

MEETING MINUTES OF THE  
TOWN COUNCIL REGULAR MEETING  
WEDNESDAY, JANUARY 14, 2009 AT 7:00 P.M.  
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FLORIDA 32949

The Regular Town Council Meeting of January 14, 2009 was called to order at 7:00 p.m. by Mayor Del Yonts, followed by the Pledge of Allegiance led by Council Member Hackford, 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	
Seat No. 3 - Pat Bryan	
Seat No. 4 – Jason Mahaney, Vice Mayor	
Seat No. 5 – Dan Faden	
Seat No. 6 – Cathy DeMott	

MAYORAL PRESENTATION

Mayor Yonts presented Regina Mahaney a Certificate of Appreciation for serving on the Local Planning Agency/Planning and Zoning Board for the past two years.

CHANGES TO AGENDA

Town Administrator Hood requested the following changes to the agenda: move “Discussion/Action Re Airport Ordinance” as a new item under “New Business - Discussion/Action Re Establishing Workshop Dates for Code Amendments” and add “Discuss School Element” to “Comprehensive Plan Completion-Future Land Use Element” under “New Business - Discussion/Action Re Establishing Workshop Dates for Code Amendments”.

Mayor Yonts explained that the new agenda format has “Reports” at the end of the meeting and “Public Comments” at the top of the agenda so people who wish to speak do not have to wait until the end of the meeting where it was previously. He also explained to the public that all the items listed under agenda item “Discussion/Action Re Establishing Workshop Dates For Code Amendments” will not be discussed; however Council will establish workshop dates on them.

Mayor Yonts requested adding to the agenda “Discussion of golf carts” and “Consideration of a paved road ordinance” under “Discussion/Action Re Establishing Workshop Dates For Code Amendments”. Council Member Kolar requested adding to the agenda “Goals for Town and how to prioritize them”. Town Administrator Hood stated that in March for his preparation for the budget he will have a workshop that would include that topic.

APPROVAL OF MINUTES

- 1) Town Council Meeting Minutes of November 12, 2008
- 2) Local Planning Agency (LPA)/Town Council Workshop Meeting Minutes of November 19, 2008
- 3) Town Council Workshop Meeting Minutes of November 20, 2008
- 4) Joint Meeting of the Zoning Board of Appeals and Town Council Regular Meeting Minutes of December 10, 2008

Council Member Kolar stated that she would like to change the wordage of her statement in the December 10, 2008 minutes on page 9 where she discussed her conversation with Senator Haridopolos.

Motions by Council Member Faden, second by Council Member Hackford, and vote unanimous to approve the Town Council Meeting Minutes of November 12, 2008, Local Planning Agency (LPA)/Town Council Workshop Meeting Minutes of November 19, 2008, Town Council Workshop Meeting Minutes of November 20, 2008, and Joint Meeting of the Zoning Board of Appeals and Town Council Regular Meeting Minutes of December 10, 2008 with the condition that Council Member Kolar provide further wordage on December 10, 2008 minutes.

### PUBLIC COMMENTS

Curt Lorenc mentioned that there are many crashes at airport and the numbers are increasing; people selling ATV's hand out maps where they can ride in town and it is in environmental lands, and they leave trash.

Lisa McKasty stated that the County did away with restrictions at the airport, she called Borowski about the touch-and-goes on 927 and he told her that he does not enforce town codes. She wanted to know who she calls about complaints. Town Administrator Hood stated that she calls him at Town Hall and to call the Sheriff's Department when Town Hall is closed.

Marv Hatton stated that he had spoken to Commander Drinkwater and Cockreil about the ATV's at the south end of Ponderosa. He stated that there are full size trucks and ATV's going out there, he does not see police protection, and it is ruining his lifestyle.

Deputy Cockreil stated that the Agriculture Marine people are sent out and that three months ago they had a helicopter, and the Fish and Wildlife out.

LeRoy Rotgers read a letter received from Federal Aviation Administration (FAA) dated January 13 2009 signed by Pedro Blanco, Program Manager, where it stated that only the owner/operator of the airport has the right to enforce standards of operation at the airport and any restrictions must be approved by FAA. Mr. Blanco further stated that the town is not within their right to deny access to any aeronautical user; close the airport; designate preferential runway use; prohibit touch and goes; prohibit aircraft run-up's; and the town has no authority to regulate air traffic.

### UNFINISHED BUSINESS

There was no unfinished business.

### NEW BUSINESS

- 1) Discussion/Action Re Special Event Permit For Airfest on February 21, 2009 at Valkaria Airport, 2865 Greenbrooke Street (Hood)

Town Administrator Hood stated that even though several exhibits are not complete for the special event permits, he would like to initiate discussions concerning this permit application at this time to give Council the necessary time to properly discuss this event. He stated that he has included a copy of last year's resolution that includes the conditions imposed on the Air Fest permit; Council had one special meeting to discuss this topic in the past and the event organizers have been working diligently to take into consideration the topics that were presented from the previous meeting. LeRoy Rotgers stated that he is the director of the AirFest, and he is moving forward. Mr. Joe Cross identified himself as the new manager for the AirFest and that Wayne Boggs is the air control manager.

Bonnie Knudson stated that there was no public notice in the newspaper that there will be helicopters, they were two hours overhead non-stop, and would like it publicized more. Marv Hatton stated that it is a massive safety hazard being less than 500 feet off ground. Lee Greenwood stated that this is for one day and why cannot we put up with this for one day for a few hours. Allen Bland stated that it is every day of the year with the helicopters and touch-and-goes, and that the air show should not be allowed. Mike Grinnell stated people know that it has been an airport since the 1940's. Barbara Bland stated that the planes started at 8:05 a.m. and every 15 minutes they came just over the tree tops, it lasted for days and they have a disregard to neighbors. Don Darby stated that he is concerned with safety aspects in that people performing air shows are encroaching on our safety and should not endanger us. Mr. Darby stated that the airport should be good neighbors and not act in total disregard to the community. Janis Walters presented to Council a copy of the minutes of the County Commission, and stated she was concerned that there is not an adequate safety plan, the applicant is materially misrepresented according to the website, there is poor fueling practice, and FAA waiver was violated and that they were low flying over her house which is over one mile away. Curt Lorenc stated that the application is false/misleading as to what they are planning; they have no safety plan, and requested denying anything for next AirFest. Mr. Lorenc submitted an article for Council to read regarding some airport accidents. Bonnie Allan stated she was concerned about the stunts over homes. Lisa McKasty asked if all the pilots have insurance, that she wants the legal documents to state that her family and home is safe. Bob Israelite stated that he did not see any problem with the air show, that it could bring revenue and recognition to the area, and that they should have more than one a year.

Council Member Hackford stated that he was concerned about parking, crowd control on grounds, flying over homes, and prefers more professionalism and being more safety cautious. Council Member Kolar stated that the application is not complete. Town Administrator Hood stated that this is a kick off meeting for the application and if there is any other items requested other than submitted Council will need to let applicant know. Mr. Hood stated that they still need a hold harmless agreement, state alcoholic beverage license and health department approval. Council Member Kolar requested that they need to put exactly what activities they will have at the AirFest on the application, need to submit a new site plan and requested a contact listing. Mr. Cross stated that his job as manager is to bring management, safety and flight factors to a professional level. Mayor Yonts stated he was concerned with safety, they need to show how traffic is under control and a way for cars to get back to Valkaria Road or not allow anything after dusk, and would like some sort of description of how aerobatics will be addressed and it being safe. Vice Mayor Mahaney requested a letter from someone higher up than Mr. Borowski and questioned mandating an entrance fee versus a donation like last year. Council Member Faden stated that he would like everything the same as last year's resolution, would like to see a flight pattern for choppers and planes, and would like to see how they will be keeping vehicles off Valkaria Road. Mr. Cross stated that there will be signage from main entrance, there will be an off-duty Palm Bay police officer that will help, he will have a command list with contact information, and there will be a major light tower at the golf course entrance. Mr. Cross stated that fueling is now at a no spectator zone and will not have congestion or comingling of aircraft and on February 14<sup>th</sup> the website will be updated. Mayor Yonts stated that this item will be on the January 28<sup>th</sup> agenda and he stated that Council and Mr., Hood rotates and attends/monitors the event.

Mayor Yonts called for a brief recess at 9:10 p.m.

Mayor Yonts called the meeting to order at 9:26 p.m.

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Mr. Thomas Gaume representing the Greater Palm Bay Area Chamber of Commerce extended an ex officio membership on the Board and stated that on February 20<sup>th</sup> 8:00 a.m. there will be a Mayor's Breakfast with businesses and encouraged Council to attend at Comfort Suites. Mayor Yonts stated that he will attend the Mayor's Breakfast and it was Council consensus to have Town Administrator Hood attend several and get a report from him as to if it would be beneficial to join.

- 2) Discussion/Action Re Special Event Permit For Grant Seafood Festival on February 28, 2009 and March 1, 2009 at Grant Community Club, 4580 1st Street (Hood)

Town Administrator Hood stated that the festival is being held on February 28<sup>th</sup> and March 1<sup>st</sup> and he has included a copy of last year's resolution that includes the conditions imposed on the previous Seafood Festival permit. Council Member Hackford requested the event time be changed to 9:00 a.m. until 8:00 p.m. on Saturday and Sunday. Bonnie Allan stated that the Citizens On Patrol will be available. Council Member Faden stated that he was concerned about the ATV's complaint from last year.

Town Administrator Hood stated that he received correspondence from a resident stating they have an issue getting to their own home from the equestrian center. Council Member Hackford stated that they should contact the Grant Community Club and they will be issued a resident pass; he also stated that he would contact the equestrian center.

Council Member Bryan stated that there was an issue about parking around the post office area. Council Member Hackford stated that he will address this with the parking people and the Sheriff's Department. It was Council consensus to note on application that they will have a big cats area, 120 crafters/exhibitors and community service area. Mayor Yonts requested a map of the bus route. Town Administrator Hood stated that this special event will come back to Council as a resolution.

Motions by Council Member Kolar, second by Council Member Bryan, and vote unanimous to endorse the alcoholic beverage application.

- 3) Discussion/Action Re: Waste Management Addendum To Solid Waste and Recyclable Collection Agreement (Hood)

Town Administrator Hood stated that the addendum has been discussed previously regarding the billing for services at Grant/VIP Island; originally the island residents were being charged for full service according to the original contract; this addendum provides for a reduced rate to the island residents; they will be charged for only garbage service as Waste Management cannot provide yard waste, white goods, clam truck or recycling to the residents; the new rate is supposed to be reflected in the new billing. He informed Council that Waste Management made errors in billing to the VIP Island people and that he is getting it all straightened out. Mayor Yonts stated that the date of the Town entered into the agreement is incorrect. Bonnie Allan inquired as to how the Town will control things being dumped at the dumpster at the CITGO. Town Administrator Hood responded that he was informed by the owner of the CITGO that it is not just VIP Island people dumping, that it is contractors, etc. dumping in the early morning. Mr. Hood stated that Waste Management has been extremely responsive to complaints.

Motions by Council Member Hackford, second by Vice Mayor Mahaney, and vote unanimous to approved the Waste Management Addendum to Solid Waste and Recyclable Collection Agreement with the condition that it is effective October 1, 2008.

- 4) Discussion/Action Re Draft Legislation Being Proposed By The Florida Fish And Wildlife Commission Where Municipalities Will Relinquish Their Rights To Govern Marinas, Anchoring And Moorings, And Water Ways Signage (Yonts)

Mayor Yonts stated that this was presented through the Space Coast League of Cities meeting and suggested the Town send out a letter similar to the sample taking out the first paragraph. Motions by Council Member Kolar, second by Council Member Bryan, and vote unanimous to have staff draft a letter objecting to the proposed legislation that reduces home rule regarding marinas, anchoring and moorings, and water ways signage.

- 5) Appointment Of Space Coast League Of Cities Voting Delegate/Director And Alternate Delegate/Director ( Hood)

Town Administrator Hood informed Council that the current voting delegate is Mayor Yonts and the alternate delegate is himself, and due to the change of hours he will not be able to attend because the meetings start at 6:30 p.m. he would like Council to appoint another Council Member as the alternate delegate. Motions by Council Member Bryan, second by Council Member Faden, and vote unanimous to appoint Mayor Yonts as the voting delegate and Council Member Kolar as the alternate delegate.

- 6) Discussion/Action Re Establishing Workshop Dates For Code Amendments: (Hood)
  - a. Agricultural Exemption And The Effects on Existing Residents
  - b. Easements vs. Unpaved Roads
  - c. Unpaved Road Ordinance
  - d. Business Tax Receipts For Home Businesses
  - e. Guns/Shooting Within Town Limits
  - f. Electronic Signs
  - g. Comprehensive Plan Completion - Future Land Use Element and School Element
  - h. Airport ordinance
  - i. Discuss of Golf Carts (Yonts)
  - j. Consideration of Paved Road Ordinance (Yonts)

Town Administrator Hood stated that in December he discussed that he would like to have a workshop to discuss various code modifications and they included agricultural exemptions and the effects on existing residents, easements versus unpaved roads, unpaved road ordinance, business tax receipts for home businesses, guns/shooting within Town limits, and electronic signs. In addition to those code modifications, Council must still complete the review of the Comprehensive Plan, Chapter 6-Future Land Use Element, and within that element we need to go over the maps one final time, discuss the Town Center concept, and discuss the density of 1.xx units per acre. He requested Council set meetings dates as well as the format for the meetings.

It was Council consensus to have two workshops a month every other Wednesday and have the below meeting schedule on the above items along with regular meetings.

- January 21<sup>st</sup> - Workshop to continue discussion regarding comprehensive plan - future land use element and school element
- January 28<sup>th</sup> - Regular Council Meeting
- February 4<sup>th</sup> - Workshop to continue discussion regarding comprehensive plan - future land use element and school element
- February 11<sup>th</sup> - Regular Council Meeting
- February 18<sup>th</sup> - Workshop to continue discussion regarding comprehensive plan or discuss easements vs. unpaved roads, unpaved road ordinance, and consideration of paved road ordinance
- February 25<sup>th</sup> - Regular Council Meeting
- March 4<sup>th</sup> - Workshop to discuss proposed airport ordinance
- March 11<sup>th</sup> - Regular Council Meeting
- March 18<sup>th</sup> - Workshop to discuss possibly business tax receipts for home businesses, golf carts, or whatever else
- March 25<sup>th</sup> - Regular Council Meeting
- April 1<sup>st</sup> - Workshop to discuss guns/shooting within Town limits

Council Member Bryan requested that the Local Planning Agency look at electronic signs. Mayor Yonts requested notifying guns/shooting people about the workshop being in late March or April. Town Administrator Hood stated that the meeting would entail having the hunters and property owners together, giving the Town some ideas as to how they can help with a solution. Vice Mayor Mahaney requested that the Brevard County Sheriff's Office be present at the meeting.

Town Administrator Hood stated that Town Clerk is working on a special event policy and he is working on a personnel policy. He stated that the schedule for the Local Planning Agency is to hold meetings on the first Monday of the month and hold the Planning and Zoning Board and/or Local Planning Agency meetings on the fourth Monday of the month.

#### 7) Discussion/Action Re Moving Celebration Of Grant-Valkaria Day In Spring (Kolar/Hood)

Town Administrator Hood stated that he had been approached by the past committee members questioning whether the event could be moved to the spring instead of July, the actual anniversary. This would allow more outdoor activities with a milder climate. Council Member Kolar mentioned having a children fishing tournament. Town Clerk reminded Council that last year the South Area Parks and Recreation held a children's fishing tournament at Fisherman's Landing last year. It was Council consensus to have Grant-Valkaria Day celebration in the spring.

#### 8) Discussion/Action Re City of Palm Bay Consumptive Use Permit Request To St. John's River Water Management District (/Kolar/Hood)

Town Administrator Hood stated that a notice recently appeared in the Florida Today newspaper that the City of Palm Bay is requesting a new Consumptive Use Permit to withdraw additional water for their system from the aquifer. According to the permit request the City of Palm Bay proposes to withdraw 4.7 million gallons of water per day from the surficial aquifer and 12.27 million gallons of water per day from the Florida aquifer for public supply type to serve a population of 144,867 in 2029. He stated that Lisette Kolar, as a resident, sent a letter to St. John's River Water Management District as a response to this request and feels that she makes several good points in her letter. He

further stated that it would be appropriate for Council to discuss this matter and determine if they wish to send an official letter from the Town regarding the permit request.

Council Member Bryan stated that he is concerned about taking water out of the surficial aquifer which is more damaging than confined aquifer; the surficial draw down is bigger, shallower, and affects more area. Council Member Kolar stated that according to some of the maps part of the area up to Interstate 95 is in our Town; that St. Johns River Water Management District (SJRWMD) is concerned about current legal users of the aquifer but she is concerned about the future; we cannot control if SJRWMD gives them the water but we can influence their decision; Town Clerk Krueger has notified them and we are now an interested party. Tom Sammons stated that if the water quality decreased that salt water intrusion is a concern. It was Council consensus to authorize Town Administrator Hood to send a letter with input from Council Member Bryan.

#### 9) Discussion of Unpaved Road Ordinance Application (Hood)

Town Administrator Hood read his memorandum to Council in which he stated that in the past he has been informed that projects that began in the County prior to the Town adopting their road ordinance could be completed under the old guidelines. He would like to have further explanation as to the extent of old guidelines. The County Ordinance did not require a bond but also did not provide for a reimbursement to the builder of the road. He has several projects that began prior to the Town's adoption of their ordinance that the applicants are against the need to post a bond. If they can even obtain the bond, it creates a huge financial burden on the applicant when they are already paying for the construction of the roadway. At that point the Town had no liability in the project. If the road does not get built, permits for the construction of homes do not get issued. The applicants are requesting permission to operate under the old county ordinance that was in effect prior to the adoption of the Town's ordinance. Unless the Town's ordinance is amended, the applicant would have to choose between no bonding and no reimbursement or bonding with reimbursement. He stated that the standard procedure bonding requirement came about as a method of making it unfeasible to make dirt roads and that the Town has no financial loss.

Town Administrator Hood stated he recommends changes that it is the Town's choice not applicant, the bond is only required if Town does job, and access can be by easement and by flag lot.

It was Council consensus to write ordinance removing bond and have Town make choice. Council Member Faden stated that if we remove the bond will we get \$500.00 back; he did not think it is in the ordinance. It was Council consensus that in two weeks from tonight, bring ordinance back to Council and if members have some sort of comments to contact Town Administrator Hood.

Mayor Yonts noted for the record that the time is 11:20 p.m.

Motions by Vice Mayor Hackford, second by Council Member Kolar and vote unanimous to continue with "Reports".

### REPORTS

#### 1) Town Administrator's Report

Town Administrator Hood read his report as follows:

A) Fire station - He was informed that the new Fire Station on Valkaria Road will be having a grand opening probably in March and will keep Council informed when date firmly established.

B) Town seal - He stated the Council previously discussed having a Town Seal and if Council desires to have a contest involving residents making the announcement in the next edition of the newsletter. He recommended that Town should advertise that the winning entry's concept would be utilized and that the actual seal would be completed by a professional artist. This would allow entries from all age groups to participate without regard to artistic abilities. It was Council consensus to announce the contest in the next edition of newsletter.

C) Newsletter schedule - He stated that the next edition of the newsletter is begin worked on at this time and is scheduled to be delivered the first part of March. If anyone has any suggestion please contact Lisette Kolar. He was approached by a couple of area business people who where inquiring as to whether the Town would be interested in allowing local business ads in the newsletter to help offset the cost. It was Council consensus to allow this.

D) Holiday schedule for 2009 - He stated that in the past the Town has adopted the Holiday Schedule of Brevard County and this year it consists of New Year's Day (2009), Day after New Year's (2009), Martin Luther King, Jr.'s Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, Day after Thanksgiving, Christmas Eve, Christmas, day after Christmas, and employee's birthday. He noted that the day after Christmas and the day after New Year's were added at the last minute by the Board of County Commissioners, and this year, Christmas and New Year's (2010) falls on Fridays which Town Hall is already closed. In most instances, when a holiday falls on a day where town hall is closed, the holiday would be giving the day before or the day after. Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to approve the following holiday schedule for 2009:

Monday, January 19<sup>th</sup> - Martin Luther King, Jr.'s Birthday

Monday, May 25<sup>th</sup> - Memorial Day

Thursday, July 2<sup>nd</sup> - Independence Day

Monday, September 7<sup>th</sup> - Labor Day

Wednesday, November 11<sup>th</sup> - Veteran's Day

Thursday, November 26<sup>th</sup> - Thanksgiving

Thursday, December 24<sup>th</sup> - Christmas Eve

Monday, December 28<sup>th</sup> - Christmas

Employee's Birthday or any one day

## 2) Finance Report

Town Administrator Hood stated that the anticipated revenues for this quarter are on schedule; however, we still have the remainder of the fiscal year to go and there still is an anticipated shortfall of revenue from the State. He stated that he is keeping down expenditures for this anticipated shortfall.

## 3) Council Reports and Comments

Council Member Faden stated that we have achieved a successful third full year as a town due to the Mayor, Council, staff and volunteers.

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Council Member Kolar requested permission from Council to get local businesses together at a round table basis on whatever they wish to discuss and meet here at Town Hall. She stated that this would be discussion as to how the town can help them and she would make a great effort to find all the businesses to inquire if they wish to participate. It was Council consensus to approve this effort.

Council Member DeMott stated that residents are concerned about the boat ramp and requested that a report be given each month to Council on this topic. Town Administrator Hood stated that the boat ramp was brought before the County Commission and it was delayed for about two months so they could go out for new bids. He stated that the money is placed in a separate private account so that the money could not be used for anything else, and that the County is moving forward on all the permits.

#### 4) Board Reports and Comments

Don Whitehouse stated that he was recently voted as Chairperson of the Local Planning Agency/Planning and Zoning Board. Mr. Dan Robino was voted as Vice Chairperson and Ms. Denni Burr as Third Alternate Chairperson.

#### ADJOURN

Motions by Council Member Bryan, second by Council Member Hackford, and vote unanimous to adjourn meeting at 12:47 p.m.

(signature on file)

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Mayor Del Yonts

ATTEST:

(signature on file)

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Susanne Krueger, Town Clerk