - A Resolution Of The Town Of Grant-Valkaria, Brevard County; Approving An Application For A Special Event Permit For "Air Fest" At 2865 Greenbrooke Street Submitted By Valkaria Aviation Association Inc; Imposing Conditions; Providing For Severability, Repeal And An Effective Date. (Hood)

Mayor Yonts read Resolution No. 04-2009 by title only. Town Administrator Hood stated that all items requested by Council have been received except he did not see an Air Fest sign on Weber Road; however, Council did not say when the signs should be up. He stated that Town Attorney Bohne reviewed the file who recommended certificate of insurances on Carolyn Creamery and Marsh Landing; Baer Air and Brevard Superbike are only sponsors.

The following people spoke regarding Resolution No. 04-2009:

- Curt Lorenc - there are no permits from DBPR for selling food; there is misrepresentation regarding air box; recommended getting how many deputies will be present; they had no safety plan; questioned if the airport manager had authority to approve using the golf course access road; parking lot has not been inspected by town; what they submitted for signs is not adequate - wants to file code enforcement complaint about they did not obtain permit; chain of command not addressed by applicant
- Bonnie Allan - questioned whether the Air Fest has been so horrible
- Denni Burr - was present at previous Air Fest and had terrible time with parking and getting out

Town Administrator Hood stated that the applicant is only required to provide confirmation by the Sheriff's Department that there will be adequate deputies; there will be a Sheriff helicopter and SWAT team along with 3-4 deputies at the Air Fest; he was at the parking lot on the north side in his own vehicle and did not get stuck; he was at Gate 2 and Gate 3. Mr. Joe Cross, representing the applicant, stated that there will be lighting at the corner of Fairglenn and Valkaria Roads; there will be 3 rides - Lumley, Fly High Wisconsin, and Fred Cabanas (ride and performer); all performers have \$1 million plus. Mayor Yonts stated that DBPR will be there at day of event, check vendors, and issue permits then.

Note for the record - Vice Mayor Mahaney arrived at 8:20 p.m.

Mr. Cross stated that there will be 24 Florida Institute of Technology (FIT) pilots and Mr. Borowski as ground control; there are 3 pilots who will have a safety meeting prior to flying with the Air Boss; there will be no walking across Valkaria Road except as authorized by Sheriff's Deputy; Gate 1 will have sponsor exhibits parking, Gate 2 is for general public parking, and Gate 3 will be parking when all others are full; they are more organized than last year with 40% more volunteers and ground safety addressed about aircraft.

It was Council consensus that the applicant has met the requirements imposed by Council from last meeting. Motions by Council Member DeMott, second by Council Member Hackford, and vote unanimous to approve Resolution No. 04-2009 with the condition they exempt applicant from a sign permit, and that Carolyn Creamery and Marsh Landing paperwork be in at Town Hall by 6:30 p.m. Thursday, February 19th.

Mayor Yonts called for a recess at 8:42 p.m. Mayor Yonts called the meeting to order at 9:00 p.m.

It was Council consensus not to have the workshop tonight.

- 2) Discuss plan of action to oppose change in Brevard County comprehensive plan on property located adjacent to the southern town limits, south of Riverview Terrace Subdivision - changing from Res-1 to Light/Heavy Industrial (Yonts)

Town Administrator Hood stated that he has provided Council with a copy of the Brevard County Plan Amendment 2009-1.5 - Brillyant Enterprises, Inc. and that Brillyant's consultant Randy Mosby is in the audience to explain their proposal. Mr. Mosby stated that they plan to use this site in a long term mediation site where they would mix wastewater with sludge, making a bio-green product turning it into top soil; setback from town would be 400 feet on north and there would be a 8 foot earth berm around property; green waste will be pre-mulched, mixed with dredge material and quickened by enzymes taking 6-8 weeks; text amendment would be for remediation; it would be a long term production remediation site because there is a demand for this top soil in the middle of state and clients in Dubai; traffic study shows no impact on roadway. Dr. Harold Gerdes, Brillyant chemist, stated that the intention is to be an asset to the community and that there are EPA rules that have to be met.

Council Member Kolar stated that we do not want this in our back yard, this does not fit with the comprehensive plan and suggested they move west where no one is around. Mayor Yonts stated that if it was further south past Micco Road by FIND property he had no problem with it but where they are planning to go is the wrong place for an industrial zoning. Council Member DeMott had no problem with the project itself, but it is not compatible with the area around it and the land use does not fit with the entire area surrounded by residential.

The following people spoke regarding the County rezoning request:

- George Wolfe - opposed to reclamation at that site; compatibility of land use important factor
- Jack Plachner - was concerned about guarantee that the quality of our drinking water will not be affected; suggested everyone email County Commissioners
- Ronald McAloney - surface water drains to Riverview Terrace or the St. Sebastian River
- Debbie McGuire - concerned about this flooding into the neighborhoods
- Wilma Wagner - representing Barefoot Bay - her front yard faces sewer treatment plant; stated she just received notice on February 14th and if it was not for Grant-Valkaria people she would not have known about it; there is a lot of opposition from Barefoot Bay for this project
- Pat Clark, President of Barefoot Bay Homeowners Association - totally against project and thanked Council to allow them to attend; most of Barefoot Bay did not know about this
- Denni Burr - she met here at Town Hall last night with about 40-50 people from Cypress Lakes who are very opposed to the change in land use from Residential to Industrial and the impact of smell and traffic
- Al Strandgaard , Vice President of Riverview Terrace - dead set against project; will affect birds, deer, armadillos, etc.
- Heidi Dooley - does not want in back yard; moved here for rural and wildlife
- Linda Landrum - totally against project
- Vito Larseri - concerned about the permeation into soil and affecting drinking water in more than immediate area
- Jan Black, Micco Homeowners Coalition - opposed to land amendment change

- Linda Mason - organic smells can affect people with asthma or chemical sensitivity
- David Van Asdale - concerned about once the comprehensive plan is changed that it opens door to future uses; definitely against it
- Bonnie Allan - concerned about the water
- Dan Robino - concerned that if reclamation site failed that it can be anything like tires; belongs in a commercial area not in residential or agricultural area
- Nadene Hein - stated that Commissioner Infantini will be in Barefoot Bay on Friday, 9:00 a.m. along with Nancy Higgs

Town Administrator Hood stated that he received an email from Barbara Bland who opposed project. Mayor Yonts stated that he talked to Marci Kinney who questioned why this is not okay if we are agricultural.

Council Member Hackford opposed the rezoning and that it will not fit in our town. Council Member Faden stated that the concept is not the problem but the location is, was concerned where the sludge is going, and the constant noise of moving equipment.

Mayor Yonts stated that he had a conflict and that he would not be able to attend the County Commission meeting. It was Council consensus to have Council Member Kolar and possibly Council Member Faden attend the County Commission meeting as town representatives.

It was Council consensus to address the following major points at the County Commission meeting:

- Administrative Policy 3
 - change to comprehensive plan should be compatible
 - it is the issue not the reclamation
 - future land use is to be changed to something not compatible with surrounding area
 - may reduce property values - possibly have an appraiser testify how it will reduce property values
- need to focus on land use element
- note how it will materially and adversely impact traffic - any other change from residential will change intensity of traffic
- Policy 3.1A relates to compatibility with adjacent land uses
- Policy 5.2 where it relates to the maximum development scenario resulting in two infrastructure facilities that will need expansion to accommodate the proposed future land use

Rick Schmidt suggested using the County's own policy against this; they will be going to Palm Bay next if County turns them down; the town needs to get an injunction against annexation into Palm Bay. Nadene Hein stated that they talked to her about a year ago, she went to the county on this and they told her that it would not happen.

It was Council consensus to cancel the Planning and Zoning Board meeting to give the opportunity for residents to attend the County Planning and Zoning Board meeting.

Motion by Council Member Hackford, second by Vice Mayor Mahaney, and vote unanimous to have Council Members Faden, DeMott, and Hackford in addition to Mayor Yonts and Town Administrator Hood as the Town officials attending the Air Fest in their official capacity.

ADJOURN SPECIAL MEETING

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

(signature on file)

ATTEST:

Del Yonts, Mayor

(signature on file)

Susanne Krueger, Town Clerk