

JOINT TOWN COUNCIL REGULAR MEETING AND TOWN COUNCIL WORKSHOP
MEETING MINUTES FOR
WEDNESDAY, MARCH 24, 2010 AT 7:00 P.M.
TOWN HALL, 4240 HIGHWAY US1, GRANT VALKARIA, FL 32949

The Regular Town Council Meeting of March 24, 2010 was called to order at 7:00 p.m. by Mayor Yonts, followed by the Pledge of Allegiance led by Council Member DeMott, 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, Vice Mayor	
Seat No. 4 – Jason Mahaney	
Seat No. 5 – Dan Faden	
Seat No. 6 – Cathy DeMott	

EXCUSE COUNCIL MEMBER BRYAN

Mayor Yonts stated that he received a call from Council Member Bryan stating that he was ill and would not be able to attend the meeting tonight. Motions by Council Member Mahaney, second by Council Member Hackford, and vote unanimous to excuse Council Member Bryan.

CHANGES TO AGENDA

There were no changes to the agenda

APPROVAL OF MINUTES

- 1) Town Council Workshop Meeting Minutes of March 3, 2010

Motions by Council Member Hackford, second by Vice Mayor Kolar, and vote unanimous to approve the Town Council Workshop Meeting Minutes of March 3, 2010.

PUBLIC COMMENTS (non- agenda items)

There were no public comments.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- 1) Awarding of Bid No. 2010-01 - Mowing drainage ditches and road right-of-way for Fiscal Year 2009/2010 and Fiscal Year 2010/2011 (Hood)

Town Administrator Hood stated that Town Council received a complete bid package for each bid submitted and a sheet showing a breakdown as follows:

A = mowing from edge of road to outside edge of ditch or property line if no ditch exist based on 6 cuts per year

B = mowing from outside edge of ditch to bottom of ditch including bottom of ditch based on 2 cuts per year

C = mowing from bottom of ditch to inside property line based on 2 cuts per year

CONTRACTOR	MOWING		VERTICAL CUT
Dunn's Tractor Service	A	\$ 36,105.00	
	B	\$ 4,000.00	
	C	\$ 4,000.00	
	Total	\$ 44,105.00	\$ 4,500.00
T & T Lawn Service	A	\$ 34,800.00	
	B	\$ 3,050.00	
	C	\$ 3,050.00	
	Total	\$ 40,900.00	\$ 3,600.00
CDM Trucking Inc	A	\$ 41,100.00	
	B	\$ 11,900.00	
	C	\$ 4,000.00	
	Total	\$ 56,900.00	\$ 4,170.00
Greener Pastures	A	\$ 26,550.00	
	B	\$ 5,000.00	
	C	\$ 5,000.00	
	Total	\$ 36,550.00	Did not bid
ABC Landclearing & Development LLC	A	\$ 50,780.76	
	B	\$ 8,923.20	
	C	\$ 9,523.20	
	Total	\$ 69,227.16	\$ 3,300.00
Waterbury Landscaping	A	\$ 38,370.00	
	B	\$ 4,790.00	
	C	\$ 4,790.00	
	Total	\$ 47,950.00	\$ 4,320.00

Town Administrator Hood stated that all bidders picked up a bid package and all attended the pre-bid meeting where the bid proposal was discussed; afterwards, several contractors went out in the field with him stopping at several places to show areas of what was expected; they were instructed to take maps with them; after the meeting an addendum was sent to all that attended. Mr. Hood stated that all references of the lowest bidder, Greener Pastures, had nothing but good things to say. Mr. Hood stated that on the I-95 overpasses they will mowing in front of the guard rail and make one pass behind with sloped which would be 2 times a year; the back side of Grant Road and Valkaria Road ditches are not part of the contract and will be done on an as needed basis.

Vice Mayor inquired about pepper trees in the ditches; Mr. Hood responded that they stabilize the bank and do not obstruct the flow of water. Mayor Yonts was concerned about the length of time it will take and giving them enough time ahead to get the job done; he stated that he had some concerns about going out for bids but Conlon's contract was \$43,200 for "A" and \$10,000 for "B" which resulted in a substantial savings for the town.

Town Administrator stated that once the job is completed he will inspect prior to payment and if any corrective action is needed it must be done prior to payment.

Motions by Council Member Mahaney, second by Vice Mayor Kolar, and vote unanimous to award the mowing contract to Greener Pastures. Mayor Yonts thanked all the contractors that submitted their bids. Motions by Council Member Mahaney, second by Council Member Hackford, and vote unanimous to award vertical cut contract to ABC Landclearing and Development LLC. Town Administrator Hood stated that contracts will be prepared and signed before April.

REPORTS

1) Town Administrator's Report

Town Administrator Hood gave his report as follows:

- A) House Bill 1121 – he stated that on March 15, 2010 our local bill passed the first committee, Military & Local Affairs Policy Committee, by a 10-3 vote; it is now in Finance & Tax Council; he will keep Council informed as it moves along or Council can follow it online at www.floridahouse.gov by clicking on bill finder and entering 1121. He stated that it will be heard before the Finance & Tax Council tomorrow at 1:30 p.m. and that he offered Representative Poppel that he would be willing to travel to Tallahassee if needed; after it passes the two committees, it goes before the House floor, then packaged with all other local bills sent to Senate as one entire package. Mr. Frank Montelione, Chief Legislative Aide for Commissioner Infantini's office, stated that since it passed 3 committees it sounds like it is on its way.
- B) Code Enforcement – he stated that when he first came to the Town he was informed that we were going to be reactive in code enforcement; we do, however, get proactive when it comes to life-health-safety type violations without a complaint being filed; he has been noticing that we are getting a lot of new signs that have not been permitted, in the right-of-way and a few other offenses from time to time; he would like to begin being more proactive in those types of situations; it becomes difficult for our code enforcement officer to enforce a code only when there is a complaint; that party's typical response is, why me, he's doing it right down the street. He requested discussion with Council for direction; staff does not intend to go out looking for violations, and believes our method of reactive enforcement works for the most part but in certain indefinable situations we may need to be a bit more proactive; this will send a message that you need a permit. He was concerned with the number of signs that are in the right-of-way; signs that were portable are now permanent; businesses like Chevron gas come in for a temporary sign permit and obtain all the legal permits while others do not; does not want to have a reputation that everything goes; the road crew removes about 20 signs a week.

The following people spoke regarding code enforcement:

- Denni Burr - was told by a business owner that they were sick of everyone else doing what they want so they are going to do it too; there is no control; obviously there is a free for all
- Dan Robino - as a member of the volunteer road crew he stated there are no signs in the side streets but only on Highway US1; road crew picks up about 20 signs a week

- Council Member Hackford was concerned about businesses hurting for customers and suggested approaching violators that there are other choices
- Mayor Yonts suggested making businesses aware that the town is addressing the signs codes now
- Council Member Faden was concerned about signs on private property and to use heavy discretion on these

Mr. Hood stated that he would like to submit in the next issue of the newsletter an informational article about signs and permits in general. It was Council consensus to have staff be proactive in code violations where there are new signs that have not been permitted, signs in the right-of-ways, and other certain indefinable situations using discretion.

2) Council Reports and Comments

Vice Mayor Kolar stated she was working on the Inshore Spring Splash hosted by Treasure Coast Marina scheduled on April 17th; proceeds go to Grant-Valkaria Community Association who will donate to Grant-Valkaria's community projects; there will be awards and dinner afterwards; working on Grant-Valkaria Day and will bring to Council at next meeting a specific date for this function. It was Council consensus to put an article in the town newsletter and website about needing more volunteers for Grant-Valkaria Day.

Council Member Faden stated the County Commission moved forward on the Federal Aviation Authority (FAA) money; there is an increase of Flight Safety training activity and we will need to set up a meeting with them; GVCNA released false information and he clarified it with them; he is in contact with Flight Safety; residents requested a copy of the suggested flight pattern; Florida Institute of Technology (FIT) has been very cooperative; there is nothing to address on local pilots. Frank Montelione on behalf of Commissioner Infantini stated the letter that the town sent regarding the airport was very much appreciated.

Mayor Yonts stated that Town Administrator Hood and himself will be attending a financial round table with the County, cities and School Board to collectively save money; he delivered Mayor for Meals today; requested an article in the newsletter and website regarding needing volunteers to deliver meals in town and letting the residents know that there is this service available.

3) Board Reports and Comments

There were no Board reports and comments.

ADJOURN TOWN COUNCIL REGULAR MEETING

Motions by Council Member Mahaney, second by Council Member Hackford, and vote unanimous to adjourn the Town Council regular meeting at 8:29 p.m.

Mayor Yonts called for a brief recess at 8:29 p.m.

CALL TO ORDER THE TOWN COUNCIL WORKSHOP

Mayor Yonts called the Town Council Workshop to order at 8:48 p.m.

WORKSHOP AGENDA ITEM

1) Continued discussion of sign code

Town Council discussed the sign code with the following comments:

- Add definition of TV/digital type signs and electronic message centers; Town Administrator Hood will search other codes and bring back to Council
- Include a definition of farm signs, dimensions and where it would be allowed in AU (agricultural residential) zoning, limiting lighting and not glaring on neighbors
- Expand on the definition of animated or activated signs
- Add description and height limits of monument signs; consensus to research monument signs
- If someone owns land on both sides of US1, can they have signs on both sides; Town Administrator Hood will check with Town Attorney
- Section 62-3303 (b) regarding commercial or noncommercial speech; Town Administrator Hood stated because of freedom of speech this should stay in the code
- Section 62-3304 nonconforming signs - Vice Mayor Kolar stated that she sent Council a copy of City of Sebastian sign codes as a comparison; it was consensus of Council and LPA to leave in the code what the county had
- Section 62-3305 regarding removal of illegal or abandoned signs - it was consensus of Council and LPA to reword paragraph (1) to read that from the effective date of this ordinance any signs installed after that date are deemed illegal shall be removed within 30 days and abandoned signs would be another time period
- Change wherever it refers to code enforcement division, code enforcement special master or town code enforcement division to read code enforcement
- Section 62-3305 (6) (d) delete the words “land development” from the sentence
- Section 62-3306 (a) (1) delete the words “billboard signs” from the first sentence; Town Administrator Hood stated that Town Attorney Bohne stated that if the town wants to remove billboard signs it could be challenged because of federal laws regarding advertising
- Section 62-3306 change the wording where it refers to the county building division on behalf of the Town
- Section 62-3306 (d) should be mentioned under special event permits; Town Administrator Hood will check on the language
- Section 62-3309 should define digital TV signs in this section; should keep snipe signs here
- Section 62-3310 clarify where it refers to Brevard County adopted building and electrical code, and Brevard County Building Department
- Section 62-3316 (b) (1) – consensus to allow second sign if more than one business located on the site if the site has greater than 200 feet frontage; if third sign is requested it must be greater than 401 feet frontage
- Section 62-3316 (b) (3) may have a problem here; need to check this with other towns

- Section 62-3316 (b) (4) first sentence shall state that free-standing signs shall maintain a minimum 0 foot setback from front property line to nearest edge of sign or 15 feet off pavement, and 15 foot setback from all other property lines
- Consensus to address subdivision signs in the subdivision code
- Incorporate City of Sebastian overlay district into appropriate areas in the sign code or in a separate location
- Section 62-3316 (g) regarding maximum number of flags – no changes made
- Section 62-3317 add a statement that these requirements are not applicable under a special event permit
- Section 62-3317 (b) (4) change maximum height to 20 feet in height measured from the ground
- Consensus to look into gorilla signs
- Section 62-3317 regarding portable signs – minimum setback shall be 0 feet from property lines; flashing lights shall include scrolling messages
- Section 62-3317 regarding temporary construction signs – temporary off-premises directional signs are not allowed in a subdivision; must apply for permit each year; add section regarding if sign is not properly maintained it must be removed; concerned about Sebastian Beach and Tennis Club sign
- Section 62-3317 regarding temporary special event signs – add a statement that if you have a special event permit this section does not apply
- Section 62-3319 – change Town Council to Zoning Board Of Appeals
- In Table 1 delete “1 – permitted for commercial uses only”
- Change Table 1 to allow garage sale signs in all zones

Town Administrator Hood stated that staff will check that sign surface terminology is correct; he is working with Town Attorney Bohne on the adult entertainment ordinance district boundary, scaling maps and as soon as they are done Council will have one more workshop and first reading joint meeting with Local Planning Agency to explain ordinance. Mr. Hood stated that there will be two public hearings on the ordinance; May 18th the current moratorium will expire and if scheduling does not work out the town can extend the moratorium a month or two but the goal is to meet the May moratorium deadline.

Mayor Yonts requested examples of other town’s fees.

ADJOURN TOWN COUNCIL WORKSHOP

Motions by Council Member Mahaney, second by Council Member Hackford, and vote unanimous to adjourn the meeting at 11:50 p.m.

(Signature on File)

ATTEST:
(Signature on File)

Del Yonts, Mayor

Susanne R. Krueger, Town Clerk