The Town Council meeting of July 8, 2020 was called to order at 7:03pm by Mayor Del Yonts, followed by the Pledge of Allegiance and roll call as follows:

Mayor Del Yonts – Present
Seat #1 Tom Sammon – Present
Seat #2 Lisette Kolar – Present by Phone
Seat #3 Dan Faden – Present
Seat #4 Cathy DeMott – Present by Phone
Seat #5 Pat Bryan – Present
Seat #6 Dan Robino, Vice Mayor – Present by Phone

Also attending:
Town Administrator Jason Mahaney
Building Department Manager Alex Juan
Town Administrative Assistant Mandy Birenbaum

Presentations
1. Brevard County Sheriff’s Monthly Report – Lt. Cline supplied Council with May and June stats. He discussed June’s stats and that the total call count was down from May’s call count. He stated there was no significant change and this included the additional request for the traffic detours. Councilmember Kolar questioned if officers have been watching for speeding near Brabrook Ave. Lt Cline stated deputies were in the area for enforcement. Councilmember Bryan said there were concerns with boat trailer parking along Highway 1 that was creating blind turns. Lt Cline said he would look into better enforcement, may consider towing for extreme cases, and suggested wood posts to deter parking.

Changes to the Agenda
None.

Public Hearings
1. First Reading for REZONING NO. Z- 2020-02 (BOARD ACTION) (Advertised in Florida Today on June 4, 2020, individual notices mailed June 2, 2020: Planning and Zoning Board recommended approval with Development Agreement by unanimous vote on June 22, 2020
Applicant: Swift, Gary
Mayor Yonts read the Ordinance by the title and asked Town Administrator Mahaney if the Public Hearings would be discussed together. Mr. Mahaney stated they would be discussed together. Mr. Mahaney said the rezoning was requested to allow the owner to have the ability to divide one lot into 1.25 acre lots to sell. The existing AU zoning classification requires a minimum 2.5 acre, the requested zoning of BU-1/BU-2 fits within the Village Commercial land-use designation and Local Commercial designation. Mr. Mahaney added that when you divide a piece of property into three or more lots, it is considered a development. Attached was a binding development agreement for the property with the requested lot sizes and was written for the BU-1 zoning classification as it was more compatible to the surrounding uses. He added that the granting of the zoning did not guarantee physical development of the property and that the said development would have to be in accordance with the criteria of the Town comprehensive plans along with other applicable laws and ordinances. Staff had no adverse comments regarding the request for rezoning. The Planning and Zoning Board voted unanimous to approve BU-1 zoning for the entire property, with the stipulation added to the binding development agreement for single family residential use only. The applicant was ok with the added stipulation and Gary Swift was in the audience. Mr. Mahaney explained that the main objective was to gain the commercial setback of 5’ with single family development and the new zoning would allow for greater size in accessory structures. Mayor Yonts suggested using BU-1 zoning with RR-1 (Rural Residential) uses for single family development and accessory structures. Mayor Yonts opened for public hearing and there were none. Councilmember Kolar clarified that the reason for the detailed specification was due to the lot being divided into three lots making it a development. Mr. Mahaney confirmed single lots were not able to revise these specifications and this was being done for the binding development agreement.

Motions by Councilmember Sammon, seconded by Councilmember Faden, and vote unanimous to approve the binding development agreement to state the maximum height requirement of 35’ with single family home size to meet the RR-1 guidelines and the total floor area of the detached accessory structure/s may not exceed the total floor area of the principle structure. Motion passes 7-0.

Councilmember Robino has left the meeting at 7:40p.m.

Motions by Councilmember Sammon, seconded by Councilmember Faden, and vote unanimous to approve the rezoning Z-2020-2 to BU-1 zoning with the binding development agreement. Motion passes 6-0.

Consent Agenda
Town Council Meeting Minutes June 10, 2020

Mayor Yonts requested to have minutes reflect the councilmembers that attended meetings by telephone. Staff agreed.

It was Council’s consensus to unanimously approved the June 10, 2020 minutes with the amendment.
Public Comments (Non-agenda items, 5-minute limit)

Administrative Assistant Mandy Birenbaum read an emailed comment from Janet Metz regarding the recent cutting illegal cutting of the beautiful mature oak trees on Leghorn Road. Ms. Metz stated this may have been done by a new resident to allow for an illegal large swamp buggy to pass through. Ms. Metz’ letter requested the perpetrator should be identified and charged with destruction of property, be required to pay for an arborist to inspect the cuttings, fined and be required to do community service which may include tree planting.

Michelle Van Bever resides at 3750 Leghorn Road and expressed concerns for the extreme cutting of the oak trees on her road and stated the large cuttings were just left in the roadway. She said the original tree canopy had more than allowed for large trucks including dump trucks and garbage to pass. Ms. Van Bever stated they had seen the large swamp buggy come through in route to Kahler Lane and wanted to verify the Town had not had the trees cut in the Right-of-Way. Mayor Yonts verified the Town had not requested the tree cutting. Mr. Mahaney suggested for residents to contact the Sheriff’s Department if they see any concerns and let Sheriff look into the concerns. Councilmember Kolar suggested asking the Sheriff’s office to monitor the Leghorn Road area.

Doug Balog discussed the status of Balog Lane road construction. He said the road had been complete for some time and he now had interest from a realtor for improvement on a lot off the road; therefore, he would like to discuss road improvement cost certification for the complete road and what the prorated cost for each lot. Mr. Balog also would like it on record that in the event anything was to happen to him he would like the repayment of the road costs to be paid to the established trust. Mr. Mahaney discussed the detailed information that was provided by Mr. Balog that included fees for the road improvement and fees for things like construction gates. He stated the road was completed in 2015 and asked for Council direction on what fees should be considered for repayment. Mayor Yonts thought Council would review the information Mr. Balog supplied and suggested placing the item on a future agenda for further discussion.

Tom Trotter resides at 5005 Corey Road and stated he and his father in-law reside on the south end of Corey Road near the Town Connector trail and road had become busier with the addition of the trail. He asked if the road could be paved at the Town’s expense instead of the owner’s expense. Mayor Yonts explained, that in the Town, the unpaved roads are public roads and on the meeting’s agenda they were scheduled to discuss road paving scheduling and verified Corey Road would be on the list for discussion. Mr. Trotter said parking for trail access had been a concern in the area and suggested more signage to state parking and no parking areas.

Kathy Allen 2180 Cypress Lake Drive stated she lived near the area that led to the Grant Flatwoods and asked if I-95 was scheduled to go to Micco Road or the flatwoods. Mayor Yonts said that the road is currently proposed to go towards Micco Road and that Council’s goal had always been to protect its rural nature.
New Business

1. Brisky Easement Vacate at 5572 Still Hollow Ct (Action)
Mr. Mahaney stated he had reviewed the request for vacate submitted by William and Margaret Brisky for a portion of Still Hollow Court. He said Mr. and Mrs. Brisky own the property on both sides of this right-of-way and wish to combine the 2 parcels into 1 to utilize the property for an accessory structure. He found that there are other right-of-ways available both north/south and east/west to access adjacent parcels. Staff found no objection to the request to vacate. Mayor Yonts questioned access to the preserve and Home Owner’s Association (HOA) interests. Mr. Mahaney clarified that there would still be access to the preserve from the community’s south cul-de-sac and that the HOA members were notified of the meeting. Mr. and Mrs. Brisky did not know of any objections from HOA members.
Motion by Councilmember Bryan, seconded by Councilmember Faden, and to vote unanimous to grant the request to vacate right-of-way as requested. Motion passed 6-0.

2. Stormwater Program Interlocal Agreement (Action)
Mr. Mahaney explained that this was the annual agreement with the Stormwater Program Interlocal Agreement; furthermore, there was no increase and it would be renewed for one year. Mayor Yonts verified that the agency took percentage of funds collected on the Town’s behalf.
Motion by Councilmember Faden, seconded by Councilmember Sammon, and to vote unanimous to approve the Stormwater Interlocal Agreement. Motion passed 6-0.

3. Florida League of Cities Voting Delegate
Mayor Yonts said that Florida League of Cities may have meeting that would not be in person and we would need a voting delegate in the event they are able to have meetings.
Motion by Councilmember Kolar, seconded by Councilmember DeMott, and to vote unanimous to approve Mayor Yonts as the voting delegate for the Florida League of Cities. Motion passed 6-0.

4. Road Paving Selection Review
Mr. Mahaney stated there would be a discussion, to include residents present in the audience, to consider paving roads taking into review the revised home numbers on unpaved roads against the number of lots and the length of the unpaved road. Mayor Yonts stated in prior reviews he reviewed number of homes and the interest from residents to have each road paved. He added that any road selection would take 2/3 majority of the land owners to move forward with a road paving project and a no response would be viewed as a vote against the project. Mayor Yonts opened the public hearing.

Diane Tyson of Govan Avenue stated that development had happened quickly and that she had spoken to other property owners and felt that a 2/3 majority would be achieved for the paving of Govan Avenue.
Mayor Yonts described that he reviewed the list of roads to consider paving by calculating how many feet per home ratio with 5 or more houses to start to limit the list. Councilmember Kolar agreed with Mayor’s list and said she also ranked them by the number of houses and number of lots and length of street. Councilmember Faden explained his system for ranking the list of roads that included the use of road length divided by number of lots then multiplied by the houses to find how many feet would be paved without serving a resident. He also questioned what roads were a problem and could be costing the Town more to take care of and suggested those concerns should be a factor. Mr. Mahaney stated if costs were estimated to be the same as the Lakeside Lane paving the Town would be able to pave three roads. He requested Town Council to come up with at least six roads in order that can have an engineer study for estimated costs and land owners could be contacted; moreover, that would give Staff options to move on to the next road if a 2/3 majority is not reached and if the end of the list were reached Council could reevaluate as development changes. Many Councilmembers agreed to consider roads from the north and south side of Town. Councilmember Bryan suggested Sapling Avenue as a good option for the south end of Town considering the number of homes in relation to the length of the road. After the review of Councilmembers top picks, Council decided the list in order would include Mulberry Lane, Govan Avenue, Sapling Avenue, Ponderosa Road South, Ponderosa Road North, Crista Jean Avenue, Reynolds Road. Mayor Yonts suggested reviewing the ordinance to see if there were options available to put in a discount incentive for residents who choose to pay upfront rather than over a ten-year timeframe. It was Council’s consensus to request 45-day notice to respond to the Town’s paving inquiry. Mr. Mahaney responded to Councilmember Sammons inquiry of repaving of some of Town’s existing paved roads. Mr. Mahaney stated he has reached out to the engineers for road depth requirements on some of the more heavily traveled roads in need of repaving and was trying to get as many done as the budget would allow for this year.

5. Waste Pro Rate Adjustment (Action)
Councilmember Kolar pointed out the adjustment included a $0.62 increase in the Waste Pro services.

Motion by Councilmember Bryan, seconded by Councilmember Sammon, and vote unanimous to approve the Waste Pro Rate Adjustment increase. Motion passed 6-0.

6. Presentation of Proposed Budget for Fiscal Year 2020-2021
Mr. Mahaney stated the proposed budget has been given to Council and for those not present they would receive the email version that evening.

Reports
1. Town Administrator’s Report
Mr. Mahaney stated Town Hall was open to walk-in customers and citizens must adhere to the Centers for Disease Control’s recommendations for social distancing by maintaining at least 6-feet of distance from others. He appreciated everyone in Council chambers wearing a mask for the meeting. Mr. Mahaney stated the truck was still on order and he had not heard an update since production has resumed. He said the Land Development Regulations workshop has not been set yet. He reminded everyone hurricane season was still active and wanted Council to
think of projects to review for the upcoming budget season. Building Department had returned
to normal and Building Department Manager Alex Juan gave the Building permit update. Mr.
Juan stated reports are showing similar volume to the prior year including permits and
inspections. Administrative Assistant Mandy Birenbaum stated the Town Council Qualifying
Packets for the 2020 election were available for pickup for anyone interested in running for a
Town Council seat. Mr. Mahaney reminded everyone that signatures must be received outside
of Town Hall. Mr. Mahaney explained that he had been approached by a group that would like
to start a Farmer’s Market at the Seafood Festival grounds, he would like to have them try the
event before reviewing if any special event permitting would be required. Council agreed. Mr.
Mahaney stated an extensive repair was needed for a pipe failing under Grant Road and the
estimate has been received that required Council approval for the repair.

Motion by Councilmember Bryan, seconded by Councilmember Kolar, and vote unanimous to
approve the amount required for the Grant Road repair. Motion passed 6-0.

Mr. Mahaney stated there was another culvert that was collapsing on Ramblebrook Street that
would require dewatering in order to complete the repair. After he spoke with the contractor,
it is possible to wait for a short period of time to see if the pipe would dry up enough for repair
in hope of saving some money and that the estimated amount would require Council approval.

Motion by Councilmember Kolar, seconded by Councilmember Faden, and vote unanimous to
approved the amount required for the Ramblebrook Street repair. Motion passed 6-0.

Mr. Mahaney stated there was interest in placing geocaching along the trails. Councilmembers
agreed as long as they keep them along the trail.

2. Financial Report
Mayor Yonts suggested Staff preparing the Financial reports on a quarterly basis rather than a
monthly basis. Staff agreed.

3. Council Reports and Comments
Councilmember Kolar asked about a Code concern of someone possibly living in an RV across
from Orbitz park. She asked if there have been any decisions made about the Town purchasing
an artificial Christmas tree. Mr. Mahaney stated we would be looking into this along with other
considerations that would need to be discussed at a future meeting as an agenda item.

Councilmember Kolar asked if a requirement could be made to require masks at Town Hall.
Mayor Yonts stated that enforcement could be a concern but notifying residents of a mask
recommendation would be required beyond the glass to Staffed areas. Councilmember
DeMott, suggested wording for the mask recommendations to include for the protection of
visitors and staff. Mr. Mahaney stated he would purchase masks to offer visitors at Town Hall
and would encourage mask use at Town Hall on the NewsChannel email. Councilmember Kolar
spoke about the pepper tree removal including the biological removal that was done by insects,
she added that the trials haven’t shown results at this time. Mayor Yonts agreed that results
haven’t shown enough to take any action against the pepper trees. Councilmember Faden
questioned if the letter went out to stating the stance against the Brevard County Sheriff’s
Office taking over Emergency Management Operations. Mayor Yonts stated the letter went out
with the seven reasons against this transfer of Emergency Management Operations. Mayor
Yonts requested adding more information including the address to the agenda in case a search
is needed at a later time and suggested adding more information to the website. Staff agreed.

Mayor Yonts said he would receive the synopsis from Rick Hood for the Land Development
Regulation reviews so Council would have a better idea of the changes that were proposed in each section. He suggested adding the census information and qualifying packet notices for Town Council elections to the upcoming NewsChannel. Staff agreed. Council members briefly discussed installing clear panels on the diesis for protection against Covid-19.

Adjourn
There being no further discussion, motions were made by Councilmember Bryan, second by Councilmember Faden, and vote unanimous to adjourn the meeting at 9:47pm. Motion passed 7-0.

Minutes submitted by: Mandy Birenbaum, Town Administrative Assistant

Del Yonts, Mayor. Signature on file.

ATTEST:
Jessica Keenan, Town Clerk. Signature on file